

**APPLICATION FOR LEAVE TO APPEAR
BEFORE THE 2009 VICTORIAN BUSHFIRES ROYAL COMMISSION**

1. Personal details:

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|------------------------------|---|
| Organisation (if applicable) | Bendigo Bushfire Action Group |
| Email address | petern@advocacyandrights.org.au |
| Postal address | PO Box 432, Bendigo, 3552 |
| Telephone | (03) 5444 4364 |
| Legal representatives | <p>Counsel: Terry Forrest QC and Patricia Riddell</p> <p>Solicitor: Peter Noble</p> <p style="text-align: center;">Loddon Campaspe Community Legal Centre 29 Queen St Bendigo, Victoria, 3550</p> <p>The applicant is currently being assisted on a pro bono basis.</p> |

2. Our basis for standing to appear or be represented before the Commission arises from the following circumstances:

- A member of my family and/or I was injured as a result of the bushfires
- A member of my family died as a result of the bushfires
- I am a member of a community that suffered loss and damage in the bushfires
- I own/have an interest in a property that was damaged or destroyed as a result of bushfires
- I have information and/or evidence relating to the causes, circumstances or prevention of the bushfires (as detailed below)
- Other (provide details)

The Bendigo Bushfire Action Group is a group of concerned individuals who live or work in parts of Bendigo affected by the bushfires of 7 February 2009. The experience of Bendigo residents affected by the bushfires provides invaluable insights into all aspects of the preparation for and response to bushfires that threaten major urban environments.

We believe that in order for the Royal Commission to be effective, the communities directly impacted by the fires need to be heard by the Commission. We are concerned that in any future planning for bushfires, the community's voice is heard and sufficient community consultation occurs. We wish to have ongoing capacity to instruct our own legal representatives regarding topics directly affecting our future.

3. Clauses 1, 2 3 and 4 of the terms of reference are relevant to the material that we wish to put before the Commission.
4. Having regard to the terms of reference, the subject matter we wish to pursue before the Commission and the reasons we should be heard are as follows:

(i) Causes and Circumstances:

Bendigo is a major city in regional Victoria. The city is largely surrounded by bush including extensive national parks and state forests. The city is also characterized by pockets or tracks of vegetation that stud or penetrate deep into the urban environment, typically following gullies or located on former gold diggings and industrial sites. The implications of this landscape are a significant interface between urban and natural environments and the correlating fire risk.

The bushfires of 7 February 2009 did not merely occur at the periphery of Bendigo, but penetrated deep into urban Bendigo. But for the change of wind direction during the fire, the damage caused may not only have been significant, but catastrophic.

(ii) Preparation and Planning

Bushfire planning had not been undertaken by the vast majority of residents in the affected areas, specifically including those in the suburbs of St Just Point, Long Gully, California Gully, Eaglehawk, Ironbark, Golden Square and Maiden Gully.

Emergency services and Local Council did not appear to have adequately anticipated the threat of a significant bushfire penetrating deep into the urban environment, and had not warned of the critical need for residents to undertake bushfire planning.

This lack of planning and inadequate threat assessment was evident in the apparent lack of resources and strategies for the prevention, identification, evaluation, management and communication of bushfire threats and risks by residents and the relevant agencies.

(iii) Response

The response of most residents affected by the bushfires generally correlated with the lack of adequate planning.

Difficulties included but were not limited to:

1. An absence of effective warning systems
2. A chaotic and haphazard evacuation, including:

- a. An apparent absence of strategy and controlled execution
 - b. Lack of clear evacuation points
 - c. A conservative preference for general evacuation rather than individual threat assessment, residence by residence.
3. Inadequate basic resources to fight the bushfires by residents
 4. The choking of essential escape /service roads by swarming onlookers

Difficulties were also experienced with the recovery process, particularly:

1. The absence of a coordinated ground level survey of affected residents to ensure their wellbeing and awareness of support services.
 2. An inadequate handover of support service coordination from the Eaglehawk Recovery Centre to the Long Gully Neighborhood House.
- (iv) Disruption to the supply of essential services

The bushfires caused the disruption of power, gas and telephonic services to some of the affected areas. The disruption of power and telephonic services impacted the effectiveness of the response, particularly the evacuation. Damage to gas infrastructure (including burning gas pipes) was an additional threat consideration facing residents and emergency services.

Signed:



by **Peter Thomas Mowbray Noble, Australian Legal Practitioner**

at **Loddon Campaspe Community Legal Centre. 29 Queen St, Bendigo, 3550**

on **8 April 2009**