



*Photo courtesy of Workplace Standards Tasmania*

## **PART A – INTRODUCTION**

The bushfires active on and following 4 January 2013 were the most significant bushfire emergency in Tasmania for many years, probably since the devastating fires in 1967.

A Tasmanian Bushfires Inquiry was established to inquire into the fires, with a focus on three fires known as the Forcett, Bicheno and Lake Repulse fires. These fires were named based on the location where they started and the names do not represent the total areas in which they burned. Former South Australian Police Commissioner Malcolm Hyde AO APM OStJ was appointed as the Special Investigator for this Inquiry. The Inquiry was supported by Ms Sonia Weidenbach, Department of Justice; Senior Station Officer Andrew McGuinness, Tasmania Fire Service; and Senior Sergeant Jason Elmer, Tasmania Police.

A copy of the terms of reference for the Inquiry is at Appendix A1. The areas for the Inquiry to report on are broad and are summarised as:

- the immediate causes and circumstances of the fires
- all aspects of the emergency response
- the adequacy of the transition from response to recovery in the week following 4 January
- the preparation and planning of all levels of government, agencies and the emergency services for the 2012–13 fire season and the forecast weather for 4 January
- the effectiveness of the strategies and plans for managing bushfire risk in place before 4 January
- the use and efficacy of community alerts, warnings and information in general; and in particular, the use of social media by authorities and the community.
- any other relevant matter.

In applying these areas to report on, the terms of reference specified that the Inquiry was to:

- make recommendations about improvements to protect the community from bushfires
- provide interested parties with the opportunity to make submissions and to take those submissions into account
- consider the research and reports of the Bushfire Cooperative Research Centre and the Australasian Fire and Emergency Service Authorities Council, initiated by Tasmania Fire Service
- make public any submissions, unless confidentiality is agreed to
- focus at the strategic, systemic and organisational level and not on individual fault finding.

No special powers were given to the Special Investigator to conduct inquiries, such as being able to take evidence on oath, compel witnesses to testify or seize documents.

The approach taken in the Inquiry was consistent with the above parameters. Inquiries were conducted and people were interviewed in a way which sought to avoid individual blame, and concentrate on finding out how arrangements worked and where they could be improved. It is important to appreciate that this type of Inquiry was not a Royal Commission or a form of Judicial Inquiry, where a forensic examination of witnesses occurs.

People have been identified by position or role in the Report, rather than by name, to avoid so far as possible associating people with actions. It is not possible to avoid any association with blame for people where it has been found that particular arrangements did not work well, and they were under the authority or control an individual or group of people. Where this occurred, people may feel they have been blamed, but there is no alternative if areas for improvement are to be identified.

The call for submissions was publicly advertised and a website established to promote the Inquiry and provide information. Letters were written to interested parties identified by the Inquiry inviting submissions. 102 submissions were received from individuals, agencies or groups and these will be published as announced. Some redactions have been made from the published submissions for personal, offensive or personal-blameworthy material. The Inquiry met with some submitters at their request, and also sought out and interviewed people, many of whom were directly involved in operations for the fires. 117 people were interviewed.

The Inquiry has been mindful of the requirement to report by 30 September 2013, and inquiries have been made and issues researched and analysed to meet this deadline. Considering the breadth of the terms of reference, the Inquiry could have benefitted from more time, but the time available has been adequate to identify substantial issues which can provide a foundation for suitable reform.

Due to the deadline, the Inquiry has commented on areas in the Report where inquiries could not be made or completed and, in some cases, where further review is suggested or recommended.

It has not been possible to investigate every issue, suggestion or recommendation made in the submissions, but they have been taken into account. The Inquiry has concentrated on the main issues and examined these to the extent necessary to be satisfied there was a matter that needed to be dealt with.

In conducting these inquiries, negative matters tend to be identified and readers of this Report should keep in mind that there were many positive aspects to the emergency operations. For example, a number of fires might be extinguished early, but people will concentrate on the one where this didn't occur. A balanced approach to the Report, recognising the purpose of the Inquiry and the consequence of a close critical review, is recommended.

The research and reports referred to in the terms of reference were examined. A final report was available from the Australasian Fire and Emergency Service Authorities Council and where appropriate, reference has been made to it in the Report. This report was in the form an audit. It should be noted that it was not a critical inquiry, did not investigate the way the fires were managed and did not examine some other areas such as fire tactics. The Inquiry had access to more material and was conducted in a different form. To this extent, there are different conclusions drawn in some areas. The Bushfire Cooperative Research Centre report was only available to the Inquiry in preliminary form and has been referred to in this Report on the basis of this status.



*Photo courtesy of Andrew Skelly*

In reading the published submissions, especially those from some of the agencies, it will be observed that there are some generalisations and broad statements made on important matters. The Inquiry looked beyond claims made and often discovered a different situation.

It is important to acknowledge at the start of this Report the efforts of firefighters and police in the field protecting the community during the fires. They deserve the highest praise for their commitment and the selfless way they performed their duties. In some cases, particularly when the Forcett fire was at its most destructive on the Tasman and Forestier Peninsulas on 4 January, these officers put themselves in extreme personal danger.

The personal commitment and risk was highlighted by the unfortunate death of Peter Cramer, a firefighter from the Victoria Department of Sustainability and Environment and a volunteer for many years with the Victorian Country Fire Authority. He was on secondment to support operations in the Forcett fire and regrettably died of natural causes at Taranna. At his funeral, it was said he died doing what he loved most: working on fires, working in the bush and most of all, helping others.

Finally, in conducting its inquiries and making recommendations, the Inquiry has sought to add value to the community by contributing to more suitable and effective emergency management arrangements in Tasmania.