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TRANSCRIPT OF PROCEEDINGS

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2009 VICTORIAN BUSHFIRES ROYAL COMMISSION

MELBOURNE

MONDAY 11 MAY 2009

(1st day of hearing)

BEFORE:

THE HONOURABLE B. TEAGUE AO - Chairman  
MR R. MCLEOD AM - Commissioner  
MS S. PASCOE AM - Commissioner

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Authorised Officer.

4  
5 CHAIRMAN: Before we take appearances, I contemplate that we  
6 should exercise a minute silence to honour those who died  
7 in the bushfires.

8           (One minute silence)

9 CHAIRMAN: Thank you. We will now take appearances.

10 MR RUSH: If the Commission pleases, I appear with Messrs Doyle,  
11 Richards, Nicholls, Donoghue and Rozen.

12 CHAIRMAN: Yes, Mr Rush.

13 MR MYERS: May it please the Commissioners, I appear for the  
14 State of Victoria with Mr Clelland, Ms Judd, Mr Livermore,  
15 Ms Foley and Ms Button.

16 CHAIRMAN: Thank you.

17 MR BEACH: If the Commission pleases, I appear for SP Ausnet  
18 Entities with Mr Farrands and Mr Archibald.

19 CHAIRMAN: Thank you.

20 MR GARNER: If the Commission pleases, my name is Garner. I  
21 appear with my learned leader Mr Karkar for Telstra  
22 Corporation Limited.

23 MR REDWOOD: If the Commission pleases, my name is Redwood and I  
24 appear for the Municipal Association of Victoria for 77  
25 named councils.

26 MR BRACKEN: If the Commission pleases, I appear for the Police  
27 Association and its members with my learned leader,  
28 Mr Hill.

29 MR MURPHY: If it please the Commission, my name is Murphy and I  
30 represent the Australasian Fire Emergency Victoria Council.

31 MR FAROUQUE: If the Commission pleases, my name is Farouque. I

1 appear for the Australian Workers Union.

2 MS MCLEOD: May it please the Commissioner, I appear with  
3 Ms Jane Treleven for the Commonwealth of Australia.

4 CHAIRMAN: Are there any other appearances? I will indicate  
5 that whilst it was appropriate on this occasion to speak  
6 from the rear tables, what I would appreciate you doing in  
7 future when you need to speak, to draw our attention to  
8 your need and then come to the podium in the middle of the  
9 bar table. That ensures that people will be able to hear  
10 throughout this courtroom and it will otherwise be easier  
11 for transcript and other purposes. Yes, Mr Rush.

12 MR RUSH: Commissioners, the first witness to be called today is  
13 Mr Luke Corbett, who is a planning operations officer with  
14 the Country Fire Authority and responsible for the  
15 development of what is known as a STAR Tool, I think, which  
16 is a tool based on a Google map that has inserted into it  
17 information which he will explain. That gives a basic  
18 overview in relation to the fires that beset Victoria on  
19 7 February, but also can incorporate into warnings the  
20 meteorological conditions and the like.

21 Can I indicate following Mr Corbett's evidence I will  
22 call Mr Russell Rees, the chief fire officer with the CFA,  
23 who will be followed by Mr Ewan Waller who holds a similar  
24 position with the Department of Sustainability and  
25 Environment.

26 I propose, Commissioners, to interpose those  
27 witnesses throughout the course of the evidence using the  
28 Google map, but because DSE had responsibility for various  
29 fires and the Country Fire Authority responsibility for  
30 other fires, it is appropriate to interchange, if you like,  
31 Mr Rees and Mr Waller.

1           Their evidence will be of a general nature and both  
2 will be recalled in the week commencing the 25th of this  
3 month for a much more detailed analysis in relation to  
4 matters concerning the fires, but also matters in relation  
5 to warnings and the "stay and go" policy which is the  
6 concentration of this first block of hearings.

7           Their evidence will be followed by the State  
8 Emergency Services Commissioner, Mr Bruce Esplin, and  
9 Mr Esplin's evidence I anticipate, sir, will extend over  
10 probably two to three days. Interposed into that evidence  
11 will be material from an expert witness to be called on  
12 Thursday afternoon, Dr Kathryn Haynes, who is a social  
13 researcher who has done extensive work in relation to  
14 deaths caused by bushfire in the last 100 years in  
15 Australia.

16           So that sets out the program at least for this week.  
17 It is anticipated that following the evidence of those  
18 witnesses, next week the Bureau of Meteorology will be  
19 called in relation to the weather conditions on Monday and  
20 we will also be hearing from other witnesses which will be  
21 outlined during the course of this week.

22           As indicated, Commissioners, the evidence of Mr Rees  
23 and Mr Waller will be general in nature. Much material in  
24 relation to their evidence was served late on Friday. It  
25 has been impossible to come to terms with the volume of it,  
26 much of which you will see littered in boxes around this  
27 courtroom. Nevertheless, it is anticipated that that will  
28 be mastered and be the subject of examination in the week  
29 commencing the 25th.

30           On that basis, Commissioners, it is anticipated that  
31 any cross-examination arising out of the preliminary

1 examination today and probably extending into tomorrow  
2 morning would be fairly limited on the basis that both  
3 Mr Rees and Mr Waller will be returning to the Royal  
4 Commission on 25 February.

5 CHAIRMAN: Thank you, Mr Rush.

6 MR RUSH: I call Mr Corbett, sir.

7 <LUKE ANDREW CORBETT, sworn and examined:

8 MR RUSH: Mr Corbett, is your full name Luke Andrew  
9 Corbett?---It is.

10 Are you the operations planning officer with the Country Fire  
11 Authority?---I am.

12 Have you been employed by the Country Fire Authority for  
13 thirteen years?---That's correct.

14 Rising to that position I think in the last two years?---Yes,  
15 back to that position.

16 CHAIRMAN: I am not sure whether the acoustics are going to come  
17 over well in this court, but could you just come forward so  
18 that you are in effect about 6 inches from the microphone  
19 on either side. By all means answer direct to Mr Rush, but  
20 it is important that it be recorded in other places.

21 MR RUSH: Mr Corbett, have you prepared a statement in relation  
22 to your evidence to be given today?---I have.

23 You have a copy of that in front of you?---I do.

24 Are the contents of the statement true and correct?---Yes, they  
25 are.

26 Sir, I tender the statement of Mr Corbett and its three  
27 attachments.

28 #EXHIBIT 1 - Statement of Mr Corbett (WIT.010.001.000).

29 MR RUSH: Can I just say, sir, the number is WIT.010.001.000.  
30 That will make it easier to find later on.

31 CHAIRMAN: Yes.

1 MR RUSH: Mr Corbett, the role of the operations planning  
2 officer, what is involved in it?---It is a job that relates  
3 to assisting with the strategic planning of various aspects  
4 of CFA including analysis of data for infrastructure  
5 planning and various negotiations.

6 In your statement you indicate that you also have a  
7 responsibility to manage the MAP books of the CFA; what is  
8 that?---We manage a number of projects and one of those is  
9 the statewide mapping project and that is looking at the  
10 replacement of CFA map books across the state.

11 And you say, "In this role I work in the Integrated Emergency  
12 Control Centre"?---That's correct. Over the summer I have  
13 a role inside the IECC which is the resources unit leader.

14 And it has been referred to, I think, with a number of names.

15 Is it the Integrated Emergency Control Centre or the  
16 Integrated Emergency Coordination Centre?---Coordination.

17 In relation to your work and particularly the work which I will  
18 come to in preparing your evidence for the Royal  
19 Commission, have you been required to obtain knowledge of  
20 how the 000 system and call-taking takes place?---I have an  
21 indepth understanding, I guess, from CFA's perspective  
22 about that process prior, but certainly clarified points as  
23 I developed the presentation.

24 And so the authority that we are dealing with is the Emergency  
25 Services Telecommunication Authority or ESTA?---Yes.

26 Technically speaking, though, the data that you will see in  
27 the presentation is the data that it is provided to CFA.

28 I just want to ask you a couple of questions about how that data  
29 comes to be held by CFA. Does it initially require a 000  
30 call to be made to ESTA?---Technically, no; however, the  
31 vast majority, if not all of the incidents that you will

1 see in the presentation were given to CFA through ESTA.  
2 When you say technically no, what are the types of  
3 exceptions?---We have a redundancy to allow manual entry of  
4 incidents into the system for various purposes. So if we  
5 go to interstate, for example, you know, to support New  
6 South Wales, we can enter in that incident ourselves  
7 manually.

8 In relation to a caller that makes a 000 call, who receives that  
9 call?---It is first received by a Telstra call-taker,  
10 transferred to ESTA, and then the details are taken within  
11 ESTA and that packet of information is provided to CFA for  
12 use in our internet management system.

13 Does the Telstra operator first make an inquiry of the caller as  
14 to whether it is police, fire or ambulance?---I believe so,  
15 yes.

16 And after that initial inquiry, does the operator then ask as to  
17 the state?---Usually yes, I believe so.

18 After those inquiries are made and answers given, if it is  
19 Victoria it ends up with ESTA?---That's correct.

20 And from there what is your understanding of what the ESTA  
21 operator does?---The ESTA call-taker takes information from  
22 the caller and creates an event inside their system. They  
23 need a certain amount of information to create an event  
24 such as location, type, nature, et cetera. They will then  
25 despatch CFA's appliances on behalf of the CFA by sending  
26 out a pager message to our brigades.

27 Just going back, is it your understanding that ESTA uses what is  
28 called a computer-aided despatch system or CAD?---Yes,  
29 that's correct.

30 That the inquiry or the call is entered in the CAD  
31 system?---That's correct.

1 And that is a system run and controlled by ESTA?---That's  
2 correct.

3 And then from that being entered, if it is a CFA area of  
4 responsibility, then the ESTA operator gets in touch with  
5 which CFA brigade, how is that worked out?---There is  
6 despatch tables that CFA provide ESTA that determine which  
7 brigades are to be despatched under various scenarios and  
8 geographic areas across the state.

9 If there is a further call to ESTA involving (and we will deal  
10 with fire) the same fire incident, what happens in relation  
11 to that call?---Two things can happen. One is that a  
12 second incident is created inside CAD; that is if it is  
13 unclear that they are duplicate calls for the same  
14 incident. However, if that is determined, then the  
15 information from usually up to the first five callers will  
16 be integrated into the first initial call.

17 ESTA, as I understand it, creates, if you like, an incident and  
18 gives the incident a number by which it is then referred  
19 to?---That's correct.

20 How is the CFA - how is the local brigade contacted?---By a  
21 pager. So once that incident is created inside the  
22 despatch system or inside the CAD system, the brigade will  
23 be despatched via a pager message.

24 Who is responsible for giving the pager message to the  
25 brigade?---It would be ESTA.

26 You refer in your statement to what are called IMS tables; what  
27 are IMS tables?---IMS stands for "incident management  
28 system" and that is CFA's computer system that we use to  
29 manage incidents across Victoria. The table that IMS  
30 operates from is referred to as the IMS tables. That  
31 information is populated from information that is sent to

1 us from CAD.

2 Sorry, I missed the last bit?---Those tables are populated from  
3 information that is sent to us from CAD.

4 If one looks at the IMS data sheet, once ESTA has provided the  
5 incident to CFA, that appears in the IMS data sheet?---That  
6 is true, yes.

7 Who is responsible for writing up the IMS data sheet at  
8 CFA?---Well, the system is automatically populated by  
9 information from ESTA. That can be added to through  
10 various means and ways during a larger incident.

11 So once the incident is given, if you like, or despatched to the  
12 CFA, does that relieve ESTA of its responsibility?---No, it  
13 doesn't. They continue to communicate with the brigade  
14 that respond and add additional information in relation to  
15 appliance arrival times, any status changes and then manage  
16 - well, receive communications back from appliances once  
17 they are back in the station.

18 Is all that information written up into the CFA IMS data  
19 sheets?---Inside the tables, yes, all that information is  
20 there.

21 On 7 February there were many fire incidents. Do the IMS data  
22 sheets contain all the information that we have spoken  
23 about concerning those fires as far as ESTA is  
24 concerned?---To my knowledge, the information that has been  
25 provided is an excerpt from our incident management system  
26 that should have that information.

27 I wonder if you would have a look at this which is WIT.004 of  
28 002.1459/1601. It is in Vol.2 of the hearing book if that  
29 assists - Vol.11, I'm sorry, of the hearing book.

30 Mr Corbett, I don't expect you to go through each  
31 individual page or entry, but looking at that, firstly it

1 is headed "The IMS Data Sheets" and from your brief perusal  
2 and understanding does it represent the IMS entries for  
3 7 February 2009?---It does, yes.

4 I tender those.

5 #EXHIBIT 2 - IMS data sheets (WIT.004 of 002.1459/1601).

6 Mr Corbett, in relation to what we are going to see later this  
7 morning in relation to what you have described as the  
8 spatial and temporal activity representation or STAR Tool,  
9 how important is what has just been tendered, that IMS  
10 material?---That is one of the elements of the data  
11 included and it is quite important to demonstrate the  
12 workload that CFA was receiving on that day from ESTA.

13 Apart from the information contained in the IMS, is there other  
14 information that you have put in the package of software  
15 around the Google map?---Certainly the development of the  
16 STAR Tool is ongoing and as information comes to hand from  
17 various custodial sources, we are adding that if  
18 appropriate.

19 So what we will see today, I take it, then, is not the final  
20 production as far as the input of all the material and all  
21 the information is concerned?---That's true. It is our aim  
22 to continue to develop that tool as information comes to  
23 hand and is developed to a more correct or accurate level.

24 You refer to IMS call data being shown in the overlay; now, how  
25 is that represented in the overlay?---It can be represented  
26 two ways: one is just with a white diamond or with a  
27 symbol of a telephone that has got a label of type,  
28 incident type.

29 Have you attempted also to place meteorological information into  
30 this package?---I have, yes. We were running with an  
31 interim wind change line and the Bureau of Meteorology has

1           supplied us with more official data that we have now  
2           integrated.

3   Have CFA warning messages also been integrated into the STAR  
4           Tool?---Currently the CFA web warnings are available.

5   And just so we understand it, the warnings that have been  
6           integrated into the evidence that you have produced, for  
7           example the warning in relation to the Coleraine fire, an  
8           alert warning, is that integrated into the map?---It  
9           certainly is. What we have been able to achieve in the  
10          time frame that we have been given so far is to be able to  
11          produce a dot on a map that is coloured by the type of  
12          warning that went out on CFA's website, but for only those  
13          locations that are recognised by the Vicmap dataset.

14   Can you just explain what you mean by that? The warnings only  
15          relate to locations on the Vicmap dataset; what does that  
16          mean?---That means if the description in the warning was  
17          2 km north of Kinglake, it isn't a known locality so that  
18          would be shown potentially at Kinglake. If it was the area  
19          around Mount Disappointment, then a dot would appear on  
20          Mount Disappointment as opposed to the whole area that that  
21          warning may refer to.

22   And the basis for the timing of those warnings as you have used  
23          them on the map is what?---The timings on the map relate to  
24          the time that they were posted on CFA's website.

25   I may have asked you this, but also the meteorological  
26          conditions have, as best you are able, using that  
27          information, also been placed onto the map?---Yes, there is  
28          a wind change line that updates every hour and it is a line  
29          that has been derived by the Bureau of Meteorology. I  
30          believe they are still working on making that more  
31          accurate, but that is available in the tool.

1 I have no further questions of Mr Corbett.

2 CHAIRMAN: How is it now contemplated that the matter will  
3 proceed?

4 MR RUSH: I am not sure, sir. If there were any questions of  
5 Mr Corbett, I take it he could be asked them by counsel.

6 CHAIRMAN: It is just that at some stage there will be other  
7 matters shown and it may well be necessary to have  
8 Mr Corbett come back to explain, and it may be that unless  
9 somebody has a more intense familiarity with this, that's  
10 not going to be needed. Mr Clelland is probably in the  
11 best position to know whether anything more is needed at  
12 this stage.

13 MR CLELLAND: I wouldn't assume that, Mr Chairman, but it is not  
14 our intention at this stage to ask any further questions of  
15 Mr Corbett.

16 CHAIRMAN: So this is sufficient framework so far as you are  
17 concerned to enable the material to be used by other  
18 witnesses in a way that is adequate for present purposes?

19 MR CLELLAND: Subject to the caveats that Mr Corbett has already  
20 placed upon the material and the underlying sources for it.

21 CHAIRMAN: So long as Mr Corbett remains to clarify any other  
22 matter in relation to the putting of this material that  
23 comes from other sources, that is an adequate way of  
24 dealing with the matter at this stage.

25 MR CLELLAND: That's our position, sir.

26 CHAIRMAN: Does anyone else want to raise a matter?

27 MR BEACH: May I come forward?

28 CHAIRMAN: Yes, please come forward, Mr Beach.

29 MR BEACH: We accept that these are early days and we understand  
30 that this material is being adduced for preliminary  
31 purposes only.

1 CHAIRMAN: I understand that, but if there are some things that  
2 you think may help to elucidate others who are not in the  
3 know, then it is probably desirable to take that course,  
4 Mr Beach.

5 MR BEACH: The position is this. We only received Mr Corbett's  
6 material this morning. We need to know what the working  
7 assumptions and parameters of the model are as well as its  
8 inputs. Mr Corbett has referred to various inputs this  
9 morning and said basically that it was a work in progress  
10 and it would be continually updated.

11 CHAIRMAN: I am contemplating that we treat what is presently  
12 before us as the exhibit to the extent that the amorphous  
13 electronic version that can be taken away and improved and  
14 brought back, that will be a separate exhibit. There has  
15 to be, as I would perceive it, a degree of permanence  
16 attaching to what we are about to see.

17 MR BEACH: On that basis we have some difficulty. That could be  
18 alleviated to some extent by Mr Corbett being recalled at a  
19 later stage, but at the moment we don't have sufficient  
20 transparency, and this is no criticism of anybody, of what  
21 are the precise factual assumptions. For example,  
22 Mr Corbett has referred to various inputs from the IMS data  
23 sheets. We, of course, haven't had access to those data  
24 sheets. We don't know what level of detail that they  
25 contain within them and what time frame they speak to. In  
26 terms of the locations, Mr Corbett said, for example, that  
27 if there was a particular warning in relation to, say, 2 km  
28 north of Kinglake, that the model would just input Kinglake  
29 rather than the precise area. We are at the moment in a  
30 little bit of difficulty in responding to Mr Corbett's  
31 model and its output that no doubt we will see this

1 morning.

2 CHAIRMAN: I understand that. But I think what Mr Rush and I  
3 think Mr Clelland are saying that in effect at this stage  
4 you will have a better idea as to the adequacy or  
5 inadequacy when you have seen the operation and with  
6 witnesses using it at this stage on, as I understand it, an  
7 essentially non-contentious overview of the fires.

8 MR BEACH: We don't have a difficulty if it is used as a very  
9 general overview by the Commission and by later witnesses,  
10 just as long as it is apparent that it is a work in  
11 progress and that there may need to be more precise inputs  
12 and more precise modelling of, you know, the ignition point  
13 of a fire and its movement forward in time and geographic  
14 location. We are just a little bit concerned that we have  
15 a general presentation at this early stage - - -

16 CHAIRMAN: You are concerned that it might be treated as more  
17 permanent?

18 MR BEACH: Yes.

19 CHAIRMAN: Well, I think the indications that have been given by  
20 Mr Rush and Mr Clelland are sufficient to indicate that we  
21 wouldn't be treating it in any permanent sense, but as a  
22 sensible preliminary way of enabling the evidence of other  
23 witnesses to provide an overview to be put before us.

24 MR BEACH: We don't have a difficulty with that. The other  
25 thing, Mr Chairman (and I won't waste too much more time),  
26 we would like counsel assisting to perhaps consider  
27 recalling Mr Corbett at a later stage once he has more  
28 precise inputs into the model and it may be that you have a  
29 better run of the model at some later stage which we may  
30 then want to focus upon.

31 CHAIRMAN: I contemplate that should be done, but I will just

1 get Mr Rush to confirm that that is okay.

2 MR BEACH: Thank you, Mr Chairman.

3 MR RUSH: Sir, we understand that the information being put into  
4 the STAR Tool is not completed and there could be a number  
5 of further presentations over the course of the Royal  
6 Commission in relation to it. I think Mr Beach used the  
7 word "precision". The material that is put into the STAR  
8 Tool is precise in the sense that it is only as good as the  
9 material on which it is founded and that has been tendered.  
10 Mr Beach, if he hasn't seen it, will have a copy of the IMS  
11 material and other material including the meteorological  
12 material as it comes to hand.

13 I should also say, sir, in a general sense we propose  
14 calling evidence from both Mr ^ Rees and Mr Waller  
15 concerning the causes of the fire. Again, that will be put  
16 in a very general sense and the Royal Commission in its  
17 next block of hearings will be going into great detail in  
18 relation to the causes of the fire, but for the general  
19 overview of the picture at the moment it is proposed to  
20 leave that evidence.

21 If that's the case, sir, I would ask that Mr Corbett  
22 stand down.

23 CHAIRMAN: Yes. If you at this stage would stand down ... well,  
24 perhaps we will wait until we hear further.

25 ^ WOMAN: If the Commissioners please, the position of the  
26 Commonwealth is that we also have just received the  
27 statement this morning of Mr Corbett. I don't anticipate a  
28 difficulty but I would like to reserve my position. He has  
29 referred to wind change line tools and so on, so that  
30 obviously concerns the Bureau of Meteorology. It may not  
31 be an issue but I would just like to reserve my position.

1 CHAIRMAN: Yes, I understand that. I take it that other people  
2 will have reserved their positions for like reasons.  
3 That's understandable.

4 Yes, thank you, Mr Corbett.

5 <(THE WITNESS WITHDREW)

6 MR RUSH: Call Mr Russell Rees, sir.

7 <RUSSELL JAMES REES, sworn and examined:

8 CHAIRMAN: Mr Rees, please take a seat. Would you bear in mind  
9 for the convenience of the people in the courtroom if you  
10 can keep one or other microphones - you don't have to have  
11 two, but if you keep one of them 5 to 6 inches away from  
12 you. It just means it can be amplified sufficiently so  
13 that everyone in the courtroom can hear and so that it can  
14 be more easily recorded elsewhere.

15 MR RUSH: Mr Rees, could you state your full name to the Royal  
16 Commission, please?---Russell James Rees.

17 Are you the Chief Fire Officer with the Country Fire  
18 Authority?---Strictly speaking, I am the Chief Officer. I  
19 regularly get referred to as the Chief Fire Officer, but  
20 under the Act I am the Chief Officer.

21 For how long have you held that position?---I am into my - just  
22 about to complete my eighth year.

23 Mr Rees, did you commence your association with the Country Fire  
24 Authority as a junior volunteer firefighter?---That's  
25 correct, at 11 years old.

26 In 1978 did you join the Country Fire Authority as a career  
27 firefighter?---That's correct. Prior to that I was a  
28 volunteer.

29 Over a lengthy period of time including positions in rural  
30 Victoria as a career firefighter, you eventually went to  
31 the CFA training centre at Fiskville where you worked for

1 six years as an instructor?---That's correct, from 1985.  
2 And a position after that, I think, was OIC in relation to  
3 operational training?---During that period at the training  
4 college I held the position as Manager, Operational  
5 Training.  
6 What did that involve?---Well, that's the leadership role at the  
7 training college which is about managing all the  
8 instructional staff, determining and being involved in  
9 operational training strategies.  
10 And then after your time at Fiskville did you become a region  
11 fire officer for region 13, which I think was based out at  
12 Lilydale?---Yes, I was transferred to what is called the  
13 regional officer-in-charge of region 13, which is based at  
14 Lilydale, which covers roughly from Eltham, around through  
15 the City of Knox, Shire of Yarra Ranges.  
16 What is the difference between a region officer and an area  
17 manager?---The organisation went through a restructure in  
18 the mid-90s. Prior to that, the senior role in the field  
19 was a regional officer with assistant chief officers.  
20 Through the restructure process, areas were created which  
21 were non-operational positions and then the operational  
22 people reported in a day-to-day management sense through  
23 the area manager, but in an operational sense through to  
24 the Chief Officer. So there was a change, a more  
25 functional structure interspersed rather than a pure  
26 operational structure.  
27 So after a time as a region officer, did you become an area  
28 manager in the sense that you have just explained?---Yes.  
29 I became the area manager for the Yarra area which in a  
30 geographical sense was exactly the same area as what I was  
31 the regional officer for, but had a broader role and a

1 non-operational role.

2 In 1998, Mr Rees, were you appointed the Deputy Chief Fire  
3 Officer for the Country Fire Authority?---That's correct.  
4 From there, you took up your position as Chief Officer?---That's  
5 correct.

6 In relation to your evidence to the Royal Commission, at least  
7 initially, have you prepared two statements, the first  
8 bearing a date of 1 May 2009 (WIT.004.001.0001) with a  
9 number of attachments?---I'm not sure about the number,  
10 Mr Rush, but - - -

11 Thirty-two attachments?---Oh no, I am talking about the number  
12 of the statement, but yes, I have two statements.

13 In relation to your statement, the one of 1 March had 32  
14 attachments?---Correct.

15 I tender that statement, sir.

16 #EXHIBIT 3 - Statement dated 1/5/2009 (WIT.004.001.0001) with  
17 32 attachments.

18 Mr Rees, did you provide a second witness statement of 8 May  
19 2009 bearing number WIT.004.002.0001 with I think there are  
20 six volumes of additional material, not referred to as an  
21 annexure so we can describe it as six volumes of additional  
22 material. That's correct.

23

24 #EXHIBIT 4 - Statement of 8/5/2009 bearing number  
25 WIT.004.002.0001 with six volumes of additional  
material.

26 Mr Rees, can I just briefly get some idea in relation to the  
27 geography or the territory that is covered by the Country  
28 Fire Authority. You refer in your statement to the Country  
29 Fire Authority area as lying outside of metropolitan  
30 Melbourne. What is the boundary?---Essentially the Country  
31 Fire Authority's area is that area outside the metropolitan

1 fire district, but does not include any Crown land, that  
2 is, land that is forest, national park or other Crown land  
3 not occupied. So essentially it is all of the private land  
4 outside of the metropolitan fire district.

5 For the purposes of the Country Fire Authority, how far out does  
6 it extend as a matter of kilometres? What is the  
7 metropolitan boundary?---There is not a specific radial  
8 boundary between, say, the GPO to the start of the CFA  
9 area, but, for example, CFA has responsibility for  
10 locations like Springvale, Edithvale, Caroline Springs,  
11 Eltham, Craigieburn, Werribee, so strategically position it  
12 in relation to Greater Melbourne.

13 Is the CFA area outside of Melbourne divided up for CFA purposes  
14 into districts?---It is divided up into regions and areas.  
15 The reasons are the operational regions and have numbers.  
16 Over the years some of the numbers have been amalgamated,  
17 some of the regions have been amalgamated, therefore they  
18 are not consistent. For example, there is no region 1.  
19 However, there are 20 of those regions and then within  
20 those ... sorry, encompassing those regions are a number of  
21 areas.

22 From a responsibility point of view, what is the difference  
23 between an area and a region?---An area manager or an area  
24 has a number of regions which is looked after by a general  
25 manager, which is an amended title for what an area manager  
26 was when I was originally appointed. An area manager looks  
27 after a range of functions of CFA generally relating to the  
28 operations function, the community safety function, the  
29 training function, the HR function and the finance and  
30 administrative function, and underneath the general manager  
31 are a range of managers and for each of the numbered

1 regions there is an operations manager who is responsible  
2 for the operational management of that geographical area,  
3 that numbered region.

4 Mr Rees, in your statement you refer to the CFA being  
5 volunteered-based and having 59,000 volunteers. Are they  
6 active, the 59,000?---There are 59,000 approximately  
7 registered volunteers in CFA. They vary in terms of their  
8 degree of activity. Of those, they range from people whom  
9 we indicated are those who operationally respond to fires  
10 and there is approximately 30,000 of those who get actively  
11 involved in operations. Of the remainder, many fill  
12 support roles which may be administration or community  
13 engagement activities to roles in leadership or management  
14 and other roles that are generally support and then there  
15 are the members who are less active but are around when  
16 needed to support the brigade.

17 I will come back to that in two weeks' time but just as an  
18 overview, you refer to 400 career firefighters?---That's  
19 correct.

20 And the role of the career firefighter?---For a number of our  
21 brigades, we have no wholly career fire stations. For a  
22 number of our brigades, the volunteer firefighting  
23 capability is supplemented by the appointment of career  
24 firefighters, so there are career firefighters who work  
25 together with the volunteers to deliver a response service  
26 for those brigades.

27 And 700 career support staff?---That's correct.

28 What is the role of the career support staff?---All of those  
29 functions that I mentioned in the field, community safety,  
30 administration, training functions, planning functions,  
31 like Mr Corbett, for example, and then the normal corporate

1 administrative functions that happen in a corporate  
2 headquarters, as well as functions to maintain the systems  
3 of the organisation, be they vehicles, communication, other  
4 IT functions, et cetera.

5 Mr Rees, can I ask you some questions briefly about the role of  
6 the chief fire officer. As I understand it, you are in  
7 effect the senior operations commander for the  
8 CFA?---That's correct.

9 What does that role then encompass and what does it particularly  
10 encompass on a day like 7 February?---In essence, my role  
11 is, by virtue of the Act, to have control and direction  
12 over all fire brigades and I do that through a process of  
13 delegation. Quite clearly as chief officer, I am in no  
14 position to direct and control over 1200 fire brigades and  
15 up to 3,000 pieces of firefighting equipment; so my role as  
16 chief officer is to do everything in my power to ensure  
17 that that firefighting resource has the capability to  
18 undertake its activities as safely as possible in  
19 accordance with standing orders and standing operations  
20 procedures and utilising the powers of the Chief Officer in  
21 the Act to carry that out. So on a day like you're talking  
22 about, my activities, having done that, are to ensure that  
23 strategically we position ourselves to carry out that to  
24 the best of our ability.

25 On 7 February 2009 you were located at 8 Nicholson Street, East  
26 Melbourne, which is the office or the facility which has  
27 been dedicated and known as the Integrated Emergency  
28 Coordination Centre?---That's correct.

29 So in that role - and I understand you were there all day  
30 effectively late into the evening - what operational  
31 responsibility did you have?---My role on a day like that -

1 I have a whole range of functions happening underneath me  
2 led by what is known as a state co-ordinator, which is  
3 usually a deputy chief officer, and the state duty officer  
4 of the CFA. My role is to ensure that throughout that day  
5 I am kept informed and able to inform in a strategic sense  
6 those above me and that includes the minister ultimately as  
7 the coordinator and chief of emergency managing. By that,  
8 I mean the Minister for Police and Emergency Services. I  
9 do that through usually the Office of the Emergency Service  
10 Commissioner to ensure that there is appropriate  
11 coordination across agencies at the strategic level and  
12 that other important government agencies are fully informed  
13 so they can carry out their duties and to ensure the  
14 integrity in an operational sense for CFA of the state,  
15 that is, that the state capacity is delivered in such a way  
16 that we can maximise our effort across whatever eventuality  
17 presents: multiple fires, routine business and to ensure  
18 the integrity and safety of the community through that  
19 process.

20 In a sense, that answer explains your responsibility  
21 upwards?---Yes.

22 In relation to the integrity of the CFA resources as you refer  
23 to it downwards, what operational responsibility have you  
24 got?---I am certainly not - my position is not to direct  
25 the response of individual trucks or to direct the response  
26 of individual brigades. I would be operating at best in  
27 terms of direction through the state coordinator making  
28 decisions about which part of the state would be  
29 strategically directed to deal with whichever incident, to  
30 what extent we would make decisions in relation to the use  
31 of other resources from other places including interstate,

1 to what extent we would make decisions in respect of  
2 realigning our resources for a new outbreak. For example,  
3 during the day as the day progressed there were a number of  
4 fires that occurred later in the day. In that process we  
5 would have discussions about how we would realign our  
6 resources, draw resources from another place and in doing  
7 so seek to manage not only the fire fight, but also the  
8 security of the state in that place or any new place.

9 In relation to the direct management of fires, as I understand  
10 it from your statement, that takes place at a lower level  
11 at what is called an incident control centre?---That's  
12 correct. My only activity would be to ensure that for each  
13 of those new fires, that there is an incident management  
14 arrangement being put into place in accordance with the  
15 procedures; but apart from that, I would not direct the  
16 strategic response nor the tactical response to that  
17 incident. That would take place at the incident control  
18 centre.

19 On this day, as you refer to in your statement and indeed in the  
20 days prior to Saturday 7 February, you had indicated that  
21 it was potentially going to be one of the worst days in the  
22 history of the state as far as fire was concerned?---Yes,  
23 that's correct.

24 And you had a number of fires, as you have referred to, break  
25 out from Coleraine, indeed right across the state at  
26 differing times?---Yes.

27 I ask this question concerning the Kilmore East fire. You would  
28 be aware of the various warnings and as best you are able,  
29 you would keep up to date with the run of the Kilmore East  
30 fire?---Yes, that would be correct.

31 And using that knowledge and the knowledge of the weather

1 conditions and the knowledge of the potential  
2 south-westerly change which I will come to, and the impact  
3 that that could have on the fire, do you have any  
4 responsibility for the overall warnings that may be given  
5 to various localities as a consequence of what you might be  
6 able to see, sitting in Nicholson Street, as being the  
7 consequences of the fire and the change?--No, not  
8 directly.

9 What if you were of the view that the warnings were not  
10 sufficient?--If I had been - if that had been brought to  
11 my notice, that responsibility is delegated to others to  
12 make the decisions. If there was - just like if anything  
13 was brought to my attention that the incident control  
14 arrangements were inadequate, I would seek to rectify that  
15 through the state duty officer and the state coordinator.

16 How is the control of a fire given to an incident control  
17 centre?--Initially the fire will be reported and it needs  
18 to be made clear there are multiple events happening and  
19 the determination really is about which event is going to  
20 develop and/or has the potential to develop. Across the  
21 state there are a range of localities pre-designated as  
22 incident control centres. These facilities are either -  
23 and in a DSE facility, a facility managed by DSE, or in a  
24 facility managed by CFA. For each of those facilities  
25 there is a general footprint, that is a part of Victoria  
26 for which if a major fire occurs in that area, generally  
27 speaking, the incident will get managed from that incident  
28 control centre. Now, there can be circumstances where that  
29 might vary, but generally that's the state. So the  
30 designation of which fires get managed where is almost in  
31 every instance preplanned.

1 So does the incident control centre have responsibility for the  
2 strategies and the objectives in relation to the management  
3 of particular fires that they are allocated to?---That's  
4 correct.

5 And that responsibility remains with the incident control  
6 centre?---Yes, it does and that activity, particularly when  
7 it is dynamic, cannot be done in any other place because in  
8 a practical sense they will have the most information about  
9 what is going on and, therefore, are in the best position  
10 to make decisions.

11 We have only briefly touched on this. You referred to the areas  
12 of responsibility of the CFA being for private land,  
13 national parks, parks and wilderness areas and the like  
14 being with DSE. Who sits in a particular incident control  
15 centre?---Part of the strategy is that wherever possible we  
16 would establish what we call a joint incident management  
17 team. The joint incident management team will be composed  
18 of representatives of both CFA and DSE in a position to  
19 take control and to exercise that management function for  
20 the fire whether it be on land that is the tenure and  
21 responsibility of DSE or whether it be on private land and  
22 in some instances the land will be in both ... sorry, the  
23 fire will be in both and, therefore, the decision comes to  
24 who takes overall control as the control agency of that  
25 fire.

26 At an individual incident control centre, are both DSE and CFA  
27 staff located or can you just have one CFA and somewhere  
28 else a joint facility?---When the situation is operating,  
29 there will be members of both organisations present. At  
30 the outset of the incident you could have a circumstance  
31 where there is only CFA people in a CFA facility and DSE

1 people have to come in, or vice versa; but the objective is  
2 in running joint incident management teams under the  
3 protocols and the joint operating arrangements that we  
4 would be jointly staffed.

5 I will just ask you briefly about the way in which a fire might  
6 get to the incident control centre and under the control of  
7 the incident controller. I think you refer in your  
8 statement to there being three levels of fire: level 1,  
9 level 2 and then level 3. Can you indicate to the  
10 commissioners just what those levels are and how one  
11 progresses from one to the other?---The circumstances are  
12 that we operate under what is called an incident control  
13 system. The incident control system is an agreed set of  
14 protocols and in Australia we operate under what is called  
15 the AIMS system. Within the AIMS system incidents are  
16 classified as level 1, 2 or 3.

17 Can you just tell us what AIMS means?---AIMS is the Australian  
18 Interservice Management System.

19 I'm sorry, I just wanted to understand that?---That's okay.

20 So you get a level 1, level 2 or level 3 under that system. In  
21 relation to fire, as far as the CFA's adoption of that  
22 system is concerned, what are the necessary ingredients for  
23 a fire to go from 1 to 2 to 3?---Level 1 incidents are  
24 small incidents, generally able to be managed by the  
25 initial responding brigade. So, for example, in a  
26 fire-type environment of a fire on a median strip that gets  
27 two fire trucks to attend would be a level 1 incident. In  
28 that circumstance there is no need for a pre-set incident  
29 control centre to take any action at all. All the action  
30 is taken at the incident. The incident is dealt with by a  
31 person on the scene who is in effect the incident

1 controller, so the person exercising control is in that  
2 circumstance. A level 2 incident is either a developing  
3 incident or an incident that requires more than the initial  
4 responding resources, but not an incident generally that is  
5 of enormous complexity; so it would go into a period of  
6 time, maybe hours, potentially into a second shift, and we  
7 talk about shifts being day and night, but not an incident  
8 of enormous complexity or an incident of enormous  
9 potential, and that incident may be managed out of an  
10 incident control centre and would normally translate from  
11 the control function being carried at the scene through to  
12 an incident control centre. A level 3 incident is a large  
13 complex incident usually involving the full delegation of  
14 the functions of ICS, understanding ICS is a functional  
15 system - the full delegation of that with critical  
16 potentials of impact, often an incident that will go into  
17 days or multiple days.

18 Mr Rees, in relation to the incident control centre, I take it  
19 from your statement it has a number of officers who are  
20 responsible for strategy and planning and I will come back  
21 to it in relation to the particular fire once it is  
22 allocated?---That's correct.

23 And in preparation for the 7 February incident control centres,  
24 and I don't ask you to recite where they were but were  
25 established around the state as best one could to locate  
26 them as to where the potential or greatest potential for  
27 fire was anticipated?---We have a number of pre-agreed what  
28 we call level 3 incident control centres and we sought to  
29 prepare those as best we could ready for an eventuality of  
30 7 February.

31 If I can go back to the Integrated Emergency Coordination

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1 Centre, who is integrated there?---The Integrated Emergency  
2 Coordination Centre has a long history. Prior to this  
3 year, CFA and DSE operated separate state emergency  
4 coordination centres. For some time and particularly  
5 following the 02/03 Victorian Bushfire Inquiry, we have  
6 been seeking to bring the separate state coordination  
7 functions particularly of fire together into the one  
8 facility. We have done a range of trials in the previous  
9 fire season, that is, 07/08, of separate units of that  
10 state coordination function and in this fire season, that  
11 is, the 08/9 fire season, CFA moved its state coordination  
12 function from its base at Tally Ho, CFA's corporate  
13 headquarters, to the DSE previous state coordination centre  
14 at Nicholson Street. So in there was CFA and DSE. We also  
15 sought to bring in with us the State Emergency Service and  
16 the Metropolitan Fire Brigade initially to coordinate those  
17 functions together.

18 You have indicated - and again I emphasise this as an overview -  
19 that you saw your responsibility in a general sense as the  
20 coordination of the fire effort on 7 February?---Yes.

21 If I could ask you to go to para.109 of your statement (WIT.004.  
22 001.0024), you say this: "In view of the role of the IECC  
23 coordination facility, personnel at the IECC do not  
24 generally issue information releases warnings to  
25 communities affected by fires. This information is  
26 provided from the incident, the IECC can assist in  
27 dissemination of these messages, for example, by posting  
28 the message to the CFA website"; is that right?---Yes, but  
29 there are exceptions. The statement is generally they will  
30 intervene on a number of - in some circumstances.

31 If I can take you back to para.103 of your statement where you

1 refer to the role of the IECC. If I can take you down to  
2 the fourth last dot point on that page, you say that the  
3 role of the IECC includes to provide media releases, singly  
4 or jointly as appropriate, that focus on strategic state  
5 pictures; to provide suitable information or contacts for  
6 dissemination to the community to ensure they are  
7 appropriately informed; to ensure that suitable information  
8 is received by local communities to enable to take  
9 appropriate actions to increase their safety and monitor  
10 information flows and ensure suitable fire management  
11 structures are in place at all incidents".

12 What I want to ask you is from the IECC perspective,  
13 what role does it have and do you have to ensure that  
14 suitable information is received by local communities to  
15 enable them to take appropriate actions to increase their  
16 safety?---There are a number of activities that take place  
17 inside the IECC to carry out those activities. In a  
18 general sense, the incident control centre, and through the  
19 incident controller at that centre, is responsible for the  
20 determination of what is the message to be given to  
21 communities. The information unit in the IECC monitors  
22 that and supports the incident controller and the  
23 information unit in the incident control centre to give  
24 that information out and supports them through facilities  
25 in the IECC, particularly the IECC are the people - the  
26 information unit in the IECC are the people who upload on  
27 to the website the information that would be generated at  
28 the incident control centre.

29 What is the position, Mr Rees, if you form the belief that as  
30 far as local communities are concerned, suitable  
31 information is not being received in relation to a fire

1 from the incident control centre?---There are  
2 circumstances, particularly in the early stages of a fire,  
3 if the incident control centre is dealing with an enormous,  
4 rapid ramp-up of the event where at the state level a  
5 message or information will be given in the same manner it  
6 would normally be given at the incident control centre  
7 authorised by either the state duty officer of CFA or the  
8 state duty officer of DSE and uploaded on to the website  
9 and, if necessary, communicated through the media by a  
10 spokesperson.

11 On 7 February, I suggest as a matter of course personnel from  
12 CFA based at the emergency coordination centre were  
13 broadcasting on 774 Emergency Radio?---Yes.

14 Including yourself at one stage?---Late in the evening as I  
15 recall.

16 At about 7.45?---P.M., yes.

17 That role, I take it, is to inform communities in relation to  
18 the fires?---Generally speaking, we will also try and get  
19 as close to the source of the information as possible. It  
20 is the incident controller or a representative of the  
21 incident controller out at the incident control centre.  
22 However, for broadbrush across-the-state information, we  
23 will use the IECC and a central spokesperson and, of  
24 course, as a result of doing that, inevitably you get a  
25 situation where you are giving specific advice as well.

26 In relation - again let's take the Kilmore fire - in relation to  
27 that fire, 774 - have you read the transcript of 774 for  
28 7 February?---No, I haven't.

29 Or been made aware of what it generally contains?---I know some  
30 of the information, yes, but not in the entirety, no.

31 For example, the incident controller from Kilmore East which was

1 the incident control centre which had the responsibility  
2 for that fire didn't appear on 774 on that day?---I'm not  
3 aware whether he did or he didn't.

4 So what I am suggesting is that the information in relation to  
5 that fire was either broadcast from someone reading the CFA  
6 website or relied on people speaking directly to 774 from  
7 the coordination centre?---I can't say that with any  
8 certainty.

9 Is that what you would anticipate?---I would anticipate that if  
10 there was an inability of information flow in terms of a  
11 spokesperson from the incident control centre or the  
12 incident controller not being able, due to a whole range of  
13 constraints, to speak to the media, then the IECC would do  
14 its best to provide the information as best as possible.

15 So from the IECC's point of view, is it doing anything that is  
16 independent of the incident control centre to monitor or  
17 plan the progress of a particular fire?---In the main, it  
18 would be looking to support the incident control centre so,  
19 for example, if they lacked resources in any way - mapping  
20 resources might be an example - they would seek to support  
21 that by backing them up, providing those resources wherever  
22 possible.

23 On this day, did the CFA and the IECC do anything independently  
24 of the incident control centre to map or predict a course  
25 (and let's stick with the Kilmore East fire)?---Is your  
26 question, did we do anything independently in total or a  
27 specific question?

28 It is a specific question in relation to the Kilmore East fire.  
29 Was anything done, to your knowledge, at the IECC to  
30 predict the course of the Kilmore East fire?---I believe I  
31 was not aware of it on the day. I believe that some fire

1 behaviour people in the IECC made a map that showed some  
2 progression of that fire. I did not see it on the day. I  
3 can only assume that that was made to give and support the  
4 incident control centre in terms of the direction or  
5 potential for that fire.

6 I think on the Four Corners program, shown approximately two  
7 weeks after 7 February, I think you appeared and Dr Kevin  
8 Tolhurst also appeared on that program and indicated that  
9 he was located in the IECC and undertaking that sort of  
10 work. Were you aware of that on the day?---I was not aware  
11 - I cannot recall whether I saw Mr Tolhurst on that day.  
12 Realising I see many people and over many days, so I can't  
13 recall that I was aware that fire behaviour experts did  
14 that work; I was not aware that they did it on that day.  
15 Your awareness now would be, would it not, that those, I think,  
16 fire behaviour experts were located there for the very  
17 purpose of planning and predicting the course of  
18 fire?---Yes.

19 Do you know at all how they were utilised on that day?---No, I  
20 don't know specifically. I could assume what they were  
21 doing, but specifically I don't know what other tasks they  
22 did on that day apart from that fire.

23 A core responsibility in relation to fires, I suggest, is that  
24 before and during a major incident, people that may be  
25 affected by the fire are given information or warnings  
26 concerning the fire?---CFA's philosophy is to try and give  
27 as much information as possible so that the community can  
28 make appropriate decisions and support the firefighting  
29 effort wherever possible.

30 If I can direct you to para.167 of your statement, p.38, you  
31 there refer to the CFA philosophy and state as follows:

1 "The CFA's philosophy of being part of and working with  
2 communities underpins our approach to community information  
3 and warnings. In its submission to the Victorian Bushfire  
4 Inquiry of 2002/2003 the CFA quoted, 'CFA considers  
5 provision of information to the community before and during  
6 a major incident as one of its core responsibilities'".

7 Then you go on to say, "Research following the Ash  
8 Wednesday fires found that residents reported as having  
9 little or no warning or information about where the fire  
10 was, the rate at which it was moving and the predicted wind  
11 change".

12 I take it that you accept what you refer to in the  
13 submission there as a core responsibility?---To the best of  
14 our abilities, yes.

15 And in relation to where the fire is, the rate at which it is  
16 progressing and the potential impact of a weather change,  
17 that sort of warning or information CFA see as a core  
18 responsibility?---Yes. To the best of our abilities, yes.

19 Do you say in relation to what went on on 7 February, just  
20 taking the meteorological conditions and the weather  
21 change, that they were sufficiently put into the  
22 warnings?---Sorry, I misunderstand your question.

23 In relation to the anticipated weather change, do you say that  
24 that weather change was adequately put into the warnings  
25 concerning the fires in Victoria on 7 February over the  
26 course of the day?---To the best of my knowledge, yes, I do  
27 say that, remembering that we gave a lot of information  
28 prior to the day about the upcoming weather conditions.

29 Mr Rees, in your statement you refer to or you present a table  
30 at p.67 where you compare the 7th February - I don't know  
31 whether we can bring this up on the screen. It is at

1 WIT.0004.001.0067.

2 CHAIRMAN: I have got an array of technology in front of me. I  
3 am not sure if anyone is responding. I know what it is.  
4 It is only a question as to whether we can - - -

5 MR RUSH: Well, I think we might just try and speak to it and  
6 regrettably, sir, I don't think it is going to appear.

7 You set out there a chart in relation to the fire  
8 weather estimate for 16 February 1983, Ash Wednesday, as  
9 opposed to 7 February 2009.

10 CHAIRMAN: I am told that the computer is frozen. It may be  
11 about time for a break anyway. What I am contemplating is  
12 ... I can't see that screen but I gather - - -

13 MR RUSH: You will have difficulty seeing what is on the screen.  
14 It suits me to have a break.

15 CHAIRMAN: Yes, it may be appropriate just to have a break.

16 (Short adjournment)

17 <RUSSELL JAMES REES, recalled:

18 MR RUSH: Mr Rees, we were examining the chart that you prepared  
19 which compares the Ash Wednesday fires meteorological  
20 conditions with those conditions anticipated for the  
21 7 February. I think it is at p.67. In general, the  
22 message behind that, Mr Rees, was what?---I asked for that  
23 table to be prepared because I wanted to do two things, in  
24 reality. Firstly, compare it to the forecast - and  
25 remember these numbers are actually the forecast, not the  
26 actual weather of 16 February 1983 - with the forecast that  
27 was given on 5 February for 7 February 2009. My aim was to  
28 do a comparison to alert people both within CFA and within  
29 the broader emergency services fraternity of the comparator  
30 of severity, potential severity, compared 16 February '83  
31 to 7 February 2009.

1 Just by comparison, if we look at the first column  
2 "temperature", the severity that you were trying, and did  
3 indicate as a consequence of the production of this chart,  
4 what was demonstrated?---In my view, recognising that on  
5 16 February 1983 there were actually three sets of  
6 estimates, and by estimates I mean fire weather estimates,  
7 produced by the Bureau for that day and if you note, I have  
8 actually produced two of them, that is the one 1700 hours  
9 on the day before and the one at 10.30 on the day of Ash  
10 Wednesday - there was actually another set in between - was  
11 to indicate that, in fact, potentially at this point in  
12 time, which was two days out, that 7 February had potential  
13 to be worse than Ash Wednesday, on an estimates basis.  
14 And that is worse in terms of temperature?---Almost worse in  
15 almost every aspect, but in a cumulative sense worse in  
16 terms of fire danger.  
17 And if we just look at the fire weather matters that are raised  
18 in the chart, the first is temperature?---Correct.  
19 Then the next is relative humidity?---Correct.  
20 And the next is wind direction?---Wind direction and then wind  
21 speed, yes.  
22 Wind speed; and then wind change?---Correct.  
23 So far as that table across the page is concerned, where do  
24 those headings stand in relation to the firefighter, the  
25 person in charge; what do those headings mean in relation  
26 to prediction?---Well, firstly, normally the way the  
27 forecast is developed, the second, third and fourth columns  
28 in this instance are the prevailing conditions that would  
29 exist at times of maximum temperature. So the temperature  
30 column is the maximum temperature and that then indicates  
31 in the second, third and fourth column, that is humidity,

1 wind direction and wind speed, what are those factors at  
2 that time. So when you look at that, it suggests from a  
3 firefighting perspective, the fundamentals are high  
4 temperatures, low humidities; wind direction is not  
5 necessarily relevant. Wind speed, however, is, and wind  
6 direction is relevant when one considers wind change.

7 MR RUSH: And for south eastern Australia, wind direction, wind  
8 speed on days of total fire ban, you can normally predict  
9 as to where they are going to come from and have a fair  
10 idea of the sort of speed of the wind that is  
11 involved?---Normal climatic conditions for south eastern  
12 Australia are a northerly wind or a north-westerly wind,  
13 certainly in the north to westerly quadrant because it is  
14 hot continental winds, that is, winds coming off the centre  
15 of Australia and so that would be a normal indicator of the  
16 potential for critical fire weather.

17 In general terms in relation to the fire weather estimates,  
18 usually there is going to be a change in wind direction  
19 coming across the state?---Because that weather condition  
20 is associated with an anti cyclone, that is a high, that is  
21 entering somewhere east of the continent travelling across  
22 Australia and then drying out, traversing then south or  
23 south-easterly across south eastern Australia, that is then  
24 associated over time, not necessarily on the first day, but  
25 over time with a south-westerly wind change.

26 Then you refer to, at para.284, you refer to and state "the  
27 three-day bureau forecast included predictions of FDI  
28 levels of 328 for 7 February 2009. In response to this  
29 forecast a briefing was held at the IECC at 1700 attended  
30 by key personnel from CFA and DSE fire."

31 What we are talking about with FDI is the fire danger

1 indices; is that correct?---That is correct.

2 Had you ever seen an indices of 328 anticipated before and maybe

3 - I just want to ask, where was that, 328, did that have a

4 particular locality or area in Victoria?---I cannot recall

5 the exact locality. Had I seen indices of that nature

6 before - I feel that on some days in the past with very

7 high wind speeds, I had seen numbers approximate that for a

8 short period of time, particularly in a grassland

9 measurement which I understand is getting a bit technical

10 and we won't go there, but certainly those numbers are very

11 high recognising the limitations of that fire danger

12 indices system to make any relevance beyond a hundred

13 because the system is designed to work between zero to 100

14 as explained in other places in my statement. But it

15 certainly is an indicator of quite severe. My memory is

16 that there was certainly a figure for grassland in Western

17 Victoria and I think it was Ballarat, of around the 300

18 range; that's my memory.

19 The index - and you refer to it in some detail - is based, or in

20 fact, there are two, there's a grassland fire index and a

21 forest fire index?---Correct.

22 And matters - I'm not sure if we can get it up but

23 WIT.004.0001.0315 which is annexure 10 to your first

24 statement, Mr Rees?---Yes.

25 You have produced a photocopy of the chart - it is not a chart,

26 really, the clock that enables one to make a prediction of

27 the fire danger index?---It is, in effect, a circular slide

28 rule.

29 Whilst this one will not rotate as required, obviously, the

30 matters that are taken into account are going to be the

31 rainfall against the number of days since rain - the

1 drought factor, if you like?---There are different factors  
2 related to how grassland FDI and forest FDI is calculated  
3 and I have detailed those in precis form in 237.3 and  
4 237.4.

5 Perhaps if you could just indicate to us by reference to the  
6 chart the factors that you take into account in reaching a  
7 figure. And if we look on the outside rim of the figure  
8 there, you have the rating, if you like, from low to  
9 extreme. That's on the outside rim. I think you have a  
10 laser pointer there?---Which I am pretty sure doesn't work  
11 on that sort of screen. In effect, the outside gradient is  
12 the gradient of fire danger index. The fire danger rating  
13 is the words "low, moderate, high, very high, extreme." It  
14 is the last result that you get from manipulating the slide  
15 rule from, in effect, the inside out.

16 So issues that are looked at, rotated to get the last result,  
17 are rainfall?---Correct, and the number of days since the  
18 last rain in respect to the forest fire danger meter.

19 And working out the relevant humidity?---The rainfall and the  
20 number of days since last rain gives that drought factor  
21 which is the numbers in the little dots. Then that gives  
22 the drought factor. You then set the relative humidity  
23 against the drought factor on that arrow. Having set that  
24 you then - it then gives you a gradient for temperature  
25 which you then adjust wind speed against, which then gives  
26 you, in the end, the fire danger rating for a particular  
27 wind speed - sorry, the fire danger index, and from that  
28 you determine the fire danger rating.

29 By that adjustment, on the forest fire danger meter it went off  
30 the scale, if you like, for the prediction for 7  
31 February?---Yes. It needs to be understood that the

1 development of these numbers is based on a range of test  
2 fires and test scenarios and the scale is - my mathematics  
3 is some years old but it is an algorithmic scale, so the  
4 further it goes, the more rapid the change for a variable.  
5 So if you look carefully at that you will notice that as  
6 the wind speed increases towards the end the numbers get  
7 very close together. At the end of the scale, for very  
8 minor increases in wind speed you actually get enormous  
9 changes in the rating. So once it is above 100 and,  
10 indeed, on this occasion many were above 100, it literally  
11 goes, for want of a term, off the scale.

12 So in that sense the 328 that you referred to perhaps can't be  
13 compared in relation to it being an 80 or a 90?---In  
14 theory, 80 - well, in terms of developing the scale and the  
15 validation of the scale from previous test fires and other  
16 examples, 80 is worse than 70; 300 is definitely worse than  
17 100, but to what extent it is very difficult to say.

18 If we turn to behind tab 11 which is at 0317, the same  
19 calculation can be done but taking different factors into  
20 account for the grassland fire index?---That is correct.  
21 There is less consideration in the grassland meter for  
22 rainfall and number of days since rain and more  
23 consideration of what is called the fuel moisture content  
24 or the curing factor of the grassland and then the same  
25 parameters of temperature, humidity and wind speed are  
26 added.

27 And once - going back to the forest fire index, once that index  
28 hits 50 you hit extreme fire danger conditions?---Yes, the  
29 gradings are as indicated in my statement; that above 50 to  
30 100 is treated as extreme.

31 Does the CFA have any view of where it will put its firefighters

1 - at 50 or 80 or 100 in relation to the fighting of fires?  
2 What is the management or how does the management of fires  
3 relate back to the forest fire index?---Particularly for  
4 the forest fire danger index and there's some detail in my  
5 colleague Ewan Waller's statement which indicates above a  
6 certain level, direct attack becomes impossible, and by  
7 direct attack I mean standing on the edge of the fire and  
8 either doing physical work; that is, making a firebreak or  
9 whatever and/or squirting water in respect to forest fire  
10 danger. And that's certainly below the extreme level in  
11 terms of fire behaviour and heavy fuels. In terms of  
12 grassland fire behaviour, you may opportunistically be able  
13 to make attacks in extreme conditions but that is largely  
14 related to fuel condition.

15 Is there any reason why the fire danger index is not included in  
16 information that is provided to the community by the  
17 CFA?---In effect, the fire danger index is provided because  
18 it is provided in the fire danger ratings. We use the  
19 language and always have used the language of low,  
20 moderate, very high, extreme on the basis that fire danger  
21 indices move around all over the day; but generally the day  
22 may be an extreme day. The forecast, as we indicated when  
23 we looked at that detail on that graph, sorry, on that  
24 table, for Ash Wednesday through to 7 February relate only  
25 to the conditions at maximum temperature. There are  
26 circumstances where the fire danger indices or the fire  
27 danger index and hence the fire danger rating could vary  
28 throughout the day and be only extreme for one or two hours  
29 of the day or be extreme at a period of time not at maximum  
30 temperature; in other words, driven by wind factor, not the  
31 temperature factor. So simply giving a number rather than

1 a language or descriptor, does not necessarily enhance the  
2 understanding unless you have a thorough knowledge of what  
3 that number means and the weather conditions on the day.

4 You have a legislative responsibility in relation to the  
5 declaration of a day of total fire ban?---CFA has and that  
6 responsibility gets delegated to me and someone acting in  
7 my capacity.

8 And a day of total fire ban is triggered under what  
9 circumstances?---There is a range of factors taken into  
10 account. Generally speaking, the fire weather forecast  
11 produced by the Bureau of Meteorology will give indications  
12 of not only those fundamental temperature, humidity, speed  
13 and wind change - will also give indications of atmospheric  
14 stability or instability and indications of any passage and  
15 duration of critical fire weather. When one looks at the  
16 numbers and the fire danger indices, a fire danger index  
17 above 50 would trigger serious consideration in respect of  
18 a total fire ban but below that might also do, and if I can  
19 explain that if you triggered a total fire ban solely on  
20 the FDI hitting 50, you would be declaring total fire bans  
21 in the Mallee area every second day, simply because of the  
22 enormous temperatures and the very low humidities. You  
23 only need very slight winds to trigger an extreme  
24 condition, and that's the vagaries of the system. So you  
25 need to have an understanding of fuel condition as well as  
26 those fundamental factors. Given, however, the FDI does  
27 take that into account in a general situation.

28 I will move away from this area after this question, Mr Rees,  
29 but the forest fire danger index and the numbers  
30 anticipated for 7 February were known by CFA and the other  
31 entities responsible for overall operations on 7 February.

1 Why wouldn't the public be informed of those figures as  
2 well?---Only in the sense that to understand those figures,  
3 as in the numerical numbers of the fire danger indices, you  
4 need to understand what they mean so there needs to be an  
5 educative process and the language of low, moderate to  
6 extreme, high extreme is the language that is considered  
7 best to explain that scenario. If we move to explain those  
8 numbers it is a bit like using the UV index. If I say,  
9 "The UV index today is 35", what does that mean to you and  
10 I? But if I said, "It is extreme today", the chances are  
11 we would take action and put sunscreen on.

12 My recollection is the UV index is given, with the  
13 warning?---Yes, it is, and the question I am saying is, if  
14 you gave it with the warning that would be fine, but you  
15 would need to provide the words as well, not simply the  
16 number.

17 It is another matter that we will come back to, Mr Rees, but if  
18 I can conclude with one more question. You or your  
19 delegate has responsibility for the declaration of a day of  
20 total fire ban?---Yes.

21 Who has any statutory responsibility for warnings or information  
22 in relation to fire apart from that day of total fire  
23 ban?---As indicated in your opening statement, I think,  
24 Mr Rush, there is no statutory responsibility. CFA seeks  
25 to give information but it depends on the public  
26 understanding of that information and taking that  
27 information in.

28 Does the CFA warn or does it provide information?---The CFA's  
29 policy is that it gives advice to the community before and  
30 during fires so it is talking about giving advice. If one  
31 wants to interpret that advice as a warning, I don't shy

1 away from the language "warning", but there is much more in  
2 what CFA is striving to do than simply to warn.

3 And that is what, on a - - - ?---Well, it goes to the whole  
4 notion, as you are aware, of prepare, stay and defend or  
5 leave early. That whole community information process is  
6 built about a process of education, communities and  
7 individuals taking responsibility for their safety and  
8 picking the safest option for them, given the predicted  
9 weather conditions.

10 In a minute when we come to the Google Earth map, one of the  
11 matters that will come up on the map is warnings and as I  
12 understand it, and you make it clear in your statement, the  
13 CFA has three levels of warning. It is at para.201. This  
14 is at 0045. There are three standard releases that you  
15 refer to, Mr Rees, in relation to levels of warning and to  
16 go through it there is an awareness message or initial  
17 advice. You indicate the CFA policy is that that should be  
18 issued when a fire first commences, "there is not currently  
19 a threat to life and property but local interest may be  
20 generating." That, I take it, is issued in the context by  
21 the incident control centre?---These messages are issued.  
22 Whilst they may appear to have a direct chronological flow,  
23 if you understand me, if you haven't issued one, it doesn't  
24 mean to say you can't issue the next level. In particular  
25 some of these messages, particularly in the early stages,  
26 may not be issued by the incident controller because the  
27 situation is not developed and so that's where I lead,  
28 which we haven't mentioned yet in discussions, the regional  
29 ordination centres, one of the numbered regions or a DSE  
30 regional coordination centre, or the IECC may issue an  
31 awareness or alert message given the incident control

1 centre is still establishing and working very hard to get a  
2 whole lot of other activity into place.

3 Looking at the - you say you can go - you could directly go to  
4 the alert message which is the next level?---Correct.

5 And that's "to be issued when a heightened level of awareness is  
6 required by people in communities in close proximity to a  
7 fire, with still no direct threat but there is the  
8 potential for direct impact should conditions change or  
9 escalate. It may include a time parameter within message  
10 if known. It is important not to over exaggerate the risk  
11 so that people in the area don't feel unnecessarily  
12 threatened and that will be reviewed within two hours of  
13 issue."

14 And the idea of not over exaggerating the risk, does  
15 that lead to a standard form of message?---There is a  
16 general standard format where the area is described and  
17 then a range of advice is given, remembering that it is not  
18 just about the notion of warning, it is also trying to give  
19 advice about notions of what to do in those circumstances  
20 that are being described at that time, remembering that the  
21 information that is being given is given on the basis of  
22 what is actually known by the fire services at the time,  
23 which can be a very significant challenge.

24 And "the third level is the urgent threat message to be issued  
25 when direct impact from a bushfire is imminent"?---Correct.

26 That also has a standard form in relation to what is  
27 said?---Yes.

28 So for each awareness message or each alert or each urgent  
29 threat message, the same message each time, in general  
30 terms, is given?---That is part of the aim, to ensure as  
31 best as possible, consistency and as well to enable very

1 rapid construction of the message from the information as  
2 best as possible. In one sense you do not want people  
3 generating over a period of time a message that takes a  
4 long while to put together, to get it up, to get the  
5 message out.

6 And the urgent threat messages for individual fires are posted  
7 to the CFA website?---There's a range of actions taken with  
8 each of these messages and it is pretty well the same. It  
9 goes to a number of locations and may in fact go there  
10 before it is posted on the website. The information will  
11 appear on both CFA and DSE's website. The information will  
12 be provided to the Victorian bushfire information line.

13 The information will be provided to ABC radio.

14 And just picking - you provided at annexure 31 to your statement  
15 details of the messages, the various levels of message  
16 given on the website at various times and I will pick the  
17 first - just to get an idea - the first urgent threat  
18 message at random. For Coleraine on 7 February 2009 at  
19 1330 and it is really to just get the wording of that  
20 message?---Yes.

21 The fact that it is Coleraine is coincidental with what I am  
22 looking at. It says: "The fire burning immediately west  
23 of Coleraine has jumped the Glenelg Highway, is burning in  
24 an easterly direction. The communities of Muntham,  
25 Coleraine, Hilmn Gay(?), in the area bordered by Gardener  
26 Street, lower Hilmn Gay and Barnes Roads may be directly  
27 impacted by this fire. Core advice: Residents in this  
28 area may experience smoke, burning embers reaching their  
29 properties. They are advised to patrol their houses, find  
30 and put out burning embers that may be landing. Protect  
31 yourself from radiant heat by wearing correct protective

1 clothing consisting of long-sleeved shirt, long pants,  
2 sturdy boots, and a broad brimmed hat. On no account  
3 should synthetic material be worn. As the fire front  
4 approaches, it will be unsafe to be either on foot or in a  
5 car as the heat radiating from the fire will be intense.  
6 Buildings will offer the best protection during the passage  
7 of a fire front. Close all doors and windows. Stay inside  
8 the house while the fire passes. Remain alert. Extinguish  
9 any small fires and, if necessary, move outside to burnt  
10 ground once the fire has past. If you are caught on a  
11 road, don't get out and run, pull to the side, preferably  
12 in an area clear of tall trees and long grass. Put your  
13 hazard lights on, close the windows and vents, cover any  
14 exposed areas of skin with a woollen blanket and get down  
15 as low as possible. Only when the fire has passed do you  
16 get out and move to safety."

17 Now, I haven't read it in its entirety but that is  
18 the urgent threat message that in general terms is provided  
19 on every occasion that we will see it on the Google  
20 map?---That is how I understand it, yes.

21 I have referred to WIT.004.001.0521 and it may be it is part of  
22 the tendered material that Mr Rees at tab. As I understand  
23 it, that message did not vary in its standard content at  
24 all on 7 February?---That's my understanding unless  
25 something to the contrary happened, that's my  
26 understanding.

27 If we can perhaps start the Google map and move to the Coleraine  
28 fire. Mr Rees, I think you deal with it in particular in  
29 your second statement at p.8?---I am just locating that.

30 This was a grass fire?---Correct.

31 Are you able to turn around?---Yes, I can turn around, yes.

1 It started - are we able to show where the fire  
2 started?---(Witness indicates).  
3 The time that is depicted there, Mr Rees?---The time depicted  
4 there is 12.36. That is the time that ESTA took the call  
5 and created - what's called created an event. So in other  
6 words, they have determined it is an activity for which CFA  
7 must respond, therefore, they have what is called created  
8 an event and 12.36 is that time.  
9 So that appears in what ESTA refer to as the CAD at  
10 12.36?---That would be in the CAD system at 12.36 plus or  
11 minus seconds because it is recorded in hundreds of seconds  
12 but we have taken it at 12.36. A couple you will see will  
13 be one minute in either direction, somebody has rounded up  
14 or down, and having created an event, it will then initiate  
15 a response and that response will indicate an alert of fire  
16 brigades.  
17 So are we able to determine the response time or the alert as  
18 received by the fire brigade?---Yes, we can do that through  
19 the IMS data, to say how that - it will happen in under a  
20 minute, that the brigades will be alerted via their paging  
21 system.  
22 Is that what we are looking at that west of the township of  
23 Coleraine?---Yes, the township - it is not overly bright.  
24 That's the township of Coleraine. This is the Glenelg  
25 Highway as described. And it is to the north-west of the  
26 town.  
27 And from a CFA point of view we have the entry on the CAD at  
28 12.36. What is the next event?---The next event was that  
29 fire brigades initially responded to this fire and then  
30 those brigades would have responded. At 12.42, as  
31 indicated in my paragraph 54, aircraft were requested and

1 then at 12.43 a further eight tankers, recognising they are  
2 fire fighting trucks mainly built for wildfire were  
3 requested. So there is an initial response of five plus a  
4 further eight requested at 12.43.

5 And the times for the aircraft and the additional tankers, what  
6 have you referred to for those times?---That information  
7 came from IMS, from information entered and in this  
8 instance would have almost certainly been entered via the  
9 regional coordination centre by literally typing in that  
10 information in the comments area.

11 So with those extra tankers, the aircraft, are we able to  
12 picture now what happened initially with that fire?---In  
13 terms of the run of the fire?

14 In terms of the run of the fire?---This fire, as indicated in my  
15 statement, behaved virtually typical of a western district  
16 grass fire. The countryside here is undulating grazing  
17 land leading down to a river bed right near the base there.  
18 Fuels were medium to relatively heavy fuels when it got to  
19 the river flats; so the land is climbing back to the  
20 north-west and the fire was burning under a north-westerly  
21 wind into a south-easterly direction. Under extreme fire  
22 weather conditions. At para.64 the weather observations  
23 are there for Hamilton and Casterton automatic weather  
24 stations which give some indication of the weather at that  
25 particular time for that location, realising Casterton and  
26 Hamilton are equal distant between this fire to the west  
27 and east.

28 So we are dealing with temperatures between 43, 42 degrees and  
29 humidity at 8.9 per cent around that period of time and  
30 north-westerly winds of 55 kph gusting up to  
31 78 km/h?---Yes. And given the time of day and the

1 proximity of the wind change for this fire, recognising it  
2 is in south-western Victoria, that would be fairly close to  
3 the peak conditions for fire weather for that day at the  
4 time of the south-westerly run of this fire.

5 What has just been brought up on the Google Earth map is the  
6 projection, if you like, in relation to the front that was  
7 approaching Victoria?---That is correct. This information  
8 has been provided by the Bureau and been mapped as best as  
9 possible, given the factors here, and you can see that the  
10 wind change proceeded through this fire some time between  
11 1300 and 1400 hours and in para.58 it talks about  
12 approximately 1323 which sounds a fairly accurate  
13 approximation, but that may have been a log that someone  
14 has written that we have gleaned that information from, but  
15 we can fairly certain that the wind change went through  
16 that area some time in that period.

17 Before the wind change you have, I take it, two flanks of the  
18 fire, here an eastern flank and a western flank?---We  
19 normally call it the eastern flank and the western flank,  
20 that's correct. So the fire is proceeding from north-west  
21 to south-east, in that run indicated by the little arrow,  
22 and on the western side what we call the western flank and  
23 on the eastern side what we call the eastern flank.

24 In relation to the wind conditions on that day, having regard to  
25 the prevailing wind, is there any difficulty in containing  
26 either one of those flanks?---Both flanks would be  
27 difficult to contain under the extreme conditions and the  
28 strategy used in this instance would almost certainly have  
29 been that a head attack, that is the head of the fire, the  
30 front run of the fire would have been basically impossible.  
31 The objective would have been to attack from the flanks as

1 much as possible. Use any available natural breaks or any  
2 available locations where fuel is reduced, for example, on  
3 a roadside, a ploughed paddock, any sort of capacity to get  
4 on the edge of the fire and suppress it from direct attack.  
5 Direct attack means doing action right on the edge of the  
6 fire. And as such, the effort would have been made to try  
7 and do that and very clearly, as the wind changes hit this  
8 fire, the entire eastern flank has been lost. So  
9 suppression effort on the eastern flank has not mean  
10 successful in limiting the change from that being a flank  
11 fire to a head fire.

12 Prior to the change was the fire in any way endangering  
13 Coleraine?---There was very significant concerns that if  
14 the fire continued to run south prior to the wind change it  
15 would get, in one sense, below the town; it would get west  
16 of the town. So major effort was being put into trying to  
17 withholding the fire or in one sense taking action to try  
18 and prevent the fire from getting down into that area  
19 because if it got down into the area, and typically, the  
20 bit of the fire you lose in a wind change is from the head  
21 back; so you would lose - your chances of suppressing the  
22 head is almost impossible under these conditions; so we  
23 could have ended up in the scenario with the head fire  
24 being to the south-west of Coleraine here somewhere and  
25 then pushing back into the town.

26 So the efforts were devoted at preventing the head of the fire  
27 getting into a position that with the south-westerly change  
28 the town of Coleraine would be in danger?---I wasn't - I  
29 cannot say directly what they did, Mr Rush. I can say that  
30 that would be the general effort but it would also be the  
31 general concern, recognising under these conditions,

1 stopping the head would be just about impossible.  
2 With the change, are you able to say what happened with this  
3 fire?---After the wind change the fire broke away as would  
4 normally be expected under these conditions without the  
5 flanks being secured into a north-easterly direction and  
6 recognising we are actually - if we can rotate it around so  
7 that we are actually looking - north is the top of the map,  
8 south is directly below. You can see the fire has broken  
9 in a north-easterly direction. In one sense it has taken  
10 the pressure off the town, so the town is no longer under  
11 threat and it is moving in a north-easterly direction and  
12 what was the flank of the fire has become the head and so  
13 you now have a flank that is a south-easterly flank and a  
14 north-westerly flank. So the effort is then on pinching  
15 that fire and trying to pull the head up recognising that  
16 with the south-westerly wind change over time there would  
17 have been a decrease in temperature, an increase in  
18 humidity, particularly given this is not far from the  
19 coast, the maritime effect would start to pull humidities  
20 up which over time increases fuel moisture, which over time  
21 again would increase the potential for the fire to be  
22 contained because fire intensity would decrease.

23 And Mr Rees, in relation to what had been the head of the fire  
24 prior to the change, you spoke of the flank, in effect,  
25 becoming the head of the fire?---Correct.

26 What does that mean?---Well, depending on the time at which the  
27 fire runs, your head will be a multiple of the length of  
28 the flank, in relation to the head. Depending on the wind  
29 speed, there is a relationship of the width of the fire to  
30 the length of the fire. The stronger the wind usually the  
31 narrower the fire. But it gives you a long fire. It gives

1 you a bigger flank, so with a wind change you end up with a  
2 bigger head fire. So with a rough estimate here you can  
3 see that the head of the fire is probably one-quarter of  
4 what the head became when the wind changed. And I think  
5 Luke is just measuring that now.

6 So we are looking at the south-westerly change, in effect,  
7 converting the head of that fire to 1.9 kilometres?---Yes.  
8 That's a relatively classic fire behaviour context,  
9 particularly with grass fires, fast running grass fires.

10 So what we see at 1315 is a time as to where the fire had  
11 progressed to at that time?---Yes. We had reports of the  
12 fire crossing that road and in my memory - the road does  
13 have a name. I will just refer - - -

14 CHAIRMAN: Can I just raise the query that the change was  
15 supposedly through 1323, that does seem a little  
16 unlikely?---That's correct. One of the dilemmas is that  
17 the report may come at a particular time but the reality  
18 may be a period of time either before or after in fact.  
19 But if one thinks the wind change has hit that fire, for it  
20 to be there in reality it probably happened afterwards.  
21 This is the dilemma you always have with people reporting  
22 things, time - (a) gets thought to have occurred before  
23 (b); in effect (b) did occur before (a). It is always a  
24 dilemma trying to calculate this. But the reports were  
25 that the fire was heading in that direction. We had a  
26 report that it was there. That either indicates the wind  
27 change was before 1323 or that that figure is not 100 per  
28 cent correct.

29 MR RUSH: Mr Rees, with a wind change, does that have impact on  
30 the fire, the nature of the fire and the intensity of the  
31 fire?---It depends on the wind speed. Sometimes the wind

1 can lull before the wind change, sometimes it can go around  
2 and be at stronger or lesser force, depending on the  
3 circumstance. Generally, the closer you are to the coast,  
4 the more violent can be the wind change because there is no  
5 ground effect, no friction effect slowing the wind down.  
6 But the other thing that has an effect on the fire is  
7 increasing the head size can increase fire intensity.

8 At para.58 of your statement you say in the last sentence:

9 "Following the wind change, fire behaviour was at its worst  
10 with flame heights and the heavy fuels reported at about"  
11 or at approximately 12 metres. Is that a significant  
12 fire?---It is a very significant grassland fire and that's  
13 because at that point in time the fire was into the river  
14 flats where the most fuel was. The other thing that I  
15 mentioned before was that the wind can be erratic, more  
16 erratic after the wind change, therefore behaviour can be  
17 erratic as well.

18 And the fact that the fire behaviour was at its worst with the  
19 wind change is consistent with what can reasonably be  
20 anticipated?---Yes, in these circumstances.

21 The incident control centre for this fire was where?---The  
22 incident control centre was at a prearranged ICC at DSE  
23 Heywood.

24 And CFA had the management of the fire?---The CFA were the  
25 control agency, yes.

26 And that would be with both DSE and CFA personnel co-located at  
27 that ...?---At this instance there were DSE and CFA people  
28 co-located at that facility. I am almost 100 per cent  
29 certain they were there from the start off, but certainly  
30 there were people there.

31 Are we able to see when the first warning in relation to the

1 Coleraine fire was given, having regard to the first call,  
2 as I understand it, being received by the CFA at  
3 12.36?---That indicates an urgent threat message for  
4 Coleraine at 1330 which would have a lot of that  
5 information that you read out in similar form, describing  
6 the fire and gives that information, the basic information,  
7 where the fire is and where it is heading to.

8 At 1330 does that red dot indicate or project where it is  
9 believed the fire was at the time of that urgent threat  
10 message?---To the best to the knowledge of the people who  
11 generated the message, yes.

12 And was the fire contained at 1721?---Yes. The fire was  
13 effectively stopped at 1521 and it was stopped up on the  
14 road to the far east and, however, the formal lifting of  
15 this fire as contained did not occur until 1721.  
16 Contained, by definition, means that the perimeter of the  
17 fire is not extending in any way; however, there may be  
18 burnt areas or unburnt areas in the fire and fire activity  
19 within that containment line. But the fire, in effect, had  
20 been stopped, that is, the main run of the fire, at 15:21.

21 Is there any siren sounded in Coleraine by the CFA to warn of a  
22 fire?---I don't know that.

23 Does the CFA have a view or a policy on whether a siren should  
24 be the used?---Importantly, the use of the CFA siren at a  
25 fire station is not for the purpose of warning the public.  
26 The use of the CFA siren, when used, recognising that the  
27 brigade is actually alerted to respond to fire.

28 I am going to have to ask you to keep your voice up?---The use  
29 of a siren on a CFA fire station is for alerting fire  
30 brigade members to respond to fire. Recognising now that  
31 that in one sense is old technology, that fire fighters are

1 alerted to respond to a fire using a pager system - they  
2 get an individual message - the use of sirens to alert fire  
3 fighters to respond is nowhere near as common. The other  
4 thing to realise is that for many of our brigades, they are  
5 in fact very busy. Some of our brigades, if we use the  
6 siren all the time, it would be going off three or four  
7 times a day and obviously many of the community would get  
8 quite annoyed at that continued interruption. However, the  
9 use of the siren is not there to warn the public. In some  
10 country towns of low activity you may have the siren go off  
11 and heads may go up: "What's going on?" However, it is  
12 not a warning mechanism for the public.

13 Just in the context of Coleraine and looking at the starting  
14 time of the fire and the time of the first warning, would  
15 you be in the position or do you think it is worth  
16 reconsidering the use of a siren for a community such as  
17 Coleraine in relation to warning?---I think reconsidering  
18 and thinking about how you communicate the issue of getting  
19 information about a fire, nothing is off the agenda in this  
20 discussion. There are, however, severe limitations in  
21 audible warnings and there is, as I think most people are  
22 aware, a project that is running at Ferny Creek in relation  
23 to the use of an audible warning system, Ferny Creek being  
24 in the Dandenongs.

25 You say in your statement that there were 55 CFA appliances that  
26 attended this fire in total and there were also forest  
27 industry brigades involved?---Yes.

28 The forest industry brigades are what?---Forest industry  
29 brigades resulted as - were a result of the transference,  
30 initially any way, of the privatisations of previously held  
31 State Government plantations which were privatised. As a

1 result of that, significant tracts of Victorian land moved  
2 from being part of the State estate to private property and  
3 as a consequence became Country Area of Victoria. As a  
4 result of that, legislation passed through to change the  
5 CFA Act to provide for what is called Forest Industry  
6 Brigades which provides that for a particular owner of a  
7 plantation, that they are required when it reaches a  
8 particular trigger, to form what is called a forest  
9 industry brigade under the control of CFA and provide  
10 certain minimum levels of equipment. As such, they become,  
11 for all intents and purposes, a part of CFA's fire fighting  
12 resource and indeed part of Victoria's fire fighting  
13 resource and they come under the control and direction of  
14 the chief officer, given certain caveats about their  
15 responsibility to their employer, et cetera.

16 So they in terms are full-time in the context of - or  
17 paid?---They are normally employees or contractors of the  
18 industry, the owner of the particular plantation.

19 Finally, on this fire, Mr Rees, you referred to the maximum fire  
20 danger indices here as being at 1400 and 1430 in excess of  
21 100?---Yes.

22 Unless there are any other questions, sir, I turn to the Horsham  
23 or what the CFA refer to as the Vectis fire. Again,  
24 Mr Rees, this was a grass fire. This is paragraph 39 of  
25 your further statement?---That's correct.

26 Firstly, I think Remlaw Road is the road that is referred to in  
27 this fire. Are we able to bring that up. I didn't ask you  
28 - just going back to the Coleraine fire - at this stage,  
29 does the CFA hold any view as to how that fire  
30 started?---The suspected cause at this point in time is  
31 related to power line assets for that fire.

1 In relation to this Vectis fire, the suspected cause is  
2 what?---Is related to power line assets.  
3 Just going back, we see 1226 on the 7th as the time this is  
4 entered on the CAD data; is that correct?---Correct; and,  
5 again, it s automatically translated to IMS.  
6 And the red dot is pointing to where the fire is suspected of  
7 commencing?---That's correct.  
8 The ignition?---Yes, point of ignition.  
9 It is a fire I take it that had commenced before the  
10 south-westerly change, on just what we have seen, got to  
11 anywhere near Horsham?---Correct, yes. It is in one sense  
12 exactly the same type of pattern, a fire burning from the  
13 north-west towards the south-east under a north-westerly  
14 wind.  
15 So if we can perhaps just be shown the course of the fire from  
16 its ignition point under the impact of the wind travelling  
17 in what you understand to be generally a south-westerly  
18 direction?---South-easterly.  
19 South-easterly direction. And in relation to the response to  
20 this fire by the CFA?---Yes; the initial response -  
21 understanding the pager call would be immediate, basically  
22 immediate - at that time of 12.26 were for four of the  
23 local brigades.  
24 Four of the local brigades?---Yes, the four brigades in that  
25 area; and followed up at 12.33 for an increase to ten  
26 tankers immediately.  
27 And are there any times that we can put in to show the course of  
28 the fire? So, that's three times that, 12.53, 1319 and  
29 1415 as indicating the course of that fire?---Yes, and that  
30 data has been collected from a variety of sources which  
31 includes the circumstance of people ringing up and

1 reporting a fire. So that is the track of IMS data from  
2 people making an entry into IMS, i.e. the field people  
3 saying "fires here", "fires there"; so that's the best  
4 estimate we have of the pathway of this fire.

5 Are we able to bring up on this map the phone calls received by  
6 ESTA? So that's entered in the CAD of ESTA as a phone  
7 call?---And I think that is the initial call, I'm not sure.

8 What is coming up in the little squares as the fire is  
9 progressing is persons ringing up ESTA on the 000 number  
10 and those entries being made by ESTA in the CAD?---Correct,  
11 and if you look at the time up on the top of the scale,  
12 that's the time of that phone call when it is being  
13 accepted.

14 Was it thought at any stage that the town of Horsham would be  
15 under threat?---Potentially with the south-westerly wind  
16 change that would be a possibility. The risks that present  
17 in terms of fuels for this fire - the fuel was light to  
18 moderate in terms of it was in grazing and cropping area,  
19 so you are looking at stubble which was quite short, which  
20 presents more potential for control of the flank. But the  
21 issue that complicated matters was twofold; firstly, the  
22 fire burnt into the Wimmera riverbed which is dry and is  
23 not just a riverbed but also an area to either side of it  
24 that has river red gum, associated elevated fuels in scrub  
25 and shrubs and that area assisted in spotting and making  
26 difficulty for containment of that fire, realising that any  
27 grassland spotting would be quite short distance, and then  
28 the fire burnt into the Horsham golf club area which is  
29 just to the north-east of the sewerage treatment works.  
30 That is significant only in the sense that the golf club  
31 was kept green as a result of the recycled water, therefore

1 the grass that - the fairways, the greens are actually  
2 green, however the rough of the golf course is dry and the  
3 fire ran through the rough and not on the grass. The  
4 impact - that is a slight rise to the golf clubhouse which  
5 is the white building that you can see there, and the fire  
6 would have run very quickly up the rough into the golf  
7 clubhouse and destroyed the golf clubhouse and then across  
8 the fire area, across the road and entered into a range of  
9 small allotments in the Haven area, this area here, and  
10 that area had more fuel in it because it wasn't a grazing  
11 or cropping area, more a hobby farm type area and there was  
12 more grassland fuel in that area, through and out of that  
13 area and back into more of the grazing and cropping area.  
14 The south-westerly change, what impact did that have on the  
15 fire?---The best indications are that the wind change came  
16 through at 1628 and you can see in this instance,  
17 differently from the Coleraine example, that significant  
18 portions of what we would call the eastern flank weren't in  
19 fact lost; that the fire broke away only in one location.  
20 Prior to the wind change the head of the fire had been  
21 stopped, so you had an opportunity in fact to progressively  
22 secure the flanks of this fire. It broke away in one  
23 particular part; as can be seen, it was very narrow and it  
24 ran in and out of properties to the north-east, across the  
25 highway, which is the main Western Highway, that piece of  
26 highway there; there were some significant power substation  
27 areas in that location which was of particular concern and  
28 proceeded to north-east until the fire was eventually  
29 stopped on that very narrow run at about 1820.  
30 That is the run that was caused by the wind change?---That is  
31 the run post wind change, yes.

1 Just, Mr Rees, for you in the IECC, the coordination centre, how  
2 would you be viewing this, how would you be keeping a tab  
3 on what is happening with the Horsham fire?---For me I  
4 would be looking at IMS, so I would be reading the updates  
5 on the IMS, the progressive page by page detail of IMS. I  
6 would be talking to the state coordinator and getting a  
7 feel, and by a feel, an opinion, forming an opinion about  
8 the potential for control of this fire. Grass fires will  
9 run and depending on the ability to get fire trucks on the  
10 edge of the fire, generally over time you will  
11 progressively secure the edge of the fire, particularly the  
12 eastern flank, pre-wind change. So you would have a view  
13 that the strategy would be to contain that eastern flank as  
14 much as possible and protect Horsham and that was the case  
15 in this instance and evidenced by the fact that only a  
16 small amount got away, and then the feeling or the opinion  
17 would be generated as when, after the wind change, they  
18 would pull that fire up.

19 And who do you consult with in relation to obtaining that  
20 knowledge and getting your own overview in relation to the  
21 circumstances of the fire?---Short of reading the IMS and  
22 getting a feel from them, from just reading the IMS, what  
23 they would regard as the potential for containment. For  
24 instance, once you read that the head fire has been  
25 stopped, you now know that their strategy would be to seek  
26 to lock down the perimeter. I would talk to the state  
27 coordinator and the state duty officer who may be talking  
28 to the regional coordination centre, to get that sort of,  
29 that opinion about its likelihood, its risk, its likelihood  
30 of breaking out. And the other way that I do it is also I  
31 converse with Ewan Waller from DSE to get a feeling -

1 remembering that in many of these fires there are DSE  
2 people involved as well - just as a cross-reference I would  
3 say something like: "Ewan, we are looking relatively good  
4 at Vectis. What are you hearing?" and he might say there's  
5 concern about this particular bit of countryside that  
6 perhaps CFA might not have as good a knowledge on, so we  
7 would compare to make sure that the opinion we are forming  
8 at the state level is as coordinated and as logical and as  
9 up to date as we possibly could.

10 Do you have any facility by which you can see - on a board or a  
11 map - the progress of the fires and follow it in the sense,  
12 I appreciate this is very removed from what was going on on  
13 7 February but by which you are able to get an idea of just  
14 where the fire is and what it is doing?---Depending on the  
15 way that our technology is capable of working and there  
16 were some limitations on that day to building a map. There  
17 are various ways that we would build a map. We may build a  
18 map hand-drawn on what we know; so we would get a map and  
19 draw it. At the ICC, if they had time, they would produce  
20 a map which would be uploaded to the mapping systems; so  
21 that map would be freely available to print off for us, to  
22 give to us at the ICC. So for some fires we would have a  
23 map to refer to that would validate or conflict with our  
24 feeling and view of the world.

25 Are there not in fact two mapping officers at the IECC, a CFA  
26 mapping officer and a DSE mapping officer and one of their  
27 tasks is to provide that information?---If they are capable  
28 of doing it, if the information is there - and they may in  
29 fact construct a map on the best available information,  
30 which could literally have three or four dots on it drawn  
31 together in a rough polygon to try and estimate where the

1 fire was at a particular time.

2 Would that information not be important to you in relation to  
3 your overall assessment?---Yes, but more important to the  
4 state coordinator and the state duty officers because they  
5 are the ones who would be reporting to me about the state  
6 of the information.

7 I think in your statement you say that this fire was eventually  
8 contained at Lowbeck Road?---Reubek(?).

9 Is there any reason for the irregular course of the fire?---I  
10 asked that question of the locals because, as you can see,  
11 it jumps around and has a lot of direct solid lines. My  
12 understanding is that they pulled the fire up either on  
13 roads or on irrigation ditches. Some of this countryside  
14 is countryside available for irrigation. I am not sure  
15 that it was irrigated at the time given the shortage of  
16 water; however the irregular shape is partly due to the  
17 fact of using land features such as roads and irrigation  
18 ditches to control the fire.

19 The initial advice, as you have said, to the CFA was at 12.26.  
20 Are we able to see when the first warning was that went  
21 out.

22 So there was an urgent threat message: Haven,  
23 McKenzie Creek Road, Wandong West and Horsham; what time  
24 was that one?---I think it was 1320.

25 And the fire at that stage is - - - ?---Would be in and around  
26 that area. And recognising that McKenzie Creek and those  
27 other named places are in fact south and - further  
28 south-east of there; so although it is saying for Haven, it  
29 is also saying for the other locations further out.

30 Just to follow chronologically the order of warning, if we can  
31 ... are we looking at telephone calls, sir?---The yellow

1 circles are warnings. There was a further warning for  
2 those previous locations plus Green Lake at 14:56 and that  
3 indicated as well that the areas around the Western Highway  
4 and east of the Western Highway could be impacted post wind  
5 change.

6 And the wind change - remind me - you believe was at  
7 16:28?---Yes. Remember they are the time steps.

8 CHAIRMAN: This may be an appropriate time to - - -

9 MR RUSH: There are a couple of matters.

10 CHAIRMAN: If you have still got matters to finish in relation  
11 to this by all means do so.

12 MR RUSH: The incident control centre for this fire?---Was at  
13 the Horsham DSE office and CFA were the control agency.  
14 And in total I think there were 41 CFA appliances which attended  
15 the fire?---Yes.

16 Those are the further matters.

17 CHAIRMAN: Yes. We will resume at 1.30.

18 <(THE WITNESS WITHDREW)

19 LUNCHEON ADJOURNMENT

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2 UPON RESUMING AT 1.30 PM:

3 &lt;RUSSELL JAMES REES, recalled:

4 MR RUSH: Sir, we turn to the Weerite fire or what is known as  
5 the Pomberneit fire. Mr Rees, this is again a grass fire  
6 that started near the Princes Highway, Weerite, west of  
7 Pomberneit, and what is shown there is the area of the  
8 fire. Are you able to say ... there it is, the first call  
9 or the CAD event at 1317 or 1.17?---That's correct.

10 After that, the times that are depicted on the map of 4.49, 1507  
11 and down the bottom 1417, relate to what?---That relates to  
12 the estimated position of the fire in - first of all, the  
13 1417 time is a south-easterly run and then a north-easterly  
14 run. 1449 and 1507 are the approximate time it got to that  
15 position.

16 So with the prevailing wind from its ignition point where the X  
17 is at 1317, it travelled down to the point designated there  
18 at 1417, in approximate terms?---That is the estimate,  
19 correct.

20 Just going back to the terminology that we used this morning,  
21 the head of the fire on that path would be a relatively  
22 narrow head for that grass fire?---That's right. The fire  
23 from point of origin at 1317 to 1417 is roughly, well, in  
24 that estimate, it is exactly an hour, but roughly an hour  
25 run to the south-east.

26 And then with the prevailing wind - just remind us, the flank  
27 that would be more difficult to control with the prevailing  
28 wind is where?---Is the easterly flank and very precisely  
29 in this instance the north-easterly flank and you can see  
30 with the wind change that some of that flank has broken  
31 away substantially. The bit back towards the point of

1 origin, that point there has been relatively well held;  
2 however, a significant proportion of the edge of that fire  
3 has broken away to the north-east.

4 And the times of 1449, 1507 and 1417, how are they gleaned or  
5 got together?---Some of those are from the information  
6 provided by fire investigators; some of that information is  
7 from information entered into IMS, typed in, nearly always  
8 at the regional coordination centre where it says things,  
9 for example, as in para.70 of my second statement, "At 1507  
10 the fire crossed the Pomberneit-Fox Owl Road" which is that  
11 road going roughly north-south there (indicating).

12 So after getting the initial CAD event at 1317, are you able to  
13 say what time the CFA responded to the fire?---Essentially  
14 immediately as the pager message went out. Five local  
15 brigades, as in para.65, were paged at 1318 to attend.  
16 Aircraft was requested at 1321.

17 Were those aircraft available?---No. Part of the issue that  
18 presents throughout this day is that the weather  
19 conditions, particularly wind, do two things to aircraft,  
20 be they fixed wing or rotary. They either are rendered  
21 ineffective because of the wind speed, that is, the  
22 dropping of water or retardant is unable to be achieved  
23 with any effectiveness, or the wind is such that it is  
24 unsafe to fly.

25 So from the point of view of the south-westerly change, are we  
26 able to put that on to the diagram as to when that  
27 impacted?---The south-westerly change was recorded at  
28 Mount Porndon, which is almost due south of the fire area  
29 at 1415, and so it would have impacted on that fire a very  
30 short time after.

31 Just in relation to the front or the south-westerly change, as I

1 understand it, it will travel more quickly over water so  
2 areas like this that are arguably not as close to the water  
3 as, for instance, looking at that generally, Apollo Bay or  
4 Warrnambool, for example, the front will travel more  
5 quickly over water and get to that sort of area more  
6 quickly as it will going inland?---In layman's terms the  
7 front generally slows down over land due to, hard to  
8 believe, but a friction effect. So that is why you will  
9 see that the front is not a straight line across the state  
10 and tends to fall over in some respects the further it gets  
11 inland; and so your line, it will be well through East  
12 Gippsland before, for example, it is through Mildura, even  
13 though it is a south-westerly line. The other impact in  
14 Victoria is the impact of the Great Dividing Range so you  
15 will get another bend in the change as it moves through the  
16 state. So it generally slows down a bit, but it also can  
17 get an increase in speed due to other meteorological  
18 factors and I won't claim to be an expert in that area.  
19 But as we see it there, that's the bend and the front as it  
20 crossed Victoria?---That's the information we got from the  
21 Bureau.  
22 Just returning to the Weerite fire, you indicated that this  
23 fire, once the front hit it, then, I take it from what we  
24 have discussed this morning, the front or the easterly  
25 flank became the front of the fire?---Yes, to a substantial  
26 effect, but not completely, as you can see.  
27 Was there new concern about this fire as far as communities or  
28 townships were concerned?---The initial concerns were  
29 two-fold: one, the community of Swan Marsh, which is  
30 further down to the south-east - it is probably hard to see  
31 - and the other section is - the other issue of concern is

1 to the east of this area is an area that we would call "the  
2 stony rises" which is countryside of raised basalt lava  
3 flows and once fire enters into those areas, it is very  
4 difficult to control, tidy up, find an edge. So that would  
5 be quite difficult. So a combination of impact. Thirdly,  
6 the fire impacted on the Warrnambool-Geelong railway line  
7 and the fire was basically adjacent to the Princes Highway.  
8 And you make the comment at para.71 of your statement that this  
9 fire followed the same sort of conduct in relation to its  
10 course and intensity as the Coleraine fire?---If you put  
11 the two side by side, they roughly look the same except  
12 they're slightly - obviously, one is more east than the  
13 other and at a slightly later time, and the impact of the  
14 south-westerly wind change is roughly similar.  
15 On the basis of the first call at 3.17, by comparison, when was  
16 the first warning or alert in relation to these  
17 fires?---I'm advised that looking at the data, that at 1415  
18 an urgent message was posted on the website in respect to a  
19 range of locations including Swan Marsh.  
20 1425 is indicated?---Yes. This is a very good example of where  
21 we have some information. When we validate it further, got  
22 the downloads, it is out by a few minutes.  
23 Thank you. And that fire was contained the next day?---Well,  
24 the fire was actually stopped at 1635, so this is an  
25 example that I gave previously about the head of the fire  
26 being stopped, a whole lot of work being needed to be done  
27 before they were happy to call the fire contained, which  
28 was at just after midday on the following day.  
29 As far as the suspected cause of this fire?---The suspected  
30 cause of this fire is powerline assets.  
31 And the incident control centre was where?---At Colac, at a DSE

1 facility, and CFA were the control agency.

2 Again, you refer in your material to conditions prior to the  
3 change, the north-westerly wind between 61 km/h gusting to  
4 85 km/h?---That's correct. That's from the Mortlake  
5 automatic weather station which is to the north-west of the  
6 location of that fire.

7 And after the change of south-westerly wind from 46 km/h gusting  
8 up to 72 km/h?---Correct.

9 And throughout the fire danger index remained in excess of  
10 100?---Yes.

11 Mr Rees, what we have seen thus far are three Western District  
12 grass fires and two, as you have indicated, have been very  
13 close or very similar in the way in which the fires have  
14 burnt. I just wonder with that, in essence, despite the  
15 day and the magnitude of the fire risk of the day, these  
16 fires burned in a manner that you could have anticipated,  
17 having regard to the wind conditions and the change; in  
18 other words, in that sense they acted as one might have  
19 predicted?---Relatively that is correct. The caveat I  
20 would put on the issue of prediction is the ability of  
21 suppression to be effective which would be a function of  
22 the actual fuels in the location at the actual time. So  
23 whilst you could apply a general rule and you could argue  
24 that it was a general style of a Western District grass  
25 fire, if, for instance, fuels had been lighter for a  
26 particular fire, and I would suggest that the Vectis fire  
27 indicates that, that some capability to hold the eastern  
28 flank was evident in that circumstance.

29 In the Coleraine fire and the Weerite fire with the  
30 south-westerly change consistent with what could be  
31 predicted, the easterly flank became the front of the

1 fire?---Yes.

2 I just wonder if those fires were looked at and the course and  
3 conduct of those fires were looked at when you came to  
4 examine the other fires that were burning on that day; in  
5 other words, is there a lesson to be learned out of the  
6 conduct of what had happened in the Western District with  
7 the south-westerly change hitting the fire and, if you  
8 like, the elongation of the eastern front of the  
9 fire?---Whilst each fire has to be treated independently  
10 and in respect of the fuel that is available, the timing of  
11 the wind change relative to the two factors of the point of  
12 origin of the fire and the progression of the fire at the  
13 time - for example, if the fire had started very close to  
14 wind change time, the fire shape would be radically  
15 different to a fire that has been running for many hours  
16 and then be subject to the wind change.

17 The change for the Weerite fire hitting Mount Porndon at about  
18 1415 (quarter past two) gave, I suggest, an indication to a  
19 firefighter such as yourself of the potential to what that  
20 fire might do to other fires burning in Victoria?---That  
21 would be correct.

22 Again, if we go to the Kilmore East fire burning from Sandersons  
23 Road, and we will go to it in a minute, but the line scan  
24 of that fire that was taken at 12.33 projecting or  
25 predicting that fire, you could have anticipated that the  
26 eastern front or the eastern flank of that fire would  
27 become the front of the fire?---At some stage that would be  
28 possible and I say that with the understanding that at that  
29 time, roughly the time of that line scan, if I recall, the  
30 wind change had not yet entered the state. In fact, either  
31 it had not yet entered the state or was not in the state -

1 so the actual timing would not yet be able to be estimated  
2 right at that point in time.

3 But whilst the change may not have entered the state at 12.33,  
4 nevertheless, from what was happening with that fire, the  
5 lessons and what could be anticipated in relation to the  
6 impact of the south-westerly change could, I suggest, at an  
7 early stage be predicted?---There would be an indication.  
8 You could make some sort of judgment.

9 If we perhaps turn to that fire. It was a fire that was first  
10 reported on CAD at 11.59 ... sorry, 11.49?---11.49, yes.  
11 It was responded to by the CFA when?---Basically at exactly the  
12 same time and five local brigades were alerted at 11.49.  
13 At the time of the report it was burning west of the Hume  
14 Highway and east of the Sydney-Melbourne rail  
15 line?---That's correct.

16 At that ignition point there (indicating). You say the response  
17 was with five units initially?---Five brigades.

18 And the initial report of this fire, as I understand it, came  
19 from the Mount Hickey spot attack?---There was duplicate  
20 reports so the reports from the tower and from 000 calls.  
21 Just where is the Mount Hickey tower?---I'm not a hundred per  
22 cent sure. I know where most of them are but I'm sorry,  
23 Mr Rush, I can't tell you for certain.

24 And the suspected cause of this fire?---Were powerline assets.  
25 From the initial brigades being despatched, was there a request  
26 for further support soon thereafter?---Yes, almost  
27 immediately. Our records show 12.02.

28 Are we able to bring up from the 11.49 to perhaps around 12.30  
29 the ESTA calls in relation to this fire. We are at 1.21  
30 there and we have calls coming down the western flank of  
31 the fire?---At this point in time it is not necessarily the

1 western flank of the fire, okay?

2 Can we get a direction on that, then?---What I am saying is what  
3 you are looking at is a map of how the fire is now; it is  
4 not necessarily a map of how the fire was at that point in  
5 time.

6 So we have got calls there until 1.21 and what has come up, the  
7 reports - so we have got Kilmore East starting up the top  
8 at 11.49 and then moving down there is a call at Wallan or  
9 a couple of calls at Wallan, a false alarm at Whittlesea  
10 and false alarms at Arthurs Creek and St Andrews. Have we  
11 got times for those?---Somewhere about 1.30.

12 In your statement you refer to a line scan being undertaken of  
13 this fire. Can you just explain to us what a line scan is  
14 and how it is conducted?---Between CFA and DSE we contract  
15 various aircraft - there is actually a pair, but generally  
16 only use one - an aircraft is what is called a line scan  
17 aircraft which is an aircraft that flies across normally at  
18 reasonable altitude and takes an infrared picture of the  
19 land and from that you can determine the variances in heat  
20 arising from the land surface and whilst I am not an  
21 expert, my understanding is that the difference in heat can  
22 be interpreted to relate to wildfire or items burning and  
23 from that you are able to make a composite picture of the  
24 edge of the fire, realising that the edge of the fire is  
25 generally hotter than the inside of the fire and from that  
26 point draw, in effect, transpose that from being a digital  
27 electronic computer image to position that geographically  
28 on a map.

29 And so is what is depicted there the line scan once transferred  
30 into the map?---I'm not sure whether that is the actual one  
31 so I am not going to say that is the actual one, but that

1 is what it looks like, yes.

2 Perhaps if you could have a look at SUMM.035.003.0048 which is  
3 one of the maps that has been summonsed from Dr Tolhurst.  
4 I understand it is in the commission folders. If we could  
5 bring it up on the screen?---Excuse me, can you say the  
6 number again?

7 Yes. It is N0048 and I think it has got a handwritten 15 in the  
8 top right-hand ... ?---Yes, thank you.

9 We will see if we can get it up on the screen. There we have  
10 it. The hatched area in the map - first of all, let's go  
11 to the heading on the map. You are looking at Kilmore  
12 East, Saunders Road, Clonbinane Equestrian Centre, 1233  
13 hours, line scan of 7 February?---Correct.

14 And the hatched area in that map I suggest indicates the area of  
15 the fire as demonstrated in the line scan which was taken  
16 from the aircraft?---As best as that equipment is capable  
17 of determining that, yes.

18 Just so we understand it, the line scan taken by the aircraft is  
19 transmitted. It doesn't require the aircraft to come in  
20 and land, it can be transmitted from the aircraft, can it  
21 not, to centres for interpretation such as this?---As I  
22 understand it, it is transmitted to the ground to various  
23 collection points - radio bases for want of a term - and  
24 that is then sent back, picked up, analysed and turned into  
25 a map such as this.

26 If you take it that this was a line scan that was generated at  
27 the IECC on 7 February concerning the picture, if you like,  
28 infrared, that was taken by the aircraft at 12.33, did you  
29 see it?---I can't recall. I can't recall whether I saw  
30 this actual map and it is worth noting that it was produced  
31 at 1340, down the bottom right-hand corner, even though the

1 line scan was taken at 12.33; so at very best this was  
2 available at 1340.

3 That's not quite right, is it, Mr Rees?---Well, that's how I  
4 understand it.

5 This is a map produced by Dr Tolhurst at that time. The  
6 availability of it in the IECC is something I would suggest  
7 that would precede that at least and is at a time that is  
8 yet to be determined?---I'm not sure of that and I'm not  
9 trying to ... all I am trying to say is that if I saw this  
10 map, it would be made at that point in time.

11 So whilst this map, as you correctly (and thank you) point out,  
12 was prepared at 1340, if we take it that it was prepared by  
13 the fire behaviour experts that were in DSE or in the IECC  
14 at that time, it would necessarily be preceded by that  
15 information?---Yes, there would be information. It would  
16 be put into a map form of some sort by the mapping people.

17 Is it not something, the line scan, that would be brought to  
18 your attention?---Not always, no.

19 Should it be?---From time to time it is. I'm more concerned  
20 from my perspective to knowing that the other people have  
21 it and the incident control people. Even if the technology  
22 doesn't give it to them, they get the indicators of the  
23 line scan, if you can understand.

24 So who in the IECC should be responsible for keeping an eye on  
25 this sort of material?---Within the IECC there is a  
26 situation unit and the situation unit people would be  
27 looking to get mapping of any sort which includes this, so  
28 any sort of mapping so that they can disseminate it across  
29 the IECC to the critical people, which would include duty  
30 officers, information unit and other people who are  
31 responsible for sharing the information.

1 So where does the responsibility for ensuring that is carried  
2 out; where does that rest as far as your deputies or state  
3 duty officers are concerned?---The state duty officers, and  
4 there is a person who coordinates the IECC functioning, so  
5 that becomes a functioning of the unit leaders in the IECC,  
6 that is, the situation unit leaders; the duty officers to  
7 get that information whenever it is available; and I can't  
8 say what actually was said or transpired between them to  
9 get or to receive that information.

10 You indicated this morning that you weren't aware of  
11 Dr Tolhurst's presence in the IECC or you can't remember it  
12 on that day?---I cannot recall whether he was there on that  
13 day, realising there are many days in that event that were  
14 around. I just can't recall. I knew he had been there,  
15 yes.

16 Who is responsible for inviting him or getting him in  
17 there?---It is part of the whole coordination centre  
18 pre-planning that we try and bring people in and build to a  
19 readiness level, so there is a range of people who are fire  
20 behavioralists; and so at certain trigger points we would  
21 be seeking to either get them or have them available for us  
22 should we need them.

23 So do you know how the skills of Dr Tolhurst and others who may  
24 have been there associated with him were used on this day  
25 in relation to the prediction or projection of fire?---Not  
26 in respect of Kilmore, no.

27 It is fair to say, is it not, that at this stage, having regard  
28 to all the conditions, that for a firefighter seeing the  
29 way in which that fire has progressed, its demonstrable  
30 head of the fire and where it is going, that would be a  
31 fire of some concern?---It is a fire of concern,

1 remembering that there are multiple fires of concern across  
2 the state and my duty is to look at a total state  
3 perspective and not particularly zero in on one fire and  
4 one fire only. If I do that, I'd run the risk of losing  
5 the perspective that is my role, which is a strategic  
6 overview of the state and managing the whole state as part  
7 of my duty.

8 When we look at warnings as we will for this fire, it is  
9 possible to make predictions of the course of a fire, based  
10 on fuel, based on weather, based on wind, based on all the  
11 factors that we have spoken about this morning?---Yes.

12 And that, as you have indicated, at first level falls within the  
13 incident control centre and I take it the planning officer  
14 at the incident control centre?---Remembering at this early  
15 stage the incident control centre would be ramping up; it  
16 would have a multitude of tasks it would be trying to  
17 implement, but in a smooth running fully operative centre,  
18 yes, that is part of the planning function of incident  
19 control, to make an assessment of the situation.

20 And would not such an assessment also be made at the IECC when  
21 information like this is received?---To a greater or lesser  
22 extent; as long as we had the information, yes.

23 Were you aware of the prediction made by - and I can't say at  
24 this stage although I will have evidence in a couple of  
25 weeks' time - made by either Dr Tolhurst or one of the  
26 people working with him, of where the Kilmore East fire had  
27 the potential to spread based on the 12.33 line scan?---No.  
28 I am now aware that there was a map produced, but I was not  
29 aware on the day.

30 And the map that you are now aware of - there are two - if we  
31 can go to 0047 which has "19" in the right-hand corner.

1 Just reading across the page, at the heading you are  
2 looking at the Kilmore predicted fire spread, 1400 hours,  
3 7 February to 2100 hours, 7 February, map produced  
4 7 February 2009, 5:43:42; so at 5.43 pm?---Yes.  
5 You see in the top left-hand quadrant of that map you have the  
6 line scan of 12.33?---Yes.  
7 And then moving out from that line scan of 12.33 are various  
8 lines drawn around the perimeter, if you like, but various  
9 lines showing the potential prediction of fire spread of  
10 that fire through 1400 to 2100 based on the information of  
11 the line scan at 12.33?---Yes.  
12 For example, if we look at the first line at 1400, that is a  
13 line that extends from just below Clonbinane to Upper  
14 Plenty, extending out to the line at 2100 which takes in  
15 Kinglake West, Pheasant Creek, Strathewen, St Andrews,  
16 Smiths Gully, down around Watsons Creek, all the way around  
17 to Diamond Creek?---Yes, that's on the map.  
18 Just to put it in another context, there is a further map  
19 generated at no.20 which is 0046 which is the Kilmore  
20 potential fire impact zone, 1400 hours to 2100 hours, and  
21 that sets out the outer ring, if you like, of the potential  
22 impact zone of that fire?---I can only assume so.  
23 Looking at it now, and I appreciate the enormous benefit of  
24 hindsight, but with the potential to generate that sort of  
25 prediction in the IECC, firstly, is it not something that  
26 should be fully utilised on the day?---I cannot say the  
27 extent to which this information was or was not utilised.  
28 I would have hoped that that information was available to  
29 as many people as possible for which to make as much wise  
30 decisions, given that the actual information they knew,  
31 what they knew about the fire at the time, may not have

1           been anything like this prediction.

2    In what sense?---Well, there was a prediction made of this fire  
3           on the previous map. That prediction assumes no  
4           suppression performance at all so there is that prediction  
5           that is limited by there. Secondly, what I am saying is  
6           they are trying to get information on what is actually  
7           happening at the same time. So I would see those two being  
8           put together to make a determination about what needs to be  
9           done, not to exclude one from the other.

10   As I understand the predictions here of the fire behaviour  
11       analysts, they feed into this sort of material the  
12       prevailing wind, the nature of the topographical nature,  
13       the fuel; all that material goes into this sort of  
14       prediction, the impact of the south-westerly change, but  
15       again, as far as you were concerned, to your knowledge you  
16       knew nothing about it?---I certainly did not see these  
17       maps.

18   They could be very significant in relation to warnings?---They  
19       are significant in relation to a number of matters in  
20       determining the strategy for firefighting.

21   Sir, I desire to tender a bundle of projection plans. The  
22       reference for tender, Your Honour, is as a consequence of  
23       summons, .035.003.0031-0061, but the particular plans are  
24       the line scan plan of 7 February 2009 at 1233 hours which  
25       is SUMM.035.003.0048; the Kilmore predicted fire spread  
26       1400 hours to 2100, 7 February 2009, SUMM.035.003.0047 and  
27       the Kilmore potential fire impact zone, 1400 hours to 2100  
28       at SUMM.035.003.0046.

29   #EXHIBIT 5       - Line scan plan of 7/2/09 at 1233 hours (SUMM  
30                      035.003.0048);  
31                      Kilmore predicted fire spread, 1400 hours to  
                      2100, 7/2/09 (SUMM.035.003.0047); and  
                      Kilmore potential fire impact zone, 1400-2100  
                      hours (SUMM.035.003.0046)

1 CHAIRMAN: I take it there are three maps there.

2 MR RUSH: There are three, sir.

3 CHAIRMAN: At this stage the transcript will record the details,  
4 but Exhibit 5 is three maps.

5 MR RUSH: In relation, Mr Rees, to the prediction, and I am  
6 reading from an article in The Australian, on "Inside  
7 Story" of 14 February 2009 by Messrs Cameron Stewart and  
8 Corey Perkin which states this - I will hand you up a copy  
9 ... you see at the bottom of p.2 of this extract the  
10 journalists refer to the IECC as the war room; is that its  
11 nickname?---No, it definitely is not, no.

12 At the bottom it says this: "Even though Waller, Rees and  
13 Esplin say they had a sense of dread early on about the  
14 Kilmore fire: 'I knew that was a dangerous place for  
15 fire', Esplin said, 'a lot of tree changes have moved into  
16 areas around there and it is difficult firefighting  
17 country. I had a feeling of here it comes'. Waller says,  
18 'As soon as we saw that Kilmore fire, in a very short time  
19 we knew we had a real problem. It was running towards  
20 populated areas. You could run a ruler along where it was  
21 going to run. You knew straightaway".

22 Is that the feeling that you had about the Kilmore  
23 East fire?---I had a feeling ... it is interesting you use  
24 the word "feeling". I prefer to use the word judgment or  
25 assessment. My assessment was that the fire was going to  
26 run obviously south-east. There was an issue in my  
27 assessment even though it would be rudimentary, in the  
28 sense that I didn't have anything available to me in terms  
29 of that mapping or whatever, that it would run in that  
30 general direction. The degree to which it would run and  
31 the distance it would reach I didn't make a judgment.

1 From your perspective, having formed that, I take it, fairly  
2 early judgment in relation to this fire, as in the sense of  
3 the position that you hold on that day at the IECC, how do  
4 you then monitor the fire, having regard to the initial  
5 judgment that you formed?---As best I can by looking at IMS  
6 updates which informed me of various places where the fire  
7 is, both in text, that is, people writing in information,  
8 nearly always out of the regional coordination centre,  
9 through advice and briefings that come to me through the  
10 state coordinator, state duty officer, by conversing with  
11 Ewan Waller, as I indicated previously, about what was his  
12 knowledge coming through the DSE duty officers or any other  
13 source of intel at that point in time and any mapping that  
14 might be available that was there, including any what we  
15 call "ground observer" information where somebody is  
16 reporting in information about where the fire is; so we  
17 would have a fair idea or an idea of where the fire might  
18 be probably in these sort of circumstances limited to a  
19 number of points.

20 Do the quotations that I have read to you from the article in  
21 The Australian represent the way in which you thought about  
22 this fire at an early stage?---I thought about it as being  
23 a fire of very severe potential but I also thought about it  
24 in the whole picture of the state, about the severity of  
25 the state and I thought about it in terms of the ability  
26 for us to deploy resources to manage that fire and protect  
27 the communities around it.

28 As we have seen from the Google map, the fire was reported at  
29 11.49. Was it ever under control?---Not on the 7th, no.  
30 Perhaps if we can go back to the Google map. You were unable,  
31 as I understand it, to put aircraft on to this fire because

1 of the wind conditions?---My understanding where aircraft  
2 responded, I haven't got any information to say whether the  
3 aircraft were effective or not, it needs to be understood  
4 that the heavier the helicopter, the bigger, more powerful,  
5 the more likely they are able to work. I have seen some  
6 information from one of the air attack supervisors who  
7 operated on that day over the fire. Understand an air  
8 attack supervisor is a person in a lighter helicopter that  
9 directs responses there. The heavy helicopters operated  
10 over this fire from what I read, although I don't have  
11 details, for some time.

12 Do we have fire icons for this fire showing the progress of the  
13 fire?---Could I make a comment about the icons, please?

14 Yes?---These are an estimate of what we think happened.

15 Thank you. Based on the sort of information that we have seen  
16 on telephone calls to ESTA and reports coming in that are  
17 entered on the IMS of CFA?---And part of fire  
18 investigation. There has been some review of statements  
19 collected as part of Project Phoenix to try and look at  
20 points where somebody said, "The fire was at my place at  
21 X". The question arises, of course, from those and the  
22 difficulty of validating that as being absolutely correct.  
23 Did they note the correct time and the how and the means,  
24 but also was it in fact the fire or a spot fire is always  
25 open to question.

26 So the initial icons represent the fire at around 11.49, the  
27 ignition point of the fire, and can we track that from the  
28 information sources that have been available to you; so at.  
29 1400 ... if we can perhaps just go back a little bit, so  
30 what we see there is, if you like, between 1400 and 1430  
31 the progression of the fire and below that, spotting of

1 that fire into areas as a consequence of the wind?---Yes.  
2 Our indications are at this point in time, and I want to  
3 emphasise that, is that there were spot fires around the  
4 Humevale area, between somewhere around 1500 to 1630, and  
5 the Pheasant Creek area around a similar time and also down  
6 into that Strathewen area at the same time.

7 What time did you say?---We think 1530 onwards and so you have  
8 got the fire coming down, the main fire, but also throwing  
9 quite some distance ahead into reports of spot fires down  
10 as far as Strathewen, we think at best estimate at around  
11 1530.

12 And the sort of country that this fire was burning  
13 on?---Particularly early on there was some plantation  
14 country. There was some plantation to the west of the Hume  
15 Highway, some pine plantation, then some grassland area and  
16 then into plantation country and mixed forest species. I  
17 am no forestry expert, but through the Mount Disappointment  
18 area north of Whittlesea and spotting down into the forest  
19 into the Yarra Ranges National Park, Kinglake National Park  
20 or the area to the south of Kinglake.

21 Mr Rees, with a spotting of a fire of this nature in that sort  
22 of terrain, in the conditions that existed on 7 February,  
23 the spot fires themselves are capable of creating their own  
24 fire activity of quite substantial intensity and  
25 impact?---Yes. The first point is that they also would be  
26 covered potentially in quite a bit of smoke from the main  
27 fire if they are directly downstream in line so detection  
28 could be difficult, but as well as that, under the wind  
29 conditions, the fuel conditions, they would develop very  
30 rapidly into quite significant fires in their own right.

31 So does that represent the fire activity as best it can be

1           ascertained at this stage to 1530?---Yes. As good as what  
2           I can compare my notes to the picture.  
3       Perhaps if we can go on for another half hour to 1600. So  
4           again, what we are seeing are phone calls, amongst other  
5           things, in relation to the fire and the fire extending,  
6           continuing down, if you like, in its front and by spotting  
7           activity; where it is at 1600, what is the nearest locality  
8           to that?---The advice I received from the people who were  
9           investigating this fire is that it was down towards the St  
10          Andrews, north of St Andrews area, that it had spotted into  
11          that area sometime between 1600 and 1700 hours.  
12       Were those fires attended by CFA units, do you know, when they  
13          were - - - ?---I am aware that there was a range of  
14          firefighting vehicles in and around that area, what you  
15          might call the - I know it sounds odd, but the bottom end  
16          of the fire, you know, the southern side of the fire, in  
17          that St Andrews area running through that part of the  
18          bottom end of the fire.  
19       I think at para.16 of your supplementary statement, you indicate  
20          ... I will find it, but you have indicated that the - I  
21          think it is in para.20 ... paragraph 20 in the third line  
22          you say: "By the time the fire had reached the  
23          Whittlesea-Yea road, the fire was reported to be  
24          approximately 6 km wide. Spot fires were reported at  
25          Humevale, St Andrews, Steels Creek, which are all below the  
26          ridge line."  
27                 So at that stage you have a fire out of control,  
28          obviously, if it is fronting at that sort of dimension and  
29          an eastern flank of the fire that has the potential  
30          obviously to be impacted by the south-westerly  
31          change?---Yes.

1 Then just to follow for the moment the progress of the fire,  
2 throughout this fire you had winds prior to the change that  
3 were gusting and varying, as you say in para.20, between 60  
4 and 90 km/h. Would I be right in saying, Mr Rees, in the  
5 nature of the day with everything that we have spoken about  
6 and an index or an indice that is in excess of 100 makes  
7 any form of containment of the fire at this stage well-nigh  
8 impossible?---Certainly containment of fire in the forested  
9 areas. You may be able to do some limited suppression in  
10 the grassland - you know, when the fire came out onto the  
11 grassland, but it would literally be to protect small  
12 segments of the fire edge, it would not have any impact on  
13 the forward progression of the fire at all.

14 Then having regard to the progress of that fire, from the line  
15 scan at 12.33, was the IECC - we're going to call with the  
16 incident control centre in due course, but was the IECC  
17 aware of the progress of this fire?---As much as they were  
18 from the intelligence that was able to be gained about that  
19 fire.

20 So what does that mean in the context of the awareness of the  
21 IECC of the progress of the fire? Were they aware, for  
22 example - I know it is easy in this room to look at 1600  
23 and see the fire, but was there an awareness in the IECC  
24 that that had been the progress of the fire?---I cannot  
25 speak for everyone, but my understanding was that we were  
26 aware that this fire was spotting quite a considerable  
27 distance down into those sort of locations that were  
28 mentioned.

29 But in relation to the fire burning out of control with a 6 km  
30 front, was there an awareness of that?---The 6 km front I  
31 recall - I'm not sure where that came from. It may have

1           come from an IMS entry, it may not; if it was in an IMS  
2           entry, then the IECC would be aware of it.

3   Then if warnings from the incident control centre are not  
4           matching the knowledge that is held by the IECC, if that  
5           situation is in the IMS at this time, what does the CFA and  
6           the IECC do then?---It would be seeking to clarify what is  
7           - doing our very best to try and clarify what is going on,  
8           you know, to try and get the very best picture, realising  
9           the enormous workload that is happening with the multiple  
10           fires across the state, not just the ones we are talking  
11           about in this process, but in reality that there were 1300  
12           other IMS entries for that day gives you some idea of the  
13           magnitude of what that day is doing - trying to clarify as  
14           best as possible what is going on and whether our  
15           responses, not just the giving of information to the  
16           community, but our responses in total are in consort with  
17           what is, as best as we can judge, the reality of the  
18           situation.

19   But the core responsibility, is it not, is to the community and  
20           to warn the community?---If we have the information that is  
21           available, we will do our very best to communicate that,  
22           absolutely.

23   So would you anticipate that between 1500 and 1600, warnings  
24           should be taking account of what can be predicted of this  
25           sort of fire, its rate of progress, and the impact of the  
26           south-westerly change?---As best as possible.

27   And did they?---As indicated in my statement, there were a range  
28           of warnings given through that afternoon for this fire.

29   I know you have said there were a range of warnings and I am  
30           asking you to comment as to whether those warnings  
31           adequately dealt with the situation that existed between

1 1500 and 1600?---I would need to look very closely at my  
2 notes and the statements, but all I can say is that at the  
3 time people did the very best to give that information from  
4 the information they had.

5 I know, and we have said this, it will be a precursor to other  
6 evidence, but let me put this question: surely you have  
7 been back over the warnings in the context of what we are  
8 looking at in the Royal Commission at the moment and made a  
9 judgment as to whether those warnings reasonably reflect  
10 the situation as it was known at the time?---The official  
11 warnings clearly were very, very close in terms to the  
12 actual events; in other words, the time frames are very,  
13 very tight in the getting of information and the issuing of  
14 warnings.

15 Do I understand by that answer that the warnings were being  
16 issued very close to the time at which fire events were  
17 happening?---Yes.

18 And so if we accept that, it would be fair to say, would it not,  
19 that the warnings to the community were not - they might  
20 have kept up with the events but were not far ahead of the  
21 fire to be adequately informing and warning the  
22 community?---It needs to be understood two things: first  
23 of all, there is the official warning and the urgent threat  
24 warning, as we covered this morning, says that you are  
25 about to be impacted. The urgent threat warning is not a  
26 message to people that now is the time to leave; in fact,  
27 quite to the contrary, it is saying the fire is about to  
28 impact on your area. The second matter is that there were,  
29 on a number of occasions on that afternoon and whilst I  
30 haven't seen the transcript, I know that there were various  
31 officers of CFA and DSE on ABC and 3AW radio talking at

1 length about the potential and where that fire could go and  
2 the likely communities that could be impacted. If we only  
3 focus on the official warning on the website, we run the  
4 risk of not getting the complete picture of the  
5 communication that was sought to be given to the community  
6 not just by various other means and we know that people -  
7 whilst I haven't seen all of the ABC and 3AW extracts, we  
8 know and we hope that evidence will be able to be given  
9 about the precise nature of those over time.

10 So are you saying that there is the potential for warnings to be  
11 better on 774 than on the website?---No, I am saying that  
12 communication to the public on the radio could include some  
13 other detail, not just what the official warnings are.

14 But the official warnings of the CFA are contained on the  
15 website and I suggest many people would go to the website  
16 of the CFA for those warnings?---People will go to the  
17 website; people will listen to ABC Radio; there is a  
18 variety of ways.

19 But as I understood just what you said, Mr Rees, there is a  
20 potential for people to be better informed by what an  
21 officer might be saying on 774 than there is by reference  
22 to the website?---That could be the case in certain  
23 instances.

24 If we can just continue to look at the progress of this fire.  
25 Perhaps if we can go on to 1700. Again, this is prior to  
26 the change and the fire has continued to spot forward in  
27 the locality of the bottom icon and again I know you have  
28 made this point and to emphasise it, this is all very  
29 orderly in this room, but it was - the fire is spotting all  
30 over the place I think you said at 7.45 on 774 or words to  
31 that effect?---It is very, very difficult to describe it in

1 a geographical spatial sense, but fires are occurring in  
2 multiple places. Some spot fires are joining up together.  
3 In some locations the head fire, the main fire, is catching  
4 up to the spot fire so you have got almost this rolling  
5 effect happening across the landscape and our indications  
6 are that at around 1800 there are spot fires down in the  
7 far - - -

8 We are up to 1600, you are going forward to six

9 o'clock?---Sorry, I thought you had gone through to 17 ...  
10 that's at 1700.

11 Sorry?---1700 to 1800, the spots are down in St Andrews, the  
12 fire is getting very close to the Steels Creek area which  
13 is east of St Andrews. We know there are spot fires by  
14 this time away down into the bottom end of the Yarra  
15 Glen/Healesville area and burning in that Yarra Glen  
16 towards Gruyere; so there is a range of fires appearing at  
17 that bottom end of this main fire.

18 And, Mr Rees, this is in territory or country that is  
19 particularly prone to fire with forested area where we are  
20 down the bottom of that - - - ?---Some of it is; some of it  
21 is actually coming out of the grassland of the Yarra Valley  
22 and some of it is in the forest itself. This forest is  
23 very dry. It is not always very dry, but because of the  
24 long drought conditions and the extremely hot January as  
25 previously I think everyone is aware, that that forest is  
26 very dry.

27 What we are seeing and the progress of the fire through to 1800  
28 is a fire that has as yet not been impacted by the  
29 change?---If I can just take a moment.

30 I think you say in para.21 that the change came between 1800 and  
31 1900?---Yeah, that's what I was just checking, to make sure

1 my facts were correct.

2 What we are looking at there down at 1800 is the course of the  
3 fire unaffected by any wind change. What would you  
4 anticipate, looking at that, would happen with the  
5 south-westerly change?---I think I indicated in my  
6 statement that because of the type of countryside that it  
7 was burning through, suppression or control or restriction  
8 of the eastern flank is almost impossible.

9 So from approximately a 6 km front heading down to the  
10 Healesville area, the front then becomes the eastern flank  
11 of that fire?---Virtually the entire eastern flank would  
12 become the front of the fire.

13 And so if we can have the icons with the impact of the change  
14 after 1800. Again, going back to what we spoke about this  
15 morning, the likelihood - and you might be able to comment  
16 on whether it happened - with the south-westerly change,  
17 that the fire activity would be greatly impacted and the  
18 fire would take on an erratic but much more intense course  
19 in the immediacy of that change?---Yes.

20 And it did?---Yes; but also impacted by the terrain that  
21 presented in a number of locations along the edge of that  
22 fire.

23 And so again are they those ESTA calls that are coming in in the  
24 little squares to designate the progress of the fire?---We  
25 need to be careful in making the automatic assumption that  
26 they are the process of the fire. They are simply the fact  
27 that someone has called in and reported fire. So it may be  
28 that a spot fire has landed in their backyard so it may not  
29 be the progress of the fire, but when you put them  
30 together, they give an indication and it is reasonable to  
31 make that assumption when you get multiple-type calls.

1 Perhaps when we get to around 1800, so we are watching the front  
2 move through and if we can play the calls and if we can put  
3 the icons back over the calls. So we are running up to  
4 approximately nine o'clock.

5 If we can just stop it there. That has a very great  
6 similarity to the projection or the prediction that was  
7 generated in the IECC over the course of the afternoon of  
8 7 February?---I haven't got the map in front of me, but I  
9 think it has probably run a little bit more south-east than  
10 what it has run south on that map, if you understand me.

11 If we look at the times ... ?---Sorry, I was referring to the  
12 shape. If you look at this fire, the shape of this drawing  
13 (I realise I am showing you this) is a much more  
14 north-south run than a north-west south-east run.

15 In relation to a south-westerly change, it encompasses the areas  
16 that are depicted on the Google map?---I would have to say  
17 generally yes, but not completely so.

18 You indicate, Mr Rees, at para.24 of your statement that the  
19 fire went from Strathewen, Humevale and then headed  
20 generally north to Kinglake, across the Melba Highway  
21 towards the settlement of Glenburn, but the fire didn't  
22 join the Murrindindi fire on 7 May. Are we able there to  
23 track that progress of the fire as best we can on the  
24 Google map from Strathewen north through Kinglake and give  
25 approximate times, and if we slow it down when we get  
26 around the approximate times?---I think we need to  
27 appreciate the limitations that are here, that they are  
28 literally icons and that there are multiple fires in that  
29 area. To simply assume that it's progressing in a line - I  
30 know we have had a lot of discussion about this - it is a  
31 very hard thing to represent graphically and spatially like

1           this.

2   When did you understand the fire impacted on Kinglake?---My  
3           understanding is Kinglake somewhere around 1830 to 2030  
4           hours and that is after the change and that the fire is in  
5           what I will call the Strathewen/Steels Creek area prior to  
6           that.

7   What time did you understand it to be in the Strathewen and  
8           Steels Creek area?---Strathewen spot fires, as I described  
9           earlier, from 1530 on. There is an indication I have been  
10          given that the main fire made it to Strathewen at about  
11          1800 or thereabouts, understanding this rolling impact of  
12          the main fire and the spot fires, but that the main fire  
13          was down in Strathewen ... sorry, in St Andrews, the  
14          northern area of St Andrews, around 1800 to 1830.

15   Which ICC had responsibility for the Kilmore East fire?---At  
16          this point in time it was a very complex fire fight as you  
17          can imagine with the size of this fire. The Kilmore ICC  
18          still had control of this fire with divisions, which is a  
19          sub-set of the instrument control system operating at  
20          Whittlesea and at Kangaroo Ground, so down the fire line.  
21   So Kilmore East still had ultimate control?---At this point in  
22          time.

23   But there were other incident control centres at Whittlesea and  
24          Kangaroo Ground?---No, particularly Kangaroo Ground.  
25   Particularly Kangaroo Ground that have what  
26          responsibilities?---They were operating as a division so  
27          they would be taking charge of a particular part of the  
28          fire and determining strategy and effecting response for  
29          that part of the fire, but ultimately working back to the  
30          one ICC.

31   What strategy, having regard to that fire, can be adopted for

1 its containment through the course of this timing through  
2 to 1800/1900?---You are operating - I will just make sure I  
3 get this right - you are operating in a very defensive  
4 mode, asset protection. We sometimes call it guerilla  
5 firefighting, that is, wherever you are able to take an  
6 offensive approach, you do. Your strategy cannot be linear  
7 in type because you can't get a linear approach to the fire  
8 because of burning in and out of particular fuels and is  
9 behaving erratically, i.e. spot fires here and there, so  
10 you are seeking to protect assets, you are seeking to  
11 protect an edge of the fire so that you can protect the  
12 community potentially, so if you could protect maybe a 1 or  
13 2 km line of the fire so that it didn't go in a particular  
14 direction, and so it would be very much about protecting  
15 and taking advantage wherever you could and wherever the  
16 circumstances allowed.

17 Is there a side of that fire you would not be putting  
18 firefighters on?---You would have firefighters on the  
19 north-east side, but you wouldn't have them on the fire  
20 edge and seek not to unless they were safe during the  
21 period of the wind change.

22 So with the anticipation of a wind change, the idea of trying to  
23 contain that side or flank of the fire would be ... ?

24 ---Very problematic or basically impossible except if the  
25 fuel conditions allowed it.

26 Again, having regard to that situation, do you say on your  
27 review of the warnings to those communities on that side of  
28 the potential wind change were adequate?---Hindsight is a  
29 terrible thing as you know. In my view, they were as  
30 adequate as they were on the day given the information that  
31 people had; and we know that, for example, in certain

1 places, whilst the official warnings may have been very  
2 tight, pushed up against the actual fire behaviour, at the  
3 time, at the specific location, that there was a range of  
4 other information that was provided through interviews and  
5 whatever about the likely scenario; so not just a warning,  
6 but a description of the likely scenario and I believe if  
7 we can do that analysis, that will help.

8 As a layman, Mr Rees, and I look at that map at 1600, I ask,  
9 having regard to everything we have spoken about about the  
10 prediction of fire and the impact of change, I just pick an  
11 example, why wouldn't a warning be given to Kinglake at  
12 1600?---The warning was given, as I suspect you know, at  
13 around 1755 to Kinglake. That's the urgent threat official  
14 warning. I do know that at 1639 one of our officers spoke  
15 on ABC Radio about the risks to Kinglake at that time. The  
16 exact wording I don't know. I do know that happened. So  
17 I'm saying that every effort was made, and hindsight is a  
18 wonderful thing as we all know, but that people were making  
19 efforts to warn the communities, including the community of  
20 Kinglake, and realising the whole state and the issues that  
21 pertained to the risks to the whole state at the time.

22 I understand - and opened to this effect - that people were  
23 doing their best and it was enormous pressure, but having  
24 regard to what we have seen of the fires in the Western  
25 District and what you have told us about the anticipation  
26 of this fire, why wouldn't you be making that sort of  
27 projection and prediction having regard to a fire out of  
28 control; why wouldn't you be warning those sort of  
29 communities of what the potential was of the south-westerly  
30 change?---All I can say is we made our judgments, did our  
31 very best to give the right information at that time on

1 that day during the events as they played out during the  
2 day. I can't make a judgment as to whether we should have  
3 done it one way or the other. It is obvious if we are  
4 going to give information to the community, the information  
5 has to be timely and given as best as possible.

6 You understand I will be asking you questions about this in  
7 detail in two weeks' time, but dealing with that, when was  
8 the first warning in relation to this fire?---I am just  
9 finding exactly where I am in my notes - - -

10 I think at 1425 at para.29 you refer to an alert  
11 message?---Sorry, at 12.40.

12 At 12.40 there was an awareness warning?---Yes, on para.29.  
13 And that was for Wandong and Clonbinane?---Yes.

14 And then the next one I understand was at 1425?---Yes, the  
15 timings have been validated here - oh, are you talking  
16 about Wandong? I'm sorry.

17 So that is, if you like, the category 1, the alert?---Yeah, I -  
18 - - -

19 It is, as I understand it, an alert message; is that right,  
20 Mr Rees?---I haven't got it in my statements.

21 If I can assist you ... ?---It does show on the presentation as  
22 being an alert message at 1425.

23 According to the document that you have been provided which is  
24 taken from the website?---That's a download of all the  
25 website messages.

26 At 0530 it is recorded at 1425 there was an alert message of a  
27 grass fire burning 3 km east of Kilmore near Sanders road,  
28 burning in a south-easterly direction. "The fire is not  
29 currently posing a threat to community, but the communities  
30 of Kilmore East, Wandong and Clonbinane need to be aware of  
31 the fire."

1 MR RUSH: So that's at 1425. And then the next warning on the  
2 map. I think there may be one before that at 1440?---At  
3 1440 my notes say there was an urgent threat message posted  
4 for Wandong and then progressively for Hidden Valley at  
5 1505, Whittlesea at 1533, Heathcote Junction and Upper  
6 Plenty at 1605, Humevale, Arthurs Creek, Eden Park and  
7 Upfield and Doreen at 1635 and at Kinglake to Flowerdale at  
8 1755. Para.30.

9 I think at para.30 you refer to Whittlesea as getting an urgent  
10 threat message at 1533, I think it is 1553 and I will just  
11 turn it up. 1554, an urgent threat message for the  
12 communities of Whittlesea would be directly impacted upon  
13 this fire within two hours. That sometimes appears in the  
14 urgent threat messages, the expectation or the prediction  
15 of the fire being within two hours. I don't know if you  
16 have got this in front of you?---No, I haven't.

17 I am looking at 0542, if that assists the Commissioners, 1553,  
18 urgent threat message: "The community of Whittlesea may be  
19 directly impacted upon this fire within two hours", core  
20 advice and then the advice is offered. That would  
21 obviously be as a consequence of someone making a  
22 prediction as to the course of the fire over a two hour  
23 period?---I don't know in the sense of who made the  
24 judgment about the two hours. It could be reasonable to  
25 assume that. It could also be reasonable to assume that it  
26 is two hours - a period that the fire is expected to  
27 impact, not that it is going to hit some time in the two  
28 hours.

29 To read it, it says: "The community may be directly impacted  
30 upon by this fire within two hours"?---That's what I mean.

31 It is not that it is going to hit sometime in two hours but

1 during the next two hours.

2 And that would be based on what?---Someone giving some estimate  
3 of when it is likely to be there.

4 And that would come from where?---It would either come from the  
5 ICC making some estimates and giving some advice to the  
6 information unit. On some occasions it can come from the  
7 regional coordination centre, particularly if the ICC is  
8 very busy and can't deliver the whole information they will  
9 assist in doing that; and as I indicated earlier, on very  
10 rare occasions it would come from the ICC.

11 CHAIRMAN: Could I just clarify only because in annexure 32  
12 there is reference - 31 it is - there is reference made to  
13 the various urgent threat messages or alerts to different  
14 people. Peter Creek is routinely mentioned in relation to  
15 this particular fire. I have it down as initials. PC  
16 often and GP in other places, Greg Patterson. Where those  
17 appear in your annexure 31, are they a reasonably accurate  
18 reflection of whether it comes from the ICC or the  
19 IECC?---In relation to Peter Creek, its the region 12  
20 coordination centre.

21 Yes, not necessarily the ICC. But where it is Greg Patterson,  
22 that is an indication that it does come from the  
23 IECC?---Yes. There is always a circumstance where someone  
24 signs it off and it will either be the incident controller.  
25 If the incident controller is unable to do it for a whole  
26 variety of reasons, too busy, whatever, any systems  
27 difficulties that may be operating, the regional  
28 coordination centre, which in this instance is listed as  
29 Peter Creek, in respect of the State duty officer at this  
30 stage, Greg Patterson.

31 MR RUSH: Then you refer to Heathcote Junction and Upper Plenty

1 at 1605 in para.30. If we listen to track 3 from some of  
2 the 774 material.

3 (Audiotape played to court.)

4 CHAIRMAN: I haven't interrupted, Mr Rush, only because I  
5 thought you were trying to get Kilmore East finished by the  
6 break time but if it is sensible to take a break now and we  
7 will sort out that sort of problem, we will take it.

8 MR RUSH: Thank you, sir.

9 (Short adjournment)

10 MR RUSH: Mr Rees, perhaps before I call on the technology  
11 again, if I can take you to para.30 where you refer to the  
12 urgent threat message to Hidden Valley and other locations  
13 at 1605. Commissioners, that's at WIT - I will just read  
14 the last ... it is from tab or annexure 31, 0546. At 1605,  
15 Mr Rees, the printout of the CFA website records an urgent  
16 threat message to Hidden Valley "may be directly impacted  
17 upon by this fire within 60 minutes. The urgent threat  
18 messages for Wandong, Heathcote Junction and Upper Plenty  
19 remain current". And I think the urgent threat message for  
20 Wandong and Heathcote Junction relates back to 1440 which  
21 is at - 1440 is for Wandong at 0534 and at 15 - excuse me,  
22 sir. You mightn't be able to tell me off the top of your  
23 head but is that the first mention of Heathcote Junction,  
24 was at 1605?---I cannot tell you that.

25 In para.30 you refer to the Whittlesea urgent threat message. I  
26 think that's where we were prior to the break, Mr Rees. At  
27 1533, it was at 1553 and the sort of - if I could ask for  
28 track 7 to get an idea of the way in which that is replayed  
29 or broadcast on 774 and this is at 1601.

30 (Audiotape played to court.)

31 So that's the sort of time line that you I think have referred

1 to in the course of your evidence, that it would be 1553 in  
2 relation to the website and then repetition of the nature  
3 of that urgent threat message on 774 here, if you accept my  
4 word for it, at 1601?---Yes. But I would also add that  
5 there is a comment given by a spokesperson in that replay  
6 which may also indicate some additional information that  
7 might have been given in that cross at some time with  
8 Stuart Ord who was, as I understand it, the DSE  
9 spokesperson on the day.

10 Do you have this material in front of you from the  
11 website?---No, it is being progressively passed to me as we  
12 proceed.

13 If we could turn to the urgent threat message at 1635 which is  
14 at 0554. Do you have that, Mr Rees?---0554.

15 Yes. The urgent threat message: "The bushfire burning in the  
16 Mt Disappointment area, in a southerly, -easterly  
17 direction, the communities of Whittlesea, Humevale, Arthurs  
18 Creek, Upfield, Eden Park and Doreen may be directly  
19 impacted upon by this fire." I want to play you at 1624  
20 from 774 which is track no.8.

21 (Audiotape played to court.)

22 That, I suggest, you referred before to Kinglake, that is the  
23 only mention of Kinglake and it is the Kinglake escarpment  
24 at 1624, not Kinglake itself and the next mention from the  
25 website was at 1555?---Sorry, 15 - - -

26 Five to six?---Sorry, that's 1755. It is a 24-hour clock.

27 I appreciate that. I was out by an hour or two. If we say five  
28 to six while I get back to your clock. That is the next  
29 mention of Kinglake?---That's on the website.

30 And that is the mention on 774 that you referred to  
31 earlier?---No.

1 You say there is something else?---My understanding, I believe  
2 at 1639 and I stand corrected, I'm advised that deputy  
3 chief officer John Haynes mentioned about Kinglake.

4 There is a mention of Kinglake in fact at 1518 on 774 which is  
5 track no.5.

6 (Audiotape played to court.)

7 If you would accept for the purposes of the question that is the  
8 only reference to Kinglake itself prior to five to six and  
9 the evidence here is of the fire impacting on Kinglake  
10 between 1800 and 1830. I am just wondering in light of  
11 your answers before the break whether you believe Kinglake  
12 got the sort of warnings you would hope for?---Firstly, my  
13 understanding is the fire hit the Kinglake area at around  
14 1830 and the urgent threat message came at 1755 which is 35  
15 minutes, realising that 1830 probably isn't precise exactly  
16 either and it is important to understand that the urgent  
17 threat message is not for a person to leave their property,  
18 it is that the fire is impacting or about to impact on. So  
19 that advice, although it is a very narrow window, fits the  
20 criteria of an urgent threat message, but it is not an  
21 alert message to say that a fire is coming.

22 Do you think, and I am picking Kinglake, but do you think  
23 Kinglake could have got an alert message much before  
24 1855?---In one sense that person got an alert message.  
25 There was smoke in the sky, there was a whole lot of things  
26 happening, there was a whole lot of activity around in  
27 terms of fire in the district and our message is very  
28 clear, that we get and give as much information as we have  
29 available for us to get and give but the community have a  
30 responsibility as well to obtain as much information and to  
31 make judgments. So if a person has a plan to depart, then

1           that plan should not rely on us giving an urgent threat  
2           message because by then it is too late.

3    But Kaye of Kinglake at 3.18 had no message.  Sure, she could  
4           see what she described but had no message and believed,  
5           because she was monitoring 774, that that fire had not much  
6           to do with her?---I think that's - I can't put myself in  
7           her place to make that judgment.

8    You yourself, at about quarter to eight, went on, about quarter  
9           to eight, about 1944 went on 744.  I think that's track  
10          no.18.

11          (Audiotape played to court.)

12    At quarter to eight on Saturday night did you know that the fire  
13          had impacted on Kinglake?---I cannot recall exactly what I  
14          knew.  Clearly the fire, from my memory, and you are  
15          clearly asking me to recall, I would say the fire - when I  
16          described "has impacted on Kinglake", I would suggest that  
17          my memory and my understanding was that the fire was in and  
18          around Kinglake, yes.

19    Your words were that the fire was putting enormous pressure on  
20          Kinglake West and Kinglake, which I suggest, if one was  
21          listening, would create an understanding that whilst under  
22          pressure the fire had as yet not impacted on those  
23          townships?---I couldn't - you know, listening to my own  
24          voice back, I can't recall what was in my head at the time.

25    When did you find out that, for example, Kinglake had been  
26          impacted by fire?---In absolute certainty, through - later  
27          in the evening, for absolute certainty that the fire had  
28          gone through Kinglake and was proceeding in that general  
29          direction.  I can't say the exact time.

30    But in terms of of that broadcast being at 1844, was it an hour  
31          or two hours or are you unable to say?---I am probably - I

1 am unable to say exactly. But I knew that the fire had  
2 proceeded with a south-westerly wind change through that  
3 area, certainly before I went home at around ten o'clock or  
4 a little while after.

5 Do you keep a log, Mr Rees?---Yes.

6 And would matters like that be - of this sort of nature, be  
7 entered in your log?---Not always, especially if the  
8 information was recorded on IMS or wherever, I wouldn't  
9 necessarily transcribe IMS or any other information. It  
10 would more be about information that I was given or  
11 decisions that I made in that respect.

12 So who is responsible for informing the chief of an event like  
13 Kinglake?---The State coordinator and State duty officers.  
14 But once again I emphasise that I am looking at the entire  
15 State, looking at a range of impacts and events that are  
16 happening of which Kinglake is but one part, and I am also  
17 conversing with Ewan Waller from DSE about the fires -  
18 because in effect we are treating, we are dealing with the  
19 whole State perspective, so for us to say that I am totally  
20 focused on that area doesn't mean that I wouldn't be aware  
21 of certain information, but it does mean that my focus is  
22 on the big picture, not on the absolute detail of each  
23 particular fire.

24 Apart from the Kilmore East complex fire, you had the Churchill,  
25 Jeeralang fire?---Yes.

26 What other fires of significance were burning at around 1800 to  
27 2000?---Clearly Murrindindi, also the issues around  
28 Bendigo. Reisdale, my memory was Reisdale was still a  
29 problem to us although I suspected Reisdale would be more  
30 easily managed and by that time later in the evening the  
31 fire at Nymagee, at Beechworth had also started. But there

1           were also fires that had occurred in other parts of the  
2           State as well that don't make it onto the major fire list.  
3    Before I finish on this, is there anyone in the IECC that takes  
4           particular responsibility for a particular fire?---What we  
5           seek to do is in the situation unit, which consists of a  
6           number of people, generally the situation unit leader - and  
7           it may be in consultation with the State duty officers -  
8           will set people to task to try and look after each  
9           particular fire. They may have to look after two fires if  
10          there are many, but the aim would be that the situation  
11          unit would have people tasked to try and monitor a  
12          particular fire so that they are trying to collect all of  
13          the information they can possibly collect in relation to  
14          that fire.

15       And they are the - what is the terminology?---Situation  
16          officers.

17       Thank you?---In the IECC.

18       I think there is a video connected to this concerning Kinglake.

19          (Videotape played to court.)

20       You have obviously seen that video before but as far as the fire  
21          is concerned, does it say anything to you as to the nature  
22          of the fire?---What it says to me is the direction that the  
23          fire is coming, that it is coming up from the south and I  
24          continually try and picture that in terms of the main  
25          street of Kinglake and position it. It also says in terms  
26          of the fire, that it appears, although I couldn't be 100  
27          per cent certain, post wind change, that the fire is  
28          advancing towards Kinglake from the south.

29       And from the smoke cloud and the like?---Well, it is obviously a  
30          very severe fire just looking at that vision.

31       From the warning position, the warnings you refer to, Mr Rees,

1 continued to be issued through the evening, and you refer  
2 to at para.32, at 2232 hours an urgent threat message of  
3 direct attack potentially on the communities of Broadford,  
4 Broadford East, O'Grady's Road, Wandong, Sunday Creek Road.  
5 So the fire from that perspective through to this time was  
6 still out of control?---Yes.

7 And from the sense of being under control, did it join up with  
8 the Murrindindi fire?---Over a number of days this fire was  
9 progressively brought under control. But part of the fire  
10 joined up with the Murrindindi fire but not the entire fire  
11 edge and if you look at the map, there are two parts,  
12 firstly the part up to the north, if I get that accurate,  
13 north of Glenburn and also down south, parts of it - I  
14 suspect I may get this wrong - in the Upper Yarra Ranges  
15 National Park, around the Toolangi forest.

16 And by 1845, and I appreciate the joining up occurred later, but  
17 at 1845 on 7 February at 0592 there was an urgent threat  
18 message concerning this fire for communities as diverse as  
19 Wandong, Wallan East, Eden Park, Whittlesea, Humevale,  
20 Bruces Creek, Upper Plenty, Kinglake West, Pheasant Creek,  
21 Smiths Gully, Kinglake, Flowerdale, Glenburn and  
22 Hurstbridge. That is a threat message covering enormous  
23 territory, isn't it?---Yes, it is.

24 Because of the territory covered by this fire?---Well, in  
25 respect of some of those, they are actually south, still  
26 south of the fire. For instance, Hurstbridge, Whittlesea  
27 is in effect south-west to the fire. All the others -  
28 sorry, many of the others are actually north of the fire so  
29 post wind change.

30 You are giving an urgent threat message almost from - in roughly  
31 the vicinity of where this fire started, down as far south

1 as Flowerdale and as far back - sorry, as far south as  
2 Hurstbridge and then as far back as Flowerdale?---Correct.  
3 That's the way I would interpret it, yes.  
4 And if we - and I appreciate the generality of this question but  
5 if we go back to the map that was prepared by Dr Tolhurst  
6 and look at it, that urgent threat message given then  
7 covers much of the territory that he predicted based on the  
8 line scan at 1233?---Generally, you would have to say that  
9 those locations fit in that circle.  
10 I have no further questions concerning this fire at this stage,  
11 sir. The next fire is the Murrindindi fire. Mr Waller is  
12 the officer-in-charge of that and probably Mr Rees would  
13 appreciate a break so if I can call Mr Waller.  
14 <(THE WITNESS WITHDREW)  
15 <EWAN WALLER, sworn and examined:  
16 CHAIRMAN: Mr Waller, you heard me say to the other witnesses,  
17 it is easier on everybody if you can just keep a few inches  
18 away from that microphone so that it will be amplified. It  
19 depends on the strength or softness of your voice but it is  
20 easier if you are closer.  
21 MR RUSH: Mr Waller, is your full name Ewan Waller?---It is.  
22 Are you the chief officer, Fire and Emergency Management for the  
23 Department of Sustainability and Environment?---I am.  
24 For how long have you held that position, Mr Waller?---I started  
25 on November 23, three years ago so about three years, three  
26 months.  
27 If I can ask in the pecking order, if you like, of the  
28 department, where do you stand?---I report to an executive  
29 director for Land and Fire Management who reports to the  
30 office of Land and Fire Management who reports to the  
31 secretary, so I am three steps below the secretary.

1 You hold a Diploma in Forestry?---I do.  
2 And also a Bachelor of Forest Science from the University of  
3 Melbourne?---I do.  
4 And a Master of Science in rural and regional planning?---That's  
5 correct.  
6 You also have been an incident controller and hold a level 3  
7 certification, both yourself, but also you examine people  
8 for that qualification?---That's correct.  
9 In your statement you indicate that you have been involved in  
10 forest and fire management over approximately 36  
11 years?---That is correct.  
12 In your role as chief fire officer you have seen a number of  
13 fires and you refer to them in your statement - the  
14 Grampians fire of 2006 and the Great Divide fire that  
15 extended over the fire season of 2006/2007. I take it you,  
16 as the chief officer, had responsibility particularly in  
17 relation to the DSE assets that were impacted by those  
18 fires?---Most certainly my responsibilities are for the  
19 forests and parks and reserves and also some unreserved  
20 Crown land which is about 7 and a half million hectares  
21 which is largely the bush area of Victoria.  
22 You have provided two statements to the Royal Commission, one of  
23 1 May 2009 and a revised statement of 8 May 2009. Is the  
24 revised statement meant to take the place of the  
25 first?---That's correct.  
26 Are the attachments to your revised statement the same as the  
27 attachments to the first statement?---That is my  
28 understanding.  
29 Then, sir, I tender the revised statement of Mr Waller dated  
30 8 May 2009 which is at WIT.002.002.001.  
31 #EXHIBIT 6 - Revised statement of witness dated 8/5/09  
(WIT.002.002.001).

1 You might have to bear with me for a little while, Mr Waller,  
2 because I have worked off your initial statement and I have  
3 done the best I can to compare them but they are pretty  
4 similar. We have heard some evidence today and I think you  
5 have been in the hearing room, from Mr Rees concerning the  
6 forest fire danger index and you referred to it as being,  
7 like him, as high as 300 in some locations?---M'mm.

8 In relation to that index, is that as high as you have seen  
9 it?---That is as high as I have seen it in my experience.  
10 But I must add that I have not studied it closely on other  
11 bad days but I would not expect it to be higher than that.  
12 The significance of that, from your perspective, the DSE  
13 perspective, to have a forest fire index of that magnitude,  
14 allowing for what Mr Rees has said, once you get over 100,  
15 it escalates quite substantially?---That is correct.

16 What is the significance of it, from a fire fighting  
17 perspective?---The significance is unless - you would  
18 expect extreme fire behaviour on a day of that forest fire  
19 danger index or grass fire danger index, and it also meant  
20 that you would have to get to fires very quickly. When  
21 they were small or otherwise, they would quickly escalate  
22 and then be uncontrollable.

23 You have set out in your statement an average fire line  
24 intensity on flat ground which is at p.17 of your statement  
25 which is 0017. I just want to ask you to explain this fire  
26 line intensity. Down the left-hand side there is a graph  
27 with numbers of, as I understand it, kilowatts per metre of  
28 fire perimeter; is that correct?---That's correct.

29 Can you explain down the left-hand column just what that - from  
30 1,000 to 80,000 represents?---1,000 represents equivalent  
31 to about a radiator bar, the old-fashioned radiator bar;

1 that's the heat output from an electrical device of the  
2 equivalent of that. The measure is kilowatts per metre  
3 which is a measure of the fire intensity. So as you go up,  
4 obviously, the intensity of the fire, the heat radiating,  
5 the intensity of the fire increases. 4,000 is about the  
6 limit of suppression, 4,000 kilowatts per metre is about  
7 the limit of suppression by direct attack. 10,000  
8 kilowatts per metre is, you would expect an active crown  
9 fire and that would mean the fire would be moving through  
10 the crowns, if the crown was continuous, the crown cover  
11 was continuous and driven by wind.

12 When you talk about crown cover, what are you referring  
13 to?---The canopy of a eucalypt forest, the heads of the  
14 tree, the actual canopy of the tree.

15 So your 10,000 kilowatts is roughly what you are going to get  
16 with an active crown fire, with the tops of the trees  
17 burning?---That's correct. You can backburn at about that  
18 intensity measure. It would be very difficult to control  
19 at that measure. So you can actually burn off a prepared  
20 break, like a road or a firebreak but that would be the  
21 upper limit. Once you go past that then you are struggling  
22 to hold on to any type of eucalypt fire.

23 You referred to direct, I think, or frontal attack?---M'mm.

24 Can you explain to the Commission the various attacks that can  
25 be made on the fire - frontal attack is you would start to  
26 be concerned about your ability to do that, I think you  
27 said at 4,000 kilowatts?---M'mm.

28 What's the nature of the other attack that can be made on  
29 fire?---There are two other types of attack. There is  
30 indirect where you actually fall back to control lines and  
31 burn the area out by back burning to bring the fire out to

1 a control line. That's indirect, and actually you work  
2 either indirectly beside the fire or parallel, where you  
3 are working beside the fire, near the fire but actually  
4 beside the fire and again the fire comes out and meets that  
5 but you can actually work on the fire line. They are the  
6 three things, direct attack, indirect or parallel attack.  
7 Does 10,000 kilowatts see out the parallel attack?---You may be  
8 able to go higher. It depends on, you know, the type of  
9 bush and whether it has been fuel reduced, how much  
10 spotting has happened. Particularly how much spotting is  
11 happening. If it is spotting, often when you try indirect  
12 attack it actually spots over the top of you before you  
13 actually get the control line in, so then you have got to  
14 fall back and try and redo it again. If that's the case,  
15 then it becomes futile after a while and you say, "Let's  
16 fall back to a main road and try and burn this out".

17 Mr Waller, on the right-hand side of this graph, I take it these  
18 are numbers commencing at 10, 25 and going up that related  
19 to the forest fire danger index. So you, against 10,000  
20 kilowatts per metre, you anticipate in general terms a  
21 forest fire danger index of 25?---That's correct.

22 And you refer to the Tatong fire which burned in north-eastern  
23 Victoria in January 2007 as being at 87 on the forest fire  
24 danger index. Why did you pick that particular  
25 fire?---There had been some work done on it after the - it  
26 was a particularly intense fire that had a start and an  
27 end. It was actually a fire that we could actually do some  
28 review, research work on and that's where that figure came  
29 from. That was the fire that actually blacked out  
30 Melbourne back in 2007 I think it was.

31 So the forest fire danger index at 87 is the equivalent of about

1 35,000 kilowatts per metre?---Yes.

2 And the Black Friday of 13 January 1939 at 100 is

3 50,000?---H'mm.

4 And you are suggesting that the fires on 7 February were upwards

5 of that?---They were - we believe from the preliminary work

6 we have done indicate they were higher than that. Going

7 back to Black Friday and Ash Wednesday - we have got to

8 work obviously off historical documents but my estimate is

9 they are reasonably accurate.

10 So the Black Saturday, as it is referred to there, 7 February

11 2009, with a danger indice of 189 is getting up towards

12 80,000 kilowatts per metre?---That's correct.

13 And as far as capacity to fight that fire, what does that

14 kilowatts per metre mean?---It indicates - a direct attack

15 would be dangerous and folly and would be impossible. So

16 it would even indicate that flanking or indirect attack, as

17 we have been talking about, would be very, very difficult

18 to control a fire, with that type of energy release and

19 indicated by the FFDI as well.

20 Mr Waller, when you get a fire of that severity you refer to a

21 number of factors that would be associated with it. One is

22 rapid spread of the fire, the next is severe or massive

23 spotting and long distance spotting of the fire and a third

24 you particularly refer to at some length in your statement

25 is a large convection column?---M'mm.

26 There was a large convection column associated with the fire we

27 just looked at, the Kilmore East fire and also with the

28 Murrindindi fire?---Looking at evidence afterwards,

29 obviously there was a large convection column on both those

30 fires.

31 And no doubt the people in towers and the people who could see -

1 let's stick with the Murrindindi fire - would have informed  
2 you of a large convection column?---On the day I wasn't  
3 informed of a large convection column.

4 You weren't?---No.

5 The impact of a convection column is to increase the activity of  
6 fire behaviour?---It does, as in it has a chimney type of  
7 effect and when it punches through the atmosphere it does  
8 pull the fire, drag the fire activity in and up and it has  
9 that sort of self-motivating rolling effect and it does  
10 therefore lift the fire activity, fire behaviour.

11 As I understand what you have detailed at some length in your  
12 statement, the convection column itself can create a very  
13 powerful updraft which will have an impact itself on  
14 creating wind and its own climatic conditions to cause  
15 intensity of the fire?---That's correct. I would expect  
16 that on those - after viewing those two columns after the  
17 fire.

18 And it increases the heat of the fire and increases the violent  
19 behaviour of the fire?---That's correct.

20 And in itself is capable of causing lighting?---M'mm.

21 And did so on 7 February?---It did and there were a number of  
22 fires started by lighting down in front of the column  
23 heading south.

24 You refer at para.56 of your statement to wind speed and wind  
25 direction driving the severity of fires and also that  
26 terrain is important. In what sense is terrain  
27 important?---Terrain - in a situation like this, these  
28 fires were largely weather driven as in wind driven but  
29 terrain will have localised effects, as in the fire will  
30 actually run up gullies and through gully heads and  
31 actually when you look at the aftermath after the fires you

1 can see certain areas are blacker than others where it has  
2 actually had higher intensity, where it has run up certain  
3 gullies, certain heads of creeks and so forth.

4 And so in relation to a eucalypt forest, you would anticipate  
5 the run of the fire up a hill to be faster than the run  
6 down the hill?---Most certainly, and that's the other  
7 aspect, when it does hit a ridge and then goes down the  
8 other side it does slow as it backs down the hill. Again  
9 depending - it would also be pushed by the wind in that  
10 case but there may well be localised wind effects as well.

11 You also say that changes in the wind can have what you termed  
12 as a profound effect on fire?---As in significant changes  
13 of wind direction or strength, yes.

14 What's behind that, what sort of changes do you anticipate?

15 What sort of change do you anticipate a south-westerly  
16 change here of some force and magnitude would have on  
17 existing fires?---Obviously, the eastern flank of a fire  
18 then becomes exposed to that south-westerly wind and then  
19 moves with that wind, carried with the wind by whatever  
20 intensity it may be, whatever strength it may be.

21 Does the change in relation to the wind, apart from changing the  
22 course or the direction of the fire, also have an impact on  
23 the nature and the intensity of the fire?---It depends - we  
24 would normally expect a northerly wind to be stronger and  
25 hotter and that would be driving the fire faster and harder  
26 than the south-westerly change. But what the danger of the  
27 south-westerly change is it opens up such a flank of fire  
28 and then exposes a lot more area; but actually the wind  
29 effect is more aggressive and from the northerly or you  
30 would expect it to be more aggressive from the northerly  
31 wind.

1 If I could ask you to look at para.56 of your statement in the  
2 third last line and ask if the words that you have referred  
3 to there sum up the position. You say: "In Victoria  
4 changes in wind direction from the north to the north-west,  
5 to a west to south-west direction cause the fire to blow  
6 out savagely and amplify the fire along a much longer  
7 edge"---That's correct. That's what I have been trying to  
8 say.

9 And that in a sense is classic fire behaviour in  
10 Victoria?---Certainly, in particularly summer fire weather.  
11 Indeed, anticipated on 7 February 2009?---That's correct.  
12 You also indicate, as we have heard, that spotting is a feature  
13 of eucalypt fire. Why is the eucalypt forest particularly  
14 susceptible to spotting?---Forests that particularly have  
15 been long unburnt carry heavy bark loads, both two types,  
16 stringy bark, which has a habit of spotting short distance  
17 to mid-distance, as in typical like a stringy bark or a  
18 messmate type tree; and you get long distance spotting with  
19 the gum species, manor gum, grey gum and other species like  
20 that where the ribbony type bark actually gets caught in  
21 the column and then carried long distances and dropped  
22 again. Depending on the heat of the day or the humidity  
23 whether that falls alight or does go out depends on the  
24 type of day.

25 I will ask you to look at para.59 of your statement and my  
26 understanding of what you are referring to there is that  
27 spotting of the fire will occur but you can anticipate that  
28 the spotting of the fire will eventually be drawn back into  
29 what you describe as the convection column, back into the  
30 fire itself?---Often that does happen. It depends on how  
31 far they do spot in front of the fire. What you do find

1 particularly in these very dry times is they are caught up  
2 very quickly - first of all when they hit the ground they  
3 actually light and behave like the main fire very quickly  
4 but then the main fire does engulf them as well. Then you  
5 have an area of what we call here fire activity which is  
6 continually ebbing and flowing as the spots are caught and  
7 more is thrown out in front.

8 Again, you say that, "Ultimately the fires merge and in the  
9 process of this occurring new ones are generated outside  
10 the most actively burning areas of the fire. Junction  
11 zones form as fires approach and this further promotes  
12 localised updrafts and fire behaviour. Combined this  
13 creates uncertainty as to where the actual fire front  
14 is."?---That's correct.

15 Again, these are all matters that the experienced firefighter  
16 knows about and considers?---They know about, but it  
17 depends on scale as well, whether it is a local small fire  
18 that you are working on in a burning operation compared to  
19 a massive bushfire.

20 And from everything that could be expected on 7 February 2009,  
21 the scale in relation to fire could always be anticipated  
22 to be very, very large?---We were expecting very aggressive  
23 fire behaviour.

24 Just a couple of other general questions. Is there a difference  
25 between the way fire was spread on grassland as opposed to  
26 forest in connection with behaviour?---Grassland is -  
27 firstly, doesn't have that same spotting effect. It will  
28 have a little localised as in things are thrown out in  
29 front of the fire, you know, like cow dung or whatever it  
30 may be but it actually doesn't have the same massive  
31 spotting effect that forest fires do have. That is

1 probably the main difference. Grass fires can also move  
2 quicker with the wind because of the lighter fuels but  
3 that's probably the most significant differences.

4 Is it considered that a grassland fire will be more erratic than  
5 a forest fire?---Probably not. It will be largely  
6 influenced by the wind, except when you get into the hilly  
7 country, it will be more predictable as to where the wind  
8 will blow it. But in a forest you do have the effect of  
9 spotting in front and to the side of the fire and localised  
10 wind effects as in under the tree canopy and the fuel load  
11 under the tree as well, whether it is actually laddering up  
12 into the crown or is actually, say it has been fuel  
13 reduced, it will actually be burning along the ground  
14 rather than potentially going into the crowns.

15 Mr Waller, you provided a significant description of the events  
16 leading up to 7 February and the preparations for them in  
17 your statement. At para.262 you drew that together by  
18 stating that everything you had in the way of information  
19 identified a unique combination of incredibly dry forested  
20 environments, relatively continuous grass fuel and that the  
21 landscape is predisposed to a catastrophic event. That was  
22 the lead-up to 7 February?---That's how we described it.

23 If I could ask you firstly about the Murrindindi mill fire. It  
24 was first observed, as I understand it, by a lookout at the  
25 Mt Despair station. I wonder if we could bring it up.  
26 Spotting station. That was at 1457 and the spotting tower  
27 is a tower that is - whose responsibility is the Mt Despair  
28 spotting tower?---It is a DSE tower and it's - yes, nearby.  
29 It is south, virtually south. About there, yes.

30 We haven't heard about spotting towers. I take it there is a  
31 number of spotting towers and if we look at this area in

1 general, to give an idea of fire conduct, fire ignition in  
2 areas throughout Victoria but particularly are towers  
3 focused on the areas we have seen of the Kilmore East fire  
4 and where the Murrindindi fire was?---Across Victoria there  
5 is a network of fire towers that particularly play an  
6 important role in remote forest fires as in that we haven't  
7 got the advantage of people actually seeing fires, but they  
8 have to be able to by triangulation be able to identify  
9 where fires are in remote country and we use a network of  
10 towers to do that and also backed up with aircraft. The  
11 two important towers here are Mt Despair and Mt Gordon.  
12 How was that fire notified to DSE?---It was phoned in by the  
13 tower to the regional district officer at Broadford and it  
14 was around that time.  
15 Did DSE have an incident management or an incident control  
16 centre for this fire?---We had an incident management team  
17 ready to go to be set up in Alexandra.  
18 So with the Murrindindi fire, what happened in relation to DSE  
19 and its incident management team?---Well, they obviously  
20 took over that fire immediately it was reported and started  
21 pushing resources, as in particularly crews, bulldozers,  
22 towards the fire and pulling the incident management team  
23 together to say, you know, people doing their roles as  
24 expected under incident management.  
25 Are you able to say what time it was that the response team got  
26 to the area of ignition of the fire?---At 1506 the fire  
27 operations managers and the crews were en route. That was  
28 from the incident management log. And I think they arrived  
29 about 1515. I would have to check that exactly but about  
30 15 minutes later.  
31 What sort of resources did DSE put initially to the

1 fire?---There were six personnel, a tanker, two slip-ons  
2 and a first attack dozer and they were deployed from  
3 Toolangi.

4 Toolangi would take longer to get there than Alexandra, wouldn't  
5 it?---Toolangi is about in the middle of that unburnt area.  
6 If you keep going down and across a bit. About there. So  
7 they actually would go straight down the highway. It would  
8 be a lineball but they were one of the first crews  
9 despatched, but at the same time there were crews being  
10 despatched from Alexandra as well.

11 At para.334 you indicate that what was reported was a fire with  
12 a 20 metre flame height and a rate of spread of 8  
13 kilometres per hour and spotting, I think you say, 5  
14 kilometres; so you had a fire very quickly demonstrating  
15 severe fire behaviour?---That's estimated rate of spread,  
16 as it wouldn't have been based on the actual observation of  
17 the fire, that would have been the planning officer and the  
18 situation officer saying, "Under these conditions this is  
19 what we would expect under this type of forest fire danger  
20 index", so it isn't actually based on the on-ground  
21 observations.

22 And their prediction was matched by the course of this  
23 fire?---To a degree. There are some differences but it is  
24 in the right ballpark.

25 Just understanding where you refer there to a rate of 8  
26 kilometres per hour, looking at that as an average, within  
27 the hour there may be times when the fire is travelling at  
28 a speed much, much greater than 8 kilometres per hour?---Or  
29 potentially slower. It depends on the fuels in front of  
30 it, the local wind effects, whether it is being exposed to  
31 the wind and certain points like that.

1 So what can the speed of fire get up to, if you like, or what  
2 can you anticipate?---I haven't seen it actually - by my  
3 rough workings, I have seen 12 kilometres per hour and some  
4 of these fires but this is ... on the Black Saturday there  
5 were some extraordinary fire behaviour but that - normally,  
6 like we use as a rule of thumb. Ash Wednesday moved at  
7 about 4 kilometres per hour. So saying something like 8  
8 kilometres per hour is quite a significant - a very  
9 aggressive fire.

10 After the ignition you indicate in your statement that the fire  
11 moved into the Black Range?---M'mm.

12 Near the Melba Highway?---M'mm.

13 And then continued its run from there. Are we able to point to  
14 that?---That's it.

15 So it is running, if you like, consistently with the prevailing  
16 wind?---At that point in time, yes.

17 And the first warning in relation to this fire - I think you  
18 refer to it at para.337 as a warning at 1645, an urgent  
19 threat message for Narbethong?---There was an earlier  
20 awareness message that went out at 1545 warning people that  
21 the fire was burning in the Murrindindi area and moving in  
22 a south-easterly direction. But the first - that was the  
23 first urgent threat message at 1645.

24 So that was issued at 1645. Does it go on the DSE - the urgent  
25 threat message that was at 1645 for Narbethong?---It's the  
26 same time. When it is sent out it goes to radio, website  
27 and into the IECC, yes. I will correct something there.  
28 It has to be loaded onto the website. So actually when the  
29 message does come, then it has to be loaded onto the  
30 website and that is not instantaneous.

31 How does it get onto the CFA website?---Same type of process -

1 well, they have a different process but same in-principle  
2 process as it has to be loaded on, as in the message comes  
3 in, the urgent threat message comes in, then it is prepared  
4 and put on the website. The CFA website is quicker at  
5 loading than what the DSE one is.

6 Does it correlate that an urgent threat warning on the DSE  
7 website will go at the same time to the CFA website?---As I  
8 say, it may well be quicker but the intent is they get the  
9 message at the same time and they both load up as quick as  
10 they can.

11 I think you will find this one was ten minutes slower, in fact,  
12 and I will be coming back to it. The urgent threat message  
13 here for Narbethong at 1645 appears on the CFA website at  
14 1655 and indeed - we will follow it through perhaps  
15 tomorrow - threat messages issued by the DSE were taking  
16 longer than ten minutes to get onto the CFA website.

17 Accepting for the purposes of the question that I am right,  
18 how does that happen?---It is to do with the IT, it is way  
19 out of my league, it is to do with actually how they cut  
20 and paste and prepare to go onto the two different systems.

21 I am aware the DSE one takes longer to actually prepare and  
22 load up than actually the CFA one does.

23 What is the point in DSE and CFA having two different websites  
24 in advising the community about fire?---There is a project  
25 at the moment working to have one website and I would very  
26 much welcome that, and a very quick website.

27 So Narbethong's urgent threat message is at 1645, and that was  
28 followed up with a warning or information on 774 two  
29 minutes later at 1647 which is track 2.

30 (Audiotape played to court.)

31 That given two minutes later, do we know when approximately

1 Narbethong was impacted by the fire?---Our log - bear with  
2 me, I will just read through our log. At 1630, Mt Gordon  
3 tower reported spotting into the Narbethong area and at  
4 1700 the air observer flying over the area said the fire  
5 was probably all around Narbethong.

6 So - - - ?---Although it was very dark and the visibility was  
7 very poor. That was his estimation.

8 On the information that you have, the fire activity was in  
9 Narbethong before the urgent threat message was  
10 relayed?---As in not spotting activity, not necessarily the  
11 main fire but there was spotting activity as reported by Mt  
12 Gordon.

13 And that is in fact what the urgent threat message refers to, is  
14 it not, spotting activity?---I didn't - I couldn't hear it  
15 but - whether it was spotting activity or the main fire  
16 front.

17 Is that a convenient time, Mr Commissioner?

18 CHAIRMAN: Yes. We will adjourn until 9.30 tomorrow morning.

19 <(THE WITNESS WITHDREW)

20 ADJOURNED UNTIL TUESDAY 12 MAY 2009

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