

# Fire by Fire Submissions of the State of Victoria

## Table of Amendments

PAGE AND PARA/ FOOTNOTE REFERENCE	AMENDMENT
<b>KILMORE EAST – OTHER THAN CAUSE (RESP.3000.005.0020)</b>	
Para 2	<p><b>Last sentence of para 2:</b></p> <p><b>delete</b> "the Kilmore East fire leapt up to 47kms"</p> <p><b>insert</b> "spot fires may have occurred up to 47kms from Mt Disappointment during the Kilmore East fire"</p> <p><b>insert</b> new reference "Crowe T10988:25-T10992:4"</p>
Para 21, footnote 18	<p><b>Para 21 and footnote 18:</b></p> <p><b>delete</b> "The number of resources was based on agency modelling of worst case scenarios."</p> <p><b>insert</b> "The Model specifies the resources required for the various scenarios of First Attack (at work centre level), Extended Fire Attack (at District level) and a Regional Critical Incident (at Area level)."</p> <p><b>insert</b> new reference "Ex 254 – Statement of Farrell (WIT.3024.002.0219) [36]"</p>
Para 24, footnote 22	<p><b>First two sentences of para 24:</b></p> <p><b>delete</b> "On 7 February, the Kilmore ICC was not designated as a level 3 ICC. It was identified in the CFA DSE Local Mutual Aid plan as a potential level 3 ICC."</p> <p>[Note - do not delete footnote 22]</p> <p><b>insert</b> (before footnote 22) "The Kilmore ICC was identified as a potential level 3 ICC in the CFA DSE Local Mutual Aid Plan.[footnote 22] On 7 February the IECC was informed that the Kilmore ICC would operate as a level 3 ICC."</p> <p>AND</p> <p><b>insert</b> new reference "Exhibit 127 - Statement of Paterson, Annexure 8 (WIT.3004.010.1057)"</p>

PAGE AND PARA/ FOOTNOTE REFERENCE	AMENDMENT
Para 48, footnote 44	<p><b>Para 48:</b></p> <p><b>delete</b> "As described in evidence by Mr Haynes, the phrase 'hot start' is unfortunate and is not a technical description adopted in any standard operating procedure"</p> <p><b>insert</b> "The use of the phrase 'hot start' was unfortunate. As described in evidence by Mr Haynes the term was not a technical description adopted in any standard operating procedure of either CFA or DSE."</p> <p><b>In footnote 44:</b></p> <p><b>delete</b> "Haynes T1193:21-T1193:28"</p> <p><b>insert</b> "Haynes T11971:17-T11972:4"</p>
Para 49, footnote 47	<p><b>In footnote 47:</b></p> <p><b>delete</b> "T10856:31"</p> <p><b>insert</b> "T10856:31-T10857:3"</p> <p>AND</p> <p><b>delete</b> "T8286:13"</p> <p><b>insert</b> "T8286:13-T8286:18"</p>
Para 54, footnote 52	<p><b>Para 54 and footnote 52:</b></p> <p><b>insert</b> additional reference "T10865:21-T10865:27"</p>
Para 54, footnote 53	<p><b>Footnote 53:</b></p> <p><b>delete</b> reference</p> <p><b>insert</b> reference "Ex 506 - Regional Coordination Reporting - Coordination Region: North East Creak, Annexure 3 (WIT.3004.008.0343)"</p>
Para 55	<p><b>Para 55:</b></p> <p><b>delete</b> "CFA Region 12 obtained additional support personnel from CFA to staff the RECC on 7 February."</p> <p><b>insert</b> "CFA Region 12 was offered additional support personnel from the CFA to support the RECC on 7 February."</p> <p><b>Insert</b> reference "Creak T10865:5-T10865:14"</p>

PAGE AND PARA/ FOOTNOTE REFERENCE	AMENDMENT
Para 58	<p><b>At the end of first sentence in para 58:</b></p> <p><b>insert</b> new reference "Ex 338 - Creak (WIT.3004.017.0001) [16]"</p>
Para 58, footnote 59	<p><b>In footnote 59 after "WIT.3007.017.0001":</b></p> <p><b>insert</b> ", [16]"</p>
Para 63, footnote 65	<p><b>At end of footnote 65:</b></p> <p><b>insert</b> ", [40]"</p>
Para 63	<p><b>Para 63, second sentence:</b></p> <p><b>delete</b> "having"</p> <p><b>insert</b> "seeking out"</p> <p>AND</p> <p><b>insert</b> reference "Exhibit 504 - Statement of Creak (WIT.3004.021.0148) [37]"</p>
Para 84, Footnote 105	<p><b>Para 84:</b></p> <p><b>Insert</b> reference "Rees, T2416:23-T2416:28; Statement of Waller, Ex 130, WIT.3024.001.0073 [21]-[22]; Haynes (Annexure 9) Ex 547, WIT.3004.024.0124 at 0146"</p>
Para 88, Footnote 111	<p><b>Para 88:</b></p> <p><b>delete</b> sentences 2-4 and <b>insert</b> "Mr Blythman was an endorsed Level 3 Incident Controller, Operations Officer and Planning Officer. He fulfilled a position within the planning unit on 7 February."</p> <p><b>insert</b> reference "Supplementary Statement of Murphy (WIT.3004.021.0001) at [60]"</p>
Para 152, footnote 190	<p><b>Para 152:</b></p> <p><b>delete</b> quotation marks at lines 7 and 11</p>
Para 157	<p><b>Para 157:</b></p> <p><b>delete</b> "It was not envisaged by anyone at the the iECC, Kilmore ICC, Kangaroo Ground ICC or Seymour RECC predicted prior to approximately 16:30 that Strathewen or St Andrews would be impacted upon prior to wind change"</p>

PAGE AND PARA/ FOOTNOTE REFERENCE	AMENDMENT
Para 165, footnote 203	<p><b>Footnote 203:</b></p> <p><b>insert</b> reference "Ex 191 Fire Information Chronology - 7 February 2009 - 00:00 hours to 24:00 hours (WIT.3026.001.0094, see specifically .0111 onwards"</p>
Attachment 1, Para 1.8	<p><b>Attachment 1, para 1.8:</b></p> <p><b>insert</b> reference "Crowe Ex 514, WIT.3004.022.0001 [54], [74]; Submissions of the State on the Kilmore East Fire (Other Than On Cause) RESP.3000.005.0181, [2]-[5]"</p>
Attachment 1, Para 1.38	<p><b>Attachment 1, first sentence of para 1.38:</b></p> <p><b>delete</b> "Mr Crowe explains that this complex landscape of gullies, fuel varieties and steep ridge lines led to the multiple spot fires that started in this area to run northwards, up the gully systems"</p> <p><b>insert</b> "Mr Crowe explained that this complex landscape of gullies, fuel varieties and steep ridge lines led to the fire running in several directions. Some of the fires ran northwards, up the gully systems. The fact that the fire ran in different directions suggests that there were numerous junction zones, which would have added to fire intensity and potentially caused further spotting activity."</p> <p><b>insert</b> reference at end of sentence "Crowe Ex 514, WIT.3004.022.0001 [108]."</p>
Attachment 1, first sentence in para 1.41	<p><b>Attachment 1, first sentence in para 1.41:</b></p> <p><b>insert</b> reference "Crowe EX 514, WIT.3004.022.0001 [108]-[110]"</p>

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Attachment 1, para 1.46	<p><b>Attachment 1, para 1.46:</b></p> <p><b>delete</b> "Mr Crowe sets out the distance between Mount Disappointment and various fires that were ignited by long distance spotting from the Kilmore East Fire as being between approximately 28 and 47 kilometres."</p> <p><b>insert</b> "The investigation by Mr Crowe and his team as summarised at paragraph 116 of his Supplementary Statement makes clear that various fires, including the Zonzo Winery Fire which commenced at about 16:00, were caused by burning embers carried by the prevailing winds and convection column from the Kilmore East Fire. Fires in Yarraview Road, Briarty Road and Don Road, Healesville likewise started by spotting activity from the fire that started in Kilmore East and ,assuming the witness reports are correct as to timing, it was not possible, given the distances involved, that any of those fires travelled across the landscape."</p> <p><b>insert</b> footnote - "See also Supplementary statement of Crowe WIT.3004.022.0001 at [119] which further clarifies that spotting was the most likely explanation for the fire travelling such significant distances"</p>
Attachment 1, para 1.53	<p><b>Attachment 1, para 1.53</b></p> <p><b>insert</b> reference "Wildfire Investigation Report - Fire Name: Kilmore Kinglake Fire - Broadford Wallis Road Anomaly, Ex 514 WIT.3004.022.0240, 0247 has information about the northerly progressing fire. See also DSE.003.0071.0276 at 0278 re warnings issued to Broadford and Wandong. See also Court, WIT.3004.021.0292 at [98] and Dixon, WIT.3004.021.0348 at [54]"</p>
Attachment 1, para 1.57	<p><b>Attachment 1, para 1.57:</b></p> <p><b>delete</b> "the unique weather circumstance of"</p> <p><b>delete</b> "He described the low pressure trough moving through the State of Victoria ahead of a cold front which in turn was moving more quickly than had originally been predicted."</p> <p><b>insert</b> "He explained that the passage of the front and the trough in front of that, was progressively earlier than the previous estimate that had been made."</p> <p><b>insert</b> reference "Tolhurst T1760:15-T1760:21"</p>
Attachment 1, para 1.59	<p><b>Attachment 1, para 1.59:</b></p> <p><b>insert</b> Tolhurst T1760:5-T1761:31</p>

PAGE AND PARA/ FOOTNOTE REFERENCE	AMENDMENT
Attachment 1, para 1.67	<p><b>Attachment 1, para 1.67:</b></p> <p><b>insert</b> reference "Ex 32 - Report on the Physical Nature of the Victorian Fire occurring on 7th February 2009 EXP.003.001.0017 at 0029"</p>
Attachment 2, fourth sentence in para 2.20	<p><b>Attachment 2, at end of fourth sentence in para 2.20:</b></p> <p><b>insert</b> "and to the south east"</p>
Attachment 2, para 2.31	<p><b>Attachment 2, para 2.31:</b></p> <p><b>delete</b> "which was established at around 14:00hrs"</p> <p><b>insert</b> reference "See also Creak, WIT.3004.021.0148 at [94]"</p>
Attachment 2, para 2.51	<p><b>Attachment 2, Para 2.51:</b></p> <p><b>delete</b> first and second sentences and <b>insert</b> "Mr Williamson observed small spot grass fires growing rapidly into medium grass fires in a matter of seconds to minutes."</p> <p><b>insert</b> reference "Williamson T4439:8-T4439:12"</p>
Attachment 2, Para 2.80, footnote 170	<p><b>Attachment 2, Para 2.80 and footnote 170:</b></p> <p><b>delete</b> "protecting" and <b>insert</b> "in"</p> <p><b>delete</b> "and later in attendance in Dells Road attacking the fire in the grasslands"</p> <p><b>insert</b> "At 16:36 Whittlesea Tanker 1 and Whittlesea Tanker 3 were in attendance at Dells Road attacking the fire in the grasslands."</p> <p><b>insert</b> new reference "Williamson Ex 132, WIT.3004.009.0029, [68]"</p>
Attachment 2, last sentence of 2.85	<p><b>Last sentence of 2.85:</b></p> <p><b>insert</b> references "Crowe Ex 514, WIT.3004.022.0001 [156], and [158]-[159] and Pegoraro"</p>
Attachment 2, para 2.92, second sentence	<p><b>Attachment 2, Second sentence of para 2.92:</b></p> <p><b>delete</b> "Mr Holland told Mr McGahy"</p> <p><b>insert</b> "Mr McGahy surmised that Mr Holland must have told him"</p>

PAGE AND PARA/ FOOTNOTE REFERENCE	AMENDMENT
Attachment 3, first sentence of para 3.9	<p><b>Attachment 3, first sentence of para 3.9:</b></p> <p><b>delete</b> "The Area of Operations Controller will conduct an audit of available staff at least four days prior to a severe fire danger day."</p> <p><b>insert</b> "The agencies will ordinarily receive 3 to 4 days notice of a day of severe fire danger. This will allow the Area of Operations Controllers to conduct an audit of available staff."</p>
Attachment 4, para 4.20	<p><b>Attachment 4, para 4.20</b></p> <p><b>delete</b> "Wallan, Wallan East, Eden Part and Whittlesea, Humevale, Bruces Creek, Upper Plenty, Kinglake, Flowerdale, Smiths Gully, Kinglake, Flowerdale, Glenburn, Hurstbridge"</p> <p><b>insert</b> "Wandong, Wallan, Wallan East, Eden Park and Whittlesea, Humevale, Bruces Creek, Upper Plenty, Kinglake West, Pheasant Creek, Smiths Gully, Kinglake, Flowerdale, Glenburn and Hurstbridge"</p>
Attachment 4, para 4.22	<p><b>Attachment 4, para 4.22, fourth sentence:</b></p> <p><b>insert</b> reference "Rees (Annexure 31) 0003, WIT.004.001.0509 at 0533-0534; Henshaw (Annexure 12) Ex 0149, WIT.3004.009.0201"</p>
Attachment 4, para 4.25	<p><b>Attachment 4, para 4.25, first sentence:</b></p> <p><b>delete</b> "15:53"</p> <p><b>insert</b> "15:05"</p> <p>AND</p> <p><b>insert</b> reference "Rees (Annexure 31) Ex 0003, WIT.004.001.0509 at 0537; Henshaw (Annexure 13) Ex 0149, WIT.3004.009.0203."</p>
Attachment 4, para 4.25	<p><b>Attachment 4, para 4.25, third sentence:</b></p> <p><b>insert</b> reference: Community Threats, Alerts and Awareness Messages, Rees (Annexure 31) Ex 0003, WIT.004.001.0509 at 0546-0547. Release was posted on website at 16.05 (see WIT.3004.001.0509 at 0546). See also Annexure 17 to statement of Henshaw (Ex 149), WIT.3004.009.0218</p>
<b>MURRINDINDI (RESP.3000.005.0112)</b>	
Para 80, footnote 136	<p><b>Footnote 136:</b></p> <p><b>insert additional reference</b> Jones, T8644:31-T8645:8</p>

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Para 81	<p><b>Para 81:</b></p> <p><b>delete</b> "05:20"</p> <p><b>insert</b> "05:26"</p>
Para 82.2, footnotes 143, 144	<p><b>Para 82.2 and footnotes 143 and 144:</b></p> <p><b>delete</b> "In addition, a situation report was issued, current weather situation and forecast were reviewed and road closures determined."</p> <p><b>insert</b> "In addition it was determined to issue a situation report, review current weather situation and forecast and determine roadblocks."</p>
Para 82.5, footnote 155	<p><b>Para 82.5 and footnote 155:</b></p> <p><b>insert</b> reference "Williamson T10489:19 - T10489:24"</p>
Para 112, footnote 203	<p><b>Para 112 and footnote 203:</b></p> <p><b>insert</b> reference "Williamson WIT.3024.004.0138 [57]; Williamson T10498:13 - T10498:17"</p>
Para 113, footnote 207	<p><b>Footnote 207:</b></p> <p><b>delete</b> "WIT.3024.003.0127 [56]"</p> <p><b>insert</b> "WIT.3024.003.0068 [56]"</p>
Para 120	<p><b>Para 120:</b></p> <p><b>delete</b> "The evidence of Mr Jones and Mr Gary Creighton supports the views of Mr G Williamson and Mr Cobb that there was no other option, with regard to defence of the town, other than undertaking the backburn."</p> <p><b>insert</b> "With regard to the defence of the town and undertaking the backburn, the evidence of Mr Jones and Mr Gary Creighton supports the view of Mr G Williamson that 'there was no other option' and the view of Mr Cobb that 'a back burn was one of the few remaining options'."</p> <p><b>In footnote 219</b></p> <p><b>insert</b> "0184-" before 0185 and <b>delete</b> Jones reference and <b>insert</b> Jones T8658:8-T8658:9 and T8658:29-T8658:31</p>
Para 130, footnote 241	<p><b>Para 130 and footnote 241</b></p> <p><b>delete</b> "18:47"</p> <p><b>insert</b> "18:44"</p>

PAGE AND PARA/ FOOTNOTE REFERENCE	AMENDMENT
<b>POMBORNEIT (RESP.3000.005.0026)</b>	
Para 9	<b>Para 9</b> <b>insert</b> reference "Fallon T7841:22-28"
<b>CHURCHILL (RESP.3000.005.0075)</b>	
Para 3, footnote 7	<b>Para 3 and footnote 7</b> <b>delete</b> ", as was the RECC in Warragul (Region 9)"
Page 16, Para 52	<b>Para 52</b> <b>insert</b> reference "Haynes (Annexure 9) Ex 547, WIT.3004.024.0124 at 0208."