

2009 VICTORIAN BUSHFIRES ROYAL COMMISSION
Letters Patent issued 16 February 2009

SUBMISSIONS ON THE WEERITE (POMBORNEIT) FIRE

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Introduction

1. These submissions are made on behalf of the State of Victoria (**the State**) in response to the submissions of Counsel Assisting the Commission dated 22 December 2009.

Cause of the fire

Key Findings proposed by Counsel Assisting

- '8.2 The Weerite (Pomborneit) fire, reported at 13:17 followed an electrical fault recorded for the Colac-Camperdown line at 13:14.
- 8.3 The electrical fault was the clashing of 66kV and 22kV conductors on this line between poles 927 and 928. The Colac-Camperdown line is part of the Powercor network.
- 8.4 There is a long history of clashing conductors on this line in the general area of the clashing event of 7 February. The history of conductor clashing on the Colac-Camperdown line is an indictment of the management of this line.
- 8.5 The clashing of conductors on 7 February caused the emission of molten particles which ignited vegetation on the roadside of the Princes Highway which caused the Pomborneit (Weerite) fire. '

Response of the State

The State makes no submissions in respect of the proposed key findings relating to the cause of the fire [8.2] - [8.5].

The Weather and Colac ICC

Key findings proposed by Counsel Assisting

The Weather

- 8.6 Winds were recorded as gusting to 115 kilometres per hour at or around the time of the ignition of the fire. The temperature reached 45.1 degrees, the humidity was recorded as low as 7.9% and the FDI was in excess of 100.
- 8.7 The weather was extreme.

The Fire

- 8.8 The fire travelled with phenomenal speed. The initial response to the fire by local brigades was exceptional.
- 8.9 The fire fighting and use of containment lines restricted the run of the fire, prevented the fire from each Lake Corangamite, and upon the wind change prevented the fire from entering the stony rises.
- 8.10 That no lives were lost, no homes destroyed, is a testament to the response to the fire.

Colac ICC

- 8.11 The Colac ICC was a fully staffed level 3 ICC in place early in the morning on 7 February 2009.
- 8.12 Planning and preparation for the ICC was excellent. In particular, there was a recognition that it was more practical to use available resources to ensure a level 3 ICC was ready for a hot start than to stretch level 3 IMT personnel across the region.
- 8.13 The ICC functioned cohesively on the day. In particular, warnings were informative and timely.
- 8.14 The lack of notification of wind change to the fire ground is likely explained by the rapid approach of the change, the change impacting on areas kilometres away from the fire ground, areas that would normally provide a warning to Colac ICC of the approach of the front. The evidence suggests this was an unusual feature of the south-westerly change on 7 February. The experience of the wind change on 7 February should mean a more careful monitoring of the approach of the south-westerly front. '

Response of the State

The State agrees with proposed key findings [8.6] – [8.15].

Overview

2. The Weerite/Pomorneit fire started on the south side of the Princes Highway, just east of the Danedite Road intersection, Weerite in extreme weather conditions.¹
3. The country in this area is hard to defend and very difficult to clean up because the ground actually burns. Therefore fire fighters in the area know that preparedness and a fast response is critical. At Pomorneit, and in stations throughout the region, CFA brigade volunteers had been in attendance all day and were dressed ready to attend a fire as soon as they were paged. Crews were on edge waiting for a fire to break out.²
4. At about midday Mr Terrence Place, the CFA Captain at Pomorneit, patrolled the Princes Highway between the Weerite railway overpass and the Pomorneit fire station. At that time Mr Place observed the high voltage Powercor conductors on the north side of the Highway between Weerite and Pomorneit blowing with the wind perhaps some six feet or so to the south of their normal line.³ Mr Place returned to the Pomorneit station and at approximately 13:00 and observed the lights in the station flickering for about three seconds. Immediately in anticipation of a fire caused by electricity assets Mr. Place took the CFA slip on and was followed by the Pomorneit tanker back along the Princes Highway in search of fire.⁴
5. Triple zero calls were received at 13:16:02 from Ms Regina Beal⁵ and at 13:17:39⁶ from Ms Lynne Callow.
6. The Pomorneit tanker arrived at the fireground approximately the time that their pagers went off at 13:18 and some 3 to 5 minutes from the time the power had flickered. The Weerite tanker was not far behind and the

¹ Place T7866. In para [1.1] of their submissions, Counsel Assisting State that the Colac Camperdown line was on the south side of the Princes Highway, but the line was on the north side of the highway with the fire starting on the south side.

² Place Ex 303, CORR.0906.0373_R, [2]-[3].

³ Place Ex 303, CORR.0906.0373_R, [4]; Place T7868:1-T7868:3.

⁴ Place Ex 303, CORR.0906.0373_R, [6]; Place T7868-T7869.

⁵ Index to transcript of 000 Calls made by Ms Beal and Ms Callow, Ex 430, ENDX.0430.001.0001.

⁶ Index to transcript of 000 Calls made by Ms Beal and Ms Callow, Ex 430, ENDX.0430.001.0001.

Camperdown, Tesbury and Chocodyn tankers from Camperdown arrived at the fire ground another 3 to 4 minutes after that.⁷

7. The speed of the fire taking off was described as 'phenomenal'.⁸ From the point of origin, the fire made a run in a south easterly direction across open grassland towards Carters Road. The area contains a number of residential properties and farm sheds. Fire fighters reported that the fire travelled from the point of origin to Carters Road a distance of approximately four to five kilometres in under 7 minutes.⁹
8. At 13:42, VLINE were contacted to stop all trains because the fire was tracking along the railway line.¹⁰
9. A wind change then drove the fire on a north easterly course directing the fire across the Princes Highway towards Lake Corangamite.¹¹ Firefighters were aware of the forecast wind change however it did arrive very quickly. Almost from the time that the arrival of the wind change was announced over the radio the wind change was on the fire ground instantaneously.
10. At 14:49, the fire was opposite the recreation reserve, near Johnstone's Road, Weerite.¹² By 15:07 the fire was threatening houses at Foxhow Road, Pomborneit.¹³
11. At the height of the fire there were 44 to 46 tankers from the combined resources of DSE and CFA engaged in fighting the fire.¹⁴ Aircraft were not active until approximately one and a half hours after the fire commenced due to the weather conditions. The helicopter dropped only two loads before it was re-deployed elsewhere in the state with the approval of the Incident Controller.¹⁵
12. Regular and timely urgent threat messages to potentially affected communities were issued by the Incident Control Centre (**ICC**) commencing

⁷ Place T7872:6-T7872:19 and T7875:28; Place Ex 303, CORR.0906.0373_R, [9].

⁸ Place T7871:25.

⁹ Fallon T7841:17.

¹⁰ Fallon Ex 309, WIT.3004.015.0001, [50].

¹¹ Copy of GIS Map Indicating Fires Path, Fallon (Attachment 10), Ex 309, WIT.3004.015.0270 and T7841:20.

¹² Fallon Ex 309, WIT.3004.015.0001, [52].

¹³ Fallon Ex 309, WIT.3004.015.0001, [53].

¹⁴ Fallon T7959:12.

¹⁵ Fallon T7844:12.

at 14:00 in relation to Swan Marsh.¹⁶ The ICC also positioned a strike team at Swan Marsh which is a small settlement but which was considered to be in the path of the fire. When the wind changed the strike team was repositioned to the fire front.¹⁷

13. The fire was contained at approximately 17:50. The ultimate fire perimeter was approximately 24 kilometres and covered an area of approximately 1319 hectares.¹⁸
14. The reported losses from the Weerite fire, as detailed in the Fire Investigation Report of Mr Mark Gunning, include 25 kilometres of boundary and 56 kilometres of internal fencing; 859 hectares of pasture/crop; 957 tonnes of hay and silage; and 4 sheds, poly pipe, cattle yards, troughs, tanks, power poles, 1000 railway sleepers, septic tanks and the sporting ground.¹⁹
15. The course of the fire was not unusual. However, the fire intensity indicated by flame heights and erratic behaviour made control of the fire difficult. The fire fighting effort concentrated on keeping the fire out of the Stony Rises, the elevated basalt lava flows north east of Pomborneit. If the fire burned through this rough and difficult terrain, it had the potential to spot erratically and containment time would have been greatly extended. The Stony Rises area is almost untrafficable with the result that fire fighting must be conducted on foot or with very light tankers. The very sharp basalt rocks in this area cuts tyres and makes work in the area extremely difficult and labour intensive.²⁰
16. The placement of containment lines to prevent the fire from escaping into the bush from farmland was critical to preventing the fire escaping into the Stony Rises from where it had the potential to pass through to the Otways (if the wind had not changed).²¹

¹⁶ Fallon T7960:4; Fallon Ex 309, WIT.3004.015.0001, [82]. In relation to [5.9] of the Submissions of Counsel Assisting the State has already implemented recommendations by the Commission to enable Incident Control Centres to directly upload warning messages to the CFA and DSE websites.

¹⁷ Fallon T7843:25.

¹⁸ Fallon Ex 309, [55]-[57]. Paragraph [3.14] of the Submissions of Counsel Assisting is incorrect insofar as it refers to a perimeter of 77 kilometres.

¹⁹ *Fire Investigation Management System - Wildfire Report - Fire & Incident Reporting System (FIRS) Number: 1075855*, Ex 306, CFA.001.021.0094.

²⁰ Fallon T7842:6.

²¹ Fallon T8343:22.

17. Many houses were saved as a consequence of the efforts of fire fighters. Further, there was no loss of life or injuries.²²
18. There is clearly a strong sense of community and resilience within the Pomborneit and Weerite area. Since the fire the community has been proactive and generous in providing assistance with fodder, cleaning up and fencing of properties.²³

Preparation and fire fighting strategy

19. The success of the fire fighting effort at Weerite can, in large part, be attributed to three factors:
 - (a) The speed with which crews attended the fire. Local Brigades, including Weerite and Pomborneit, have experience with large fires on bad days and have developed the practice of manning their appliances on bad days. They treat everything with suspicion and hit the road fast ensuring that the initial attack was swift and concerted.²⁴
 - (b) The tactics employed in the initial attack of the fire. Instrumental to the success in containing the fire were the decisions made and the competence and initiative on the fire ground of the experienced personnel. In a fast moving grassfire fire fighters do not have the luxury to await decisions from the Incident Controller at the ICC.²⁵ The initial incident controller, Mr Terrence Place, directed the initial crews to attempt to keep the fire between the Princes Highway and the rail line. This ultimately did not end up being the case but certainly contributed to the lack of the spread of the fire. Mr Place remained committed to this course and even refused to direct resources to the protection of his own home, which was under threat.²⁶
 - (c) The significant preparations undertaken before 7 February 2009.
20. DSE and CFA actively work at strengthening relationships in the region and complement each other to effectively manage incidents. Neither CFA nor DSE can run an incident of a major size in the region in their own right. Both

²² Fallon T7844:22.

²³ Hay T7948-T7949; Hay Ex 308, WIT.092.001.0001, [24]-[30].

²⁴ Gunning T7911:27; Hay T7943-4.

²⁵ Fallon T7966:25-T7967:3.

²⁶ Gunning T7911-T7912.

CFA and DSE rely on and complement the resources of each other in incident management.²⁷

21. Mr Malcolm Fallon the Regional Operations Manager who is 'old school when it comes to planning' gave evidence of the substantial preparations undertaken for 7 February. In response to the forecast conditions for 7 February the preparation for that day was the highest preparation that the Region had ever undertaken. Preparations for 7 February included the following:
- (a) Pager messages sent on 6 and 7 February 2009 to every volunteer in the region advising of the forecast conditions for 7 February, the likely rate of spread of a fire and emphasising the importance of vigilance and first attack on the fire.²⁸
 - (b) The Colac Incident Management Team (**IMT**) at the DSE office, which is a level 3 ICC, was pre-positioned or ready for a 'hot start'²⁹ from 7am on 7 February with 32 staff in place. All designated level 2 incident control centres in the region were also staffed and ready to respond. The RECC was staffed and prepared to support the IMT within the ICC co-ordinating extra resources during an incident.³⁰
 - (c) Prior to 7 February the CFA, through Mr Fallon, issued a number of statements and messages to the local media urging preparation and key safety messages for the local community.³¹
 - (d) DSE also undertook extensive planning and preparation for 7 February ensuring that resources were at their maximum and all available staff were ready for duty.³²

²⁷ Fallon, Ex 309, WIT.3004.015.0001 [42].

²⁸ Fallon T7956:16-T7956:28 and Fallon Ex 309, WIT.3004.015.0001, [32] to [36].

²⁹ The variance in practice across the State regarding the term 'hot start' was addressed in the evidence of Mr John Haynes. Mr Haynes observed that 'through the evidence there was some confusion about what a hot start meant' in relation to planning for incident management. Mr Haynes gave evidence that all Regions had LMAPs which focused on the pre-positioning of teams but lacked the clarity that was now there in terms of expectations of what a team should look like when pre-placed or pre-planned. The variations in the previous practice have now been addressed by CFA and DSE in the development of a new Joint Standard Operating Procedure for preparedness, as set out in Attachment 3 of the State's submissions on the Kilmore fire. See Haynes T11971; Haynes T12019; Haynes T12027

³⁰ FallonT7957; Fallon Ex 309 WIT.3004.015.0001, [38] - [41].

³¹ Fallon T7958; Fallon Ex 309 WIT.3004.015.0001, [32] - [36].

³² Rourke Ex 450, WIT.3024.002.0163, [15] - [32].

22. There can be no doubt that the extensive preparations undertaken significantly contributed to the rapid and effective response to the Weerite fire.

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