

# FIRE NOTE

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## MAINSTREAMING FIRE AND EMERGENCY MANAGEMENT – WHAT IS POSSIBLE? WHAT IS FEASIBLE?

### SUMMARY

The research has shown that Australian emergency management policy suffers from a lack of clear objectives or measures of success. This absence means that agencies, governments and citizens cannot identify whether or not policy objectives are being met and whether the emergency services are succeeding in their tasks.

Governments need to demonstrate leadership and begin the discussion on the reality that living in the Australian bush is not, and never will be, risk free. To decrease that risk will involve costs, and the community has to be engaged on the price they are willing to pay and the degree of risk they will accept.

This *Fire Note* reports on the research completed to date. It identifies areas that would benefit from policy or legal development (or at least community discussion to inform policy choice), and outlines the direction for the final year of this research project.



Photo: Harry Cassio

### ABOUT THIS PROJECT

This is an interim report on *Mainstreaming Fire Management into Law and Policy*; a research project conducted as part of the Bushfire CRC *Understanding Risk* research program.

### AUTHORS

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### CONTEXT

Following major natural disasters Australia has a tendency to engage in formal, complex, post-event inquiries to identify how the tragedy occurred and what can be done to prevent a similar occurrence in the future. The research shows that rather than identifying what worked and what went well, "the focus [of these inquiries] ... is necessarily on what did or didn't go right". An alternative view, rarely heard, is that the emergency services were able, given the circumstances and the available resources, to reasonably respond and achieve the objective of minimising, rather than completely avoiding, loss of life.

To put the policy problem into a harsh context, hypothetically, if a fire broke out in a building of 2000 occupants, and all but 10 occupants were successfully rescued, it would not be known whether that was evidence of policy or operational failure, or policy or operational success.

This research asks: what are the objectives of emergency management policy; and what are, or should be, the measures of success that will inform the community, agencies and the next post-event inquiry? (See breakout box, page 2.)

### BACKGROUND

The objectives of Australian emergency management policies are not clearly defined. Neither the Commonwealth, nor the States and Territories, have a clear statement on what emergency management policy is meant to achieve. Without a clear statement of objectives, it is hard to identify whether or not a particular outcome is a success or failure, or how changes to law or policy will help achieve the unstated objective.

A policy statement should describe the desired policy direction and give details on how the policy will be implemented, measured, monitored and evaluated (Dovers 2005). Objectives set out in legislation and emergency plans fail to meet these basic needs.

Policy and legislative statements that refer to "effective" or "adequate" measures are unhelpful as they are devoid of meaning. They beg the question "effective or adequate for what purpose?" Objectives "to protect

and preserve life” or to “control” or “prevent or mitigate” the impact of an event are also unhelpful; they imply that such actions can in fact be taken. This necessarily leads to failure – if a life is lost or the fire or hazard is not controlled, prevented or suppressed, then there has been failure regardless of what is saved and preserved.

## BUSHFIRE CRC RESEARCH

The project (*Mainstreaming Fire and Emergency Management Across Legal and Policy Sectors: Joint Research and Policy Learning*) was funded by the Bushfire CRC to consider the impact of laws and policies on emergency management. The initial research question was:

“...improved community outcomes through better policy responses before, during and after major fire events can be achieved through ‘mainstreaming’, or the incorporation of fire and emergency management considerations in other policy sectors. Fire and emergency management will conversely be strengthened by enhancing its understanding of the implications of policy processes and decisions in other sectors.

What are the institutional arrangements, policy processes, legal measures and urban and regional planning regimes – past, present or proposed, that are available, amenable to rigorous investigation, likely to be feasible in the Australian context, and most likely to support mainstreaming?”

The research involves a suite of related projects. Researchers at the University of Canberra, led by Professor Barbara Norman, are looking at urban and regional planning systems, while Professor John Handmer and Dr Blythe McLennan at RMIT University are focused on sharing responsibility and the role of communities.



▲ The objectives of Australian emergency management policy are unclear. Photo: CFA Public Affairs



◀ What should be the measures of success that will inform the community, agencies and the next post-event inquiry?

Photo: 2009 Victorian Bushfires Royal Commission

## THE NEED FOR POLICY DIRECTION – THE VIEW FROM THE REVIEWS

“There remains one question the answer to which eluded the Special Inquiry, but it is an answer that requires further examination and that is: What is the measure of success of the outcome of a bushfire[?]. Is the loss of no lives the only performance measure? If so, how many houses is an acceptable number to lose? Does one performance indicator have the potential to cloud the shared responsibility of all to build resilience of our community?”

–Mick Keelty, *A Shared Responsibility: The Report of the Perth Hills Bushfire February 2011 Review* (Government of Western Australia, 2011) Transmission Letter, 3.

“(There is a) void that exists in the emergency management arrangements. This void is the absence of any overarching strategy or enabling policy framework to drive reform ...”

– Neil Comrie, *Review of the 2010–11 Flood Warnings and Response – Final Report* (Government of Victoria, 2012), 147.

The Australian National University (ANU) project has focused on law and government policy. It has identified that there is mainstreaming of emergency management, though the strength of the mainstreaming is unclear and contestable (Eburn and Jackman 2011). It has further been identified that despite perceptions to the contrary, litigation is not a significant threat to the emergency services (Eburn and Dovers 2012).

As part of the research a number of interviews with Chief Officers of the Australian fire and emergency services were conducted. These explored what they, as the key senior public officials in the sector, understood by success and failure.

The findings, informed by the research and these interviews, identify some possible and feasible measures that may assist the development of fire and emergency management policy.

## RESEARCH OUTCOMES

It has been identified that the following areas require policy or legal development, or at least community discussion to inform policy choice. While research shows that attending to these would be beneficial, the final policy choices and design is a matter for elected governments. Some of these areas will be further explored and developed within the final stages of this research project.

The areas that require policy or legal development are:

- The objectives of Australian emergency management policies need to be clearly defined.
- The standard by which emergency management will be measured needs to be articulated. By way of example, the research shows that Chief Officers believe that no firefighter deaths should be an explicit measure of a successful response to a fire: “*The aspirational goal is no loss of life, but not at the cost of more lives*” (Personal Communications).
- Emergency managers need to be allowed, and trusted, to make decisions in complex, dynamic, information

poor environments. Operational procedures, and social expectations, need to reflect this.

- Governments and communities have to accept that some outcomes are the result of political choices made long before any fire, flood or storm occurs.

#### With respect to post-event inquiries

- Emergency management policy needs to be informed by an open assessment of the risks, not by successive inquiries focused on individual events and constrained by their terms of reference. Australia needs to move beyond developing policy by commission or inquiry and instead engage in the realities of life in the Australian context. As part of that reality there needs to be a more consistent and persistent approach to post-event inquiries that recognises the need to learn lessons “without sacrificing the good will of responders” (Eburn and Jackman 2011). Equally, a more mature narrative of disasters is required: a narrative that recognises that disasters are a product of the environment and human choices rather than a failure by government, emergency services, land managers or individuals.
- Emergency services and their political leaders need to engage in a meaningful discussion about what can realistically be expected given the current level of resourcing. The post-event discussion should put the losses in context, rather than have emergency service organisations put in a position of having to react to criticism.
- The most significant legal challenge will be to enact laws to establish a lessons learned centre or process that sufficiently balances the community’s interests in ensuring that true lessons, including lessons of error or neglect, are identified, whilst also protecting members of the emergency services.
- Members of the emergency services require education about the legal process, rather than reforms to the law. Such education or familiarisation applies also to non-legally binding, but influential, processes such as royal commissions and other inquiries.

#### HOW IS THE RESEARCH BEING USED?

The detailed findings of the research are being circulated to Bushfire CRC end users for discussion and feedback. The research should form the basis for honest and open discussion between governments, fire and emergency services and the community about what can reasonably be expected and what are the true limitations of emergency management.



▲ The lack of policy objectives means it is impossible to identify whether or not they are being met.  
Photo: CFA Public Affairs

An honest appraisal of the risks will meet the objectives set out in the *National Strategy for Disaster Resilience* (Council of Australian Governments 2011) by assisting everyone who shares responsibility for emergency management to have a true understanding of what they can expect from each other.

Clear statements of intention and success should also assist in the next inquiry, giving the Coroner or Commissioner some standard by which to measure the performance of the emergency services.

#### FUTURE DIRECTIONS

The research to date has identified that there is mainstreaming of emergency management, though the strength of the mainstreaming is unclear and contestable (Eburn and Jackman 2011). It has further identified that litigation is not a significant threat to the emergency services (Eburn and Dovers 2012). Although fire and emergency management could benefit from the fine tuning of laws, it is not obvious that there is a fundamental need for law reform or that policy changes could not be implemented by government as part of their administrative management of government departments. What the research has shown is that the most important changes are needed in the way events are reviewed, in order to move away from blame, retribution and the immature narrative that disasters are caused by a weak link in the preparation for, or response to the event, rather than by the overwhelming nature of the event itself.

#### END USER STATEMENT

This research project has covered extremely relevant areas of interest to emergency response agencies, particularly in the complex and difficult area of developing policy that clearly defines successful outcomes. Too often, poor policy direction or lack of explicitly defined expectations by government has caused confusion and public questioning of outcomes following major catastrophes and disasters.

The outcomes of this research project are already providing hope that better policy direction will be generated by governments to clearly establish a means of evaluating the success of emergency response activities.

– Mick Ayre, Director, Bushfires NT

The future direction of this research will be to look for models of post-event reviews that will allow agencies, governments and the community to learn from each event without sacrificing the good will of responders, or losing the very people who can learn from the experience. Best practice examples will be highlighted from fields such as the military, aviation and medicine. The United States’ Wildland Fire Lessons Learned Centre will be examined to inform thinking.

#### REFERENCES / FURTHER READING

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Personal Communications Chief Officers survey, details on file with the author.

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Download at [www.bushfirecrc.com/firenotes](http://www.bushfirecrc.com/firenotes)

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