

2009 Victorian Bushfires Royal Commission

Letters Patent issued 16 February 2009

HORSHAM FIRE SUBMISSIONS OF COUNSEL ASSISTING

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1 Overview

- 1.1 The Horsham Rural City municipality is located about 300km north-west of Melbourne, and is situated in the Wimmera region of Victoria.¹

¹ Exhibit 282 - Statement of Eltringham (WIT.4003.001.0001) [14]

- 1.2 Prior to 7 February, the countryside around Horsham was extremely dry. The area has experience prolonged drought, and the four days immediately preceding 7 February had been very hot.²
- 1.3 At around 12:20, when the temperature was approximately 45°C and relative humidity was approximately 8 per cent, a fire started on farmland six and half kilometres west of Horsham.³ That fire became known as the Horsham fire, although it was also called the Vectis fire or the Remlaw Road fire.⁴
- 1.4 At the time the Horsham fire started, the grassland Fire Danger Index (FDI) in the area was 312.⁵
- 1.5 The Horsham fire started when a pole cap that attached an electricity conductor to a wooden power pole on private farmland fell from the pole, bringing the pole cap and live conductor into contact with the ground. As is described further below, the coach screws that secured the pole cap to the top of the pole had become loose. One of those screws had fallen out at some point period prior to 7 February 2009, while a second screw probably fell out on or shortly before that day. The remaining screw was then torn out by the wind.
- 1.6 When the conductor hit the ground the fuse at the commencement of the powerline blew and shut off power on that line. However, the current that arced to the ground in the short period before the fuse blew was sufficient to start the fire.
- 1.7 The Horsham fire was a ‘classic grass fire that burnt under the influence of available ground fuel and weather factors such as: strength of the prevailing wind, relative humidity and temperature’.⁶ In its initial stage it was fanned by winds of 65 kilometres per hour gusting to 80 kilometres per hour from the north-west.⁷ It moved fast,⁸ having reached its full potential rate of spread less than 10 metres from the point of origin.⁹ The fire took just two minutes to travel approximately 300 metres to Remlaw Road, and it quickly jumped that road.¹⁰ The forward rate of spread of the fire averaged a little over 10 kilometres per hour within the first hour.¹¹

² Exhibit 269 – Statement of Russell, Annexure 11 (WIT.3004.013.0241) at 0242; Exhibit 272 – Statement of McGenniken (WIT.089.001.0001) [3]

³ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [49]; Annexure 11 (WIT.3004.013.0241) at 0247; Russell T7310:1–T7310:4; Exhibit 282 - Statement of Eltringham (WIT.4003.001.0001) [16]

⁴ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [48]

⁵ Russell T7310:19 In his career as a CFA member of almost 25 years, Mr Russell could not remember a grassland FDI of that magnitude: Russell T7310:19–T7310:22, T7451:6–T7451:15

⁶ Exhibit 256 – Statement of Brennan, Attachment 3 (WIT.3019.001.0019_R) at 0025_R

⁷ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [49]

⁸ Exhibit 271 – Statement of Coulthard (WIT.088.001.0001) [20]; McGenniken T7481:22

⁹ Exhibit 256 – Statement of Brennan, Attachment 3 (WIT.3019.001.0019_R) at 0025_R

¹⁰ Exhibit 256 – Statement of Brennan, Attachment 3 (WIT.3019.001.0019_R) at 0025_R; Exhibit 269 – Statement of Russell, Annexure 11 (WIT.3004.013.0241) at 0241

¹¹ Exhibit 269 – Statement of Russell, Annexure 11 (WIT.3004.013.0241) at 0244

- 1.8 From its point of origin north of Remlaw Road in Vectis (west of Horsham), the fire travelled south-east. It travelled along the south-western edge of Horsham, crossing the Wimmera River, and continuing south-east away from Horsham.¹² Near its point of origin, the fuel type was crop stubble and pasture, but south of the Wimmera River the fuel type became scrub and the terrain sandy.¹³ The fire burnt into the back of the golf course and towards Golf Course Road. Once it entered the golf course, the fairways funnelled the fire to the club house, which was destroyed. The fire continued to progress in a south-easterly direction. From Golf Course Road to Old Hamilton Road, the fire ran as fingers or tongues, rather than as a wall of fire.¹⁴ The firefighting effort focused on asset protection.¹⁵ However, the fire was substantially checked at Old Hamilton Road,¹⁶ prior to some tongues breaking away to the east. During the run of the fire, at times it spotted several hundred metres ahead of the main fire front.¹⁷
- 1.9 The fire changed direction under the influence of two wind changes. At 15:30, the wind changed to a westerly wind at 48 kilometres per hour, gusting to 74 kilometres per hour.¹⁸ Under force of that wind, the fire turned east and travelled along the south edge of Horsham. At 16:29, the wind changed again to a south-westerly wind at 61 kilometres per hour, gusting to 72 kilometres per hour, which pushed the fire toward the east and north-east.¹⁹ The wind changes allowed the fire to cross Old Hamilton Road,²⁰ then it spotted across Grahams Bridge Road,²¹ and then continued to and across the Western Highway on the outskirts of Horsham near the Wimmera Lakes Caravan park.²² The rate of spread of the fire during this period was approximately 2.2 kilometres per hour.²³ The fire continued north-easterly until its forward spread was stopped at approximately 18:00 just north of the Horsham Lubeck Road.²⁴
- 1.10 On Sunday, 8 February 2009 at 13:35 the status of the Horsham fire was changed

¹² Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [55]; Annexure 10 (WIT.3004.013.0239); Exhibit 255 (EXH.255.0001)

¹³ Russell T7312:16–T7312:20

¹⁴ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [55]; Russell T7311:7–T7311:11; Brennan T7320:7–T7320:10; Coulthard T7468:1–T7468:11

¹⁵ Exhibit 272 – Statement of McGenniken (WIT.089.001.0001) [17], [19], [21]–[22]

¹⁶ Russell T7312:1–T7312:2; T7313:17–T7313:20

¹⁷ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [55]; Russell T7315:2–T7315:5 (referring to spotting several hundred metres); Brennan T7317:16–T7317:18 (referring to spotting six kilometres ahead); Exhibit 256 – Statement of Brennan (WIT.3019.001.0001) [20] That evidence was questioned by the air observer: Coulthard T7468:25–T7469:10

¹⁸ (Note that the Horsham Automatic Weather Station records the change at 15:17, with the wind at 53.7 kilometres per hour gusting to 64.9 kilometres per hour) Exhibit 269 – Statement of Russell, Annexure 11 (WIT.3004.013.0241) at 0244; Exhibit 4 – Supplementary Statement of Rees (WIT.004.002.0001) at 0008. There may have been gusts up to 135 kilometres per hour close to the fire: McGenniken T7482:3–T7482:10

¹⁹ Exhibit 269 – Statement of Russell, Annexure 11 (WIT.3004.013.0241) at 0248

²⁰ Russell T7312:1–T7312:3

²¹ Russell T7314:23–T7314:31

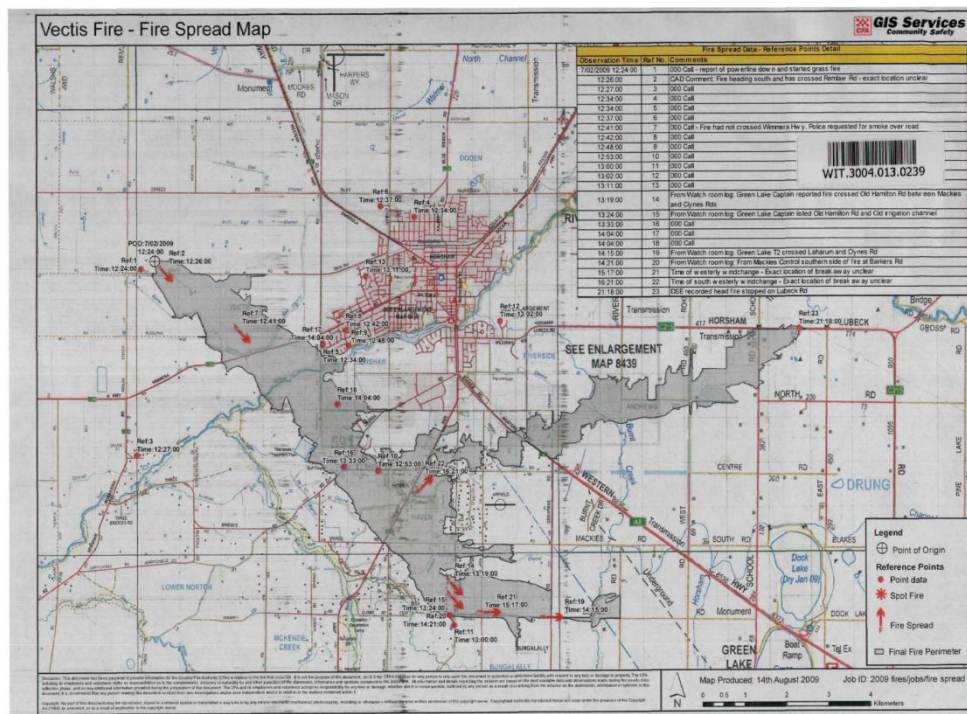
²² Exhibit 271 – Statement of Coulthard (WIT.088.001.0001) [31]

²³ Exhibit 269 – Statement of Russell, Annexure 11 (WIT.3004.013.0241) at 0245

²⁴ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [55]; Russell T7457:15–T7457:18

from 'going' to 'contained'.²⁵

1.11 The final perimeter of the fire is shown on the following map:²⁶



1.12 While a considerable amount of property was lost, the combined effort of CFA, DSE, land owners and private firefighting units, together with the absence of continuous fuel, limited the impact of the fire.²⁷ In total, the fire damaged about 2,300 hectares of land.²⁸ It impacted upon 306 properties and destroyed 90 structures (including 11 houses), the clubhouse of the Horsham Golf Club, and numerous sheds, together with about 160 kilometres of fencing, 54 sheep, 226 other livestock and 484 tonnes of fodder/hay.²⁹

2 Cause

The powerline

2.1 A Single Wire Earth Return (SWER) line runs across the property of Alan Peterson, which is situated north of Remlaw Road, Vectis, about six and half kilometres west of Horsham.³⁰ That line, which is known as the Remlaw Spur, is owned by

²⁵ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [98]

²⁶ Exhibit 269 – Statement of Russell, Annexure 10 (WIT.3004.013.0239); Exhibit 484 – Map of Horsham Rural City Showing Bushfire Prone Areas and Fire Affected Areas (MAV.001.001.0024)

²⁷ Exhibit 256 – Statement of Brennan, Attachment 3 (WIT.3019.001.0019_R) at 0025_R

²⁸ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [50]; Exhibit 282 - Statement of Eltringham (WIT.4003.001.0001) [75]

²⁹ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [51]; Annexure 9 (WIT.3004.013.0236); Exhibit 282 - Statement of Eltringham (WIT.4003.001.0001) [75]

³⁰ Exhibit 267 – Statement of Peterson (WIT.7516.001.0001_R) [8]

Powercor and was constructed by the State Electricity Commission in 1963 or 1964.³¹

- 2.2 Mr Peterson's property contains four electricity poles, which are numbered 13, 14, 15 and 16. The poles are positioned approximately east-west across the property, running parallel to Remlaw Road approximately 200 metres from the road in a dry, cropped paddock.³² Poles 14 and 16 are located approximately 300 metres either side of pole 15.³³
- 2.3 Pole 15 is a 35 foot treated radiata pine pole.³⁴ On 7 February, the pole cap and insulator that was attached to pole 15 was a centre phase pole top assembly, meaning that a galvanised steel pole cap was attached to the pole with the insulator extending vertically from the centre of that pole cap. The pole cap had three holes in the side of the cap at approximately 120 degrees from the centre, which enabled the pole cap to be secured to the pole using three 2-inch long coach screws.³⁵

The failure of the pole cap

- 2.4 Powerlines vibrate as a result of the aeolian vibrations that occur when certain winds blow over conductors, particularly being winds at a low constant speed over flat terrain of the kind in which pole 15 is located.³⁶ The vibration of the conductor sets up a vibration throughout the whole pole. Over time, that vibration causes the timber of a pole to deteriorate, allowing coach screws to work loose.³⁷
- 2.5 There is no dispute that the coach screws that secured the pole cap to pole 15 fell out, or that as a result the conductor fell and started the Horsham fire.
- 2.6 Mr Vince Power, Powercor's Manager of Network Safety, Environment and Compliance, in his statement to the Royal Commission, stated:³⁸

The investigation carried out by Powercor indicates that the two coach screws fell out of the cap shortly before the incident and one of them probably on the day as a result of the very strong wind conditions. The third coach screw appears to have been missing prior to 7 February 2009. The loss of the coach screws caused the pole cap to dislodge from the pole top, allowing the conductor to come into contact with the ground, or close

³¹ Exhibit 258 – Statement of Power (WIT.7002.001.0001) [6], [11]; Power T7361:28-T7361:31 (stating 1962)

³² Exhibit 267 – Statement of Peterson (WIT.7516.001.0001_R) [8], [12]; Exhibit 257 – Statement of Knop (WIT.3020.002.0133_R) [63]

³³ Exhibit 257 – Statement of Knop (WIT.3020.002.0133_R) [60], [63]

³⁴ Exhibit 257 – Statement of Knop (WIT.3020.002.0133_R) [65]; Attachment WK46 (WIT.3020.002.0322) at 0322

³⁵ Exhibit 258 – Statement of Power (WIT.7002.001.0001) [8]-[9]; Power T7360:2–T7360:7

³⁶ Gertz T7507:26–T7507:30

³⁷ Knop T7336:14–T7337:9; T7351:4–T7351:16; Gertz T7508:15–T7508:21; Power T7363:17–T7363:21

³⁸ Exhibit 258 – Statement of Power (WIT.7002.001.0001) [17]

to it, resulting in fire. The coach screws have been retained by the CFA and Powercor has not examined them.

- 2.7 Mr Power expanded on the above in his oral evidence to the Royal Commission, indicating that Powercor's investigation had concluded, in relation to the coach screws, that *'one of them left evidence that it was firmly in the pole and was wrenched out, given the shape of the hole and the freshness of the split. The other one had evidence on the bolt hole of freshly exposed scraping of the metal which indicated it was there as well very recently.'*³⁹
- 2.8 On examining the ground surrounding the base of pole 15, the CFA/DSE fire investigators found two of the three coach screws that had attached the pole cap to pole 15.⁴⁰ While an extensive search was made for the third screw, that screw was not found by the fire investigators. It was, however, located subsequently by Mr Peterson using a metal detector.⁴¹
- 2.9 When the pole cap on pole 15 detached from the pole, it was pushed by the northerly wind as it fell so that it landed south of the normal alignment of the SWER line.⁴² The edge of the burnt grass and land commenced at a point about 11 metres south of the base of pole 15.⁴³ However, there was an imprint of the insulator in the ground about four metres to the south of pole 15.⁴⁴ Mr Warren Knop, the compliance officer with Energy Safe Victoria (ESV) who investigated the cause of the fire on behalf of ESV, concluded that the insulator may have bounced back towards the pole after initially landing further south (presumably under tension from the conductor between poles 14 and 16).⁴⁵
- 2.10 The CFA/DSE fire investigation report concluded that the conductor touched the ground approximately 12 metres east of pole 15.⁴⁶ It did not touch directly south of pole 15 because the spacing between poles 14, 15 and 16 is not even, meaning the midpoint between pole 14 and pole 16 is to the east of pole 15.

The ignition of the fire

- 2.11 The point of origin of the fire was about 12 metres south of the midpoint between

³⁹ Power T7386:16–T7386:26

⁴⁰ Exhibit 256 – Statement of Brennan (WIT.3019.001.0001) [31]; Attachment 3 (WIT.3019.001.0019_R) at 0061_R-0062_R; Brennan T7322:6–T7322:24

⁴¹ Exhibit 267 – Statement of Peterson (WIT.7516.001.0001_R) [27]

⁴² Exhibit 256 – Statement of Brennan (WIT.3019.001.0001) [29], [36]; Attachment 3 (WIT.3019.001.0019_R) at 0031_R; Exhibit 257 – Statement of Knop (WIT.3020.002.0133_R) [61]; Attachment WK46 (WIT.3020.002.0322) at 0339

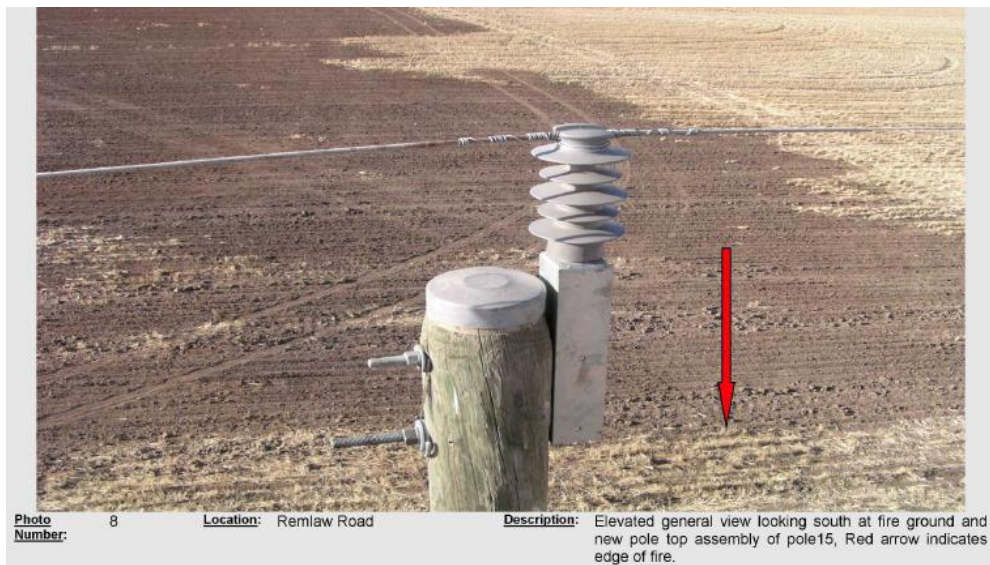
⁴³ Exhibit 257 – Statement of Knop (WIT.3020.002.0133_R) [63]; Attachment WK37 (WIT.3020.002.0304); Attachment WK38 (WIT.3020.002.0306); Exhibit 257 – Statement of Knop, Attachment WK46 (WIT.3020.002.0322) at 0326, 0330, 0332 and 0034

⁴⁴ Exhibit 256 – Statement of Brennan (WIT.3019.001.0001) [31]; Attachment 3 (WIT.3019.001.0019_R) at 0057_R and 0058_R

⁴⁵ Knop T7334:13–T7334:20

⁴⁶ Exhibit 256 – Statement of Brennan, Attachment 3 (WIT.3019.001.0019_R) at 0025_R

poles 14 and 16, where the conductor touched the ground and shorted out.⁴⁷ The fire was not very intense at that point, with the grain and weeds in that area being only slightly charred.⁴⁸ The point of origin is shown in the following photographs, which form part of Mr Knop's report:⁴⁹



2.12 Mr Knop could not say exactly where the conductor touched the ground, but he was 'absolutely' confident that the conductor touching the ground was the

⁴⁷ Exhibit 256 – Statement of Brennan (WIT.3019.001.0001) [36]; Attachment 3 (WIT.3019.001.0019_R) at 0028_R

⁴⁸ Brennan T7325:16–T7325:30

⁴⁹ Exhibit 257 – Statement of Knop, Attachment 46 (WIT.3020.002.0322) at 0334, 0339

mechanism that started the fire.⁵⁰ He stated:⁵¹

Based on my knowledge and experience, what I observed at the site is consistent with the pole cap having become dislodged from pole 15 on 7 February 2009, the pole top assembly and conductor then falling to the ground to the south of pole 15, and the contact between the conductor and the ground having been the cause of the fire start or point of ignition.

Upon the conductor hitting the ground, the flow of the electrical current to ground would have caused minor arcing to occur. In my view, in hot, dry and windy conditions, and given that the fuel on the ground would have been dry, cropped straw-type grass, that arcing could have caused a fire start very easily.

- 2.13 When the conductor hit the ground, the fuse on the isolating transformer at the commencement of the Remlaw Spur operated as expected, and it cut power by opening the circuit within 0.3 seconds of the conductor hitting the ground.⁵² However, sufficient current flowed before that fuse blew to start the fire. As Mr Power said in his statement to the Commission:⁵³

Notwithstanding that the fuse on the ISO transformer protecting the Remlaw Spur operated as expected, it appears that a fire ignited immediately upon the conductor hitting the ground.

- 2.14 In his oral evidence, when asked for his opinion as to what caused the Horsham fire, Mr Power said ‘the conductor striking the ground and forming an arc which ignited the dry stubble in the paddock.’⁵⁴
- 2.15 There was no physical evidence to indicate that the fire was deliberately lit, or to support any possible cause that did not relate to the fallen conductor.⁵⁵

Inspection and repair of pole 15

- 2.16 Powercor’s asset inspector guidelines require asset inspectors to inspect pole top assets as part of a five year inspection cycle.⁵⁶ Prior to 7 February, Powercor’s records indicate that pole 15 was last inspected on 21 July 2004, and that no

⁵⁰ Knop T7334:21-T7334:23

⁵¹ Exhibit 257 – Statement of Knop (WIT.3020.002.0133_R) [81]-[82]; Knop T7333:23-T7333:30

⁵² Exhibit 266 – Statement of McDonald (WIT.7001.001.0001) [65]; Exhibit 266 – Statement of McDonald, Exhibit 3 (WIT.7001.001.0047) at 0047-0048; McDonald T7427:1-T7427:21, T7430:19-T7430:23

⁵³ Exhibit 258 – Statement of Power (WIT.7002.001.0001) [19]

⁵⁴ Power T7386:4-T7386:6; McDonald T7426:24-T7426:30

⁵⁵ Exhibit 256 – Statement of Brennan (WIT.3019.001.0001) [32]; Annexure 3 (WIT.3019.001.0019_R) at 0026_R

⁵⁶ Power T7362:6-T7362:8

defects were detected during that inspection.⁵⁷ That led Mr Knop, of ESV, to give evidence that the last inspection had occurred within the ‘industry standard’⁵⁸ five year period.

- 2.17 While it would have been possible to tell by means of a visual inspection if a coach screw had fallen out of the pole or was extending outside of the rim of the pole cap,⁵⁹ it would not have been possible to tell if the coach screw was merely loose, or if vibrations had widened the hole in the pole surrounding the coach screw, because the wearing away of the wood would not have been visible (presumably because the place where the coach screw enters the wooden pole is concealed from view by the pole cap).⁶⁰
- 2.18 If the first coach screw had fallen out when the inspection occurred in July 2004, it should have been detected. There is no evidence as to exactly when the first of the coach screws came loose and fell.⁶¹ Powercor accepted, however, that it appeared to have fallen out prior to 7 February⁶², which is supported by the fact that the search of the area did not locate the screw, which was found only with the aid of a metal detector.⁶³ In those circumstances, it is likely that the missing bolt was visible for some time prior to 7 February, and that it would probably have been detected had a more regular inspection cycle (such as a three year cycle) been adopted.

Other matters pertaining to power poles

- 2.19 There was evidence before the Commission that at the time the Remlaw Spur was constructed it was a not unknown for coach screws to be hammered into poles, rather than screwed in.⁶⁴ The approved technique was to screw the coach screw into the pole, because that provides better fixing to the timber.⁶⁵ There is, however, no evidence that the coach screws were hammered into pole 15.⁶⁶ Nor is there any evidence that would enable the Commission to make any finding about the extent of this practice.
- 2.20 There was some evidence before the Commission that coach screws are more likely to become loose as a result of vibration in a radiata pine pole than is the case

⁵⁷ Exhibit 258 – Statement of Power (WIT.7002.001.0001) [13]–[14], [18]; Exhibit 257 – Statement of Knop (WIT.3020.002.0133_R) [66]; Attachment WK40 (WIT.3020.002.0310)

⁵⁸ Exhibit 257 – Statement of Knop (WIT.3020.002.0133_R) [67]; Knop T7340:9–T7340:16

⁵⁹ Power T7363:7–T7363:16; Gertz T7506:19–T7506:29

⁶⁰ Knop T7341:1–T7341:10

⁶¹ Power T7386:27–T7386:31

⁶² Exhibit 258 – Statement of Power (WIT.7002.001.0001) [17]; Power T7386:27–T7386:31

⁶³ Exhibit 267 – Statement of Peterson (WIT.7516.001.0001_R) [24], [27]

⁶⁴ Power T7364:1–T7364:23; T7365:11–T7365:17

⁶⁵ Gertz T7504:26–T7504:30

⁶⁶ Exhibit 263 – Coach Screw (EXH.263.0001); Exhibit 264 – Coach Screw x 2 (EXH.264.0001); Gertz T7505:19–T7505:30; T7509:24–T7509:28

with a hardwood pole.⁶⁷ Mr Knop told the Commission that he planned to suggest or recommend that distribution companies conduct a physical (not merely visual) check of all their radiata pine poles to ensure that the pole caps were secure.⁶⁸ He indicated, however, that he was not aware of any study about whether coach screws do in fact work loose more easily in treated radiata pine than in hardwood.⁶⁹ There is insufficient evidence before the Commission to enable any finding to be made on that topic.

- 2.21 Finally, when a new pole cap was installed on pole 15 during the afternoon of 7 February, a new polymeric insulator was used which was attached to the pole by a 'P-bracket'. A P-bracket is a steel bracket that is secured to the pole by a bolt through the full width of the pole.⁷⁰ The P-bracket cannot work loose in the manner that occurred with the centre phrase pole cap assembly, because the king bolt goes right through the pole and is screwed tight with a spring that keeps tension on the nut.⁷¹ That design is highly unlikely to come loose.⁷² The replacement of centre phrase pole cap and insulators with new hardware would therefore eliminate the mode of failure that caused the Horsham fire.

3 Weather

- 3.1 In the Horsham area the four days prior to 7 February were all over 34.4°C.⁷³
- 3.2 On Friday, 6 February 2009, at 16:45, the Bureau of Meteorology issued a Fire Weather Forecast for 7 February which indicated Horsham was expected to reach a maximum temperature of 44°C with north to north-westerly winds of around 50 kilometres per hour.⁷⁴ The forecast included the following:⁷⁵

Saturday: A very severe fire weather day with a combination of strong and gusty north/north westerly winds ahead of a pre frontal trough passage Saturday afternoon and night. Air ahead of the change will become dry with a well mixed atmosphere. Temperatures will be very hot, perhaps breaking some February records. Gusty west/southwest winds behind the change make this an extremely dangerous day. Extreme ratings expected in every district and many ratings exceed 100 ...

- 3.3 By 10:29 on 7 February the Bureau of Meteorology Automatic Weather Station at

⁶⁷ Gertz T7508:26-T7508:29. Mr Knop states in his report that anecdotal information from within the Victorian Electricity Supply Industry (VESI) indicates that coach screws do not generally secure as robustly in pine poles as they do in the hard wood poles: Exhibit 257 – Statement of Knop, Annexure WK46 (WIT.3020.002.0322) at 0323; Knop T7335:26–T7335:30

⁶⁸ Knop T7346:16–T7346:31

⁶⁹ Knop T7355:15–T7355:18

⁷⁰ Exhibit 257 – Statement of Knop (WIT.3020.002.0133_R) [71]–[72]; Annexure WK43 (WIT.3020.002.0316)

⁷¹ Knop T7338:9–T7338:29

⁷² Power T7387:28–T7387:31

⁷³ Exhibit 269 – Statement of Russell, Annexure 11 (WIT.3004.013.0241) at 0242

⁷⁴ Exhibit 22 – Statement of Williams, Annexure 1 (WIT.013.001.0012) at 0194

⁷⁵ Exhibit 22 – Statement of Williams, Annexure 1 (WIT.013.001.0012) at 0195

Horsham Airport (Horsham AWS) had already recorded a temperature of 40.1°C.⁷⁶

- 3.4 At 12:24, when the fire at Remlaw Road Vectis was first reported,⁷⁷ the Horsham AWS recorded the temperature as 44.3°C⁷⁸ with north to north-westerly winds⁷⁹ of 54 kilometres per hour.⁸⁰ Relative humidity was approximately eight per cent.⁸¹
- 3.5 At approximately 13:00, the temperature was around 45°C with relative humidity of eight per cent,⁸² and a north-westerly wind of 65 kilometres per hour gusting up to 80 kilometres per hour.⁸³ Those recordings equated to a grassland Fire Danger Index (FDI) of around 312.⁸⁴
- 3.6 At 14:00 the Horsham AWS recorded for the first time that day the maximum temperature of 45.7°C.⁸⁵
- 3.7 At 14:12, the Bureau of Meteorology issued a Spot Weather Forecast with the Horsham fire identified as ‘Rudolph Road’ and a map reference ‘2km west of Horsham’.⁸⁶ This Spot Weather Forecast predicted the timing of a significant wind change for the Horsham area which would later prove to be fairly accurate. It included the following information:⁸⁷

Weather overview

Strong and hot northwest wind will shift milder west to south westerly between 3 and 4pm this afternoon. Wind will tend more south westerly and gradually ease following the change. High squalls are expected around the change. There is a slight risk of a high based thunderstorm (probably dry) from late afternoon onwards ...

Assumptions and uncertainties associated with the forecast

The change timing is looking good with fairly steady movement so far. Wind change charts are being issued from this office this afternoon and can be consulted for the latest information on the progress of the change.

- 3.8 The Spot Weather Forecast also predicted the temperature would reach 46°C at 15:00, with relative humidity of around seven per cent, north to north-westerly winds of 55 kilometres per hour gusting to 90 kilometres per hour and a grassland

⁷⁶ Exhibit 22 – Statement of Williams, Annexure 1 (WIT.013.001.0012) at 0088

⁷⁷ Exhibit 269 – Statement of Russell, Annexure 11 (WIT.3004.013.0241) at 0247

⁷⁸ Exhibit 22 – Statement of Williams, Annexure 1 (WIT.013.001.0012) at 0088

⁷⁹ Exhibit 269 – Statement of Russell, Annexure 11 (WIT.3004.013.0241) at 0247

⁸⁰ Exhibit 22 – Statement of Williams, Annexure 1 (WIT.013.001.0012) at 0088

⁸¹ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [49]; Annexure 11 (WIT.3004.013.0241) at 0247

⁸² Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [49]

⁸³ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [49]; Russell T7310:1–T7310:7

⁸⁴ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [49]

⁸⁵ Exhibit 22 – Statement of Williams, Annexure 1 (WIT.013.001.0012) at 0088. But compare Annexure 1, pages 42 and 85, which give the maximum temperature for Horsham as 47.6°C

⁸⁶ Exhibit 22 – Statement of Williams, Annexure 1 (WIT.013.001.0012) at 0222

⁸⁷ Exhibit 22 – Statement of Williams, Annexure 1 (WIT.013.001.0012) at 0222

FDI of 233.⁸⁸

- 3.9 At 14:30, the grassland FDI was estimated to be greater than 200.⁸⁹ In fact, at this time the Horsham AWS recorded the grassland FDI as 251 and for the second time recorded the maximum temperature of 45.7°C.⁹⁰
- 3.10 At approximately 15:17 the Horsham AWS recorded a significant change, with the wind shifting 30° to the west⁹¹ (from 320° to 290°)⁹² to a west to north-westerly wind of approximately 54 kilometres per hour gusting to 64.9 kilometres per hour,⁹³ relative humidity increasing by two per cent to around 10 per cent, a temperature of 44.1°C⁹⁴ and a grassland FDI of 192.⁹⁵
- 3.11 Around an hour later, at 16:29, the Horsham AWS recorded another significant change, with the temperature decreasing to 39.2°C⁹⁶ and the wind turning 40° west to a west south westerly travelling at approximately 61 kilometres per hour and gusting to approximately 72 kilometres per hour.⁹⁷ At this time the FDI had dropped to 169.⁹⁸
- 3.12 By the time the fire had been stopped on the Lubeck Road, the temperature was recorded as 34.6°C with a grassland FDI of 50.⁹⁹

4 Detection

- 4.1 The electricity went off at the Peterson farm at 12:20.¹⁰⁰ After waiting a few minutes for the power to come back on, Mr Alan Peterson left his house to go and collect a generator from his shed. He stopped to put on his boots, then walked against a stiff northerly wind towards the shed, which took him about one minute. When he neared the shed he glanced to the east and saw blue smoke to the south of the base of Pole 15. Mr Peterson could not say how long the fire had been burning at that time.¹⁰¹
- 4.2 Mr Peterson ran back to the house, passing under the powerline, at which time he observed that the line was off pole 15, and had been blown to the south of the pole under the influence of the north wind. He could see the line in contact with

⁸⁸ Exhibit 22 – Statement of Williams, Annexure 1 (WIT.013.001.0012) at 0222

⁸⁹ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [49]

⁹⁰ Exhibit 22 – Statement of Williams, Annexure 1 (WIT.013.001.0012) at 0088

⁹¹ Exhibit 269 – Statement of Russell, Annexure 11 (WIT.3004.013.0241) at 0247

⁹² Exhibit 22 – Statement of Williams, Annexure 1 (WIT.013.001.0012) at 0088

⁹³ Exhibit 269 – Statement of Russell, Annexure 11 (WIT.3004.013.0241) at 0244 and 0247

⁹⁴ Exhibit 22 – Statement of Williams, Annexure 1 (WIT.013.001.0012) at 0088

⁹⁵ Compare also Exhibit 269 - Statement of Russell (WIT.3004.013.0001) [49], [55]

⁹⁶ Exhibit 269 – Statement of Russell, Annexure 11 (WIT.3004.013.0241) at 0245; Exhibit 22 – Statement of Williams, Annexure 1 (WIT.013.001.0012) at 0088

⁹⁷ Exhibit 269 – Statement of Russell, Annexure 11 (WIT.3004.013.0241) at 0245, 0248

⁹⁸ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [49]

⁹⁹ Exhibit 22 – Statement of Williams, Annexure 1 (WIT.013.001.0012) at 0088

¹⁰⁰ Exhibit 267 – Statement of Peterson (WIT.7516.001.0001_R) [15]

¹⁰¹ Exhibit 267 – Statement of Peterson (WIT.7516.001.0001_R) [18]-[19]

the ground. Mrs Peterson was on the phone trying to speak to Powercor, but Mr Peterson told her to hang up and ring 000, which she did.¹⁰²

- 4.3 The Petersons telephoned 000 at 12:25.¹⁰³ The first entry in the Computer Aided Dispatch System for the Horsham fire was made at 12:25 and stated 'powerline down and started grass fire'.¹⁰⁴
- 4.4 The Ground Observer was on the scene approximately two minutes after the fire was reported. At that time, the fire was already south of Remlaw Road. The head of the fire was only about 100 metres wide, but it was quite intense. This was reported back to the ICC.¹⁰⁵
- 4.5 Personnel from Powercor were on the Peterson's property by 12:40. They arrived before any private firefighting units, but did not enter the paddock to approach pole 15 until firefighters had arrived.¹⁰⁶ By 13:50 on 7 February, the Powercor workers had replaced the old pole cap with a new pole cap assembly, the conductor was back in place at the top of the pole, and power had been restored.¹⁰⁷

5 Incident management

The ICC

- 5.1 The Incident Control Centre (ICC) at Natimuk Road in Horsham is a DSE work centre.¹⁰⁸ It was set up jointly by the CFA and DSE and is a Level 3 ICC.¹⁰⁹ The ICC is set up to accommodate all functions and roles in the AILMS structure, with pre-determined seating and locations. It also has all the necessary requirements such as telephones, faxes, radios, whiteboards and computers.¹¹⁰

Resources

- 5.2 Horsham is located in CFA Region 17. In that region, the CFA has 13 groups with 84 fire brigades, 15 career staff members, approximately 4,300 volunteer members and approximately 122 appliances. Within Region 17 the DSE also maintains a number of firefighting units, including slip-on units and command vehicles.¹¹¹

¹⁰² Exhibit 267 – Statement of Peterson (WIT.7516.001.0001_R) [20]

¹⁰³ Exhibit 269 – Statement of Russell, Annexure 11 (WIT.3004.013.0241) at 0241

¹⁰⁴ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [48]; Exhibit 4 –Statement of Rees (WIT.004.002.0001) [39]

¹⁰⁵ Brennan T7318:14–T7318:28

¹⁰⁶ Exhibit 267 – Statement of Peterson (WIT.7516.001.0001_R) [21]–[22]; Exhibit 268 – Statement of Peterson (WIT.7517.001.0001_R) [10], [13]

¹⁰⁷ Exhibit 267 – Statement of Peterson (WIT.7516.001.0001_R) [23]; Exhibit 256 – Statement of Brennan (WIT.3019.001.0001) [24]; Brennan T7323:1–T7323:4

¹⁰⁸ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [2]

¹⁰⁹ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [60]

¹¹⁰ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [60]

¹¹¹ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [12]–[13]

There are also a considerable number of private firefighting appliances that are owned and maintained by farmers and landholders in order to defend their properties, which are of enormous benefit as they provide additional local resources and are able to access local properties quickly.¹¹² Depending on the part of the region, local units may outnumber CFA units by up to eight to one.¹¹³

- 5.3 Region 17 has access to two privately owned fire spotter aircrafts to monitor the weather conditions for wind change or lightning activity on days where that is warranted.¹¹⁴ It also has access to two fire bombers at Stawell airport and a light helicopter based at Horsham, all of which are managed by the State Aircraft Unit. Those aircraft are privately owned but contracted to CFA and DSE for a 16 week period, which can be extended.¹¹⁵

Planning

- 5.4 Mr Dale Russell is the CFA Operations Manager for Region 17.¹¹⁶ He is a Level 4 Operations Manager and a Level 3 Incident Controller (IC).¹¹⁷
- 5.5 Mr Russell was involved in extensive planning and preparation for 7 February, as he was aware that it was expected to be an extreme fire danger day.¹¹⁸ He had received weather advice provided by the Bureau of Meteorology from the iECC, together with paper messages from Regional Duty Officers indicating that significant fire weather was predicted for 7 February. Information in these messages included the FDI and the weather forecast. The paper message sent on 6 February forecast the FDI as 178 for 7 February, which made it a Code Red Day under the CFA colour coding system.¹¹⁹ Given the above weather predictions, operations staff at Region 17 were in contact with the local paper and also issued fire safety messages on 3WM local radio network.¹²⁰
- 5.6 Relations between the CFA and DSE in Region 17 are excellent. The working relationships are firmly established, with the organisations often working together in relation to lightening events.¹²¹
- 5.7 On 4 February 2009, Mr Russell spoke with Geoff Evans, the DSE Manager of Land and Fire at Wimmera District, to put Incident Management Team (IMT) plans in place for the forthcoming total fire ban days and in particular 7 February. They

¹¹² Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [14]; Russell T7449:10–T7449:29; McGenniskien T7482:21–T7482:30

¹¹³ Russell T7449:26–T7449:29

¹¹⁴ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [18]

¹¹⁵ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [19]

¹¹⁶ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [1], [6]

¹¹⁷ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [7]

¹¹⁸ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [32]

¹¹⁹ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [42]

¹²⁰ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [41]–[42]

¹²¹ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [33]; Exhibit 272 – Statement of McGenniskien (WIT.089.001.0001) [24]

spoke about the IMT structure, how many people would be needed and how many people were available. They also spoke about coordinating all aspects of the IMT.¹²²

- 5.8 Mr Russell was aware that every Level 3 ICC had to be a ‘hot start’ on 7 February, which he understood to mean that the ICC must be manned and ready to go in the event of an incident.¹²³ Accordingly, the Horsham ICC was fully manned on 7 February.¹²⁴ An AIMS Structure sheet had been prepared on 6 February that outlined the IMT roles for the day shift on 7 February. There were approximately 42 people allocated in IMT roles for that day.¹²⁵
- 5.9 In the lead-up to 7 February, crews from the fire brigades were pre-determined, and firefighting appliances were formed into Strike Teams to send away to other regions if required.¹²⁶ A Strike Team is a team of up to five tankers of similar configuration. It consists of a Strike Team leader vehicle with a minimum of two people with two VHF radios, GPS and a mobile phone. The Strike Team leader is responsible for matters including interaction with the IMT.¹²⁷

The Incident Management Team

- 5.10 Mr Russell commenced his shift at 07:00 at the ICC.¹²⁸ At 08:46, Mr Russell and Mr Evans conducted an IMT briefing and discussed the IMT structure chart, the weather conditions expected for the day, including what plant was available including graders and dozers and other issues.¹²⁹
- 5.11 At 10:11, Mr Russell and Mr Evans conducted a further IMT briefing as the prearranged personnel arrived at the ICC. They had planned that there would be a staggered start at the ICC to ensure staggered shift finishes.¹³⁰
- 5.12 By the time of the second briefing, one fire spotter was already in the air,¹³¹ and one of the two spotter aircraft was in the air all day.¹³²
- 5.13 The Horsham fire was reported to the CFA at 12:26.¹³³ Mr Russell became the IC.¹³⁴ The role of Deputy Incident Controller (DIC) was performed by Graham

¹²² Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [33]

¹²³ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [37]

¹²⁴ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [45], [60]

¹²⁵ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [34]; Annexure 5 (WIT.3004.013.0214)

¹²⁶ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [46]

¹²⁷ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [22]

¹²⁸ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [58]

¹²⁹ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [66]

¹³⁰ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [66]

¹³¹ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [67]

¹³² Russell T7454:21–T7454:28

¹³³ Exhibit 4 –Statement of Rees (WIT.004.002.0001) [39]; Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [48]

¹³⁴ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [61]; Russell T7448:4–T7448:5, T7448:26

Parkes of Parks Victoria.¹³⁵ Peter Solly became the Planning Officer, Rhonda McNeil and John McKenry were the Operations Officers and Mary Raynes was the Logistics Officer.¹³⁶

- 5.14 Region 17 usually uses only one Police Liaison Officer, who has a split role dealing with traffic management issues and any other issues that may arise in relation to police and welfare matters. On 7 February two such officers were used, and Russell considered that to have worked well and to be something likely to be continued in the future.¹³⁷
- 5.15 A dedicated Ground Observer was deployed on 7 February to gather real time data and relay that data back to the ICC. The data relates to matters such as the location of the fire, its behaviour, fuel available, likely direction, rate or spread and assets at risk. The deployment of a Ground Observer alleviates pressure on personnel with direct operational responsibilities to provide this information.¹³⁸

Response

- 5.16 At 12:26 the Horsham fire was reported to the CFA.¹³⁹ The Horsham fire brigade responded at 12:27 and was in attendance at the fire, close to the point of origin, at 12:30.¹⁴⁰
- 5.17 The Ground Observer was at the scene of the fire less than 10 minutes after it started. The fire had already crossed Remlaw Road and was about to cross the Wimmera Highway. At 12:31, after the fire crossed the Wimmera Highway, it entered a paddock with sparse fuel, where under favourable weather conditions there would have been a good chance of stopping the fire. DSE resources attacked the head of the fire at that location.¹⁴¹
- 5.18 At 12:30, Mr Russell spoke with Richard Bourke at the RECC asking that he provide six additional tankers (10 in total) as the usual four would not be enough. He spoke to Bourke again at 12:41 advising that the fire 'had potential'.¹⁴²
- 5.19 At 12:43, Mr Russell met with the Operations Officers in the ICC about the Communications Plan, as 10 tankers were on the way to the fire and there was a need to have a Communications Plan in place. Mr Russell requested that the fire

¹³⁵ Evans, who would ordinarily have been the DIC in a fire for which the CFA had primary responsibility, was not available because his house was under threat of fire: Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [63]

¹³⁶ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [62]; Russell T7448:27–T7448:29

¹³⁷ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [62]

¹³⁸ Exhibit 256 – Statement of Brennan (WIT.3019.001.0001) [9]; Brennan T7316:29–T7317:7

¹³⁹ Exhibit 4 –Statement of Rees (WIT.004.002.0001) [39]; Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [48]

¹⁴⁰ Russell T7311:12–T7311:18

¹⁴¹ Exhibit 256 – Statement of Brennan (WIT.3019.001.0001) [16]; Attachment 3 (WIT.3019.001.0019_R) at 0032_R

¹⁴² Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [71]–[72]

- be sectorised, because everyone was operating on fire channel 77 and that channel had too much radio traffic.¹⁴³
- 5.20 A short time later, Mr Russell asked Mr Solly in the ICC to arrange for 20 tankers. At 12:57, Mr Bourke rang the IC from the RECC and confirmed that was fine.¹⁴⁴
- 5.21 At 13:40, Mr Russell declined a request for assistance from the Coleraine ICC to assist with the Coleraine fire, given the Horsham fire.¹⁴⁵
- 5.22 Mr Russell gave regular situation reports to Mr Bourke at the RECC. In the situation report at 13:43, Mr Russell told Mr Bourke that the fire was estimated to be burning to 300 hectares and impacting on the Haven area.¹⁴⁶
- 5.23 At 13:50, Mr Russell decided to close the Western Highway, after discussing the matter with the Police Liaison Officer. Mr Russell thought that the fire may impact on the highway, and the relevant stretch of highway was approximately 37 kilometres long, meaning he wanted to ensure he had plenty of time to close the highway before the fire hit.¹⁴⁷
- 5.24 At 14:03, Mr Russell spoke with Mr Bourke about deploying strike teams to Green Lake, in an effort to look ahead at where the fire was going.¹⁴⁸ The initial response was four tankers, which is the standard hot day response, but Mr Russell had asked for 10, then 20, then 30 tankers be deployed over a relatively short period of time in order to protect the town.¹⁴⁹
- 5.25 At its height, there were 44 CFA tankers, and about 30 DSE units of various types, fighting the fire, plus earthmoving equipment and private units.¹⁵⁰ The firefighting effort focused on asset protection.¹⁵¹
- 5.26 However, CFA, DSE and private firefighters also put a great deal of effort into securing the eastern flank of the fire, so as to prevent the fire impacting on Horsham.¹⁵² Mineral earth containment lines were constructed with bulldozers and graders along the eastern flank of the fire, to secure that flank in the event of the expected wind change towards Horsham. Those containment lines worked, as in many areas the containment lines mark the edge of the eventual fire perimeter.¹⁵³

¹⁴³ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [73]

¹⁴⁴ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [74]

¹⁴⁵ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [75]

¹⁴⁶ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [76]

¹⁴⁷ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [77]

¹⁴⁸ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [78]

¹⁴⁹ Russell T7316:2–T7316:5

¹⁵⁰ Russell T7454:15–T7454:20; Exhibit 4 –Statement of Rees (WIT.004.002.0001) [52], who refers to 41 CFA appliances and 253 personnel, not including DSE crews.

¹⁵¹ Exhibit 272 – Statement of McGennicken (WIT.089.001.0001) [17], [19], [21]–[22]

¹⁵² Russell T7315:19–T7315:31

¹⁵³ Russell T7451:16–T7453:5

- 5.27 During the afternoon, the Dimboola Forward Command Vehicle was involved in a burn over, but no-one was injured.¹⁵⁴ It appears that during the fire one CFA unit requested a door knock of notifications for possible evacuation of particular areas, but Mr Russell felt it was too dangerous to do so.¹⁵⁵
- 5.28 At 15:05, Mr Russell was contacted by Paul Gerdtz, of Powercor, and told that six poles had burnt down along the Wimmera Highway, which had resulted in a loss of power right through to the South Australian border. Mr Russell decided to allow Powercor workers access to the area so that power could be restored.¹⁵⁶ Powercor workers receive basic fire awareness training, because they are one of the organisations that assist during incidents.¹⁵⁷ Mr Russell spoke to Gerdtz again at 17:20, because he needed to get through a traffic management point. Mr Russell spoke to police and sanctioned access for Powercor through the traffic management point (TMP).¹⁵⁸
- 5.29 At 16:19, Mr Russell spoke with Mr Bourke at the RECC to confirm that he required the additional four tankers which were available at Donald in Region 20, and he spoke with him again at 16:30 in relation to the estimated time of arrival of the four Strike Teams.¹⁵⁹
- 5.30 At 17:58, Mr Bourke rang Mr Russell in relation to crews being stopped at the TMP on the Western Highway. Mr Russell spoke to the police about this, and faxed a list of the TMPs to the RECC.¹⁶⁰ He then spoke to David Eltringham, the Municipal Emergency Resource Officer (MERO), to arrange for staff of the Horsham Rural City Council to drive every fire affected road in the area and report back to the IMT briefing the next morning at 8:00 in relation to whether the roads could be opened.¹⁶¹
- 5.31 The forward run of the Horsham fire was halted at around 18:00.¹⁶²
- 5.32 At 18:52, Mr Russell gave Mr Gerdtz approval to access Haven to inspect the powerlines, because there was no power west and south of Horsham at that time, meaning thousands of people were without power. By 05:00 on 8 February 2009, 20 poles had been changed and the power was back on.¹⁶³
- 5.33 At 19:38, Mr Russell spoke with Mr Parkes and with police about displaced local residents who had either self evacuated or had been stopped from returning home as a result of the TMPs. The town hall had been opened as a relief centre and

¹⁵⁴ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [80]

¹⁵⁵ Exhibit 273 – Statement of Arthur (WIT.3010.004.0483) [74]

¹⁵⁶ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [81]

¹⁵⁷ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [94]

¹⁵⁸ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [89]

¹⁵⁹ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [85]

¹⁶⁰ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [90]

¹⁶¹ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [91]

¹⁶² Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [50]

¹⁶³ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [93]–[94]

there were 25 people in the town hall at that time. It was agreed that arrangements would be made for them to be escorted home to relieve any anxiety they may be experiencing and to enable them to be available to extinguish any flare ups at their homes through the night.¹⁶⁴

- 5.34 Mr Russell handed over to David Chugg, the incoming IC, at 20:00.
- 5.35 Mr Russell returned to work shortly before 8:00 the next morning, at which time the fire had not increased in size since 18:00 the night before. After Operations Officers consulted the Fire Ground Commanders, Mr Russell declared the fire contained at 13:35 on 8 February 2009.¹⁶⁵

Emergency management

- 5.36 The spread of the Horsham fire had been stopped about six hours after that fire started, and the fire was declared contained the next day. As a result, the time within which it was necessary for the Horsham Rural City Council's emergency management procedures to operate was relatively brief.
- 5.37 Mr Eltringham has been the MERO for Horsham Rural City Council since 1998.¹⁶⁶ He is responsible for co-ordinating municipal resources in responding to emergencies, as well as other roles including maintaining the Municipal Emergency Co-ordination Centre (MECC).¹⁶⁷ Other key emergency management personnel for the Horsham Rural City Council include: Sergeant Damien Ferrari (Acting Senior Sergeant at the time of the Horsham fire on 7 February 2009), the Municipal Emergency Response Co-ordinator (MERC) who was also the Police Forward Commander for Horsham for the 7 February fire,¹⁶⁸ and Sergeant Mick Salter, Deputy MERC, who was also the Police Assistant Forward Commander for Horsham for the 7 February fire.¹⁶⁹
- 5.38 The Municipal Emergency Management Plan (MEMP) for the Horsham Rural City Council was developed by the Horsham Rural City Municipal Emergency Management Planning Committee.¹⁷⁰ It provides for the establishment of a MECC, from which the municipal resources are administered during an emergency.¹⁷¹ The MECC is a means by which information and directions can be provided to the Council by the ICC in the event of an emergency. The primary location for the MECC is the Council Chamber and Reception Room.¹⁷²
- 5.39 The MECC was set up in December 2008, which involved converting the Council

¹⁶⁴ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [95]

¹⁶⁵ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [97]–[98]

¹⁶⁶ Exhibit 282 – Statement of Eltringham (WIT.4003.001.0001) [2]

¹⁶⁷ Exhibit 282 – Statement of Eltringham (WIT.4003.001.0001) [4]

¹⁶⁸ Exhibit 274 – Statement of Ferrari (WIT.3010.003.0317) [2], [12]

¹⁶⁹ Exhibit 275 – Statement of Salter (WIT.3010.004.0726_M) [3]

¹⁷⁰ Exhibit 282 – Statement of Eltringham (WIT.4003.001.0001) [17]–[20]

¹⁷¹ Exhibit 282 – Statement of Eltringham (WIT.4003.001.0001) [4], [6]

¹⁷² Exhibit 282 – Statement of Eltringham (WIT.4003.001.0001) [7]–[8]

- Chamber.¹⁷³ Once established, the MECC generally stays set up and ready to activate for the whole fire season.¹⁷⁴ It remained set up until the start of February 2009. However, it was converted back into a Council Chamber a few days before 7 February due to a Council meeting, and had to be re-established on 7 February.¹⁷⁵
- 5.40 The MEMP also provides for the provision of emergency services staging areas and the opening of Emergency Relief Centres.¹⁷⁶ It identifies a number of sites which may be used as Emergency Relief Centres, the Town Hall being the principal location.¹⁷⁷
- 5.41 As a result of experience in a wildfire in the Grampians in 2006, the Horsham Rural City Council was permitted to have a representative at the Horsham ICC.¹⁷⁸ It now has a workstation at the Horsham ICC and its own radio.¹⁷⁹ This arrangement means that the MECC is not always set up in the event of an emergency, because the Council's presence at the Horsham ICC may be sufficient to ensure the operational requirements in relation to the incident are met.¹⁸⁰
- 5.42 In the days prior to 7 February, Mr Eltringham and Mr Ferrari discussed various issues in preparation for 7 February, including availability of water carts, and the pre-positioning of earthmoving equipment west of Horsham to reduce the response time to a fire impacting from the west (a step taken because of the forecast and anticipated wind change).¹⁸¹ They received a constant stream of updates from other agencies, particularly CFA and DSE, including weather forecasts.¹⁸²
- 5.43 At 12:32 on 7 February Mr Eltringham received a call from Mr Evans (DSE) who told him that a fire had started north of the Wimmera River.¹⁸³ Mr Evans told Mr Eltringham where to send equipment. Mr Eltringham activated the response plan, and within 11 minutes equipment from the Council Depot was on its way to the fireground, where it arrived by 12:50.¹⁸⁴ Equipment was also sent to an area south of the river that it was thought would come under threat and where there were considerable community and municipal assets, and water was sent to the aerodrome to resupply water bombing aircraft.¹⁸⁵

¹⁷³ Exhibit 282 – Statement of Eltringham (WIT.4003.001.0001) [42]

¹⁷⁴ Exhibit 275 – Statement of Salter (WIT.3010.004.0726_M) [12]

¹⁷⁵ Exhibit 282 – Statement of Eltringham (WIT.4003.001.0001) [42]

¹⁷⁶ Exhibit 282 – Statement of Eltringham (WIT.4003.001.0001) [34]

¹⁷⁷ Exhibit 282 – Statement of Eltringham (WIT.4003.001.0001) [35]

¹⁷⁸ Exhibit 282 – Statement of Eltringham (WIT.4003.001.0001) [28]-[29]

¹⁷⁹ Exhibit 282 – Statement of Eltringham (WIT.4003.001.0001) [32]

¹⁸⁰ Exhibit 282 – Statement of Eltringham (WIT.4003.001.0001) [33]

¹⁸¹ Exhibit 274 – Statement of Ferrari (WIT.3010.003.0317) [5]-[6]; Exhibit 282 – Statement of Eltringham (WIT.4003.001.0001) [57]-[58]

¹⁸² Exhibit 274 – Statement of Ferrari (WIT.3010.003.0317) [7]

¹⁸³ Exhibit 282 – Statement of Eltringham (WIT.4003.001.0001) [60]

¹⁸⁴ Exhibit 282 – Statement of Eltringham (WIT.4003.001.0001) [61]-[62]

¹⁸⁵ Exhibit 282 – Statement of Eltringham (WIT.4003.001.0001) [63]

- 5.44 The MECC initially was not physically activated, because Mr Eltringham had decided to work out of the ICC,¹⁸⁶ while Mr Ferrari attended the Horsham Police Operations Centre (POC), where he performed the dual roles of MERC and Forward Commander.¹⁸⁷ Police liaison officers at the ICC kept the MERC informed of the MERO's requests from the ICC.¹⁸⁸
- 5.45 An Emergency Relief Centre (ERC) was opened at the Horsham Town Hall at 15:30, and about 90 people registered there, some of whom had lost their homes and many of whom wanted more information than was available on ABC radio.¹⁸⁹
- 5.46 After the fire was officially contained at 13:25 on Sunday, 8 February 2009, the response was wound down. The ERC was closed that day, and the Council ceased attending the ICC on 11 February 2009. The MECC was deactivated on 11 February and it became the Council's Recovery Centre.¹⁹⁰
- 5.47 There were advantages having the MERO at the ICC, where requests for resources could be discussed with him, and then acted on immediately.¹⁹¹ Further, the fact that the MERC was situated at the POC allowed him to undertake important functions in managing police resources.¹⁹² The MERC's capacity to communicate directly with the police liaison officers at the ICC also enhanced his ability to forward plan the police response.¹⁹³
- 5.48 There were, however, downsides in not using the MECC, with the result that staff were in different locations. Those downsides included a negative impact on communications due to the need for additional phone calls,¹⁹⁴ and the MERC and other council staff were not aware of the resource requests that had been made or how they were being actioned by the MERO.¹⁹⁵
- 5.49 Further, the fact that personnel were not located at the MECC meant that there was no logging of resource requests,¹⁹⁶ and there was often a delay in responding to calls.¹⁹⁷ Further, there was insufficient space in the POC.¹⁹⁸

¹⁸⁶ Exhibit 275 – Statement of Salter (WIT.3010.004.0726_M) [13]; Exhibit 282 – Statement of Eltringham (WIT.4003.001.0001) [64]; Exhibit 274 – Statement of Ferrari (WIT.3010.003.0317) [14]

¹⁸⁷ Exhibit 274 – Statement of Ferrari (WIT.3010.003.0317) [12]

¹⁸⁸ Exhibit 274 – Statement of Ferrari (WIT.3010.003.0317) [12]

¹⁸⁹ Exhibit 282 – Statement of Eltringham (WIT.4003.001.0001) [66]

¹⁹⁰ Exhibit 282 – Statement of Eltringham (WIT.4003.001.0001) [68]–[70]

¹⁹¹ Exhibit 274 – Statement of Ferrari (WIT.3010.003.0317) [16]; Exhibit 275 – Statement of Salter (WIT.3010.004.0726_M) [24]; Exhibit 273 – Statement of Arthur (WIT.3010.004.0483) [71]

¹⁹² Exhibit 274 – Statement of Ferrari (WIT.3010.003.0317) [17]–[18], [26]

¹⁹³ Exhibit 274 – Statement of Ferrari (WIT.3010.003.0317) [27]

¹⁹⁴ Exhibit 274 – Statement of Ferrari (WIT.3010.003.0317) [15]

¹⁹⁵ Exhibit 275 – Statement of Salter (WIT.3010.004.0726_M) [24]

¹⁹⁶ Exhibit 274 – Statement of Ferrari (WIT.3010.003.0317) [20]

¹⁹⁷ Exhibit 274 – Statement of Ferrari (WIT.3010.003.0317) [20]

¹⁹⁸ Exhibit 274 – Statement of Ferrari (WIT.3010.003.0317) [10]

6 Warnings

- 6.1 Mr Parkes, the DIC, was appointed as the media spokesperson and he gave radio interviews concerning the Horsham fire throughout the day.¹⁹⁹
- 6.2 At 12:37, the first urgent threat message (authorised by Mr Evans) was issued from the ICC with respect to the Horsham fire.²⁰⁰ This message, which was broadcast on ABC 774 at 12:57,²⁰¹ 13:05,²⁰² 13:24²⁰³ and 13:35,²⁰⁴ provided the following information:²⁰⁵
- A fire is burning west of Horsham along Remlaw Road in a southerly direction near the communities of Haven, McKenzie Creek and all the way through to Wonwondah may be directly impacted by this fire.*
- 6.3 At 12:40 a DSE warning issued in almost identical terms.²⁰⁶ At 12:50 the DSE external website was updated to make reference to this urgent threat message.²⁰⁷
- 6.4 Around 12:45 Sue Exell, a resident of Haven, smelt smoke at her property and checked the CFA website but couldn't find anything relating to her area.²⁰⁸ It was not until 13:20 that the CFA issued its first warning for Haven, McKenzie Creek and Wonwondah West of Horsham, which was posted on the CFA website at around that time.²⁰⁹ That warning was in the same terms as the urgent threat message issued by the ICC at 12:37, nearly one hour earlier.
- 6.5 At 13:26, Mr Russell authorised a further urgent threat message. That message stated:²¹⁰

¹⁹⁹ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [63]; Exhibit 7 - Transcript of the 774 ABC Radio Broadcast, 7 Feb 7am–Midnight (SUMM.001.002.0001) at 0260 (approximately 15:00), 0367 (approximately 18:00), 0402 (approximately 19:00); Exhibit 79 - ABC Western Victoria Radio Transcript 7 February 2009 from VGS (CFA.001.015.0292) at 0294-0298 (approximately 14:30); (CFA.001.015.0310) at 0336-0342 (approximately 15:45); (CFA.001.015.0347) at 0378-0381 (approximately 16:55); (CFA.001.015.0382) at 0393-0403 (approximately 17:30); (CFA.001.015.0413) at 0428-0436 (approximately 18:30); (CFA.001.015.0504) at 0508-0516 (approximately 21:05)

²⁰⁰ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [104]; Annexure 15 (WIT.3004.013.0280)

²⁰¹ Exhibit 7 – Transcript 774 ABC Radio Broadcast – Saturday, 7 February 2009 7am – Midnight (SUMM.001.002.0001) at 187:27

²⁰² Exhibit 7 – Transcript 774 ABC Radio Broadcast – Saturday, 7 February 2009 7am – Midnight (SUMM.001.002.0001) at 191:41

²⁰³ Exhibit 7 – Transcript 774 ABC Radio Broadcast – Saturday, 7 February 2009 7am – Midnight (SUMM.001.002.0001) at 203:12

²⁰⁴ Exhibit 7 – Transcript 774 ABC Radio Broadcast – Saturday, 7 February 2009 7am – Midnight (SUMM.001.002.0001) at 210:2

²⁰⁵ Exhibit 269 – Statement of Russell, Annexure 15 (WIT.3004.013.0280)

²⁰⁶ Exhibit 191 – Statement of Graystone, Annexure 5 (WIT.3026.001.0094) at 0100

²⁰⁷ Exhibit 191 – Statement of Graystone, Annexure 5 (WIT.3026.001.0094) at 0101

²⁰⁸ Exhibit 265 – Statement of Exell (WIT.083.001.0001) [16], [17]

²⁰⁹ Exhibit 4 – Statement of Rees (WIT.004.002.0001) [50]; Exhibit 3 – Statement of Rees, Annexure 31 (WIT.004.001.0509) at 0518-0519

²¹⁰ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [105]; Annexure 16 (WIT.3004.013.0282)

The Remlaw Fire, burning west of Horsham City, is burning in a southerly direction. The fire crossed the Wimmera River at 12.50pm and has crossed Gold Course Road and is currently burning towards Old Hamilton Road. The communities of Haven, McKenzie Creek and all the way through to Wonwondah may be directly impacted by this fire. There are also reports of spotting at the back of Kenny Road, Horsham.

- 6.6 That message did not refer to the direct impact of the fires on Haven, which had occurred approximately 30 minutes earlier.²¹¹
- 6.7 It appears that the urgent threat message issued at 13:26 was not uploaded to the CFA website, and that it was not the subject of a warning by the CFA itself.
- 6.8 The urgent threat message issued by the ICC at 13:26 was broadcast on ABC 774 at 13:51²¹² and 14:10.²¹³ Some of the information from this message was also referred to during a news report of ABC Horsham at 14:00.²¹⁴
- 6.9 At 14:00, Mr Russell and Mr Parkes issued a Joint Media Release²¹⁵ stating that over 300 CFA and DSE personnel, with 50 CFA tankers and 35 DSE units, were currently fighting a grassfire west of Horsham City which had already burnt approximately 1800 hectares. The Joint Media Release confirmed that the Horsham Golf Club, three houses, and several sheds had been destroyed. It also stated that the Dimboola Brigade unit had been destroyed but the firefighters were well and back on the fire line. Finally, the Joint Media Release identified the locations of the road closures then in place.
- 6.10 During ABC 774's 14:10 broadcast of the urgent threat message issued at 13:26, it was suggested that listeners tune to ABC's Horsham studios (594 on the AM band) who were broadcasting live updates regarding the fire. At 14:15, ABC 774 again directed listeners to Horsham ABC 594 on the AM band and also suggested reference to the CFA and DSE websites.²¹⁶ While Samantha Stayner gave evidence that Horsham 594 broadcast local detail from 14:00, it is plain from transcripts of Radio ABC Western Victoria that ABC Horsham 594 did not commence its rolling broadcast of the Horsham fire until 14:29 (well after listeners had been directed to

²¹¹ Exhibit 3 – Statement of Rees (WIT.004.001.0001) at 0099; Exhibit 265 – Statement of Exell (WIT.083.001.0001) [22]; Exhibit 269 – Statement of Russell, Annexure 11 (WIT.3004.013.0241) at 0244; Exhibit 255 – Star Tool for Horsham Fire (EXH.255.0001)

²¹² Exhibit 7 – Transcript 774 ABC Radio Broadcast – Saturday, 7 February 2009 7am – Midnight (SUMM.001.002.0001) at 220:32

²¹³ Exhibit 7 – Transcript 774 ABC Radio Broadcast – Saturday, 7 February 2009 7am – Midnight (SUMM.001.002.0001) at 230:34

²¹⁴ Exhibit 7 – Transcript 774 ABC Radio Broadcast – Saturday, 7 February 2009 7am – Midnight (SUMM.001.002.0001) at 225:25

²¹⁵ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [106], Annexure 17 (WIT.3004.013.0285)

²¹⁶ Exhibit 7 – Transcript 774 ABC Radio Broadcast – Saturday, 7 February 2009 7am – Midnight (SUMM.001.002.0001) at 234:31

that station).²¹⁷

- 6.11 At 14:10, Mr Russell authorised a further urgent threat message, which indicated that the communities of Haven, MacKenzie Creek, Bungalally and Green Lake were currently under threat.²¹⁸ This message referred for the first time to a westerly wind change due between 15:00 and 18:00 that day, and warned that:²¹⁹

When the wind change comes through the area the communities on the eastern side of the Western Highway between Drung Drung South and Horsham may be under threat.

That threat message was broadcast for the first time by ABC 774 at 14:50.²²⁰ It was not posted on the CFA website until 14:56.²²¹

- 6.12 The warning issued at 14:10 was also the first to identify that the emergency relief centre was located at the Horsham Town Hall.²²² Later, ABC 774 referred to the emergency relief centre being set up at the Town Hall during its broadcast of the warning at 14:50.²²³
- 6.13 At 14:20, the DSE updated its external website to refer to an update for Remlaw Road Horsham (Rudolph Road).²²⁴ At 14:35 the DSE's external website was updated to refer to an update regarding the incident at Remlaw Road, Horsham.²²⁵ Some 20 minutes later, at 14:55, the DSE's external website was updated to refer to an urgent threat message regarding Remlaw Road Horsham.²²⁶ At 15:15, the DSE external website was updated with reference to an urgent threat message for Remlaw Road Horsham (Rudolph Road).²²⁷
- 6.14 At 14:30 ABC 774 reported with respect to the Horsham fires, and referred to some of the warnings contained in the urgent threat message issued almost an hour earlier at 13:26.²²⁸
- 6.15 At 15:17 the Horsham AWS recorded west to north-westerly winds of 53.7

²¹⁷ Exhibit 79 - Transcript - ABC Western Victoria Bushfire Coverage Local Bushfire Update 02:29pm (CFA.001.015.0292) at 0292; Exhibit 58 - Statement of Stayner (WIT.033.001.0001) [76]

²¹⁸ Exhibit 269 - Statement of Russell (WIT.3004.013.0001) [107]; Annexure 18 (WIT.3004.013.0287)

²¹⁹ Exhibit 269 - Statement of Russell, Annexure 18 (WIT.3004.013.0287)

²²⁰ Exhibit 7 - Transcript 774 ABC Radio Broadcast - Saturday, 7 February 2009 7am - Midnight (SUMM.001.002.0001) at 252:11-253:10

²²¹ Exhibit 4 - Statement of Rees (WIT.004.002.0001) [50]

²²² Exhibit 269 - Statement of Russell (WIT.3004.013.0001) [95], Annexure 18 (WIT.3004.013.0287)

²²³ Exhibit 7 - Transcript 774 ABC Radio Broadcast - Saturday, 7 February 2009 7am - Midnight (SUMM.001.002.0001) at 252:11

²²⁴ Exhibit 191 - Statement of Graystone, Annexure 5 (WIT.3026.001.0094) at 0104

²²⁵ Exhibit 191 - Statement of Graystone, Annexure 5 (WIT.3026.001.0094) at 0105

²²⁶ Exhibit 191 - Statement of Graystone, Annexure 5 (WIT.3026.001.0094) at 0105

²²⁷ Exhibit 191 - Statement of Graystone, Annexure 5 (WIT.3026.001.0094) at 0106

²²⁸ Exhibit 7 - Transcript 774 ABC Radio Broadcast - Saturday, 7 February 2009 7am - Midnight (SUMM.001.002.0001) at 241:37

kilometres per hour gusting to 64.8 kilometres per hour and 13 minutes later, at 15:30, recorded westerly winds of 48.1 kilometres per hour gusting to 74.1 kilometres per hour.²²⁹

- 6.16 The next urgent threat message issued from the ICC at 16:00.²³⁰ It contained the following information:²³¹

The Remlaw Fire, burning west of Horsham City has now burned over 2000 hectares. The expected wind change is currently coming through the Horsham area. Communities that are currently being impacted or under threat by the fire are Haven, MacKenzie Creek, Bungalally, Green Lake and other communities on the eastern side of the Western Highway between Drung Drung South and Horsham. Firefighters are working hard to hold the head of the fire on the Laharum Road between Mackies Road and Reynolds Road.

- 6.17 The urgent threat message which issued at 16:00 was broadcast on ABC 774 at 16:18²³² and recapped at 16:47²³³ and 17:00.²³⁴ However, that urgent threat message was not posted on the CFA website until approximately 16:35.²³⁵ The DSE external website was updated at 16:45 which referred to an update on the Remlaw Road incident.²³⁶

- 6.18 At 17:00, Mr Russell authorised an urgent threat message stating that:²³⁷

Due to the wind change over the Wimmera, the Remlaw fire is now burning in a westerly direction and will soon change to a south westerly direction. Firefighters have reported that the fire has jumped the Western Highway and is currently impacting the Brung Brung South Area. Communities within the Dooen, Riverside and Longerenong areas can expect to see increased fire activity over the next two hours and are urged to implement their bushfire survival action plan.

- 6.19 The urgent threat message confused the direction of the wind with the direction of the fire. The result was that it wrongly stated that the fire was burning in a

²²⁹ Exhibit 4 – Statement of Rees (WIT.004.002.0001) at 0008; Exhibit 269 – Statement of Russell, Annexure 11 (WIT.3004.013.0241) at 0244

²³⁰ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [108]

²³¹ Exhibit 269 – Statement of Russell, Annexure 19 (WIT.3004.013.0289)

²³² Exhibit 7 – Transcript 774 ABC Radio Broadcast – Saturday, 7 February 2009 7am – Midnight (SUMM.001.002.0001) at 306:7

²³³ Exhibit 7 – Transcript 774 ABC Radio Broadcast – Saturday, 7 February 2009 7am – Midnight (SUMM.001.002.0001) at 325:9

²³⁴ Exhibit 7 – Transcript 774 ABC Radio Broadcast – Saturday, 7 February 2009 7am – Midnight (SUMM.001.002.0001) at 332:11

²³⁵ Exhibit 4 – Statement of Rees (WIT.004.002.0001) [50]

²³⁶ Exhibit 3 – Statement of Rees, Annexure 31 (WIT.004.001.0509) at 0552-0554

²³⁷ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [109], Annexure 20 (WIT.3004.013.0291)

westerly, rather than an easterly, direction, and that it was expected to change to south-westerly, rather than north-easterly, direction.

- 6.20 Further, by the time this message was issued, the Horsham AWS had already recorded south-westerly winds of 61.1 kilometres per hour gusting to 72.2 kilometres per hour some 30 minutes earlier, at 16:29.²³⁸ Accordingly, by that time the fire was already heading in a generally north-easterly direction.
- 6.21 Despite this confusion, the message appears to have correctly named the communities of Dooen, Riverside and Longerenong, which are all generally to the north-east of where the fire was at the time.
- 6.22 Some of the information contained in the urgent threat message which was issued at 17:00 was immediately broadcast on ABC 774 at 17:00²³⁹ and the message was read in full at 17:10.²⁴⁰ Subsequently at 17:30,²⁴¹ 17:40,²⁴² and 18:00²⁴³ some of the information contained in the urgent threat message was again recapped on ABC 774.
- 6.23 ABC Local Radio in Western Victoria, however, appeared to be broadcasting the correct details to the Horsham community. At approximately 15:45 Mr Parkes stated on air that the wind change had hit the fire area, with very strong winds from the west and expected to push further to the south-west, putting communities east and north-east of the fire at risk.²⁴⁴ At approximately 16:55 Mr Parkes provided further advice on air to Drung Drung South, Longerenong, Dooen and possibly Riverside that they could be directly impacted upon by fire and within the next hour.²⁴⁵ At approximately 17:30 Mr Parkes further advised that the fire was continuing to travel in a north-easterly direction.²⁴⁶
- 6.24 The DSE website was updated with a reference to an update on the incident at Remlaw Road Horsham (Rudolph Road) at 17:30, 17:45 and 18:30.²⁴⁷
- 6.25 The Horsham fire was brought under control at about 18:00.²⁴⁸ At 18:20 the

²³⁸ Exhibit 4 – Statement of Rees (WIT.004.002.0001) at 0008

²³⁹ Exhibit 7 – Transcript 774 ABC Radio Broadcast – Saturday, 7 February 2009 7am – Midnight (SUMM.001.002.0001) at 332:11

²⁴⁰ Exhibit 7 – Transcript 774 ABC Radio Broadcast – Saturday, 7 February 2009 7am – Midnight (SUMM.001.002.0001) at 336:15

²⁴¹ Exhibit 7 – Transcript 774 ABC Radio Broadcast – Saturday, 7 February 2009 7am – Midnight (SUMM.001.002.0001) at 348:8

²⁴² Exhibit 7 – Transcript 774 ABC Radio Broadcast – Saturday, 7 February 2009 7am – Midnight (SUMM.001.002.0001) at 354:26

²⁴³ Exhibit 7 – Transcript 774 ABC Radio Broadcast – Saturday, 7 February 2009 7am – Midnight (SUMM.001.002.0001) at 365:41

²⁴⁴ Exhibit 79 – ABC Western Victoria Radio Transcript 7 February 2009 from VGS (CFA.001.015.0310) at 0336

²⁴⁵ Exhibit 79 – ABC Western Victoria Radio Transcript 7 February 2009 from VGS (CFA.001.015.0347) at 0379

²⁴⁶ Exhibit 79 – ABC Western Victoria Radio Transcript 7 February 2009 from VGS (CFA.001.015.0382) at 0393

²⁴⁷ Exhibit 191 – Statement of Graystone, Annexure 5 (WIT.3026.001.0094) at 0114, 0115, 0118

²⁴⁸ Russell T7457:15–T7457:31

Horsham fire was reported as stopped at the Horsham Lubeck Road.²⁴⁹ Around 15 minutes later, at 18:35, a downgrade message was authorised and issued by Mr Parkes with respect to the Horsham fire.²⁵⁰ This message included the following information:²⁵¹

The Remlaw fire, burning west, south and east of Horsham is estimated to be 5694 hectares in size. Firefighters have confirmed that they are currently holding the head of the fire at the Horsham Lubeck Road. The communities within the Dooen, Riverside and Longerenong areas are no longer under direct threat from this fire, but still need to remain alert due to a high level of fire activity still in the area.

- 6.26 Shortly afterwards, the DSE issued a downgrade message at 18:45 containing the same information.²⁵² The DSE external website was updated at 19:30 to include reference to an update regarding the Remlaw Road Horsham (Rudolph Road) incident.²⁵³
- 6.27 On ABC 774 some of the information contained in the downgrade message was broadcast at 19:00,²⁵⁴ 19:31²⁵⁵ and 20:00.²⁵⁶ However, at 19:00 on 3AW a warning was broadcast referring to homes having been destroyed in Horsham and blazes ‘currently threatening Haven, McKenzie Creek, Bugle Alley and Greenlake...’²⁵⁷
- 6.28 At 19:19 Greg Esnouf, CFA Deputy Chief Officer, during an interview on ABC 774 stated that ‘the fires out at Horsham, 5,700 hectares, three houses lost there – that’s got the south-west wind change on it now, but that’s a massive fire to pull up.’²⁵⁸
- 6.29 While at 19:34 the fire in Horsham was broadcast as being ‘less of a threat’,²⁵⁹ during an interview with Russell Rees at 19:45 on ABC 774, Mr Rees referred to the Vectis fire as being ‘...a significant fire running in and around Vectis’.²⁶⁰

²⁴⁹ Exhibit 4 –Statement of Rees (WIT.004.002.0001) [48]

²⁵⁰ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [110]

²⁵¹ Exhibit 269 – Statement of Russell, Annexure 21 (WIT.3004.013.0294) at 0294

²⁵² Exhibit 191 – Statement of Graystone, Annexure 5 (WIT.3026.001.0094) at 0119

²⁵³ Exhibit 191 – Statement of Graystone, Annexure 5 (WIT.3026.001.0094) at 0122

²⁵⁴ Exhibit 7 – Transcript 774 ABC Radio Broadcast – Saturday, 7 February 2009 7am – Midnight (SUMM.001.002.0001) at 402:21-402:39

²⁵⁵ Exhibit 7 – Transcript 774 ABC Radio Broadcast – Saturday, 7 February 2009 7am – Midnight (SUMM.001.002.0001) at 421:4-421:13

²⁵⁶ Exhibit 7 – Transcript 774 ABC Radio Broadcast – Saturday, 7 February 2009 7am – Midnight (SUMM.001.002.0001) at 436:33-437:20

²⁵⁷ Exhibit 191 – Statement of Graystone, Annexure 5 (WIT.3026.001.0094) at 0120

²⁵⁸ Exhibit 7 – Transcript 774 ABC Radio Broadcast – Saturday, 7 February 2009 7am – Midnight (SUMM.001.002.0001) at 412:14-412:17

²⁵⁹ Exhibit 7 – Transcript 774 ABC Radio Broadcast – Saturday, 7 February 2009 7am – Midnight (SUMM.001.002.0001) at 423:10-423:12

²⁶⁰ Exhibit 7 – Transcript 774 ABC Radio Broadcast – Saturday, 7 February 2009 7am – Midnight (SUMM.001.002.0001) at 430:28-430:33

- 6.30 Later, at 20:16 on ABC 774 the Horsham fire is referred to as being ‘contained’²⁶¹ and later at 20:35 as being, at that stage, ‘less serious’.²⁶² At 21:00 ABC 774 broadcast that the easing temperatures and winds had ‘reduced the threat posed’ by the Horsham fire.²⁶³ By 21:08 ABC 774 broadcast that the Horsham fire was ‘no longer a serious threat’ and had been ‘downgraded’ but was still burning.²⁶⁴
- 6.31 At 21:29 a DSE joint media release issued regarding the Remlaw fire with the following information:
- Changeover crews from CFA & DSE commenced night shift, their aim tonight will be concentrating on securing control lines around the fires perimeter of the fire. Firefighter's have reviewed the fire size through mapping and analysis and the area burnt has been confirmed as 3000 hectares. Asset protection is the priority of fire crews, along with containing the fire.*²⁶⁵
- 6.32 At 22:00, ABC 774 referred to some of the downgrade information relating to the Horsham fire during its broadcast²⁶⁶ and at 22:55 the CFA issued a joint media release containing the same information as that contained in the DSE joint media release which had issued earlier at 21:29.²⁶⁷

7 Road blocks

- 7.1 The CFA, DSE and Victoria Police have established ‘Guidelines for the Operation of Traffic Management Points (TMPs) During Wildfires’ (Guidelines).²⁶⁸ Those Guidelines were a direct result of an incident in which two police officers had allowed members of the public to travel through a TMP into a fire affected area, where they had subsequently perished.²⁶⁹ The Guidelines provide for the IC to initiate either total closures or partial closures of TMPs. Total closure means that only firefighting personnel and command vehicles are permitted to pass, and partial closure may allow for, among others, utility providers or residents.²⁷⁰
- 7.2 As the Horsham fire progressed and the IMT forecast where the fire may travel,

²⁶¹ Exhibit 7 – Transcript 774 ABC Radio Broadcast – Saturday, 7 February 2009 7am – Midnight (SUMM.001.002.0001) at 445:10-445:11

²⁶² Exhibit 7 – Transcript 774 ABC Radio Broadcast – Saturday, 7 February 2009 7am – Midnight (SUMM.001.002.0001) at 455:40

²⁶³ Exhibit 7 – Transcript 774 ABC Radio Broadcast – Saturday, 7 February 2009 7am – Midnight (SUMM.001.002.0001) at 470:21

²⁶⁴ Exhibit 7 – Transcript 774 ABC Radio Broadcast – Saturday, 7 February 2009 7am – Midnight (SUMM.001.002.0001) at 475:12

²⁶⁵ Exhibit 191– Statement of Graystone, Annexure 5 (WIT.3026.001.0094) at 0128

²⁶⁶ Exhibit 7 – Transcript 774 ABC Radio Broadcast – Saturday, 7 February 2009 7am – Midnight (SUMM.001.002.0001) at 508:38

²⁶⁷ Exhibit 3 – Statement of Rees, Annexure 31 (WIT.004.001.0509) at 0645-0646

²⁶⁸ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [112]; Annexure 23 (WIT.3004.013.0299)

²⁶⁹ Exhibit 273 – Statement of Arthur (WIT.3010.004.0483) [36]; Arthur T7499:4–T7499:17

²⁷⁰ Exhibit 269 – Statement of Russell, Annexure 23 (WIT.3004.013.0299) at 0300 (Clause 2.2)

- the IC initiated TMPs in the predicted fire path.²⁷¹ All TMPs were activated or deactivated at the request of the ICC.²⁷²
- 7.3 The TMPs were managed by Victoria Police, council staff and a private security company.²⁷³ They remained in place until Sunday, 8 February 2009, although they were scaled back during the night on 7 February.²⁷⁴ All police had been briefed in relation to the implementation of the TMP Guidelines, and the MERC and Deputy MERC had attended a CFA meeting on 17 November 2008 in which a briefing was given on TMPs and the Guidelines.²⁷⁵
- 7.4 Sergeant Salter's opinion was that on 7 February the TMPs were implemented in a way that saved lives.²⁷⁶ However, many people attempted to breach TMPs during the course of the Horsham fire, and many were in fact breached, including a breach by a former member of the CFA who was subsequently charged with assault related offences.²⁷⁷
- 7.5 In part, that appears to be linked to the manner in which the TMPs were implemented and managed. For example, late in the afternoon on 7 February some people who had been fighting the fire on the fireground, but had left (one to go to hospital to have his eye washed out), were prevented from crossing through TMPs to return to the fireground. Further, some private firefighting assets were stopped at TMPs. On one occasion, Robert McGennissen, the CFA Sector Commander for the Haven area, was trying to assist people through a TMP, and was able to contact Mr Russell on the telephone. Mr Russell spoke to the policeman manning the road block, but that policeman did not know who Mr Russell was.²⁷⁸ Ultimately the policeman let people through the TMP, although he apparently considered that he did not have permission to do so.²⁷⁹
- 7.6 In a separate incident, an employee who needed to reset a circuit breaker at the pumping station that controls Horsham's main water supply was held up at a TMP for 40 minutes, at a time when there were CFA tankers and private units that needed the pumping station to be restored to obtain water to fight the fire.²⁸⁰
- 7.7 Finally, many firefighters had difficulty returning to their homes at the end of the day on 7 February because they had to travel through a TMP from the staging area at the Horsham showgrounds. Some of them had children or others waiting for them on the other side of the TMP. After pleading with the police officer, they

²⁷¹ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [111], [113]. The location of the TMPs is set out in Annexure 22 (WIT.3004.013.0297)

²⁷² Exhibit 273 – Statement of Arthur (WIT.3010.004.0483) [57]

²⁷³ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [111]

²⁷⁴ Exhibit 275 – Statement of Salter (WIT.3010.004.0726_M) [31]

²⁷⁵ Exhibit 275 – Statement of Salter (WIT.3010.004.0726_M) [28]

²⁷⁶ Exhibit 275 – Statement of Salter (WIT.3010.004.0726_M) [29]

²⁷⁷ Exhibit 273 – Statement of Arthur (WIT.3010.004.0483) [84]

²⁷⁸ McGennissen T7485:3–T7486:31; Exhibit 272 – Statement of McGennissen (WIT.089.001.0001) [39]

²⁷⁹ Exhibit 272 – Statement of McGennissen (WIT.089.001.0001) [39]

²⁸⁰ McGennissen T7487:1–T7487:27; Exhibit 272 – Statement of McGennissen (WIT.089.001.0001) [37]

were eventually allowed through.²⁸¹ However, McGennicken gave evidence that the TMPs were a source of major frustration for those involved in fighting the fire, that the experience with the TMPs demonstrated the need for the Guidelines to be applied more flexibly.²⁸²

- 7.8 Sergeant Salter (the Deputy MERC), who was also the Assistant Forward Commander for the police, agreed that total road closures at TMPs were often excessive and counterproductive, and that they operated to prevent people coming in with mini firefighting units and mopping up smaller fires behind the fire front.²⁸³
- 7.9 As a result of the problems with the operation of TMPs on 7 February, a meeting occurred on 19 February 2009 between Mr Russell, Mr Evans and Victoria Police in relation to TMPs.²⁸⁴ As a result of discussions at that meeting, Superintendent Arthur wrote a letter suggesting improvements to the Guidelines. The suggested improvements include a system to allow firefighting personnel who are re-entering a fire zone to be clearly identified, additional police liaison at the ICC whose sole responsibility is to co-ordinate the operation of the TMPs, and a process to identify CFA and DSE management vehicles.²⁸⁵ Those proposals are intended to be incorporated into Standard Operating Procedures for the current fire season.²⁸⁶ Superintendent Arthur also indicated that, as a result of the experience on 7 February, the police would encourage incident controllers to consider making TMPs partial road closures, so as to facilitate the granting of access to the fireground by those with private firefighting equipment.²⁸⁷
- 7.10 Under the current procedure only the IC can re-designate a TMP as a partial road closure. Superintendent Arthur told the Commission that consideration is being given to whether that function should be delegated to someone else, given the difficulties that may arise in contacting the IC in light of that person's other responsibilities.²⁸⁸ That appears an appropriate suggestion.

8 Communications

- 8.1 Region 17 has a default Communications Plan which lists the radio channels to be used for normal operations and fire operations. This plan is used initially at any joint CFA/DSE fire incident until it is replaced with another Communications Plan authorised by the IC.²⁸⁹
- 8.2 On 7 February, initially all firefighting appliances were set up on radio channel 77,

²⁸¹ McGennicken T7489:1–T7489:19; Exhibit 272 – Statement of McGennicken (WIT.089.001.0001) [41]–[45]

²⁸² McGennicken T7490:20–T7491:13; Exhibit 272 – Statement of McGennicken (WIT.089.001.0001) [50]

²⁸³ Exhibit 275 – Statement of Salter (WIT.3010.004.0726_M) [35]

²⁸⁴ Exhibit 273 – Statement of Arthur (WIT.3010.004.0483) [86]

²⁸⁵ Russell T7460:13–T7461:4; Exhibit 270 – Letter from Superintendent Arthur (WIT.3010.004.0722)

²⁸⁶ Arthur T7501:1–T7501:3

²⁸⁷ Arthur T7502:1–T7502:17

²⁸⁸ Arthur T7503:22–T7503:24

²⁸⁹ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [23]

which is the Region 17 frequency. However, it quickly became apparent that using channel 77 alone was not practical and was causing radio congestion.²⁹⁰ McGennicken described the situation as ‘pandemonium on the fireground radio’.²⁹¹

- 8.3 At 12:43, Mr Russell met with the Operations Officers in the ICC about the Communications Plan. Mr Russell requested that the fire be sectorised.²⁹² The result was that the ICC directed that channels 145, 35 and 117 be used.²⁹³
- 8.4 The normal procedure when a fire is sectorised is to communicate to the Strike Teams that they need to change channels when they enter a different sector. On 7 February, Mr Russell requested 30 tankers, rather than Strike Teams, to ensure that as many trucks got to the fire as soon as possible without the delays that would have occurred in arranging the trucks into strike teams. That got appliances to the fire more quickly, but the IC agreed that it did create a communications management issue.²⁹⁴
- 8.5 A particular communication problem arose involving communication with the fire spotter aircraft, which was initially instructed to use channel 77 and that had trouble getting through. That aircraft could not get through to the ICC as it arrived in Horsham,²⁹⁵ but it was then told to move to channel 145, a command frequency, and then eventually to channel 88, which allowed point to point contact with the aircraft.²⁹⁶ However, it took between 20 and 40 minutes before the communications problem between the spotter and the ICC was resolved.²⁹⁷ During the period when the air observer was unable to contact the ICC, the fire was spotting profusely over distances between 100 metres up to a maximum of 500 metres, and was causing a lot of damage and spreading.²⁹⁸ The air observer, Mr Coulthard, gave evidence that there should be a dedicated frequency for aircraft, as there had been until the mid 1990s.²⁹⁹ That evidence was supported by Mr McGennicken.³⁰⁰ However, Mr Russell said that there would be difficulties with radio coverage if that was done.³⁰¹
- 8.6 There were also some areas on the fireground where the CFA firefighters were not able to communicate with the ICC.³⁰² During debriefs it was mentioned that this

²⁹⁰ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [100]

²⁹¹ Exhibit 272 – Statement of McGennicken (WIT.089.001.0001) [11], see also [53]–[58]

²⁹² Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [73]

²⁹³ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [100]

²⁹⁴ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [100]

²⁹⁵ Coulthard T7469:11–T7470:6; Exhibit 271 – Statement of Coulthard (WIT.088.001.0001) [18]–[19]

²⁹⁶ Russell T7455:23–T7456:3, T7463:9–T7463:16; Coulthard T7471:4 – T7471:9

²⁹⁷ Coulthard T7471:2–T7471:9; Exhibit 271 – Statement of Coulthard (WIT.088.001.0001) [23]

²⁹⁸ Exhibit 271 – Statement of Coulthard (WIT.088.001.0001) [23]

²⁹⁹ Coulthard T7475:8–T7475:31

³⁰⁰ McGennicken T7492:20–T7493:4

³⁰¹ Russell T7462:22–T7463:3

³⁰² Exhibit 272 – Statement of McGennicken (WIT.089.001.0001) [53]; McGennicken T7491:15–T7492:3; McGennicken’s evidence was that he was unable to raise the ICC not just on his own radio, but also using

may have been caused by smoke.³⁰³ Mr McGennissen, who was the fire sector commander for the Haven area, had no regular communication with the ICC between 14:15 and 18:00.³⁰⁴ He said that:

'When the IMT wanted to speak to us they could call us on the radio and we'd answer them, but when it was the other way around, there just wasn't any answer; the communication was all one-way. It doesn't matter how good a radio you've got, if you haven't got somebody who will answer you, you're left on your own.'

'We tried calling the IMT at the ICC at regular intervals for the whole 4 to 5 hour period, often just pleading with them to get help, but there was no reply'.³⁰⁵

- 8.7 According to Mr McGennissen, other brigades had the same problems.³⁰⁶
- 8.8 In addition to some issues with congestion on channel 77, the ICC experienced some difficulties with the phones, with both the landline and mobile networks being intermittent.³⁰⁷

9 Proposed Key findings

- 9.1 The Commission should make the following key findings:
- (a) the Horsham fire was started by a fallen conductor on the Remlaw Spur SWER line, which fell when the coach screws that secured the pole cap to pole 15 came loose as a result of vibrations caused by the wind;
 - (b) there is a real possibility that the failure of the pole cap on pole 15 would have been avoided if a three year rather than a five year inspection cycle had been in place, because pole 15 had not been inspected for about four and a half years, yet one of the coach screws appears to have fallen out a considerable period prior to 7 February;
 - (c) the risk of failures of the kind that started the Horsham fire would be greatly reduced by the replacement of centre phase pole top assemblies with new P-bracket pole top assemblies;

multiple radios from other CFA vehicles, and trunking. Accordingly, the difficulty appears not to be explained by the fact that McGennissen's own vehicle contained just one radio: Russell T7461:5–T7461:17

³⁰³ McGennissen T7491:15–T7491:18

³⁰⁴ Exhibit 272 – Statement of McGennissen (WIT.089.001.0001) [12], [53]

³⁰⁵ Exhibit 272 – Statement of McGennissen (WIT.089.001.0001) [53]-[54]

³⁰⁶ Exhibit 272 – Statement of McGennissen (WIT.089.001.0001) [65]

³⁰⁷ Exhibit 269 – Statement of Russell (WIT.3004.013.0001) [80]

- (d) while the warnings issued in relation to the Horsham fire were generally reasonable, those warnings were not uploaded onto the CFA website either at all, or in a timely manner, and in some cases the content of the warnings was not current even at the time that they were given. Further, the warning issued at 17:00 described the fire as heading in the opposite direction to the direction in which it was in fact heading. Further, radio interviews given by the CFA after the fire had been stopped continued to give the impression that the communities in the vicinity were at risk;
- (e) considerable difficulties were experienced in radio communication between the Horsham ICC and the air observer, and consideration should be given to the use of a dedicated channel for that purpose. Further, considerable difficulties were also experienced in radio communication between the Horsham ICC and some assets at the fireground, apparently because calls from the fireground were not being answered by the IMT; and
- (f) while TMPs were implemented in accordance with the existing guidelines, those guidelines should be revised so that they do not prevent private firefighting appliances from gaining access to the fireground in an area in which the large majority of firefighting appliances are privately owned appliances.

Dated: 22 December 2009

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