



BLACK SATURDAY INQUIRY PUTS THE HEAT ON BRUMBY

*Action, not consultation, is the only
adequate response to the bushfire inquiry*

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THE 2009 Victorian Bushfires Royal Commission on the Black Saturday fires has reported after 18 months of investigations and hearings. It was appointed by the Victorian government as the fires were still raging, the bodies were still being counted and disquiet about the government's and Country Fire Authority's responses to the bushfires was growing.

As Premier John Brumby said at the time, the royal commission was appointed so that "no stone would be left unturned to ensure that such an event would never happen again".

Royal commissions in Australia are not, as they are commonly called, judicial inquiries. They do not pass judgments. Rather, royal commissions are executive appointed bodies with real legislative power to call witnesses, procure evidence and ask questions in ways that Australian courts cannot and other less formal bodies lack the capacity to do.

The Victorian royal commission's terms of reference were wide ranging. Although it was not directly asked to apportion

blame, its focus on the "cause and circumstances" and "preparation and planning by government" inevitably led it to assess government policy and the performance of key agencies and senior management before, during and immediately after the disaster.

The Brumby government hardly comes out of the inquiry unburned. The royal commission, led by Bernard Teague, supported by Ron McLeod and Susan Pascoe, believes there were problems in planning and serious deficiencies in top-level leadership that, combined with "divided responsibilities" and incompatible processes and even communication systems, hampered planning and response actions. In particular, the commission found "no single agency or individual was in charge".

Doubts were also expressed about the then head of the CFA, Russell Rees, the head of the Department of Sustainability and Environment, Greg Wilson, and Victoria Police commissioner Christine Nixon (who, since the bushfires and leaving the police, has chaired the Bushfire Recon-

struction and Recovery Authority) concerning some of their "hands-off" management styles. They should have done more, the royal commission says.

Police and Emergency Services Minister Bob Cameron also receives criticism over whether a state of emergency should have been pushed harder.

The issue now is what is the Brumby government is going to do about the 67 recommendations. These range from proposals concerning safety education issues, building codes and the roles of police, to the more pointed issues concerning responsibilities of senior officials of the CFA and the creation of a fire commissioner as an independent statutory officer.

Implementation of royal commission recommendations is where there is greatest dissatisfaction with these bodies. They inevitably report to the very government or even department that is often at the heart of the crisis they have been assessing.

Their powers end abruptly once they hand over their reports.



Governments, when faced with royal commissions investigating the competence of their administrations, have several choices.

They can, like the National Party in Queensland in the late 1980s when confronted with the impending damning recommendations of the Fitzgerald inquiry, accept them “lock, stock and barrel” before they are even released. That fixes a government into actions that are hard to avoid. It is an attempt to take the political heat out of the situation.

Some governments, like Malcolm Fraser’s Coalition government, can attack the very royal commissions they established, to save the political skin of their key personnel.

This is a dangerous move, as Fraser discovered.

Alternatively, governments can ignore recommendations or snow them with consultative committees to assess the proposals.

This occurred too often with the several NSW governments in relation to royal commissions into corruption.

Or governments can go hyperactive, as the Peter Beattie gov-

ernment did five years ago in relation to the Queensland health royal commission on the overseas doctors’ scandal, and seek to implement every idea that was floated at the hearings before the commission has even reported.

How governments respond to royal commissions can affect their future. The Nationals in Queensland lost office. Beattie held on.

Significantly, the Brumby government has given no iron-clad promise to implement the bushfires royal commission’s recommendations.

Instead, Brumby says the government will respond to the recommendations only after a period of consultation with “the public, government agencies, business and community groups”.

Is this really good enough?

Is this just considered policy development or the beginning of another whitewash, another pigeon-holing of another expensive royal commission report?

It would have been more impressive if the Premier had announced a special taskforce headed by the secretary of the Department of Premier and Cabinet to develop a response and

oversee the implementation of the recommendations. To date, no process has been announced.

Significantly, the royal commission, like many of its predecessors, is concerned about the possible lack of implementation of its recommendations.

Consequently, it has proposed the creation of an “independent monitor” to “assess progress” of recommendations and “report to the parliament and the people of Victoria by July 31, 2012”.

That is hardly a vote of confidence in the government, which has yet through decisive action in relation to senior public servants, let alone ministers, to take any responsibility for what the royal commission has clearly shown to be at best second-class management of the bushfires before, during and in the immediate aftermath of the crisis.

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