
TRANSCRIPT OF PROCEEDINGS

The attached transcript, while an accurate recording of evidence given in the course of the hearing day, is not proofread prior to circulation and thus may contain minor errors.

2009 VICTORIAN BUSHFIRES ROYAL COMMISSION

MELBOURNE

TUESDAY 6 OCTOBER 2009

(60th day of hearing)

BEFORE:

THE HONOURABLE B. TEAGUE AO - Chairman

MR R. MCLEOD AM - Commissioner

MS S. PASCOE AM - Commissioner

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1 CHAIRMAN: Yes, Ms Richards.

2 MS RICHARDS: Commissioners, for the next six days of hearing
3 we will be concerned with evidence dealing with the
4 Murrindindi fire. Before we move to that evidence,
5 I propose to make a brief opening.

6 CHAIRMAN: Can I indicate before you make your brief opening
7 that I am told that I have to correct the position with
8 respect to exhibits because it appears that between the
9 last time we sat and yesterday when we sat again two
10 exhibits were received that are not shown in the
11 transcript. I started from the number that I thought was
12 correct but had overlooked the other two.

13 So, for the purposes of the transcript, it should
14 now be noted that there are two more that are on the
15 record as exhibits and that will need some adjustment and
16 people should just be aware when they look at the track of
17 exhibits that it may mean that, for example, 317 and 318
18 were actually 319 and 320. I will start adding from 329
19 from here on.

20 MR CLELLAND: Sorry, Chairman, what was that number again?

21 CHAIRMAN: The next number will now be 329, but because there
22 were, before I started yesterday, two that came in and
23 I won't bother going into the detail, but we just need to
24 remember that in that area there needs some adjustment.

25 MS RICHARDS: Shortly before 3 o'clock in the afternoon of
26 7 February, Colin Hind, the observer in the Mount Despair
27 fire tower, spotted smoke near the Murrindindi Mill, which
28 was about five kilometres to his north. He promptly
29 radioed his observations to the DSE senior fire tower
30 operator, Phillip Searle, and to the Glenburn CFA brigade.
31 Both the DSE and the CFA responded promptly and

1 firefighters from both agencies arrived within about
2 20 minutes of the fire first being reported.

3 David Webbware, the captain of the Glenburn CFA,
4 and Mike Lauder, senior ranger at the Toolangi DSE office,
5 were among the first on the scene. By the time they
6 arrived, however, the fire was well developed and was into
7 the bush heading in a south-easterly direction.

8 Over the next four hours the fire developed into
9 the raging inferno that destroyed Marysville, with the
10 main firefront reaching that town at around 7 o'clock that
11 evening after the south-westerly wind change. Before
12 that, spotfires had developed well ahead of the main
13 firefront and were in Narbethong by about 4.30. The fire
14 reached the community of Buxton at about 8 o'clock and
15 reached Taggerty further to the north later that night.

16 We have heard from Detective Superintendent
17 Hollowood that some 40 people perished as a result of the
18 Murrindindi fire. Hundreds of homes were destroyed in
19 Marysville, Narbethong, Buxton and in the surrounding
20 communities. Almost all of the public infrastructure in
21 Marysville was destroyed. It lost its school, its post
22 office, its police station and its health centre.

23 As we have heard from Detective Superintendent
24 Hollowood of the Phoenix taskforce, police investigating
25 the cause of the fire that started near the Murrindindi
26 Mill believe the cause to be suspicious. The police
27 investigation of the fire is ongoing and for that reason
28 the evidence that will be presented in this Commission in
29 relation to the Murrindindi fire will not concern the
30 cause of the fire.

31 The evidence that will be presented over the next

1 six days will concern four broad themes: Detection and
2 first report of the fire, incident management and control,
3 suppression, and emergency response and management.

4 The evidence will commence with an overview of
5 the progress of the fire given by Shaun Lawlor of the DSE
6 and after he has given his evidence there are some maps
7 that have been prepared by the Murrindindi Shire Council
8 that will be tendered by Dr Lyon, or I think Mr Redwood.
9 The Commission will then hear from the witnesses already
10 mentioned, the DSE fire tower operators, Mr Hind on the
11 Mount Despair tower and Mr Searle, the senior fire tower
12 operator. Mr Searle's evidence will also cover
13 observations relevant to the Kilmore East fire. This
14 morning we will also tender a statement of Janice Joyce,
15 the Glenburn CFA communications officer. It is not
16 proposed to call Ms Joyce.

17 The Commissioners will recall the evidence
18 already given by Andy Willans, the observer in the Mount
19 Gordon fire tower, during the first hearing block. His
20 observations of the fire included that at 4 o'clock he saw
21 that the fire had breached the Black Range and was as high
22 as the trees and that there were spotfires kilometres in
23 front of the fire and at 4.30 he reported spotting into
24 Narbethong.

25 David Webware, the captain of the Glenburn CFA
26 brigade, and Mike Lauder, the senior ranger of the
27 Toolangi DSE office, will describe their observations on
28 arriving first at the scene and the steps that they were
29 able to take to protect assets and life. Mr Lawlor, who
30 was the DSE air attack supervisor, observed the fire from
31 the air between about 4.30 and about quarter to 6 that

1 evening. He will give evidence later today of his
2 observations from the air and the information he relayed
3 to DSE personnel on the ground, including at the Alexandra
4 ICC.

5 In relation to the theme of incident management
6 and control, the DSE was appointed the control agency for
7 the fire and the incident control centre was established
8 at the DSE office in Alexandra. Andy Miller, a ranger
9 with Parks Victoria, was the initial incident controller.
10 He was relieved by Tony Lovick at about 5.30 pm on
11 7 February. Both Mr Miller and Mr Lovick will give
12 evidence tomorrow. Others involved in the incident
13 management team who will give evidence tomorrow are David
14 Bowdern, the operations officer at the incident control
15 centre, Bill Twitchett, the deputy operations officer,
16 Robyn Rattray-Wood, the information officer, and John
17 Steer, the planning officer.

18 On Thursday the Commission will hear from Peter
19 Farrell, the DSE's land and fire area manager north-east
20 who is based in Benalla, who was the manager of the
21 Benalla IFACC, integrated fire agency coordination centre,
22 on 7 February.

23 Of course, the CFA were also involved in the
24 response to the Murrindindi fire as part of the incident
25 management team. This afternoon the Commission will hear
26 from Peter Creak, the CFA's operations manager for region
27 12, who was based at Seymour. Mr Creak's evidence this
28 afternoon will also cover his involvement in the Kilmore
29 East fire which also occurred within region 12. The group
30 officers within the CFA's Yea and Alexandra groups, Neil
31 Beer and Peter Rice, will also give evidence later this

1 week.

2 Questions that will be explored with these
3 witnesses involved in incident management and control will
4 include the information that the members of the incident
5 management team had from about 3.30 in the afternoon about
6 the fire's progress and behaviour from sources including
7 fire tower operators, the air attack supervisor and
8 firefighters on the ground; the use that the incident
9 management team made of that information in developing a
10 strategy for combating the fire and in particular
11 protecting the residents of Narbethong, Marysville, Buxton
12 and surrounding areas; the warnings that were issued to
13 residents of Narbethong, Marysville, Buxton and surrounds,
14 and when and how those warnings were issued; what
15 consideration was given to evacuating the town of
16 Marysville in particular, before the firefront impacted on
17 that town at around 7 o'clock, and what, if any, steps
18 were taken to evacuate the town; the understanding that
19 incident management team members had of the timing of the
20 predicted wind change and its likely affect on fire
21 behaviour; whether the incident management team issued
22 adequate warnings to firefighters about the anticipated
23 wind change and its likely effects; whether the incident
24 controller at the ICC was aware of and approved the
25 lighting of a back burn south of Marysville shortly before
26 the wind changed and caused the fire to burn through the
27 town; what, if any, protection was planned for or provided
28 to those residents of Marysville who had evacuated to the
29 Gallipoli Park oval.

30 In addition to the witnesses already mentioned,
31 witness statements from Robert Caddell, who took over as

1 incident controller on 8 February, and from Darren
2 Skelton, who was the information officer at the Benalla
3 IFACC on 7 February, will be tendered.

4 Moving to the broad theme of suppression, as
5 I have mentioned, by the time CFA and DSE firefighting
6 crews arrived at the Murrindindi Mill the fire was well
7 developed and was into the bush. All that was possible by
8 that time was asset protection on private land, making
9 preparations for the predicted wind change and attempts to
10 save lives that were immediately threatened by the fire.
11 The Toolangi DSE firefighters who arrived at the scene at
12 around 20 past 3 were immediately involved in rescuing
13 campers who were in the Murrindindi Scenic Reserve. A
14 first attack crew arrived some time later, sent from the
15 Alexandra DSE. It was led by Steve Wright, and Dale Young
16 was later appointed the divisional commander.

17 Several tankers from the CFA's Yea group and two
18 strike teams from the Alexandra group also attended at the
19 Murrindindi Mill. One of the Alexandra strike teams
20 included the tanker from the Marysville CFA. David
21 Webbware, captain of the Glenburn CFA brigade, and Tom
22 Jones, captain of the Yarck brigade, will give evidence of
23 the attempts made to suppress the fire in the area near
24 its point of origin.

25 After the fire was reported to have spotted into
26 Narbethong, the strike teams from the Alexandra groups
27 were redirected towards Marysville. On reaching Buxton,
28 they were directed to the Kings Road on the southern side
29 of Marysville where a spotfire had started and where DSE
30 personnel were preparing to conduct a back burn. Assisted
31 by the CFA crews, DSE personnel commenced the back burn at

1 about 6.30. Very shortly after that the wind changed,
2 placing all of the firefighters at Kings Road in grave
3 peril. They fell back to the Gallipoli Park oval,
4 mercifully without loss of life.

5 The Commission will hear evidence next week from
6 Greg Williamson, the DSE works coordinator in Marysville,
7 and Peter Cobb, the DSE ranger in Marysville, about that
8 back burn. Also to give evidence about the back burn will
9 be Tom Jones of the Yarck brigade, who led one the
10 Alexandra group strike teams, and John Malcolm, a rank and
11 file CFA volunteer firefighter who was on the Marysville
12 tanker. Evidence will also be presented from David
13 McKenzie of the Murrindindi CFA and from Glen Fiske, Chris
14 Gleeson and Pauline Harrow of the Marysville CFA.

15 Several of the questions to be explored with
16 members of the incident management team will also be
17 explored in relation to suppression efforts, in particular
18 as to the benefits and risks of the back burn at Kings
19 Road in Marysville and information communicated to those
20 on the ground about the predicted wind change.

21 Water supply is an essential element of any
22 attempt at fire suppression and the Commission will hear
23 evidence next week from Robert Anderson, the manager of
24 operations of Goulburn Valley Water, which supplies water
25 to the Marysville and Buxton area.

26 Moving then to emergency response. During the
27 first hearing block the Commission heard some fairly high
28 level evidence about the state emergency response plan and
29 the emergency response coordination structure established
30 within Victoria Police. The Commission will have an
31 opportunity to see how those structures operated on

1 7 February when it hears evidence next week from
2 Superintendent Peter Billing, the divisional emergency
3 response coordinator for region 4, division 4, in which
4 both the Murrindindi and the Kilmore East fires burned,
5 and also from Sergeant David Rowles, the Murrindindi
6 municipal emergency response coordinator or MERC.

7 Statements have also been provided by the
8 municipal emergency response officers or MEROs for the
9 shires of Murrindindi and Yarra Ranges explaining how the
10 municipal emergency management plans were put into effect
11 on 7 February. The Commission has already heard from
12 Deputy Commissioner Walshe and from Leading Senior
13 Constable Dwight by the evacuation of the Gallipoli Park
14 oval in Marysville. Two other members of the Victoria
15 Police who were present, Acting Sergeant Ian Hamill and
16 Leading Senior Constable Peter Collyer, will give their
17 accounts of that evacuation. Ian Bates, captain of the
18 Marysville SES, will also give evidence of steps taken by
19 the SES to evacuate Marysville in advance of the
20 firefront.

21 A couple of other witnesses in relation to
22 emergency management issues will be Acting Inspector Gary
23 Barton, who assumed the role of forward commander of the
24 Alexandra forward command post on 8 February, who will
25 give evidence, among other things, about roadblocks in the
26 aftermath of the fire, and Peter Weeks, the station
27 manager of UGFM community radio, who will give evidence
28 about the warnings and fire information broadcast by UGFM,
29 the Murrindindi shire's community radio station on
30 7 February.

31 The Commission has already heard evidence from a

1 number of lay witnesses who were affected by the
2 Murrindindi fire, most recently Mary Kenealy of the
3 Marysville Historical Society who gave evidence yesterday.
4 The witnesses to be called over the next two weeks are
5 Graeme Collery and Jim Kennedy of Narbethong, Elaine
6 Postlethwaite, Russell Glenn, Graeme Brown and Ed Cherry
7 of Marysville and it is also proposed to tender statements
8 from Robin Rishworth of Buxton and Dan Walsh of
9 Marysville.

10 Unless the Commissioners have any questions,
11 I will hand over to Mr Rush.

12 MR RUSH: Commissioners, I call Mr Lawlor.

13 <SHAUN PATRICK LAWLOR, recalled:

14 MR RUSH: Mr Lawlor, your full name is Shaun Patrick Lawlor and
15 you are the district manager for the Ovens district for
16 DSE?---Yes.

17 On 7 February you were on duty in that area and upon the
18 outbreak of the Murrindindi fire you were given the role
19 of air attack supervisor for that fire?---Yes.

20 And that meant you travelled by helicopter from where to where
21 to take up that responsibility?---From the DSE Ovens work
22 centre to the point of origin of the fire at the
23 Murrindindi Mill.

24 And approximately what time was that?---I left at - I arrived
25 on site at approximately 1650 hours, so that would be 4.50
26 in the afternoon.

27 You are going to speak to an overview using the STAR Tool IT of
28 the Murrindindi fire starting at its point of origin near
29 the Murrindindi Mill?---Yes.

30 And just by way of background, you have significant experience
31 in that area, do you not?---Yes.

1 Could you just outline to the Commissioners what that is?---In
2 terms of my work history?

3 Yes?---I worked at the Alexandra and Marysville work centres
4 from the period 1990 until 1999 as a field forester, so
5 that meant that a lot of my work was out in the forest and
6 so I have a good understanding of the geography of the
7 area.

8 Thank you. Perhaps if we could bring up the Google Earth map.

9 If you could take in or commence your commentary.

10 I think, Mr Lawlor, if we just let you go and the
11 Commissioners or if anyone or I want to ask a question
12 will do so as you progress through?---Okay. The map on
13 the screen shows the state of Victoria and the fire
14 situation on 7 February 2009. As you can see, there are a
15 number of fires burning across the state. Our focus today
16 will be on the Murrindindi Mill fire shown here on the
17 screen.

18 In order to understand how the fire developed, we
19 need to first look at the forest types in and around the
20 fire area. These forests are predominantly ash eucalypt
21 species with foothill mixed forests at lower elevations.
22 The ash forests typically occur on moist sites and are
23 dominated by mountain ash and alpine ash trees that
24 regenerated after the 1926 bushfires and the 1939 Black
25 Friday fires. Subsequent timber harvesting in some areas
26 has resulted in a mosaic of age classes across the
27 landscape.

28 Ash trees are very tall, averaging between 60 and
29 80 metres in height at maturity and often have a dense
30 understorey of wattles and other species. They also have
31 long ribbons of bark that hang loosely from the trunk and

1 branches in the crown of the tree. These are easily
2 ignited when a fire occurs and can be transported long
3 distances by a convection column. As a result, these
4 forests have one of the greatest accumulations of fuel on
5 the planet, with available fuel amounts of up to 50 tonnes
6 per hectare. On the screen we can now see a photo of what
7 these forests look like.

8 Note the heavy accumulation of surface,
9 near-surface, understorey and forest canopy fuels. The
10 surface fuels can be seen here and are typically dead
11 leaves, twigs and bark from the larger ash trees. The
12 near-surface fuels are typically ferns and other small
13 shrubs and are shown here. The understorey is typically
14 composed of wattles and other species that prefer a moist
15 environment and are shown here. These lower fuel layers
16 create a ladder for the fire to lift up and reach the
17 canopy to create a crown fire. Also note the long ribbons
18 of bark which easily ignite and get transported by the
19 convection column.

20 The location of these ash forests is shown on the
21 map and is delineated by the light blue colour. Despite
22 the fuel accumulations, their dense canopy also serves to
23 make any drying out slower than in most other forest
24 types. So, even though the fuel loads are extreme, they
25 rarely dry out enough to allow a fire to burn through
26 them. This situation can change during the summer months
27 and is exacerbated during periods of drought. For this
28 reason it is virtually impossible to conduct fuel
29 reduction burns in these forest types. The strategy has
30 been to fuel reduce the foothill mixed eucalypt forests on
31 the perimeter of the ash stands to minimise the risk of a

1 fire travelling into them and to aggressively attack any
2 outbreaks within them.

3 The fuel reduction burns conducted during the
4 period 1999 to 2008 are shown on the screen and are
5 delineated by the blue colour. In addition, the areas
6 affected by bushfires for the same period are also shown
7 and are delineated by the red colour. Note the area
8 affected by the Great Divide fire in 2006/7 to the east of
9 Marysville. In particular, a comprehensive and ongoing
10 fuel reduction program has also been implemented around
11 the township of Marysville, as can be seen on the screen
12 now. Now that we have a basic understanding of these
13 forest types, we can look at how the fire developed.

14 Can you give us the year of the fuel reduction burns around
15 Marysville?---Yes, we can bring that layer up. For the
16 purposes of this presentation, we have described the
17 fire's development in three separate phases. Phase 1 is
18 from the point of ignition to the top of the Black Range,
19 phase 2 is from the top of the Black Range into the
20 O'Shannessy catchment, and phase 3 is when the south-west
21 wind change occurred and the northern flank became the
22 main firefront. We will now look at each of these phases
23 in more detail.

24 On the map we can now see the location of towns
25 and features that will be referred to during the
26 presentation. These include the Alexandra incident
27 control centre, Marysville, Buxton, Narbethong, Taggerty,
28 Eildon, Toolangi, Yea, St Fillans, Granton, Murrindindi
29 Sawmill and the fire towers in the fire affected area.

30 Phase 1. Shortly before 3 pm on 7 February a
31 fire was reported by the Mount Despair towerman to the DSE

1 district duty officer at Broadford and this became known
2 as the Murrindindi Mill fire. The fire started six
3 kilometres south-east of Murrindindi off Wilhelmina Falls
4 Road near the site of the Murrindindi Sawmill. The point
5 of origin and surrounding area is now shown on the screen.
6 The fire initially spread through grass paddocks north of
7 the Murrindindi Sawmill under the influence of a strong
8 north to north-westerly wind averaging 50 to 60 kilometres
9 per hour. It then entered a privately owned blue gum
10 plantation adjoining the southern boundary of the sawmill
11 and moved rapidly into forested public land.

12 The path of the fire is depicted by the red
13 arrows on the screen. This initial run of the fire is
14 estimated to have travelled nearly two kilometres in
15 approximately five minutes, making the rate of spread
16 nearly 25 kilometres per hour. Upon entering the forest
17 the fire rapidly increased in intensity due to the greater
18 quantity of fuel and a photograph taken shortly after
19 ignition highlights the speed at which this occurred.
20 Note the development of a convection column indicating an
21 unstable atmosphere and very intense fire activity.

22 Could you just tell us, Mr Lawlor, the approximate time of
23 ignition and the approximate time of the photograph?---The
24 approximate time of ignition was 3 pm, slightly before,
25 I believe. This photograph is sourced from a Glenburn
26 community website that captions the photograph as being
27 taken five minutes when first reported by Mount Despair,
28 which would be approximately 10 minutes after the point of
29 ignition, but we haven't been able to confirm that that's
30 an exact time.

31 Thank you?---Also note that at this time the fire is already so

1 intense that direct attack in the forest is not possible.
2 At this time the southern flank of the fire entered a fuel
3 reduction burn conducted in 2008 which was approximately
4 180 hectares in size and located 2.5 kilometres south of
5 the point of origin. This temporarily limited the spread
6 of the south-west flank of the fire but had no influence
7 on the main firefront, which was now moving rapidly in a
8 south-easterly direction.

9 Post-fire analysis has examined images from a
10 satellite taken at 3.55 pm on 7 February which we can now
11 see on the screen. From this image we can see that under
12 the influence of high level west to south-west winds the
13 area around Marysville was already under a smoke cloud
14 generated by the fire. At around 4.15 pm the fire reached
15 the top of the Black Range, a distance of 12 kilometres
16 from the point of origin. We can now see the perimeter of
17 the fire at this time on the screen.

18 The Black Range is the main ridge in the area
19 running in a north-south direction which Luke will
20 highlight on the screen. The fire reached this point via
21 a combination of spotfires and rolling ground and crown
22 fire, travelling at around 11 kilometres per hour. At
23 this time what we describe as phase 2 commenced.

24 Phase 2. Phase 2 is characterised by a mass of
25 spotting which directly impacted on the communities of
26 Granton and Narbethong. The extreme fire intensity,
27 prevailing weather conditions, forest fuels and topography
28 all combined to create ideal conditions for spotting to
29 occur. In effect, the Black Range acted as a ramp for the
30 fire to launch itself from, propelling enormous quantities
31 of burning bark, leaves and branches for distances up to

1 15 kilometres in a south-easterly direction. Each of
2 these spotfires behaved in a particular way, influenced
3 mainly by their proximity to the firefront, which at this
4 stage was around one kilometre wide.

5 In the zone less than one kilometre from the main
6 firefront hundreds of spotfires rained down and began new
7 fires. These spotfires came under the direct influence of
8 the convection column almost instantaneously and were
9 drawn back into the main fire. In the zone between one
10 and 10 kilometres from the main firefront the spotfires
11 spread independently in various directions for about 10 to
12 20 minutes before being drawn back into the main fire.
13 This is the behaviour exhibited around St Fillans, Mount
14 Gordon and the Maroondah Highway and now shown on the
15 screen.

16 A photo taken by me in the role of air attack
17 supervisor shows the Maroondah Highway north of St Fillans
18 after these spotfires had developed. Note the spotfires
19 in the paddocks and heavy lean on the smoke columns,
20 indicating very strong winds. The Maroondah Highway is
21 unseen in the bottom left-hand corner of the photo.

22 COMMISSIONER PASCOE: Mr Lawlor, in that image towards the top
23 of the screen there is an orange colour behind the smoke
24 there. Is that indicative of flame heights up that
25 far?---It is indicative of very intense fire behaviour,
26 but I'm not sure that that would be flame at that height,
27 but it would be the colour that the colour is.

28 Embers that high, for example?---There would certainly be
29 burning material at that height, yes.

30 MR RUSH: And approximately what time was that photograph taken
31 by you, Mr Lawlor?---That photograph was taken shortly

1 after 5 pm in the afternoon.

2 Just in relation to - it may not be possible - but townships
3 that you have mentioned of Narbethong, Granton and the
4 like, are you able to give us an indication of where they
5 lie in relation to this photograph of the fire?---Yes,
6 this photograph is taken just north of St Fillans, which
7 is again north of Narbethong. So, the bottom left-hand
8 corner is heading in a south direction there and
9 St Fillans would be the first town in that direction and
10 thereafter Narbethong.

11 So that was generally the direction of the movement of the
12 fire?---Yes. Long distance spotting occurred for
13 distances up to 15 kilometres ahead of the main fire, for
14 example on Mount Strickland, which is now shown on the
15 screen. These long distance spotfires behaved
16 independently of the main front for considerable periods
17 of time and some became so large that they began spotting
18 in a south-east direction independently from the main
19 fire. This created a second wave of spotfires until they
20 all eventually merged. During phase 2, spotting up to a
21 distance of 10 kilometres was occurring constantly, with
22 some longer distance spotting occurring. On the screen we
23 can now see the waves of spotting that occurred.

24 The times that are being recorded for those spotfires, the
25 basis of the times for that?---Yes, there is a project to
26 reconstruct the sequence of fire events and they are times
27 from a variety of sources which would include fire tower
28 observations. They also include interviewing of witnesses
29 that have come forward with information as well, so there
30 is a variety in there.

31 An indication of how extreme conditions were on

1 7 February can be gained by information provided by the
2 McVeighs towerman who reported large pieces of burnt bark
3 hitting the windows of the fire tower despite being at
4 least 22 kilometres from the firefront. This was one of
5 many observations of branches, bark and leaves being
6 elevated by the convection column and then propelled vast
7 distances via upper level atmospheric winds.

8 At around 4.30 pm lightning activity was observed
9 by the Poley towerman as he evacuated the fire tower. He
10 described that the lightning made contact with the ground
11 in the vicinity of the tower and the O'Shannessy plateau.
12 It has not been determined if separate fires started as a
13 result. A photo of the convection column at this time was
14 taken by me from an aircraft en route to the fire and can
15 be seen on the screen. Note the very large convection
16 column indicating a fire burning with an enormous amount
17 of energy. This photograph was taken near Eildon,
18 approximately 40 kilometres from the main firefront.

19 Again, you were on the way approximately what time?---That
20 photograph was taken at exactly 4.34 pm. At around 5 pm
21 I arrived at the point of origin and informed ground crews
22 that the flames in the forest were around 100 metres in
23 height along the flank. A photo of fire activity around
24 the point of origin at this time is now shown on the
25 screen. Note the very turbulent smoke plumes. The trees
26 in the foreground are around 50 metres tall, giving some
27 indication of scale.

28 The mosaic that you referred to, is that demonstrated there
29 with timber harvesting having taken place in the
30 foreground of the photograph?---Yes. A photo of part of
31 the north-east flank was also taken around this time and

1 is shown on the screen. This photo shows the north-east
2 flank looking back to the point of origin. Note that a
3 crown fire is burning along the flank and that it is
4 spotting a distance of around 500 metres to the
5 north-east. The photo shows these spotfires being drawn
6 back into the main fire. The Maroondah Highway is unseen
7 but located in the bottom left of the photo.

8 So those spotfires are being drawn back against what was the
9 wind?---Not against, at right angles to what was the
10 prevailing wind direction. At around 6.45 pm crews in
11 Marysville observed that the wind direction had become
12 variable, which was earlier than predicted by the Bureau
13 of Meteorology. At this time the fire had travelled a
14 distance of 40 kilometres at an average speed of nearly 11
15 kilometres per hour, and the main firefront was nearly
16 five kilometres wide. The fire perimeter at 6.15 pm and
17 the north-east flank at 6.50 pm is now shown on the
18 screen. At the time of the wind change phase 2 ended and
19 what we have described as phase 3 commenced.

20 Phase 3. As the wind shifted to the south-west,
21 the north-east flank which was 40 kilometres in length
22 became the main firefront. At this time the fire was in
23 the vicinity of Marysville and in addition to the existing
24 spotfires began producing new spotfires that were observed
25 in the forest on the southern outskirts of the town,
26 within the town and to the north of the town. The
27 forested areas surrounding Marysville were well prepared
28 to mitigate against the impact of most bushfire scenarios
29 as a result of regular fuel reduction burns around the
30 town and regular maintenance of the town's strategic
31 firebreak. The location of fuel reduction burns is now

1 shown on the screen.

2 Initial analysis suggests that several spotfires
3 landed near or in fuel reduced areas south of the town and
4 this is now shown on the screen. Some of these fuel
5 reduced areas lessened the fire intensity in some
6 locations; however, by this time the fire was so large and
7 had generated so much emergency and momentum that they
8 mostly had little effect. An example where fire intensity
9 is known to have been reduced is shown on the screen.
10 This photo shows an area of green canopy surrounded by
11 other areas where a more intense fire has burned,
12 including some areas where a crown fire has removed the
13 entire canopy. This is part of a 640 hectare fuel
14 reduction burn carried out in autumn 2008. It
15 demonstrates that even under the worst conditions that day
16 a moderating effect on fire intensity was achieved with a
17 fuel reduction burn of that scale.

18 Can you explain to us how the photograph demonstrates the
19 moderation on fire behaviour?---The blue line represents
20 the perimeter of the fuel reduction burn, so the area
21 within the blue line was fuel reduced. You can now see on
22 the screen, although the cursor is partly hidden by the
23 colours, that green area in the top left-hand corner of
24 the blue perimeter. That area has clearly not had a fire
25 burn through it of sufficient intensity to kill the crown
26 of the trees. It is in direct contrast to many of the
27 surrounding areas. Particularly if you look just outside
28 the perimeter of the fuel reduction burn, particularly to
29 the north and also to the west, all of the trees there
30 have either been killed or in many cases had the crowns
31 completely removed, which indicates a very intense crown

1 fire.

2 Thank you?---We also have another example of this, and we will
3 show it on the screen now. This photo shows an area of
4 intact burnt canopy surrounded by other areas where a
5 crown fire has removed the canopy. This is an area where
6 a 44 hectare fuel reduction burn was carried out in autumn
7 1999 and where a small back burn was lit around 20 minutes
8 before the main firefront hit Marysville. The fact that
9 most of the tree crowns retain their leaves demonstrates
10 that a moderating effect on fire intensity was achieved.

11 So that area was fuel reduced almost 10 years ago?---Yes.

12 Within 30 minutes of the wind change the entire town of
13 Marysville was directly impacted by either spotfires or
14 the main firefront.

15 Can I just ask you one question. On that previous photograph
16 there was a pointer to a town firebreak. Is that the
17 strategic firebreak that you had previously referred
18 to?---Yes.

19 That's indicated by the words and the arrow pointing to it. So
20 what we see from the air, when we refer to strategic
21 firebreaks, that's the approximate size that we are
22 looking at, or do they vary?---They vary. The fire moved
23 in a north-east direction at an average rate of around
24 five kilometres per hour, with spotting distances of five
25 kilometres reported. This directly impacted the entire
26 Acheron River valley between Taggerty and Narbethong,
27 including the town of Buxton and the Steavenson River
28 valley between Buxton and Marysville. These areas are now
29 shown on the screen.

30 At around 10 pm the fire was just south of
31 Taggerty with the forest fire danger index and wind speed

1 dropping. The fire danger index was recorded below 20 at
2 Kilmore Gap, Coldstream and Eildon weather stations. A
3 fire danger index of 20 is in the high category and the
4 fire perimeter at this time is now shown on the screen.
5 However, it was not until several hours later that a
6 noticeable change in fire behaviour was observed in the
7 forest areas. This is because the fire had generated such
8 an enormous amount of energy that it took several hours
9 for the prevailing weather conditions to override the
10 momentum that it had generated during the afternoon.

11 At this time the fire crews began to regroup and
12 commence direct suppression activities in the cleared and
13 semi-cleared agricultural land on the morning of the 8th.
14 Although the fire was quickly contained in the cleared
15 agricultural land, it continued to burn in the heavily
16 forested public land at the height of the summer fire
17 danger period until it was formally declared contained on
18 5 March. At this time the fire had grown to be
19 168,542 hectares in size or 1,685 square kilometres with a
20 perimeter of 472 kilometres. Large numbers of
21 firefighters continued to work on the fire until it was
22 formally declared safe on 27 April 2009, at which time 865
23 kilometres of control lines had been constructed. The
24 final fire perimeter is now shown on the screen.

25 I will conclude by acknowledging that the
26 Commission is already well aware of the devastation caused
27 by this fire, including the significant loss of life and
28 property.

29 Just one matter, Mr Lawlor. Apart from the fuel reduced areas
30 that you have pointed to, did the fire predominantly burn
31 in areas that had not been fire affected since the 1939,

1 January 13th fires?---Yes.

2 I have no other matters, Commissioners. I would ask that we
3 tender the STAR Tool material that's been referred to.

4 #EXHIBIT 329 - STAR Tool material relating to the Murrindindi
5 fire.

6 MR RUSH: May Mr Lawlor be excused until this afternoon.

7 CHAIRMAN: Thank you, Mr Lawlor.

8 MR RUSH: I think we have some municipal maps, Commissioners.

9 MR REDWOOD: If the Commission pleases, Murrindindi Shire has
10 five maps to provide for the assistance of the Commission.
11 We also have an additional map, if the Commission pleases,
12 that summarises or identifies the areas covered by the
13 five maps. I can provide three copies to the
14 Commissioners.

15 If the Commission pleases, the maps are each
16 numbered in the top left-hand corner. Just to briefly
17 summarise the maps, the first map covers the broader
18 Murrindindi area and that covers an area of approximately
19 26 kilometres; the second map covers the Murrindindi Mill
20 area, the point of origin of the fire; the third map
21 covers the Marysville township itself; the fourth map, the
22 Murrindindi township; and the final map, Commissioners,
23 covers the Murrindindi triangle area, Marysville,
24 Narbethong and Buxton.

25 If the Commission pleases, I wish to tender those
26 maps.

27 CHAIRMAN: Thank you.

28 #EXHIBIT 330 - Six maps relating to the Murrindindi fire area.

29 CHAIRMAN: Yes, Mr Rozen.

30 MR ROZEN: The next witness is Colin Hind.

31 <COLIN JOSEPH HIND, sworn and examined:

1 CHAIRMAN: Mr Hind, provided you are roughly central to those
2 microphones and six to eight inches away, you can forget
3 about them. If you get too close, it gets too breathy.
4 If you get too far away, it's too hard to hear. We will
5 let you know.

6 MR ROZEN: Is your full name Colin Joseph Hind?---That's
7 correct.

8 And you are employed as a seasonal fire tower operator by the
9 DSE?---That's correct.

10 And on 7 February 2009 you were rostered to work at the Mount
11 Despair fire tower?---That's right, yes.

12 Perhaps if the Google map could be brought up with the location
13 of Mount Despair, please. The Mount Despair tower is
14 approximately 4.8 kilometres from the Murrindindi Mill.
15 Is that right, Mr Hind?---Correct.

16 The mill is pretty well due north from the location of the
17 tower?---That's right.

18 Just a little bit - - -?---A bit to the west.

19 A bit to the west?---Yes.

20 The tower itself is some 60 feet high?---That's correct.

21 You sit in what's effectively a box at the top of the tower; is
22 that right?---That's correct.

23 CHAIRMAN: Could I just check in relation to the roads, while
24 we have the Google map there. It may be hard to
25 distinguish between - as I understand it, from west to
26 east it is Marginal Road, then what's more of a track, but
27 called Mount Despair Road?---Well - - -

28 And then, as I understand it, it is the Murrindindi Road that's
29 furthest. Perhaps you can explain so we do
30 understand?---Looking at the map, up to the top of the
31 map, the mill is quite easy to see. Coming south, you

1 have in amongst the treeline there you have Marginal Road
2 which continues right through to the bottom of the map.
3 About 75 or 80 millimetres up from the bottom of the
4 screen you can see another track going in. That's
5 Horseyard Creek Track and it comes up to the top of the
6 hill where it is called Mount Despair Road, and then it
7 comes back north to the tower.

8 I think I understand that. It is just that I have looked at
9 the spatial - the CFA map basically, and it looks quite
10 clear on that, but I don't know that it is quite so clear
11 when I look at the Google map, but no doubt you will
12 explain what you mean. But certainly Marginal Road is the
13 one that's in effect straight down from the mill?---Yes.
14 And you come across. Can you get from the tower into Marginal
15 Road?---Yes, sir. That's the way I go to work and went
16 home every day, except for February 7th.

17 MR ROZEN: We see Marginal Road identified there in the middle
18 of the screen?---Yes.

19 Running from the top effectively to the bottom?---Yes.

20 CHAIRMAN: Yes. Thank you. Sorry, Mr Rozen.

21 MR ROZEN: That's all right. You were located at the Mount
22 Despair tower. You commenced work at about 9 am on
23 7 February?---That's right, yes.

24 You made some observations of smoke coming from the Murrindindi
25 Mill area at approximately 2.55 pm?---That's correct.

26 What were your instructions in relation to how you were meant
27 to respond to a sighting such as that?---Well, initially
28 you get an accurate idea of where the fire is.

29 Yes?---Because I travel that road every day, twice a day, to
30 and from work and the mill being something that stood out,
31 I knew exactly where it was and I immediately picked up my

1 DSE radio and contacted Phil Searle, the senior tower man
2 at Mount Hickey.
3 He was performing similar duties to you but at Mount Hickey.
4 What distance approximately is that from Mount
5 Despair?---In a straight line it is 58 kilometres.
6 What direction from where you were?---North-west.
7 You contacted Mr Searle. He was in effect the senior tower
8 operator amongst your group of towers?---That's correct.
9 What did you do? What did you tell Mr Searle?---I told
10 Mr Searle that I had smoke in the area of the Murrindindi
11 Mill and it was heading towards the mill. Then I stopped
12 the call, we stopped the call. He knew where it was, and
13 after that I then contacted the Glenburn CFA.
14 Glenburn was the closest CFA to where you were located at Mount
15 Despair?---Yes, that's correct.
16 What distance is Glenburn from Mount Despair?---In a straight
17 line, 12 to 15 Ks.
18 As good as due west from where you were?---As good as due west,
19 yes.
20 Why did you contact the Glenburn CFA?---With the conditions of
21 that day which I would describe as horrific, with
22 the strong winds and the position of the fire, I felt it
23 was imperative that people were on the ground as quickly
24 as possible, and that was the quickest way of doing it.
25 The fire started in a CFA area, it started on private land; is
26 that correct?---Yes. It started on public land.
27 You spoke to Jan Joyce at the CFA?---Yes, that's correct.
28 And what did you say to her?---I said, "Get everything you've
29 got to throw at this."
30 What did you say to her about the location of the
31 fire?---I said to her, "It's near the old mill in

1 Wilhelmina Falls Road, Murrindindi."

2 Did you also speak to a DSE officer at Broadford?---That was

3 some time after, Steve Grant, the officer in charge of

4 Broadford contacted me. That was at 3.05. He informed me

5 to leave the tower.

6 That was because of your personal safety?---My personal safety,

7 yes.

8 And the fire was burning in the direction of the tower?---In a

9 southerly direction towards the tower, yes.

10 You left the tower within five minutes or so of the

11 communication - - -?---I left the tower at 3.11.

12 Where did you go from there?---I got into my vehicle and

13 I drove south towards Toolangi. I stopped along the way

14 at the bottom of Mount Tanglefoot car park and turned my

15 vehicle around to have a look. The smoke was just

16 enormous, it was hundreds and hundreds of feet up in the

17 air, and then I just continued on to Toolangi.

18 The point at which you made those observations that you have

19 just described to the Commission, what distance would that

20 be from the Murrindindi Mill,

21 approximately?---Approximately 10 Ks.

22 And that's between Mount Despair and Toolangi?---That's right.

23 Did you also as part of your involvement in relation to this

24 matter, did you make two statements to the police?---Yes,

25 I did.

26 Is the first of those statements dated 13 February 2009?---Yes,

27 sir.

28 Did you make a later statement to clarify aspects of your first

29 statement, the second statement being dated 5 May

30 2009?---Yes, sir. That's correct.

31 For the purposes of the transcript, the first statement is

1 identified as (SUMM.044.002.0579_R), and the second
2 statement is (TEN.101.001.0001). Have you had an
3 opportunity to read through those statements before giving
4 your evidence today?---Yes.

5 Are the contents of those statements true and correct?---Yes,
6 they are.

7 I tender the statements.

8 #EXHIBIT 331 - Statements of Colin Joseph Hind,
9 (SUMM.044.002.0579_R) and (TEN.101.001.0001).

10 MR ROZEN: Subject to any questions the Commissioners may have
11 of Mr Hind, they are the matters that I wish to lead from
12 him.

13 CHAIRMAN: No, there are no questions. Thank you, Mr Hind.
14 You are excused.

15 <(THE WITNESS WITHDREW)

16 MR RUSH: I call Mr Phillip Searle.

17 <PHILLIP RUSSELL SEARLE, affirmed and examined:

18 MR RUSH: Mr Searle, is your full name Phillip Russell
19 Searle?---Yes, Mr Rush, it is.

20 Are you an employee of the Department of Sustainability and
21 Environment, at least during the fire season, as a fire
22 tower operator?---Yes, I am.

23 On 7 February were you the fire tower operator at the Mount
24 Hickey tower?---I was.

25 Perhaps if we can bring up on the screen a map which indicates
26 the Mount Hickey tower. We see that with the cursor
27 pointing to it close to Broadford?---That's correct, yes.

28 Then you, I take it from the lines that are drawn there, can
29 assist the Pretty Sally tower operator in relation to
30 bearings?---I can, yes.

31 And also there are other towers that you might detail to us.

1 You were a lead tower there in effect, is that
2 right?---That's correct, yes.

3 And the towers that you lead in effect are what?---Pretty
4 Sally, Strath and Mount Despair.

5 On 7 February, Mr Searle, did you commence your work at
6 approximately 9 o'clock in the morning?---I did, yes.

7 And did you remain in the Mount Hickey tower until
8 approximately 7 pm?---That's correct.

9 Did you receive a call - we have just heard - from the Mount
10 Despair tower from Mr Colin Hind?---I did, yes.

11 And that concerned the Murrindindi fire?---That's correct, yes.

12 Were you able to see that fire at that stage?---At that stage,
13 no.

14 You kept a log, though, is that correct?---I did, yes.

15 Did you record in your log the time that you received the
16 call?---I did.

17 And what time was that?---1455, I think.

18 And at 1455 on receiving the call from Mr Hind, did you have a
19 communication with someone else?---I did. I spoke to
20 somebody in the DSE office at Broadford. I just gave them
21 details of the location of the fire, including the bearing
22 from Mount Despair of, I think it is 353 degrees, which is
23 almost due north from Mount Despair.

24 So you provided that detail to the Broadford DSE
25 office?---That's correct, yes.

26 And did you also make a call to anyone else at that
27 time?---I was going to make a call to 000 to advise CFA,
28 but whilst I was involved in the call to the Broadford
29 office I could hear via the CFA radio that Glenburn CFA
30 were preparing or were aware of the fire.

31 So that was at around 1455?---Or very soon after, yes.

1 Did you phone the Eildon tower?---Pardon?

2 Did you phone the Eildon tower?---Yes, I did. I phoned the
3 Eildon tower just to advise him of the fire, because
4 I knew that DSE from Alexandra, which is where he is
5 based, would be involved in fighting the fire and they
6 would obviously have the fire impacting on their area
7 fairly soon.

8 Were you able to actually see the fire at 1455?---No.

9 Or any of the smoke of the fire?---No.

10 How long approximately was it, Mr Searle, before you were able
11 to make observations of the fire?---I think it was around
12 about 50 minutes after that initial call that I was able
13 to see the smoke in the distance, and I took a photograph
14 of it at that time.

15 In relation to your observations of the smoke, are you able to
16 indicate from your position what you observed?---It was a
17 little bit difficult because visibility wasn't good that
18 late in the day. There was a lot of raised dust in the
19 air and I didn't get a very good view of the smoke column,
20 but I could see the convection column above it which
21 indicated to me that it was a very intense fire.

22 Did you have a further communication with Mr Hind about whether
23 he should evacuate his position?---I did, yes.

24 And could you detail to the Commissioners those
25 conversations?---Yes. I advised him in fairly strong
26 terms that he should pack up and get out of there because
27 he was directly in the path of the fire. I asked him to
28 let me know when he was leaving and to let me know when he
29 arrived at Toolangi, which he did.

30 Did that course of conversation commence at around
31 1515?---I think we had a conversation before, probably

1 prior to 1500 or 3 pm, but I understand he left the tower
2 at 3.11 I think it was.

3 Can I just ask you a couple of questions about the Kilmore East
4 fire?---Sure.

5 Did you make observations of that fire at around
6 11.47?---Correct. I did, yes.

7 Can you indicate what you observed and how it was brought to
8 your attention?---It was brought to my attention by a call
9 from Peter Coleman, who is the towerman at Pretty Sally
10 tower. He was actually the first of us to see it. When
11 I first observed it, it was quite a small grass fire that
12 was building rapidly because of the strong winds we had at
13 the time.

14 And approximately how far away is your tower, the Mount Hickey
15 tower, from where you were making observations of the
16 fire?---If we can believe Google Earth, it is a fraction
17 over 15 kilometres. It is about 15.2, I think.

18 Were you able to make an assessment of where the fire was
19 burning at that time?---I was, yes. Yes.

20 And where was it burning?---It was north of a location called
21 Saunders Road. It was in farmland between Saunders Road
22 and the Kilmore East Sunday Creek Road.

23 You said I think you saw smoke at that stage?---I did, yes.

24 Did your observations of the fire change after about
25 30 minutes?---The fire just developed at - well, I have
26 never seen a fire develop so quickly in my time in the
27 job.

28 What were you seeing?---The worst thing I guess for us is when
29 you see the smoke basically staying at ground level, it is
30 following the ground, because that tells you that the wind
31 is so strong that the smoke can't rise, and that's what

1 I saw at that time.

2 From your observations was the fire in effect in the locality
3 of the Hume Highway, along the Hume Highway?---It
4 initially was - the Hume Highway does a dogleg just north
5 of Wandong, between Wandong and Clonbinane, Sunday Creek,
6 and the fire was initially - it appeared to me as though
7 it was going to cross the freeway on that sort of short
8 dogleg section. Then it appeared to take more of a
9 southerly line. I thought for a period of time that it
10 may stay on the west side of the Hume Freeway at Wandong
11 and that it might not get into Mount Disappointment. But
12 then after I think about an hour, an hour and a half after
13 the fire started, the wind got a more westerly influence
14 to it and I knew it was definitely going into Mount
15 Disappointment at that time.

16 Just one other matter. When Mr Coleman from the Pretty Sally
17 tower phoned you to inform you of the fire, did you report
18 the Kilmore East fire to 000?---I did immediately, yes.

19 And why did you report it to 000 rather than Mr Coleman at
20 Pretty Sally report it to 000?---If you make a 000 call
21 from Pretty Sally, the call is automatically directed to a
22 call centre which I believe is at CFA at Tally Ho. That's
23 a sort of a more urban-based arrangement where they want
24 to know which road the fire is on and which is the nearest
25 cross road. We had recently had a situation where we saw
26 smoke on the side of Mount Macedon and I let Mr Coleman
27 report that and they were asking him, sitting 60
28 kilometres away from the fire, which is the nearest road
29 and which is the nearest cross road and he said, "I don't
30 know. I'm just looking at the side of the hill. I don't
31 know where the roads are there."

1 So what's the benefit of you - - -?---The benefit of me making
2 the call is my calls go to the Ballarat call centre and to
3 us they are a bit more user-friendly. You can give them
4 grid references or just give them a location, which I did
5 on the day, and they can process that information.

6 They are the matters, Commissioners. I'm reminded to tender
7 the statement of Mr Searle as it concerns the Murrindindi
8 fire, with his log.

9 #EXHIBIT 332 - Police statement of Phillip Russell Searle, log
10 and Murrindindi fire tower map. (SUMM.044.002.3033_R).

11 <CROSS-EXAMINED BY MR LIVERMORE:

12 Mr Searle, just in relation to the Kilmore East fire and your
13 observations, you had a good view of that fire from the
14 point of its ignition?---I had a fairly good view. The
15 point of ignition was actually in a gully running in a
16 sort of right angle direction to the direction that I was
17 looking in, so I couldn't actually see the point of
18 origin. The fire had to burn some short distance before
19 I would be able to see - or the smoke, sorry, would have
20 to travel some short distance before I could actually see
21 it from the point of origin.

22 And your initial observations were that the fire was travelling
23 in a north-south direction and may indeed have stayed on
24 the eastern side of the Hume Highway, was travelling on -
25 - -?---On the western side.

26 Sorry, on the western side of the Hume Highway?---Yes. I sort
27 of had the feeling that it may have done that. It
28 obviously didn't.

29 About how long did that prevail before the wind shift that you
30 described?---I didn't log the time, but I noticed the wind
31 I think perhaps at least an hour, perhaps an hour and a

1 half after the fire started, that there was a definite
2 shift to the west.

3 Did you then notice anything in relation to the fire behaviour
4 when there was that wind shift?---Not particularly because
5 the wind strength was still the same. It was just the
6 fire was just increasing in intensity continuously.

7 Did you see the fire cross the freeway?---It was very difficult
8 to tell at what point it crossed the freeway. I think it
9 was spotting much the same as what we have seen here this
10 morning. There were spotfires ahead of the main fire.
11 Because the smoke was following the contour of the ground,
12 it wasn't rising, it was very difficult to see what was
13 actually occurring from where I was.

14 Just one final matter. In relation to the Strath tower
15 operator, on the day - that's Tim Sholl?---Yes.

16 You advised him to evacuate his tower for his own safety as
17 well?---Correct, yes.

18 And you adopted the same process you did with Mr Hind; namely,
19 him calling you when he left and calling you when he got
20 to safety?---That's correct; yes.

21 MR RUSH: May Mr Searle be excused?

22 CHAIRMAN: Yes, you are excused, thank you.

23 <(THE WITNESS WITHDREW)

24 MR RUSH: Can I also tender the Murrindindi fire tower map that
25 was referred to by Mr Searle.

26 CHAIRMAN: That can be part of 332.

27 MS RICHARDS: Commissioners, to complete the picture of the
28 first report of the fire, I seek to tender a statement
29 made to police by Janice Joyce, who is the communications
30 officer with the Glenburn brigade of the CFA. The
31 document number is (SUMM.044.003.1952_R).

1 #EXHIBIT 333 - Police statement of Janice Joyce

2 (SUMM.044.003.1952_R).

3 MS RICHARDS: In her statement, Ms Joyce confirms receiving a
4 call from Colin on the Mount Despair fire tower of a smoke
5 sighting at the old sawmill in Wilhelmina Falls Road,
6 Murrindindi, at 1456. She states that she was aware that
7 the Glenburn tanker 2 was leaving the station at almost
8 exactly that time. She also states that she rang that
9 information through to the Vic Fire number immediately
10 after receiving the radio message from Mr Hind on the
11 Mount Despair fire tower.

12 The next witness is David Webbware. I call
13 Mr Webbware.

14 <DAVID ROGER WEBBWARE, affirmed and examined:

15 MS RICHARDS: Mr Webbware, could you please state your full
16 name again for the Commission?---David Roger Webbware.

17 You live in Glenburn in Victoria?---Yes.

18 You are the captain of the Glenburn CFA brigade?---I am.

19 And your full-time occupation is a farmer?---Yes. Can I just
20 add also I have just recently taken on a casual position
21 with CFA in community safety presenting Fire Ready
22 Victoria information to community groups.

23 Mr Webbware, with the assistance of the solicitors for the CFA,
24 the State of Victoria, you have prepared a witness
25 statement?---I have.

26 Do you have a copy of it there with you?---I have.

27 The document number is (WIT.3004.016.0205), and there are five
28 attachments to Mr Webbware's statement. Mr Webbware, have
29 you read that statement recently?---I have.

30 Are there any corrections you wish to make?---There are just
31 some minor problems, but for all intents and purposes it

1 is true and correct.

2 Would you like to take us to those matters if you would like to

3 make the correction?---One of them was just what I said

4 before about the - - -

5 Casual employment?---About the casual employment.

6 There is one matter I picked up in paragraph 7 which refers to

7 your log book and the Yea group headquarters log book.

8 I think your log book is in fact annexure 2 and the Yea

9 group log book is annexure 1. Would you just like to

10 check that?---Yes. That's right. The first page of my

11 log is in actual fact information that I got out of the

12 Yea group comms log after the incident for my information.

13 So we should swap around those numbers in paragraph 7. Are

14 there any other corrections?---I think that's it, thanks.

15 Is the statement true and correct?---Yes.

16 I tender that.

17 #EXHIBIT 334 - Witness statement of David Webbware and

18 annexures (WIT.3004.016.0205).

19 MS RICHARDS: Mr Webbware, you have lived in Glenburn all of

20 your life?---I have.

21 When did you join the CFA as a volunteer?---I joined it

22 31 years ago.

23 When did you become captain of the Glenburn brigade?---2004.

24 You are currently in your third term as captain?---Yes.

25 You are also a deputy group officer in the Yea group

26 CFA?---I am.

27 You assumed that position at the same time you became captain

28 of the Glenburn brigade?---That's correct.

29 Could you outline for us, please, the various positions you

30 have held within the Glenburn brigade during your 31 years

31 of membership?---In 1992 I became third lieutenant of the

1 brigade, in 1994 second lieutenant, and in 1998 first
2 lieutenant, and then held that position until I was
3 elected as captain in 2004.

4 During your time as a CFA volunteer you have undertaken various
5 training courses. Could you outline those for us?---The
6 introduction to AIIMS, wildfire fighter or minimum skills,
7 low structure, crew leader, strike team leader and sector
8 commander and I have also recently done a working with
9 machinery course.

10 As you explain in paragraph 5 of your statement the Glenburn
11 brigade is part of the CFA's Yea group within region 12.
12 Where is Glenburn located within that region?---Glenburn
13 is located in the southern area of the region.

14 What are the closest brigades to Glenburn?---The closest
15 brigades are Toolangi, which is region 13, Flowerdale,
16 Murrindindi, and Yea and Limestone.

17 As you say, the Alexandra group is the next-door neighbour, if
18 you like, of the Yea group located to the east?---That's
19 correct.

20 What firefighting equipment does the Glenburn brigade have at
21 its disposal?---We have a 3,000 litre CFA tanker and a
22 1,500 litre brigade owned tanker.

23 Is there a command vehicle?---No.

24 Support vehicle?---No, we don't own one at the moment.

25 You tend to use your private vehicle for that purpose?---Yes.

26 How many members are there in the Glenburn brigade?---We have
27 44 trained firefighters at this stage.

28 And about what proportion of those are active?---All the
29 trained firefighters are active, in various levels.

30 Can I ask you about also the radio equipment that the Glenburn
31 brigade is equipped with?---We have a VHF scanner and a

1 UHF base station in the station.

2 And the communications officer, as I understand it, is not
3 based in the station but at her home?---At her home, yes.

4 What equipment does she have?---She has a CFA VHF radio and a
5 UHF base station.

6 And the radio communications in the tankers?---The tankers have
7 got CFA VHF and UHF.

8 You mention in paragraph 6 of your statement that the Glenburn
9 area was affected by the fires that burned to the south of
10 Yea in January 2006, and in fact that fire burnt on your
11 own property?---Yes, it did.

12 You had experience in combating that fire?---Yes.

13 And also in earlier fires in 2003 as a strike team
14 leader?---Yes, and 2006 at the north-east, around
15 Mansfield and Whitfield.

16 Your involvement on Saturday 7 February, which we will come to
17 in a moment, was as a sector commander on the western
18 flank at the Murrindindi Mill, close to the point of
19 origin of the fire?---Yes, that's correct.

20 Leading up to 7 February what information did you have about
21 the predicted weather for that day?---There was an
22 abundance of information, from the media, from the CFA,
23 distributed internally in our group. It was quite clear
24 that it was going to be a bad day.

25 You attach an email that was distributed by Neil Beer, the Yea
26 group officer?---That's correct, yes.

27 That gave some colour to the predictions that had been received
28 via the media?---Yes, and they turned out to be fairly
29 accurate.

30 I think the prediction was that it would be a horrible
31 day?---Basically.

1 There is a routine before a day of total fire ban or a code red
2 day that is followed within the Yea group. Could you
3 outline what that routine is?---The procedure in the Yea
4 group is generally we will advise the Yea group officer if
5 we are not available for duties the following day, and the
6 incident management team will be selected for the
7 following day. The general thing is on the evening before
8 the bad day the incident management - the people, the
9 incident controller, ops, the strike team leader and the
10 sector commanders are usually sent out by pager message
11 that evening, and also quite often on the morning of the
12 fire at 7.30 when we do our radio sked that is rebroadcast
13 over the radio.

14 Consistent with that routine on the evening of 6 February you
15 had a conversation with Mr Beer, the Yea group
16 officer?---I did.

17 What was the substance of that conversation?---Just that I was
18 available for duties the following day.

19 Later that evening did you receive a pager message about a role
20 that you had been allocated?---Yes, I had been allocated
21 sector commander.

22 What other roles were allocated within the planned incident
23 management team?---Sorry, generally or what we got on the
24 page?

25 Yes, what you were aware of?---What I was aware of was
26 specifically who the other sector commander was; that's
27 what I was particularly interested in.

28 That was a Mr Hodge?---Gavin Hodge, yes.

29 And Mr Beer himself was listed as the incident controller
30 should an incident occur?---Yes, I believe so. Yes.

31 On a total fire ban day or a code red day what is the

1 expectation of brigade members of the Glenburn
2 brigade?---The night before a fire ban or code red days we
3 send a pager message out which also goes to some
4 text - some of the brigade members don't have a pager but
5 they do get a text of exactly the same page advising them
6 that the day is total fire ban or code red, and we ask
7 them to advise availability the following day. When they
8 ring back, prior to 2000 hours we sit down and work out
9 who is going to be on the crew, who the crew leaders are
10 and who the drivers are, and after we have done that we
11 send a page back to the members advising them of their
12 duties for the next day. Once people have accepted those
13 positions it's expected that they be available for very
14 quick call-out the next day.

15 Although that doesn't necessarily involve attendance at the
16 station?---No. What generally happens on bad days is,
17 because it is a farming community, most people are out
18 working very early in the morning before the heat of the
19 day and before it becomes uncomfortable. We do man the
20 station on the odd occasion, but particularly when the
21 wind picks up. If it is very, very hot with no wind, we
22 generally don't man the station. Some people might turn
23 up because there is an air conditioner in the station, but
24 generally we won't man the station until the wind is bad.

25 On 6 February did you follow that routine to identify members
26 who were available to crew the tanker?---Yes, we did.

27 The tankers?---Tankers.

28 And you had identified both tanker crews before the end of that
29 day?---Yes.

30 On 7 February you attended the fire station in Glenburn
31 early?---At 7.30.

1 Did other rostered crew members attend throughout the
2 morning?---Yes.

3 There was a radio sked at about 7.30 that morning?---Yes.

4 What does that involve?---It is a group radio sked. Yea's time
5 on fire ban and code red days is 7, 7.30 where the Yea
6 group comms calls all the radios in turn in the group just
7 to make sure that they are working. We reply. Also any
8 general messages are given usually at the conclusion of
9 the sked or the start of the sked.

10 And that occurred as normal at 7.30 on 7 February?---That
11 occurred as normal, yes.

12 As you explain in your statement, you also take that
13 opportunity to check the trucks are ready to depart very
14 promptly should the need arise?---Yes. The tankers are
15 always full of fuel and water, firefighting water, but we
16 also put the drinking water, the food and any other things
17 that we need for the day.

18 At about 11.30 that morning did you send a page to Glenburn
19 members?---Yes, I sent a page.

20 What did it say?---It said, "Glenburn tanker 2 crew manning
21 station shortly" - sorry, "Glenburn tanker 2 crew manning
22 station shortly. Tanker 2 crew please consider coming to
23 the station when available."

24 At that time there were already some crew members at the
25 station?---Yes.

26 And did others attend shortly afterwards?---Yes. Everybody
27 turned up shortly afterwards.

28 Before we come to the Murrindindi fire, there was another fire
29 burning near Glenburn that started in Kilmore East. When
30 did you first hear about that fire?---I'm not sure at the
31 time, but I heard about it on the VHF radio scanner.

1 There was some radio communication. I can't recall what
2 it was, but we certainly heard something. But we didn't
3 hear sort of specific information.

4 Did you anticipate that one of your tankers would be
5 deployed?---Yes, we did, because the fire was obviously
6 building very quickly because we could see the smoke, and
7 Glenburn tanker was on the Yea group strike team roster.

8 You say at about 1.20 you received a call from Yea group
9 requesting that Glenburn tanker 1 be despatched to the
10 Kilmore East fire?---Yes.

11 As part of a strike team?---Yes.

12 And that tanker left the station immediately?---Yes.

13 In fact before the page came through requesting the tanker's
14 attendance?---Yes.

15 That left the tanker 2 crew and yourself at the station?---Yes.

16 What was the next you heard about fire activity in the
17 area?---At 1456 we got the UHF radio call from Mount
18 Despair tower about the location of the fire and the fact
19 it was building quickly and to get appliances there as
20 quick as possible.

21 We have heard from Mr Hind that he radioed that through to
22 Ms Joyce?---Mm-hm.

23 Did you hear that in the station?---Yes. We had intercepted
24 that and put a call out to say that the tankers were
25 turning out.

26 Just so we can get our geography clear, how close is the point
27 at which smoke had been sighted to the Glenburn fire
28 station?---It would be about probably, I suppose, 10 ks to
29 the west, roughly.

30 Having heard that report of the sighting of smoke at
31 Murrindindi Mill, what action did you take?---Despatched

1 Glenburn tanker 2 immediately.

2 And did you yourself leave the station in your own
3 vehicle?---Yes, I left immediately just in front of
4 Glenburn tanker 2.

5 And both you and the crew of tanker 2 were already in your
6 protective gear?---Yes, we were all ready to go.

7 At what time did you arrive at the mill?---I arrived at the
8 mill at around about 1510.

9 And what were your observations when you first got
10 there?---That we had a very fast running grass fire that
11 had already entered the blue gum plantation to the west of
12 the mill and it had gone passed the mill and started
13 getting into the trees just to the south of the mill.

14 What were your observations of the smoke at that time?---The
15 smoke was - there was quite a lot of smoke, and
16 particularly the smoke was starting to become very dense
17 as it was entering the trees.

18 The wind was blowing in a north, north-westerly
19 direction?---Correct.

20 And the fire was fanning out towards the south-east?---Yes.

21 Shortly after your arrival did some DSE vehicles arrive at the
22 scene as well?---Yes, I recall seeing some DSE vehicles
23 going in, but I didn't have any conversation with any of
24 the DSE vehicles.

25 When you say "going in", going into where?---They were heading
26 up Wilhelmina Falls Road.

27 Towards the Murrindindi Scenic Reserve?---Yes.

28 But you had no communication with those people at that
29 time?---No.

30 You say in paragraph 27 that it was obvious at that early stage
31 that the fire was going to be at least a level 2

1 incident?---Yes, it was quite obvious.

2 At this stage did you implement the preplanned incident
3 management team?---Yes, at that stage, at 1512,
4 I contacted Yea. I assumed initial control of the
5 incident and requested the other sector commander - it was
6 obvious that the fire was going to have to be sectorised,
7 so requested the other sector commander and then made a
8 call for additional tankers and also aerial support.

9 At around this time did some other tankers arrive from within
10 the Yea group?---Yes, around this time Murrindindi and
11 Glenburn tanker 2 turned up.

12 How were those tankers initially deployed?---Those tankers,
13 they headed in on the western - what was to become the
14 western sector and started running up along the flank
15 heading towards the south-west.

16 While they were doing that, what were your own movements?---At
17 that stage I was still in the - down near the mill office
18 and, shortly after that, I headed back up towards the
19 point of origin. We were getting a few private vehicles
20 attending and we were just starting to distribute vehicles
21 around the fire.

22 You had a discussion with a David McKenzie, a lieutenant with
23 the Murrindindi brigade?---Yes.

24 And what course of action did you and he determine on?---I had
25 a sort of small water tank on my unit and we put out about
26 20 metres of fire just near the point of origin, but it
27 was pointless doing anything with an appliance that size.

28 Again at this point can I ask you what your observations were
29 of the development of the fire?---The fire had started
30 getting into the forest around Marginal Road and one
31 specific observation was that as soon as it got into the

1 trees it crowned almost immediately. Activity was very,
2 very intense.

3 What did that mean for the firefighting activity that you could
4 undertake with the resources that were starting to
5 attend?---There was absolutely no possibility of
6 controlling the fire. The fire was in the bush, the head
7 was in the bush and, quite apart from anything else, fire
8 fighter safety, it would have been fairly dangerous for
9 CFA crews to enter that area and try to contain it. It
10 was out of control. So we at that stage concentrated our
11 efforts on asset protection, be it houses or grass.

12 That assessment that you made - and this is a little before
13 3.30 that afternoon?---It would have been, yes.

14 Did you communicate that to anybody?---By that stage I had a
15 meeting with Graeme Chisholm, who came in. He didn't hear
16 my initial call nor did I hear his initial call because of
17 radio communication problems, because there are lots of
18 black spots around that area. He turned up and he assumed
19 the role of operations officer, and that's when we had a
20 discussion and that's when I formally became the western
21 sector commander.

22 Can we just place Graeme Chisholm in the picture? He is with
23 the CFA?---Graeme Chisholm is a member of the Yea brigade.
24 So he assumed the role of operations officer. You became the
25 western sector commander?---Yes.

26 And someone else was allocated the role of eastern sector
27 commander?---Eventually when he arrived, Gavin Hodge
28 became the eastern sector commander.

29 Can you outline for us the areas of responsibility between
30 yourself and Mr Hodge?---The western sector was west of
31 the area west of the Wilhelmina Falls Road and Gavin's

1 responsibility was east of the Wilhelmina Falls Road.
2 From that time on you concentrated your efforts on the western
3 sector?---Yes, basically; yes.
4 At this stage were there further tankers arriving at the
5 scene?---We got Flowerdale tanker, Molesworth tanker and
6 we had a number of private slip-ons turn up, and we also
7 had - in the western sector I had two Melbourne Water
8 water tankers turn up.
9 Were there also vehicles and personnel from DSE Alexandra
10 arriving?---Look, I can't specifically recall the timing
11 of their arrival, but certainly I saw at various stages
12 DSE vehicles turn up. I noticed that there was a DSE
13 dozer initially parked at the Murrindindi Mill compound.
14 It was a large, clear, fairly safe area.
15 Did the DSE personnel who arrived play any role in the
16 firefighting operation that you were overseeing?---Not out
17 of the bush, no.
18 Did you have any discussion with them yourself?---No.
19 During the course of the afternoon?---No.
20 There were then two strike teams that arrived from the
21 Alexandra CFA group?---Correct.
22 One was deployed in the western sector, the other went to the
23 eastern sector?---Yes, strike team 1250 was deployed to
24 the eastern sector area, and 1204 turned up a little bit
25 later and they were deployed onto the western sector.
26 COMMISSIONER PASCOE: I'm just interested in clarifying with
27 you, Mr Webbware, in both paragraphs 37 and 38 you are
28 talking about the resources that are made available, but
29 the way it reads is as though they just turn up. So I'm
30 wondering are you alerted by radio of exactly what is
31 going to be available to you when you are in command of a

1 fire?---Yes. Normally in a fire such as this - in a fire
2 such as this everything was paged. We only had four
3 tankers left in the Yea group. So in this particular case
4 everything would have been paged. Whilst I wasn't
5 specifically notified that those tankers were attending,
6 it would be natural for them to - once they are paged,
7 they will respond to that area. The normal procedure for
8 them is to respond to either the strike team leader or the
9 sector commander upon arrival, and then the normal
10 procedure is to take their T-cards and deploy them.
11 You also note the private vehicles arrived. So I presume there
12 is no notification that they are about to lend a
13 hand?---No. In most rural fires, whatever size they are,
14 people know about the fires either - most private vehicle
15 owners are also CFA members and they have probably got
16 pagers. Certainly a lot of them have got UHF radios and
17 they can hear what's going on. Generally speaking, a lot
18 of private appliances will attend a fire.
19 Is it always a benefit that they attend or can you sometimes
20 find that you have got either more resources than you need
21 or less experienced people than you need or a scenario
22 like that?---The private appliances play an incredibly
23 important role in the firefight, particularly where
24 resources are stretched to the limit, as they were on
25 these days. The private units do play a very, very
26 important role.
27 It is an interesting phenomenon. We have heard that in other
28 fires as well. In relation to other fires we have heard
29 it in evidence. It is not necessarily a matter that's
30 widely known I think in the broader community, the role of
31 those who bring their own resources, private vehicles, to

1 assist in the fighting of a fire?---We had some private
2 units from quite a long way away attend these fires. But
3 most of the private unit operators, as I said, are CFA
4 volunteers and a lot of them have done minimum skills and
5 most of them are highly skilled at firefighting.

6 MS RICHARDS: I think we have outlined the resources that you
7 had at your disposal as the sector commander. What
8 strategy did you adopt and what priorities did you have in
9 trying to deal with the fire burning in your sector?---In
10 the western sector we didn't have very many houses
11 directly threatened. So the absolute priority was to
12 prepare that fire line for the change, because we knew a
13 change was coming. At that stage we weren't sure what
14 time it was, but we knew a change was coming and it
15 probably was going to be severe. So we had to prepare
16 that whole western sector flank that was in the grassland
17 ready for that change.

18 If I can just ask you to stop there and tell us as best you can
19 recall how you knew that there was a change expected later
20 that day?---From recollection, look, we were aware just
21 from the weather forecast, I think, that a change was due.
22 Initially during the day I was sort of - I thought it was
23 coming through at about midnight, and then I somehow heard
24 it was 2200 hours, and then later on we got that red flag
25 warning.

26 We will come to that later. So your priority was to prepare
27 your sector for the change. How did you go about doing
28 that?---Whilst we had the strike team there to run the
29 flank with the tankers and some of the private units, and
30 we also had a dozer there to create a minimal earth break.
31 So the strategy was to just run that fire, get it blacked

1 out and go in as far as possible in from the edge and
2 black it out, get rid of any burning cow manure, tussocks
3 and the like, logs. But we had a couple of kilometres to
4 deal with, so it was a big job.

5 Can I ask you about the incident management structure that you
6 were working within on that day. As far as you were aware
7 who was the incident controller?---Neil Beer.

8 Were you aware that there was a DSE incident control centre
9 established?---Look, not - from my perspective as sector
10 commander, no, because my priority was to deal with
11 the sector. I dealt with Graeme Chisholm, who in turn
12 dealt with Neil Beer.

13 The chain of command as far as you were concerned was Graeme
14 Chisholm, who was issuing directions to you, and you had
15 strike team 1204 and a number of single local
16 tankers?---Yes.

17 At about 5 o'clock that afternoon was the strike team from
18 Alexandra, strike team 1204, recalled?---Yes, that's
19 correct.

20 How did that occur?---I got a call from the strike team leader
21 requesting to be released because of the activity that was
22 happening over in the Narbethong area. I checked up
23 with - I made a radio call to Graeme Chisholm to confirm
24 that they were to be released, and shortly thereafter
25 I got a radio call from Graeme Chisholm to confirm their
26 release and they left.

27 And you understand that a similar request was made from strike
28 team 1250 in the east?---I believe so. I can't confirm
29 that.

30 That left you then with what resources?---We had four CFA
31 tankers and a number of private units.

1 With those resources, what firefighting were you able to
2 undertake in the next half to three quarters of an
3 hour?---Very limited. Very limited.

4 Can you outline the situation, what you had achieved by about
5 6 o'clock that evening?---I did a run right along the
6 western flank or the north-western flank, I guess, to see
7 how well it had been prepared. We drove right up to, I
8 guess, the south-western point in the grasslands and
9 I wasn't sure how far it had travelled west in the bush.
10 You couldn't see where the fire had run because of the
11 thick smoke. But it was quite clear at that stage that we
12 only had a single dozer blade width, and there was a lot
13 of burning country. In fact there were small areas that
14 were still burning on the other side - the wrong side of
15 the containment line. It was quite clear that we weren't
16 going to be able to hold it when the change came.

17 Did you advise Mr Chisholm, the operations officer, of your
18 concerns about not being able to hold the fire when the
19 change occurred?---Yes, I did.

20 Shortly after that did you receive a red flag warning?---Yes,
21 we received a red flag warning at 1816.

22 You received that from Mr Chisholm?---I did.

23 You understand that he in turn received that from Yea
24 group?---Yes.

25 And you have attached as annexure 1 the Yea group headquarters
26 log which identifies that red flag warning being issued at
27 1816?---I think it does, yes.

28 Having received that red flag warning, what did you then
29 do?---Advised all the units on our sector of the imminent
30 change in the weather conditions and there was forecast a
31 strong south-westerly wind due at I believe about

1 1900 hours. So informed them either by VHF radio to any
2 of the CFA appliances there or UHF radio to the private
3 units or in some cases we just had personal contact with
4 the private units to advise them what was happening.

5 When did the wind in fact change?---I believe it was around
6 about that time, around about the 1900 hours. We did have
7 some prewarning, heard about the change reaching Glenburn
8 at I think it was 1634. Then about - I will just find
9 that. Sorry, 1835 the change was reported at Glenburn
10 from the Glenburn comms officer. At approximately 1845 I
11 got a report via UHF radio from a Glenburn brigade member.
12 Actually that photo that was on the website, the Glenburn
13 website that you saw earlier - - -

14 During the STAR Tool presentation?---Was from that person who
15 took that photo.

16 So the person who advised that the wind had changed where they
17 were at Glenburn at about quarter to 7?---Yes.

18 When the wind change hit the area that had already been burnt
19 that you and your crews had been working on that
20 afternoon, what happened?---The fire intensity increased.
21 As embers flew over the containment line, burning manure
22 and the like, basically from what we could see the whole
23 flank lit up almost at the same time. So we had - just a
24 huge quantity of embers just went straight over and it
25 just all lit up and the fire took off to the north,
26 north-east.

27 Did that then create concerns for communities to the north-east
28 of the fire?---Definitely, yes. The Murrindindi Valley
29 was certainly under a great deal of threat.

30 In particular, the communities of Murrindindi and
31 Limestone?---Yes, the Murrindindi community was closest

1 and then the next community down that valley was
2 Limestone.

3 You say in paragraph 48 of your statement that you think that
4 Mr Chisholm made a call to Yea group at that time to get a
5 warning out to those communities?---Yes, I believe so.

6 And we see that that is recorded in the Yea group log for that
7 evening?---If that is there, yes.

8 Were you able to undertake further firefighting after the wind
9 had changed?---Once the wind had changed, the priority was
10 to protect the assets, houses. We only had one house in
11 the direct path of that fire in our sector, but there were
12 a number in the eastern sector. There were three tankers
13 in the eastern sector and one in the western sector.

14 So you undertook work to protect that house in your
15 sector?---Yes.

16 Successfully?---As it turned out, no.

17 After that situation had developed, was there anything
18 remaining for you to do?---Look, the biggest issue at this
19 stage was that we were getting pager messages and radio
20 communication messages that the fire was impacting the
21 Glenburn and Flowerdale area, and that was the Kilmore
22 fire after the change. We had crews, particularly the
23 Glenburn and Flowerdale tankers, whose areas - in fact
24 properties - were being impacted by that fire. The
25 decision was made that with the resources that we had and
26 the fact that it was very, very dark, the smoke was
27 incredibly thick and it took everybody by surprise how
28 dark it actually got, and the fact that the fire was still
29 very, very intense, we made the decision that we just
30 couldn't do anything more with the resources we had and,
31 given that all the home areas were being impacted, the

1 decision was made to initially close that western sector
2 down and certainly send Glenburn tanker 2 home and then
3 ultimately the other sector was closed down when those
4 tankers could get out.

5 The western sector was closed down at about 7.30?---7.30 to
6 8 o'clock. I think the Glenburn tanker left at I think it
7 was around about 8 o'clock that evening, they left.

8 You yourself left at about 8.30?---Yes, around about that, yes.

9 You mention that Glenburn itself was affected by the Kilmore
10 East fire. What was the impact on the Glenburn community
11 of that fire?---I think roughly around about two-thirds of
12 the brigade area was burnt. If we look at the number of
13 brigade members that were directly affected, I think we
14 had 55 brigade members who were directly affected by that
15 fire. We kept on having activity with that fire for
16 approximately three weeks.

17 After 7 February?---After 7 February.

18 As you have identified to us, tanker 2 was fully occupied
19 fighting the fire at the Murrindindi Mill; tanker 1 had
20 been deployed where?---To Kilmore, and they didn't arrive
21 back until about midnight.

22 Thank you, Mr Webware. I have no further questions. Do the
23 Commissioners have questions?

24 COMMISSIONER PASCOE: Just one. I note at the start of your
25 statement, Mr Webware, you have done a fair amount of
26 training yourself. You advised us that you now have a
27 role as community safety instructor. But it is the issue
28 of the training I'm interested in. We have heard at the
29 Royal Commission varied views about the impact of training
30 on volunteers, one view being it's a very welcome
31 enhancement of skills for local volunteer members, but the

1 other being that it's an impost and likely to be a
2 disincentive for volunteers to join the CFA. Can you give
3 us a bit of advice about how you see the role of training
4 even within your local brigade?---The role of training
5 is - in our brigade, for instance, we maintain a minimum
6 standard, and that's the minimum skills. We make sure
7 every crew member goes through a refresher every year, and
8 that's an internal training, to make sure everybody is
9 familiar with the tanker, familiar with entrapment
10 procedures particularly, and make sure they know the
11 trucks and know how to pump and all that sort of stuff.
12 That's a minimum standard. We really leave it up to the
13 volunteers if they want to progress further along the
14 training chain to become more skilled, whether such as
15 structural or A class foam or whatever. If they want to -
16 well, we certainly put people through crew leader, but
17 that's up to them to make that decision, if they think
18 they have the time to devote to that. Then it progresses
19 on further, if they want to ultimately become strike team
20 leaders or sector commanders or whatever. But it is
21 certainly up to them to make that decision. Some people
22 do just maintain their minimum skills, but a lot of people
23 want to become more highly trained. We have got some - in
24 region 12 we have got a very, very good practical wildfire
25 instructor. So people are generally fairly pleased with
26 the process.

27 So you haven't found it to be a disincentive for people
28 volunteering?---I don't think so, no. I think most people
29 are realistic enough to expect that they have to do a
30 minimum level of training to become safe on the
31 fireground, not only to them but to the rest of the crew.

1 Do you think that the skills that are learnt in the CFA
2 training have applicability for, say, someone like you
3 whose other occupation is a farmer or for any other
4 occupations that people might have?---I just think a lot
5 of it is sort of life skills, particularly when you are
6 doing the leadership courses. They certainly can be used
7 in other spheres of career or whatever.

8 I was thinking perhaps some of the occupational health and
9 safety, some of those sort of skills that are learnt by
10 people?---Certainly, yes. It all sort of enhances the
11 skills for whatever purpose.

12 MS RICHARDS: Mr Livermore has some questions for the State.

13 <CROSS-EXAMINED BY MR LIVERMORE:

14 Mr Webbware, Commissioner Pascoe asked you some questions about
15 the procedures when strike teams or tankers arrive on the
16 scene, and you mentioned T-cards. Can you just explain
17 what happened when the strike teams arrived at the
18 Murrindindi fire and what happened in relation to the
19 T-cards and what the T-cards are?---The T-cards - when
20 1204 turned up, I got a T-card, a blue T-card, from the
21 1204 strike team leader which listed the resources that
22 were in his strike team and what the tankers were, and the
23 main contact details with the strike team leader.

24 What is the purpose of the strike team leader supplying you
25 with that card?---So that I know which tankers are in his
26 strike team, and also he in turn has the yellow T-cards
27 which list the individual tanker resources, including the
28 names of the crew on those tankers.

29 What happened to the T-card when you released that strike
30 team?---I normally give the T-card - normally you would
31 give the T-card back to the strike team leader.

1 That strike team was released back because there was a general
2 recognition that there was a greater need of it to the
3 southern part of the fire?---Yes.

4 MS RICHARDS: May Mr Webbware be excused.

5 CHAIRMAN: Yes, thank you, Mr Webbware. You are excused. It
6 may be an appropriate time to take a break.

7 <(THE WITNESS WITHDREW)

8 (Short adjournment.)

9 MS RICHARDS: I call Michael Lauder.

10 <MICHAEL LAUDER, sworn and examined:

11 MS RICHARDS: Mr Lauder, could you please state your full name
12 for the Commission?---Michael Lauder.

13 You are employed by the Department of Sustainability and
14 Environment as a senior ranger at the Toolangi
15 office?---I am.

16 Mr Lauder, you made a police statement in February this year,
17 not long after 7 February?---Yes.

18 Do you have a copy of that police statement there?---I have.

19 The document number is (SUMM.044.0023.2177_R). Mr Lauder,

20 I understand there are some corrections you would like to
21 make to that statement?---Yes. This statement was made,
22 I think it was about the third week in February, during
23 the firefight. Although I did see a handwritten copy and
24 signed it, I didn't really see this completed one until
25 recently. There are a lot of grammar errors and spelling
26 errors and some stuff I would like to clarify.

27 Would you like to take us through the statement and tell us

28 what you would like to correct and clarify?---A lot of

29 this is just basic stuff. In paragraph 1 it states that

30 I managed Mount Robinson when in actual fact it is Mount

31 Robertson State Forest as part of the area that I manage.

1 It also says that I'm in charge of "anything that occurs
2 in these areas from maintenance of benches to bushfires".
3 That might overstate your responsibility?---I think it does.

4 I'm a local forest manager. So I do manage the area for
5 recreation through to weeds and pest animals, but I'm not
6 that good. Also there are some minor errors regarding
7 vehicles and some time lines. For instance, I think in
8 paragraph 6 - - -

9 This is on the second page?---Yes, page 2.

10 What are the first words of the paragraph?---Also it says in
11 paragraph 5 there are 15 people at the office. I think
12 there were about 17 of us at the office that day. Also
13 the time error in the next paragraph where it says that we
14 received a call at 2.53, in fact it was about 2.58. Minor
15 errors, but I think I have clarified some of it.

16 Is that everything?---I think so, yes.

17 With those corrections, is your statement true and
18 correct?---It is basically correct, yes.

19 I tender that.

20 #EXHIBIT 335 - Police statement of Michael Lauder.

21 (SUMM.044.0023.2177_R).

22 MS RICHARDS: Mr Lauder, can I ask you a little bit about the

23 Toolangi DSE office. How many staff are employed
24 there?---We have five full-time staff and five crew.

25 There is yourself as the senior ranger. Who are the other

26 full-time staff?---We have Stuart McDonald, who is a BSO.

27 Sorry, the BSO?---Business services officer. He is the first

28 point of contact for visitors. We have Gary Dash, who is

29 a wildlife officer at the moment. We have Jennifer

30 Sutherland, who assists me. We have Andrew Collard, who

31 supervises the work crew.

1 What are your responsibilities as senior ranger?---As the local
2 forest manager I'm responsible for everything that happens
3 in the forest under my jurisdiction, whether it be
4 recreation matters or people coming to the office and want
5 to complain about something, about the forest, or
6 maintaining walking tracks, picnic areas, camping sites.
7 You mention that there are five field staff, I think?---Yes.
8 And what are their roles?---The field staff basically do all
9 the manual work. They maintain the road network
10 throughout the whole area. They get work from myself
11 regarding recreation and other matters to do with forest
12 management, and a large part of their role is
13 firefighting, as all of us have a role in firefighting.
14 Could you expand on that? What role do you all have in
15 firefighting?---We all have various roles. For instance,
16 I'm a level 2 operations officer, level 1 controller and a
17 wildfire investigator. Other people have different roles.
18 The crew are sometimes crew leaders, sometimes sector
19 commanders. Most of us are trained in various roles to do
20 with the AIIMS structure.
21 There are also a number of project firefighters employed out of
22 the Toolangi office on a seasonal basis, are there
23 not?---There is.
24 About how many?---I think we had eight this year.
25 In February this year there were also some VicForest staff
26 based at the Toolangi office?---There was.
27 And they have since relocated to Healesville?---Yes, there were
28 three.
29 In your police statement, Mr Lauder, you mention your area of
30 responsibility being the Toolangi State Forest, Mount
31 Robertson State Forest and the Murrindindi Scenic Reserve.

1 We have been provided with a map that shows some of that
2 area. It is document (DSE.HDD.0048.0541). You have just
3 been handed a copy of that?---Yes.

4 We will see if we can get that up on the screen as well. There
5 are two parts to that map, are there not?---There is.

6 The part on the left is a wider view and it has a circle around
7 Toolangi and a rectangle around, broadly speaking, the
8 Murrindindi Scenic Reserve?---Correct.

9 And the map on the right is a blown-up map that indicates the
10 Murrindindi Scenic Reserve which is nestled within the
11 Toolangi State Forest?---Correct.

12 What is the difference between the Murrindindi Scenic Reserve
13 and the Toolangi State Forest?---It has its own
14 regulations and they are quite tough. They are very
15 similar to park regulations in that you can't take
16 firearms or dogs. You have special areas where you can
17 and can't camp. We can direct people where they can and
18 can't park their vehicles. It is managed differently to
19 other parts of the forest.

20 On the right-hand map, the area that's lighter, is that the
21 Murrindindi Scenic Reserve?---It is.

22 And the darker green area is the Toolangi State Forest on
23 either side?---Correct.

24 We see on that map, although the writing is very small, that
25 there are a number of camp sites and walking trails within
26 that scenic reserve?---There is. It is a highly-used and
27 popular area for campers and bushwalkers. It was.

28 We heard earlier this morning from Mr Lawlor that a large part
29 of the area that was burnt in the Murrindindi fire was
30 mountain ash forest. Are there parts of the Toolangi
31 State Forest that are mountain ash?---Yes, something like

1 11,000 hectares, I believe.

2 Typically that is quite wet forest?---Yes.

3 What was the state of the forest by the end of January this

4 year?---Dry as a chip. Very dry.

5 I think you have used the word previously "cornflakes"?---Yes.

6 It is a word we use or it is a phrase we use when you're

7 walking through the forest and it crackles like

8 cornflakes, and that's what it was like this year.

9 In the week prior to 7 February, what was your awareness of the

10 weather that was forecast for that Saturday?---I think we

11 were all aware it was going to be a horrible day, that we

12 were given warnings in the media and the Premier some

13 days, even a week out from that day. So we were all well

14 aware it was going to be a bad day.

15 Did you receive any specific communication or warning from your

16 manager within DSE about weather conditions for the

17 day?---I think there were some emails sent around from

18 Steve Grant regarding that day. Steve Grant is our fire

19 management officer from Broadford.

20 He is your manager?---No.

21 What's his relationship to you within the DSE structure?---He

22 manages fire in the Murrindindi district.

23 You mentioned earlier that within the office staff, the staff

24 based at the Toolangi office, people have a number of

25 different fire qualifications?---Yes.

26 Was there any preplanning for roles that people might assume on

27 7 February if a fire did eventuate?---No.

28 I take it that there had been no discussion about incident

29 management team roles beforehand?---No.

30 Had you been asked to be available to work on

31 7 February?---Yes, everyone in the office was asked to

1 come in that day.

2 You outline in your statement that in fact you started work
3 quite early that day undertaking a patrol, if you like, of
4 the Murrindindi Scenic Reserve in company with Senior
5 Constable Manning from the Yea police station?---Correct.
6 Is that a practice that you often observe on total fire ban
7 days?---Yes. If there is a police member available, we've
8 been doing it for many years now, either from Kinglake or
9 Yea police, and we work in pretty well with them and most
10 times on a total fire ban day we will travel with one of
11 them or they will travel with us in our vehicle.

12 What is the purpose of undertaking that patrol?---Lighting a
13 fire on a total fire ban day is a pretty serious offence
14 and I think the police are quite happy to come with us for
15 that reason.

16 You say in your police statement that you collected Senior
17 Constable Manning at about 7.30 - sorry - 8 o'clock and
18 then made your way to the Murrindindi Scenic
19 Reserve?---Yes.

20 And you have reached there at about 9.30?---Yes, we travelled
21 there via the Black Range, the northern part of the
22 forest, and we eventually got there something like - what
23 time did I say there? Yes, 9.30 or so, yes.

24 On reaching the Murrindindi Scenic Reserve, what did the two of
25 you do?---We did a run through every camp site to see who
26 was there and we came across some campers in the first
27 area, which is Suspension Bridge area, and following the
28 conversation they decided to leave and they did, almost
29 straight away. There was also some other campers at a
30 place called Water Gauge camping area and I had spoken to
31 those campers the day before. They are regular campers

1 and have been coming there for many years. I just tooted
2 and waved. I didn't talk to those guys.
3 But you were aware that they were there?---I knew they were
4 there.
5 I take it from what you have said that the reserve wasn't
6 closed on that day?---No, we don't close it.
7 Is it possible to close it on a day of extreme fire
8 danger?---We have got gates on the northern part of the
9 entrance, but we only use those gates at peak periods when
10 myself and another ranger man the gates, for instance
11 Easter, and mainly talk to people coming into the reserve
12 about what they're going to do for the weekend and make
13 sure they've paid their fees, no dogs in the car and stuff
14 like that. There is no gates on the southern part, so we
15 can't physically close the reserve up.
16 There were two groups of campers you came across?---Yes.
17 One group left; the other group, you were aware of them and
18 they were aware of you?---Yes.
19 Were there any other campers that you found during that initial
20 patrol?---Not a soul.
21 After you completed your patrol of the Murrindindi Scenic
22 Reserve, where did you then go?---We went back to
23 Toolangi. I think the conversation with Craig Manning was
24 that, "It's a really bad day, I think I'd like to get back
25 to the office," so we had morning tea at the Toolangi
26 Tavern and then I drove him back to Yea and then
27 I proceeded back to the office at Toolangi.
28 What time did you return back to the office?---It would have
29 been somewhere around 12-ish.
30 Were there other people there at that time?---Yes, there was a
31 heap of people. There were about 17, around about,

1 altogether. All the crew, all the summer crew and all the
2 staff, including some VicForest people.

3 At some stage after that did you become aware of the fire in
4 the Kilmore East area?---It wasn't long after I got there,
5 I think, the fire at Kilmore started, around about 12,
6 I think. I think we received a call from Steve Grant and
7 we dispatched seven to that fire.

8 That left you and nine others remaining?---Yes. Ten, I think.

9 You mention in your statement that you went - I'm not sure if
10 you do mention that in your statement, but you went home
11 for some lunch?---Yes.

12 And then returned to the office?---Yes.

13 And you could see the Kilmore East smoke plume at that
14 time?---Yes.

15 What information did you have available about fire activity in
16 the Toolangi office?---Only the FireWeb and the internet
17 where some crew also were watching the CFA website and
18 I think there may be a radio on as well, ABC Radio.

19 At about 2.58 pm, you corrected the time in your police
20 statement, the office received a call from Mr Grant in
21 Broadford?---Yes.

22 What did he communicate?---I don't know. I didn't speak to
23 him.

24 He spoke with the business services officer?---He did, yes.

25 Stuey came out and said, "There's a fire at Murrindindi
26 Mill" and we were out the door pretty quick.

27 What happened then?---As soon as I left the office - well, I'll
28 just go back a step. I instructed - there was some talk
29 of which way we would go into the reserve and I said not
30 from the south, we'll come in from the north, so we went
31 around the Melba Highway. I jumped into my vehicle and

1 immediately rang Colin from the tower, who we heard from
2 this morning, Colin Hind, and asked him what the fire was
3 doing and he told me it was going pretty well and
4 I instructed him to get out of the tower at that stage.
5 That was about 3 o'clock.
6 So you left in your own vehicle?---Yes.
7 Were you the first to leave?---Yes.
8 Who else were you expecting to follow you?---All we had
9 available, which was another 10 people, including a first
10 attack dozer on the back of a truck.
11 There were two slip-on vehicles?---Two slip-on units, a tanker,
12 the dozer and a Land Cruiser wagon, and mine.
13 As you drove north up the Melba Highway, what could you see of
14 the fire?---I could see a large smoke plume already and
15 that was within a few minutes, so I knew it was going to
16 be a big fire.
17 At what time did you arrive at the mill?---Somewhere around a
18 quarter past or 17 past 3.
19 And the rest of your crew arrived soon after that?---Soon
20 after, yes. The fire had - as I got there, the fire had
21 jumped across Marginal Road and I think I rang up - I
22 called back to the office and gave them the grid reference
23 of where the fire was at that stage.
24 When you say you called back to the office, who did you speak
25 to?---Stuart McDonald.
26 Did Mr McDonald maintain a log of communications to and from
27 the office on that day?---He did for some time, yes.
28 Could I ask that that log be made available to the Commission?
29 In fact, I call for that log to be made available.
30 CHAIRMAN: Yes.
31 MS RICHARDS: On arriving at about 3.15, perhaps 3.17, what was

1 your initial observation of the fire?---The fire had
2 already consumed or was up the hill where the blue gum
3 plantation was. I thought it was something like
4 40 hectares already and the mill was on fire by that stage
5 and it had crossed Marginal Road and I just waited for the
6 rest of my crew to arrive and decided what to do then.
7 What was your assessment about your ability to fight the fire
8 or to undertake first attack?---It was not an option. It
9 was too large.
10 Were there other firefighting personnel or vehicles in the area
11 when you arrived?---There was a CFA tanker parked on the
12 side of the road. Initially I thought it was Murrindindi,
13 but I now know it was the Glenburn tanker.
14 Did you have any communication with CFA?---No.
15 Having made the assessment that there was no prospect of
16 fighting the fire, what was your first priority?---My
17 first priority right from the start before I even got
18 there was I knew there were campers out there. My mission
19 then was to go into the reserve and see if we can get them
20 out.
21 When your crew arrived is that what you did?---We did.
22 In which direction did you go?---We travelled south along the
23 Falls Road, which then turns into Murrindindi Road into
24 the reserve.
25 Did you then send one of the slip-on units up to the Water
26 Gauge camp site?---I did.
27 Did they return soon afterwards?---They returned soon
28 afterwards, followed by a heap of vehicles which I had
29 never seen before. It turns out there was something like
30 19 people in those vehicles with nine children.
31 Was there any sign of the regular group of campers that you had

1 encountered later in the day?---We couldn't get up there.
2 The fire had already spotted ahead of them, so the crew
3 I sent up there came back fairly quickly saying the fire
4 had already spotted and there were trees laying across the
5 road already.

6 At that stage did you realise that you and the crew that you
7 were with had been cut off to the north by the fire?---It
8 was when I looked back to where we came in that I realised
9 that we were cut off.

10 What did you then do?---I then made the decision to take the
11 whole crew down to the river, which is only about
12 150 metres away. It is a river which is only about knee
13 deep, so it would be suitable for driving vehicles into.
14 So we drove some vehicles into the river, parked all the
15 people's cars at a car park there and we herded everyone
16 into the river and put the kids with one of the mothers in
17 the front of the two vehicles.

18 You said there were about 19 campers. How many of them were
19 children?---Nine. Nine children from babies up to sort of
20 young teenagers, I think.

21 You put the children and one of the mothers in the cabin of the
22 vehicle?---Yes.

23 What other precautions did you and your crew take?---The crew
24 were magnificent. They put some wet blankets, fire
25 blankets over the windscreen of the two vehicles and wet
26 them down and we started the pumps up on the two slip-on
27 units and continually sprayed the vehicles and all the
28 vegetation around where we were in the river.

29 What was the fire activity around you during the time you spent
30 in the river?---Initially the main front passed us on the
31 west side of Murrindindi Road and it wasn't that long

1 before another front came on the east side of the river
2 where we were and basically came across the top of us.
3 How long did you and the campers and your crew remain in the
4 river?---It was something like - if I read from the log
5 here when I rang the office at Toolangi, if I may refer to
6 this log?
7 Please do, and perhaps you can give us a copy of it?---It was
8 something like 1655 when I called back to Toolangi and
9 asked for an ambulance to meet us at Murrindindi Mill.
10 Could I just identify the log you are looking at. Is this the
11 log that was kept by Mr McDonald?---It is.
12 Please proceed?---So it was 1655 when I called the Toolangi
13 office. I knew that we'd had some smoke inhalation
14 problems, so I asked for an ambulance to meet us at the
15 mill, and it wasn't long after that that - and I didn't
16 want to leave because it was still very, very smoky and
17 there were trees falling down all over the place, so we
18 were quite safe in the river. It wasn't long after that
19 that Dale Young from Alexandra crew came in, he cut his
20 way in through to where we were and then we proceeded to
21 ferry out the kids first to the mill site and then the
22 rest of us went out there.
23 Were any of the campers affected by the fire in any
24 way?---I think so, yes. They were attended to by
25 ambulance people, but they all left in their own cars, so
26 no-one too serious.
27 What about your crew?---I had two crew who immediately we
28 arrived at the mill almost started vomiting and they were
29 seen to by the ambulance people and later on when we went
30 to Yea one of those, one of my crew, spent the night in
31 hospital.

1 And you yourself?---I was fine.

2 So after being ferried out of the river in the way you have
3 described, your crew and you left the scene?---We left
4 there and we were told to go to Yea to receive some
5 counselling, which didn't eventuate, and there was no
6 accommodation there and going back to Toolangi wasn't an
7 option because the highway was cut from when the change
8 had come through from the fire. So I rang up the duty
9 officer at Broadford, who is Ted Wearne by this stage, and
10 he had arranged some accommodation at Seymour. So we
11 spent the night at Seymour and we went back to Toolangi to
12 start the firefight the next morning, early Sunday
13 morning.

14 You mentioned there was a firefight still to be undertaken at
15 Toolangi?---Yes.

16 There were in fact several weeks of firefighting that were
17 necessary around Toolangi, were there not?---About a
18 month.

19 Can you explain what the situation was for the community of
20 Toolangi after 7 February?---Probably without DSE being at
21 that depot at the office the township would have burnt.
22 I feel sure of that. We immediately set up a mini-ICC, or
23 a division anyway, and we had a lot of logging equipment
24 at the office and we commenced on our plan of doing a
25 firebreak around the entire town.

26 It might help at this stage, Mr Lauder, if we get a map of the
27 Toolangi area up on the screen. If we could have the
28 Google map, please. So, the yellow line almost bisecting
29 that map to the north and south is the Melba Highway and
30 Toolangi itself is to the east?---That's right. That's
31 Toolangi there, yes.

1 We can see there is some very densely forested areas to the
2 south and to the north?---Yes. The Kilmore fire had come
3 in from, when the wind changed, had come in from Steels
4 Creek and those areas. It burnt up around Chum Creek and
5 that was directly threatening the township of Toolangi
6 from the south, from the south-west. And also the
7 Murrindindi fire was still burning around the northern
8 part of the township and also out on Plantation Road
9 towards Narbethong where we did extensive backburning as
10 well as firebreaks around the township.

11 Over what period?---One month, around about.

12 Was the Toolangi DSE office and the staff who were based there
13 incorporated into the Alexandra incident management
14 team?---No.

15 Did it become part of a broader incident management team?---We
16 ended up being part of the Woori Yallock ICC.

17 At what stage after 7 February?---I'm not sure, but it was
18 probably at least three days, maybe.

19 And until then you essentially ran your own operation from the
20 Toolangi office?---We did, yes.

21 How successful were the protective efforts that you undertook
22 around Toolangi in those weeks following
23 7 February?---Highly successful. We didn't lose any
24 property or loss of life after the 7th. It was highly
25 successful.

26 Just one more question, Mr Lauder. Looking back on the events
27 of 7 February, do you think it would have been of
28 assistance if you could have closed the scenic reserve on
29 that day?---Hindsight is a marvellous thing. I think
30 I would have asked people to leave, which I have got the
31 power to do that. But closing I don't think is an option

1 because you might lock people in who are already in there,
2 so I'm not sure about going down that track.

3 Thank you. I have no further questions, Mr Lauder.

4 CHAIRMAN: Can I just inquire whether you contemplated this
5 should be treated as part of that exhibit?

6 MS RICHARDS: Yes, I ask that be included.

7 CHAIRMAN: Yes, that is part of 335.

8 MS RICHARDS: And perhaps Mr Lauder can provide us with the log
9 that we have been looking for and we can include that in
10 the exhibit when we have it produced.

11 CHAIRMAN: That may be the sensible course. We will excuse you
12 subject to you conferring about the log.

13 COMMISSIONER McLEOD: Mr Lauder, just one question I would like
14 to ask, just on that point about closure of national parks
15 and recreational areas in the bush on a day of acute fire
16 danger. Do you see any value in it as a general policy at
17 the very extreme level, to minimise the risk of accidental
18 or other fires starting in public reserves, to have them
19 prohibited from entry on an acute day of fire danger?
20 Would that be a reasonable safeguard to consider?---It
21 could be, but it would be for people way above me to
22 decide that.

23 Sure. But just from your own experience?---I'm not sure
24 whether I'd want to go down that track of locking the
25 place up.

26 You are not sure that that would be, what, acceptable from a
27 community point of view or - - -?---I'm not sure whether
28 I would be up for locking an area up on a total fire ban
29 day.

30 I'm not even perhaps suggesting they have to be physically
31 locked up, but if they are considered to be prohibited

1 areas for entry on a day of acute fire danger?---Sure. It
2 would be better than actually physically locking gates.
3 Just relying on the honesty of people?---Yes. That would be an
4 option.

5 Is it permissible to smoke in the open in a public area in a
6 bushfire zone on a day of acute fire danger?---Yes.

7 Do you have any concerns about the freedom that smokers may
8 have on days of very acute fire danger in public areas of
9 the kind that you are responsible for?---I haven't given
10 it a lot of thought, but not really, no.

11 "Not really" meaning?---Well, I mean - there are no naked
12 flames allowed on a day of total fire ban, so I suppose
13 technically they can't light a match.

14 But do people smoke regularly in public reserves?---I would
15 assume so.

16 CHAIRMAN: Thank you, Mr Lauder. You are excused.

17 <(THE WITNESS WITHDREW)

18 CHAIRMAN: We will adjourn now until 2 o'clock.

19 LUNCHEON ADJOURNMENT

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1 UPON RESUMING AT 2 O'CLOCK:

2 MS RICHARDS: Before Mr Rush proceeds with the next witness,
3 I just have a statement to tender, a statement of Robin
4 Rishworth, a lay witness. The document number is
5 (WIT.098.001.0001) and there are 16 attachments to that
6 statement.

7 #EXHIBIT 336 - Witness statement of Robin Rishworth
8 (WIT.098.001.0001) and attachments.

9 MS RICHARDS: It is not proposed to call Mr Rishworth in person
10 at this stage. Thank you.

11 MR RUSH: I recall Mr Lawlor.

12 <SHAUN PATRICK LAWLOR, recalled:

13 MR RUSH: Mr Lawlor, can I firstly ask you did you, with the
14 assistance of solicitors for the Victorian government,
15 prepare a statement in relation to your evidence for the
16 Murrindindi fire?---Yes.

17 Are the contents of the statement true and correct?---Yes.

18 I tender the statement of Mr Lawlor.

19 #EXHIBIT 337 - Witness statement of Shaun Patrick Lawlor.
20 (WIT.3024.003.0190).

21 MR RUSH: As we discussed this morning, Mr Lawlor, you
22 indicated you were asked at approximately 3.30 to be the
23 air attack supervisor. Can you just explain to us what
24 the role and what the function of an air attack supervisor
25 is over a fire such as the Murrindindi fire?---The role of
26 an air attack supervisor is the safe and effective
27 coordination of fire bombing aircraft at a fire.

28 Is there also a role in relation to observation of the fire and
29 assessment of the fire, contact with ground personnel in
30 relation to your observations?---Yes. Part of the role is
31 to pass on observations and to also inform ground crews as

1 to the strategy that's being implemented so that they can
2 be conducted in a safe manner.

3 Would you, where necessary, advise as to strategy?---Yes.

4 And perhaps we will have a look at that as we go through the
5 statement. Mr Lawlor, the aircraft that you used on the
6 day, you told us that you left from nearby the Ovens
7 regional headquarters. What was the aircraft?---The
8 aircraft was a JetRanger by the call sign of Firebird 305.

9 And was the aircraft personnel just you and the pilot?---Yes.

10 Did you make your way directly to the Murrindindi fire?---Yes.

11 You indicated to us the photographs you took as you approached
12 the Murrindindi fire. Perhaps if I can pick it up from
13 there. What was the position that you went to after
14 taking those photographs? I think you indicated
15 from - remind me if I'm wrong - 30 or 40 kilometres
16 away?---Yes, it was 40 kilometres. We proceeded directly
17 to the point of origin at the Murrindindi Mill site.

18 In relation to the time that you arrived there, you indicate in
19 your statement that because of the turbulence it was
20 impossible to keep a log. Are you able to tell us what
21 time it was that you arrived at the ignition point?---It
22 was around 4.50 pm in the afternoon.

23 So at that stage, on the information available to you, the fire
24 had been burning for one hour and 50 minutes or
25 55 minutes. What was the area, approximately? What were
26 your observations about the fire?---From a long distance
27 away, again further than 40 kilometres away, the
28 convection column was very obvious and that included a
29 very long, what I would describe as a tail, back to the
30 point of origin. So it was immediately apparent that the
31 fire was already an enormous size and it was also apparent

1 that it was burning with great intensity and it was also
2 apparent that it was moving with considerable speed.
3 In paragraph 11 of your statement you refer to the tasking,
4 which was to give Dale Young, an operations officer on the
5 ground, information that you were observing from the
6 air?---Yes.
7 How was it that you knew of Mr Young to make contact
8 with?---Prior to departure from the Ovens work centre
9 I had been given Dale Young's name and contact details as
10 the person who was managing operations on the ground at
11 the Murrindindi Mill site.
12 How were you contacting him?---I was talking to him on the
13 trunk radio.
14 Did that have its difficulties?---Yes, it did. There were two
15 difficulties. On occasions the system was queued so the
16 call wasn't going immediately through, and when calls did
17 go through the calls were scratchy in terms of the clarity
18 of the message.
19 But nevertheless you were able to communicate as
20 necessary?---Yes. We commonly read back messages where
21 there's information involved to make sure that the message
22 has been received and understood.
23 When you arrived at the point of ignition or close to the point
24 of ignition of the fire, where was Mr Young
25 situated?---I'm not exactly sure.
26 But was it your understanding that he was in essence, as ground
27 operations, in the area of where the fire was
28 burning?---That's correct, yes.
29 You then go on to say that you also had two fixed wing bomber
30 aircraft that you were responsible for their
31 movements?---Yes.

1 And the nature of those aircraft and what you did with them
2 through the day?---The two bombers that I had were both
3 agricultural-type fixed wing aircraft with a capacity of
4 around 3,100 litres of retardant or foam. They had been
5 allocated to the Murrindindi fire incident and I was
6 responsible for their tasking.

7 Were they refuelling and reloading at an airstrip near
8 Mansfield?---Yes.

9 And were they in the air when you arrived at the Murrindindi
10 fire?---The aircraft - my understanding is, and at the
11 time I wasn't aware of it, that they had already delivered
12 one load in my absence and that they were somewhere in the
13 process of returning, refuelling, reloading and then
14 returning to the fire.

15 At paragraph 13 of your statement you indicate upon arrival at
16 1645 your observations and your first communication with
17 Mr Young on the ground. Could you just tell us - you
18 firstly observed firefighting equipment and men on the
19 ground, but you issued a warning to Mr Young?---I said
20 words to the effect that, "You have a very serious fire on
21 your hands and under no circumstance should any personnel
22 be sent into the forest."

23 And the reason for that?---The reason was to make it abundantly
24 clear that the fire was already beyond the point where
25 direct attack in the forest would be safe or effective.

26 Then you indicate you, in the terminology that was used,
27 commenced a recce towards Marysville?---Yes.

28 What was the purpose of that?---The purpose of that was to
29 gather information about the fire's location while the
30 bombers were en route and to also collect information
31 regarding what would be the best strategy to employ those

1 bombers for.

2 As you did that manoeuvre or took that course, did you have a
3 conversation with Mr Twitchett?---I had a conversation
4 with Bill Twitchett at approximately 5 o'clock, yes.

5 Firstly, where was he located and what did you understand his
6 role was?---Bill Twitchett was located in the Alexandra
7 incident control centre and I did not know what his
8 official role was at that point in time.

9 Have you subsequently learned that he was the operations
10 manager or operations officer?---My understanding is that
11 he was the assistant.

12 How is it that you made contact with him then, or why?---I had
13 been given the Alexandra incident control centre contact
14 number and the purpose of the discussion was to give him
15 feedback regarding what intelligence I had gathered on
16 where the fire was and where it was heading.

17 As at 5 o'clock on 7 February was it your understanding that
18 the Alexandra incident control centre was the ICC for the
19 Murrindindi fire?---Yes.

20 Where did you get that understanding from?---That was in my
21 deployment tasking. I had been given that information
22 before I left the Ovens work centre.

23 So that was at approximately 3.30?---Yes.

24 So you communicated how? By mobile telephone or by radio?---By
25 trunk radio.

26 What did you tell Mr Twitchett at the Alexandra
27 ICC?---I advised Bill Twitchett that the fire had crossed
28 the Black Range and that Narbethong was under direct
29 attack from the fire, and that Buxton had not been
30 impacted by the fire at that point in time.

31 In relation to your observations from the point of ignition to

1 the crossing of the Black Range and the direct attack on
2 Narbethong, had the fire followed a consistent
3 course?---Yes.

4 From your perspective and the local knowledge of the area that
5 you have, as indicated this morning, what was the
6 significance, if any, of the fire having passed over the
7 Black Range?---The significance was that at the foot of
8 the Black Range it is cleared agricultural country with
9 areas of settlements such as Narbethong and, not far away
10 from that, Granton, and then further from that,
11 Marysville.

12 At that stage what was your opinion, if any, as to the
13 potential of the fire in relation to those
14 localities?---I'd already indicated to Mr Twitchett that
15 Narbethong was directly impacted and that Buxton had not
16 at that point in time and I couldn't see further south
17 from St Fillans onwards, but I knew that Narbethong was
18 close and that it was directly impacted on.

19 With those observations and the course of the fire as you have
20 indicated to us, did you have any opinion as to the
21 potential of the fire after 5 o'clock?---Well, clearly the
22 fire was moving very quickly in a south-easterly direction
23 and that anything in its path in the immediate vicinity
24 could be directly impacted.

25 You at paragraph 15 give a description which is consistent with
26 the evidence that you gave this morning, that the
27 north-east flank of the fire by this stage was 25 to 30
28 kilometres long?---Yes.

29 From your perspective and your experience, what sort of
30 precursor to the south-westerly change, if you like, was a
31 flank of that dimension, that size, that length?---If the

1 change came through strongly and that flank became the
2 front, that would create a very difficult situation for
3 firefighters and would turn the fire towards other settled
4 areas such as Buxton.

5 You indicated this morning and again in this paragraph a flame
6 height that you observed of around 100 metres?---At least
7 100 metres, yes.

8 Where did that rank in your experience of observation of
9 fire?---A flank fire that's crowning, which this one was,
10 with 100 metre plus flame heights and in addition it was
11 also spotting, is something that I've never seen before.

12 Mr Lawlor, you indicate at paragraph 16 that at around 1710,
13 5.10, you had another conversation with
14 Mr Twitchett?---Yes.

15 So I take it he was answering the radio at the ICC each time
16 you communicated there?---Yes.

17 What was the nature of that conversation? What did you inform
18 him?---I advised Bill that there were a couple of small
19 spotfires, one approximately 500 metres to the west of the
20 Mount Gordon fire tower. I also advised him
21 that - reconfirmed that Narbethong was under direct attack
22 and I also advised him that there was another spotfire at
23 the Marysville trout farm.

24 And those two spotfires, how far distant were they from the
25 main fire, approximately?---Approximately two kilometres.

26 CHAIRMAN: Can I just clarify that, only because I also having
27 read ahead know that you did this diagram later, and in
28 this next paragraph you refer to, "The main firefront was
29 extremely active and located seven to 10 kilometres south
30 of Marysville in the vicinity of Mount Strickland." That
31 I found confusing because if the spotfire - I couldn't

1 work out, unless the spotfire had gone in effect to the
2 west of the front, which was down near Mount Strickland,
3 how it would have been spotting in the way that's
4 described by you now but also pinpointed on the map. You
5 might elaborate on that?---The exact - in terms of what
6 I was observing, I was unsure where the spotfires were
7 actually originating from. I was just making the
8 observation and trying to communicate that in a timely
9 manner back to the incident control centre.

10 But was it your assessment that the main firefront was that far
11 down, in effect in the vicinity of Mount
12 Strickland?---Yes.

13 MR RUSH: Would it be helpful, Commissioners, to bring it up on
14 Google map?

15 CHAIRMAN: I'm going ahead because you do come to this later,
16 but there is also a reference on that map to the spotfires
17 and I still wasn't sure that I fully understood that.

18 MR RUSH: Perhaps we might come back to the spotfires.

19 Mr Lawlor, in the conversation with Mr Twitchett at 1710
20 you indicated the spotfires. Did you also give advice to
21 him about other areas that you saw as potentially affected
22 by the fire?---I also indicated to Bill Twitchett that
23 Marysville and Buxton had not yet been directly impacted
24 by the fire, as best that I could observe, but that I did
25 start to talk to him about pre-empting the wind change and
26 that they would be in the direct path of the fire should
27 that wind change come through.

28 Were you aware yourself of the time for the predicted wind
29 change?---I was aware of the forecasts in the morning of
30 the 7th, and I don't recall what that time was, but
31 I would at the time have that time in my mind, yes.

1 Perhaps if we could have a look on Google Earth because you say
2 in paragraph 16, "At this time the main firefront was
3 extremely active and located seven to 10 kilometres south
4 of Marysville in the vicinity of Mount Strickland." I'm
5 just wondering if we can have a look at that. Perhaps if
6 we can come in a bit on Google Earth, so we are looking
7 there at the area of Mount Strickland. So, the distance
8 there from Marysville is what?---Approximately eight
9 kilometres.

10 At the time you made these observations, I take it your
11 aircraft was in that immediate vicinity of Mount
12 Strickland?---The aircraft was actually quite a distance
13 from Mount Strickland. We were probably around the Mount
14 Gordon fire tower area at that time, but because of our
15 elevation in the aircraft you get a very good oblique view
16 of the features around that area.

17 Just at that time, Mr Lawlor, if we can use the cursor just to
18 demonstrate the general direction of the head of the
19 fire?---To the south-east.

20 So the front or the flank that you have spoken about that you
21 had concern for was roughly what is indicated by the
22 cursor there and the impact of the south-westerly wind
23 taking that front towards Marysville?---Yes.

24 Did you get any response from Mr Twitchett?---Bill Twitchett
25 acknowledged my message, yes.

26 I have just been asked if you can just sit back a little bit
27 from the microphone. You go on then to refer, Mr Lawlor,
28 to the two fixed wing bombers coming back into the area
29 and you being around the Narbethong area at the time they
30 returned?---Yes.

31 As a consequence of them coming back into the area, as the air

1 attack supervisor did you attempt to deploy them?---Yes.
2 Could you tell us what you did?---I had a discussion with the
3 bomber pilots regarding the strategy that we would use.
4 They gave me some feedback regarding how they chose their
5 initial targets, which was the bombing run that they did
6 when I wasn't present. I tasked one of the bombers to
7 continue with the work that he had previously conducted,
8 which was to drop retardant in the St Fillans area to
9 protect a property. I asked one of the other bombers to
10 stand off and waited for that drop to occur. Once that
11 bomber had made his drop, I asked him to return to the air
12 base at Mansfield and I tasked the other bomber to make a
13 drop to the east of the small spotfire under the Mount
14 Gordon fire tower.

15 Were you able to make an observation of that bomber dropping
16 retardant on the spot near the Mount Gordon tower?---Yes.

17 Could you tell us your observations?---Normally when retardant
18 comes out of a bomber it comes out very thick, like runny
19 mud, and it is very orange in colour and it drops quite
20 rapidly onto the fuels below it. In this instance the
21 bomber dropped the load and it became opaque almost
22 immediately and blew off into the wind.

23 So it was of little use?---It was of no use.

24 As a consequence of that occurrence, did you have a discussion
25 with the pilots as to what they should do?---Yes.

26 And the results of that were what?---The results were that we
27 deemed that operations were both ineffective and unsafe.

28 If I can jump ahead, they returned to Mansfield, is that
29 correct?---Yes.

30 And at a later time when you in your aircraft returned to
31 Mansfield to refuel, did you make a discovery concerning

1 what's termed the ELT of one of those aircraft?---Yes.
2 Could you tell us what the ELT is and what had occurred?---An
3 ELT is an emergency locator transmitter. It is fitted to
4 all aircraft so that in the event of a crash it sends out
5 a signal and rescue or search aircraft can find that
6 aircraft. On arrival back at Mansfield one of the pilots
7 was refitting a panel to the back of his aircraft and
8 I asked him what had occurred and he indicated that he'd
9 had to reset the emergency locator transmitter to off
10 because on his last drop it had been activated, so the
11 forces that the aircraft was experiencing on that drop
12 were equivalent to a crash impact.
13 Returning to your own work on the day after the aircraft had
14 departed the area for Mansfield, did you then undertake
15 further work flying from Narbethong to the Buxton
16 area?---Yes.
17 Your observations which you set out at paragraph 19 were
18 what?---On the flight from the Mount Gordon area or
19 Narbethong area to Buxton I observed that the fire hadn't
20 impacted on that area yet and I then flew back up the
21 valley from Buxton to Marysville.
22 You also indicate that you informed Mr Twitchett that you had
23 sent the bombers back to Mansfield?---Yes.
24 And then as you set off for Marysville in that area, in the
25 helicopter with your pilot, you had your own
26 concerns?---Yes.
27 What occurred?---As we were trying to fly over the township of
28 Marysville to do a bit of a reconnaissance, the aircraft
29 began to sink or to descend and that descent was unplanned
30 and so it was basically a slow sinking effect and the
31 pilot quickly did a check of the instrumentation to

1 determine that it wasn't a mechanical fault with
2 the aircraft and we had to turn away, and after a short
3 period of time, upon heading away from the town, we
4 regained - well, we had the option of gaining elevation
5 again.

6 Did you discuss with the pilot the cause of the descent?---Yes.

7 And you came to what conclusion?---We believe the most likely
8 explanation is that the fire was by now drawing in so much
9 air from the area in and around Marysville that the lesser
10 density of the air in that area caused the aircraft to
11 basically start descending.

12 For how long did that descent take place?---My recollection is
13 that it was between 30 and 60 seconds.

14 After flying away from the Marysville area, did you continue to
15 make observations of the fire and make reports of the
16 fire?---Yes.

17 Were those reports back to the ICC?---Yes.

18 By that time is it right to say that your direct reporting to
19 the fireground itself had concluded?---Yes.

20 You indicate that you spoke to Mr Twitchett at around 20 to 6.

21 What was it that you communicated to him then?---I gave
22 Bill Twitchett some references to map the edge of the
23 fire.

24 And the purpose of that?---The purpose of that was to convey to
25 him the location of the fire at that point in time.

26 In relation to Marysville at the time you made that report,
27 where was the fire?---The fire was in an area back up
28 towards Mount Strickland and Wilks Creek, but also the
29 spotfires at the trout farm and Mount Gordon were still
30 getting larger.

31 At around 1745 you had to make a decision about where you would

1 refuel?---Yes.

2 And that decision was, after seeing I think at an initial spot
3 there was no fuel, you went back to Mansfield as
4 well?---Yes.

5 From there you were redirected to take up the same role but at
6 the Beechworth fire?---Yes.

7 If I can just go back. We saw some of the photographs that you
8 took this morning. If we could just go back and have a
9 look at a couple of those. I think what you showed us
10 this morning was (DSE.HDD.0059.0009), which you described
11 this morning as showing the western flank of the fire.
12 Perhaps if we can just go through. I think there are four
13 of them. From what you told us this morning, the
14 intention of taking that was just to give a demonstration
15 of two things; the length of that flank, but also, if you
16 like, the smoke being sucked back into the fire?---Yes,
17 and also the fact that the flank fire was a crown fire
18 that was spotting.

19 If we can have a look at 0010, Mr Lawlor?---Depicting a similar
20 thing and also showing the very strong vertical plume of
21 smoke quite a few kilometres into the air.

22 Then, to take a question asked by Commissioner Pascoe this
23 morning, in the centre of that photograph at a relative
24 height there appears what looks like, in the photograph at
25 least, flame. Can you tell us what that might be?---At
26 that height I'm not sure what it would be. It would be
27 unlikely to be flame at that height, but there could be
28 combustion with gas or other things. I'm not sure,
29 though.

30 Then 0011?---Again, a very similar photo. Again within the
31 smoke plumes you can see those amber colours and that was

1 consistent right the way through the flank and the head
2 fire.

3 And perhaps 0012?---That's the area down near St Fillans along
4 the Maroondah Highway and again it shows the spotfires
5 coming out from the flank. It also shows a very heavy
6 lean on the smoke plumes, which is indicative of very
7 strong winds.

8 And 0013?---0013 is a merged photograph of two of the
9 photographs that were taken and it conveys again the
10 actual length and the fact that it was a very large, very
11 intense fire moving with a great deal of momentum and
12 energy.

13 Perhaps if we could have a look at the map which I think is
14 attachment 7, the base map. Is there anything in
15 particular you wanted to direct our attention to on that
16 map?---The relevant information on that map is on the
17 bottom half that we are not able to see at the moment.
18 Okay. What we can see on this map is the red icon in the
19 top left-hand corner is the Murrindindi Mill site and
20 there is a solid line extending to the south-east from
21 that point and then moving more to the south and you will
22 see Mount Strickland designated there. That is the
23 depiction or that would be the lines that Bill Twitchett
24 would have drawn on a map from the description that
25 I conveyed to him of where the fire's location was from
26 the helicopter.

27 So we have, if you like, one long line and then a dotted
28 line?---The dotted line is representative of the actual
29 location of the fire edge, so the previous photograph we
30 saw was the fire flank and that is the actual location.

31 So the dotted line represents the fire flank and the long

1 unbroken line represents what? The spotting, is
2 it?---Yes, it would be what I would describe as the gross
3 area of the fire, so you will notice two red dots between
4 those two lines. So what I was trying to convey to Bill
5 Twitchett was the total area that was now affected by
6 fire.

7 When you gave that description, that was at about, from memory,
8 5.30, 1740?---Yes.

9 You were unable to give bearings because of the turbulence and
10 the nature of the day, but you gave him geographical
11 locations to work on that presents in the chart and the
12 markings on it that is attachment 7?---Yes. The reason
13 I did it that way was also to have given grid references
14 which would be the normal procedure would have taken a
15 very long time, and to do it that way made it faster and
16 got him the relevant information quicker.

17 Thank you, Commissioners. I have no other matters for
18 Mr Lawlor.

19 COMMISSIONER McLEOD: Mr Lawlor, just a couple of questions.
20 As an experienced air attack supervisor, would you have
21 any view on the value that might exist in the kind of
22 situation that you experienced on the day had there been
23 larger aircraft available that might have been able to
24 carry a substantially larger volume of water or
25 suppressant and which would be more capable aircraft in
26 terms of their ability to fly through the turbulent
27 conditions?---Certainly anything that gives us greater
28 flexibility and greater capacity in those circumstances
29 would be welcome. I am aware that a lot of effort goes
30 into analysing and looking at new opportunities in those
31 areas of what you would call research and development, but

1 I'm not a technical expert on particular aircraft. So
2 I think, yes, anything with greater capacity would be
3 welcome, provided it met all the criteria that we operate
4 under.

5 Turning to the photographs that you have taken, you mention
6 that you downloaded them after you had completed your
7 subsequent tour of duty on the fire to the north. What is
8 the value of being able to take photographs such as you
9 took? Are they essentially for sort of historic purposes
10 or for post-mortems like this Commission, or do they have
11 a kind of current intelligence value if, for example, you
12 had the technology to be able to have them made available
13 more quickly into the system, so to speak?---If that
14 technology existed and it was real-time, then my belief is
15 that it would be of value because it conveys visually to
16 the people at the other end the size, the scale and the
17 location.

18 COMMISSIONER PASCOE: Mr Lawlor, we got an outline of your
19 background and experience when we first heard from you in
20 Myrtleford, so we know you are an experienced operative.
21 You have noted today that you had never seen a fire like
22 7 February. On the basis of what you saw and the
23 intervening period when I know there have been debriefs
24 and opportunities for people to reflect, are there
25 particular lessons that you and your colleagues will take
26 into the forthcoming fire season on the basis of the 2009
27 fires?---Absolutely. The debriefing processes have been
28 extensive. My understanding of the information that has
29 come out of them, including interim recommendations from
30 this Commission, will be things that we will be
31 implementing as soon as we possibly can.

1 I recall both at Myrtleford and today you have drawn our
2 attention to the effectiveness of the fuel reduction
3 burns, so that's the kind of area I'm wondering whether
4 there are both immediate strategies that you can put in
5 place, but longer term, that you would be reflecting on to
6 go forward from the 2009 fires?---Certainly one of the
7 things that's very high profile in terms of those
8 learnings is the landscape mosaic burning program that we
9 have commenced implementing, and that is gaining a greater
10 focus because that burning program operates at a scale
11 that can deal with fires that are occurring at this scale.
12 So, this morning we looked at a much smaller burn that had
13 some effectiveness, but the scale didn't match the scale
14 of the fire, so the intent is for the landscape mosaic
15 burning program to be of sufficient scale and to cover
16 sufficient area to have an impact even on fires like this
17 one.

18 MR RUSH: There is one matter I neglected, Commissioners, if
19 I might just go to.

20 CHAIRMAN: Yes.

21 MR RUSH: Mr Lawlor, the Commission has evidence from Mr Andy
22 Willans, who was the fire tower operator in the Mount
23 Gordon tower, who gave evidence that at around 1530 he
24 observed a helicopter in the vicinity of the smoke of the
25 Murrindindi fire, that it was of a great relief to him
26 because he hadn't been able to get through to Mr Andy
27 Miller, his supervisor, and his relief was because he
28 assumed that the information that he was observing would
29 be, as he said, drilled back to his duty officer. As the
30 air attack supervisor, you may or may not know, but on
31 your evidence you didn't get there until well after

1 4.30?---That's correct.

2 Were you aware of any other aircraft that were involved in
3 duties on the day being in the vicinity of this
4 fire?---Only the bombers.

5 <CROSS-EXAMINED BY MR CLELLAND:

6 So Mr Willans, if he was in the Mount Gordon fire tower up
7 until about 4.30, may have seen you in the area of Mount
8 Gordon at about that time?---No, I didn't arrive at the
9 point of origin until 10 to 5.

10 Can we just have a look at the chronology. As I understand it,
11 you were tasked to fly out of Ovens some time just prior
12 to or around 3.30 in the afternoon?---Yes.

13 To your knowledge there had already been a request for and an
14 actioning of the request for the two bombers to go to the
15 Murrindindi fire?---Yes.

16 Are you aware, perhaps not from your personal knowledge at the
17 time but what you have learnt subsequently, what time it
18 was that the bombers performed their first run over the
19 fire?---I have seen those times, yes.

20 Can you tell the Commissioners what time they made their first
21 run and drop?---Approximately 4.20 pm was the time of the
22 first drop.

23 Do you know roughly what time they were able to take off from
24 Mansfield?---I have seen the times. I believe it's around
25 5 o'clock.

26 5 or 4?---4. My apologies.

27 Is it possible for the bombers to be in a position to take off
28 immediately they are requested, loaded with the fire
29 retardant?---No, that's not standard practice.

30 Why is that?---There are a range of factors involved, but the
31 principal one is that, should they be required to ferry to

1 another location, they wouldn't get there as quickly as
2 possible if they were fully loaded, particularly on a day
3 like that one, where their operating efficiency is reduced
4 the hotter it gets.

5 Are you able to give the Commission some sort of estimate of
6 the time between the bombers being requested to become
7 airborne and travel to a particular fire for them to then
8 load up with retardant and actually take off?---Provided
9 that all the infrastructure was set up correctly, it would
10 be somewhere in the order of five to 10 minutes.

11 As you just told the Commission, you arrived over the point of
12 origin of the fire at around about 1650 and become aware
13 either prior to that or when you get there that the
14 bombers have already done their first run?---Yes.

15 Could you see any evidence of any effect that they had had on
16 the run of the fire?---Absolutely no effect.

17 Was it as a result of that or at least in part as a result of
18 that that you undertook what you described as a recce, a
19 reconnaissance flight, over towards Marysville to see
20 where the bombers could actually have some impact?---Yes,
21 that was part of the purpose.

22 In particular, was the thinking on your part that the most
23 useful thing they could do was to actually lay down
24 retardant in the path of the fire?---Yes.

25 And in particular, was your thinking as the air attack
26 supervisor that you might be able to protect the
27 communities that weren't being impacted but were
28 threatened, by actually directing the bombers to do that,
29 lay down retardant?---Yes.

30 As you have already described, the conditions were such that,
31 not only was it unsafe for them to fly, but the retardant

1 was, instead of falling in the way you would hope, it was
2 actually becoming opaque and just blowing away in the
3 wind?---Yes.

4 When you are directing the bombers in that way, I presume
5 that's understood by the incident control centre that you
6 are performing that task?---Yes.

7 Is it accurate to say that the incident control centre,
8 including Mr Twitchett, but the incident controller
9 himself would have understood that there was an air attack
10 supervisor and bombers working over the fire that
11 afternoon?---Yes.

12 Until you informed Mr Twitchett later on that that was
13 ineffective and the bombers were going to be in effect
14 aborted?---Yes.

15 The actual instructions that are given to the bombers don't
16 come directly from the incident controller, then, they
17 come from you?---Yes.

18 Just finally, if I might, Mr Lawlor, the Chairman asked you
19 some questions about an entry in your statement at
20 paragraph 16, and this was the location of the fire and
21 its relationship to the location of the spotfire that you
22 observed between the Marysville log dump and the adjoining
23 trout farm. Is it possible to actually bring up the
24 Google Earth map and just show us where the firefront was
25 at the time that you made the observation of the
26 spotfire?---Would I be able to refer to the other map
27 where my line work was represented?

28 Of course. If that can be done easily, yes.

29 CHAIRMAN: You might even put up attachment 7 rather than 4
30 because 7 has where the photos were taken from.

31 MR CLELLAND: Is that what you wanted to see, Mr Lawlor?---Yes.

1 It is faint, but we can pick up almost in the centre of the map
2 Marysville?---Yes.

3 And that's just to the north-east of Mount Gordon. Is the line
4 from the point of ignition down to Mount Gordon and then
5 down to Mount Strickland, is that where the firefront was?
6 Is that what you are describing in paragraph 16, or
7 not?---The dotted line is more indicative of where the
8 actual fire, solid line of fire was. The solid line is
9 more indicative of the area that was either directly
10 affected by spotfires and therefore would soon become part
11 of the main fire. So, at the time I made those
12 observations, the red dots represent the spotfires and the
13 dotted line represents the best approximation I can make
14 of the line of the fire.

15 Those two spotfires, are they the spotfires you are describing
16 at paragraph 16 as having been at the Marysville log dump
17 and the adjoining trout farm?---Yes.

18 Does that assist, Mr Chairman?

19 CHAIRMAN: Part of the difficulty of it is that I have a
20 problem with the spotfires being so obviously behind and
21 to the west of what is described as the main firefront and
22 I think that's because, as you explained earlier, the main
23 firefront doesn't necessarily mean the very front part of
24 the fire. It is in effect the spotting continuing that
25 fire and so it may well be that I have interpreted it in a
26 particular way and your main firefront isn't intended to
27 mean in effect that area where it is most dense at the
28 front of the fire.

29 MR CLELLAND: Can I just very respectfully suggest that those
30 spotfires are actually to the north-east of the firefront.

31 CHAIRMAN: Yes, sorry, I meant north-east?---If I might

1 clarify, the dotted line is actually better referred to as
2 a fire flank at that point in time, with the firefront
3 moving through to the south of that in a south-easterly
4 direction somewhere around Mount Strickland.

5 MR CLELLAND: And the spotfires are actually, it would seem,
6 coming out to the east of the fire itself?---Of the fire
7 flank.

8 Yes.

9 CHAIRMAN: Now that we have got that up there, as I understand
10 it, in annexure 7 we can better understand the photographs
11 and where they have been taken if we are able to work to
12 the indications that are given there of where your
13 estimate was of where the helicopter was and in what
14 direction you were facing when those 11 photographs were
15 taken?---Yes.

16 MR CLELLAND: Thank you. Finally, Mr Lawlor, you were asked
17 questions about your knowledge of the timing of the
18 expected wind change, and I think what you were seeking to
19 convey in your answer was that your understanding at that
20 time was still based upon the expected time of the wind
21 change of which you had been informed much earlier in the
22 day?---Yes.

23 And we have been told that the wind change actually comes
24 through Marysville just prior to 7 o'clock, but in very
25 general terms was it your expectation on that day that the
26 wind change from the south-west was expected to come
27 through many hours later than that?---That's my
28 recollection.

29 If the Commission pleases.

30 <RE-EXAMINED BY MR RUSH:

31 Mr Lawlor, I think you indicated to Mr Clelland you had looked

1 at logs or records to indicate the time at which the
2 request for the air bombers was made?---I have seen those
3 times, yes.

4 And what time was that?---I'm unsure when the actual request
5 was made, but I have seen the times.

6 So you don't know when it was?---No, I don't. I can't remember
7 when it was.

8 Do you know when they were first over the fire?---Yes.

9 And what time was that?---That was approximately 4.20 in the
10 afternoon.

11 From the airstrip at Mansfield to the fire, it takes
12 approximately how long?---Approximately 20 minutes.

13 There will be evidence from the next witness that request was
14 made for air support at 3.13. How long does it take to
15 load up, to get aircraft into the air?---Provided the
16 infrastructure is in place to service those aircraft,
17 between five and 10 minutes.

18 The infrastructure was in place at the airstrip at
19 Mansfield?---I'm not sure about that.

20 I have no further matters. May Mr Lawlor be excused?

21 CHAIRMAN: Yes. We are not requiring Mr Lawlor for any
22 further - - -

23 MR RUSH: Not unless he comes back for fuel reduction,
24 Commissioners, which could happen next year.

25 CHAIRMAN: I will excuse him, yes. Thank you.

26 <(THE WITNESS WITHDREW)

27 MR RUSH: I think after Mr Creak we won't need any IT support
28 apart from what is normally in place in the Commission.
29 I call Mr Peter Creak.

30 <PETER GUY CREAK, affirmed and examined:

31 MR RUSH: Mr Creak, your full name is Peter Guy Creak and you

1 live in Seymour and you are an operations manager with the
2 Country Fire Authority?---Yes, Mr Rush. My name is Peter
3 Creak. However, I don't live in Seymour. My office
4 location is in Seymour.

5 Thank you. Just by way of background, Mr Creak, you are the
6 operations manager for region 12?---That is correct.

7 And that is the regional office of the CFA which is based in
8 Seymour which is where your headquarters is?---That's
9 correct.

10 You joined the CFA in 2000 as an operations manager at
11 Casterton?---That's incorrect. I was an operations
12 officer initially.

13 In Casterton?---In Casterton.

14 And prior to that you'd had service with the rural or Country
15 Fire Service in South Australia?---That is correct.

16 And what was the nature of that service?---I was employed as a
17 regional officer and that role has some similarities to
18 the regional roles, both operations officer and operations
19 manager, with CFA.

20 Mr Creak, you have had prepared with assistance of Victorian
21 Government Solicitors, I take it, what's termed a
22 supplementary witness statement which deals with your
23 experiences on 7 February with the Murrindindi
24 fire?---That is correct.

25 And previously you had supplied a statement to the Commission
26 dealing with your experiences with the Kilmore East
27 fire?---Yes.

28 If we deal with the supplementary witness statement, you've had
29 the opportunity - I think you detail in the introduction
30 it's been put together over the past two or three days.
31 Are the contents of it true and correct?---Yes, that's

1 correct.

2 I tender the supplementary witness statement of Mr Creak,
3 Commissioners.

4 #EXHIBIT 338 - Supplementary witness statement of Peter Guy
5 Creak. (WIT.3004.017.0001).

6 MR RUSH: Mr Creak, one of your functions as operations manager
7 for region 12 is to look after, if you like, operational
8 preparedness of the region?---That's correct.

9 In relation to that, as the regional coordinator, firstly, the
10 region belongs, as I understand it, in an area?---That's
11 correct.

12 And the area in which region 12 is designated is the area known
13 as the north-east area?---That is correct.

14 And the north-east area, as you detail in your statement, is an
15 enormously large area?---That is correct.

16 So, can you give us an indication of where your
17 responsibilities lie in the region and where they lie in
18 the area? Do they overlap?---There is some overlap. In
19 relation to my role in the region, often I perform the
20 role of regional duty officer which only relates to region
21 12 and the response within region 12. In relation to my
22 role within the area, for day-to-day management purposes
23 I'm a part of the area management team and some of our
24 preparedness arrangements operate at an area level rather
25 than at a regional level, so I'm involved in the
26 preparation of that operational preparedness at an area
27 level.

28 On 7 February what was your designated role?---At the start of
29 the day on 7 February I was performing the role of the
30 regional duty officer for region 12. I was also rostered
31 on as the area coordinator for the north-east area. Now,

1 shortly after the Kilmore East fire commenced I handed
2 that role of area coordinator for the north-east area to
3 one of my counterparts in another region.
4 Then, as the operations manager in the lead-up to 7 February,
5 is that a role that required you to put in place resources
6 and facilities for the anticipated fires of
7 7 February?---Yes.

8 In relation to that, one of the matters I take it that was
9 important, and as you refer to in your statement, is the
10 establishment in your particular area of incident control
11 centres?---Yes.

12 The region or the area that you had responsibility for in the
13 establishment of incident control centres included
14 incident control centres at Alexandra, Benalla, Mansfield,
15 Shepparton, Wangaratta, Ovens, Corryong, Tallangatta and
16 Kilmore?---All of those incident control centres are
17 located in the north-east region. Only two of those are
18 directly located in region 12. However, the role of area
19 coordinator includes an overview of those other ICCs in
20 the other regions. However, other regional duty officers
21 in the other three regions, CFA regions that exist in the
22 north-east, have some overview of those other ICCs.

23 So within your region, region 12, the two incident control
24 centres are Alexandra and Kilmore?---The two identified
25 control centres for level 3 fires are Alexandra and
26 Kilmore.

27 And there are a number of other incident control centres that
28 are level 2 status?---That is correct.

29 And that would include, for example, Yea, which had a role in
30 the Murrindindi fire?---That is correct.

31 As I understand your evidence, in the responsibility of

1 preparation you refer to a system that is established in
2 the area whereby people give an indication of their
3 availability to serve in incident management teams?---Yes,
4 that's correct.

5 And there is a system within the CFA that in the lead-up to
6 7 February identifies the people with the qualifications
7 to fulfil various roles at incident control
8 centres?---That's correct.

9 So, for example, one can go to the system, the planner as it is
10 referred to, and there see what level 3 incident
11 controllers may be available in the north-eastern
12 region?---Yes.

13 And likewise operations officers and all the various personnel
14 that fulfil responsibilities within an incident management
15 team?---Yes. The IMT planner identifies a number of
16 different roles and at different levels.

17 Just to fill us in on the IMT planner, could you just give a
18 brief description of that to the Commissioners?---I might
19 just refer to that document if I could, please.

20 Certainly?---I'm afraid I have actually provided that document
21 to my counsel and I would like to get a copy of that,
22 please.

23 I might be able to bring one up. I think it was in your first
24 statement. You can have a look at one?---Thank you.
25 I now have a copy. Could you ask that question again,
26 please?

27 Yes. Perhaps if you could explain the way in which the planner
28 works to the Commissioners?---This is a planner that we
29 use on an ongoing basis throughout the fire danger period,
30 though it is really focused towards the days such as total
31 fire ban days where we expect that we may get fires that

1 we require this level of incident management for. So, on
2 the lead-up to those days the spreadsheet is prepared.
3 The information that is contained within the IMT planner
4 comes from a range of different sources. As I mentioned
5 before, there are four different CFA regions in the
6 north-east area, so each one of those regions has a
7 regional duty officer that provides information from the
8 availability of personnel within their region. That
9 information is collated at an area level, so at the
10 north-east area level, not by the area coordinator but
11 under the direction of the area coordinator. So there is
12 actually a north-east area resources coordinator who is
13 appointed to assist the area coordinator in populating the
14 data that's within the IMT planner.

15 COMMISSIONER PASCOE: Mr Creak, in populating the planner, is
16 the information I presume largely on available personnel,
17 is that kept at a regional level or at an area
18 level?---Effectively it is available at both levels. In
19 terms of coordinating, putting it together, it is actually
20 coordinated at an area level using information that is
21 collected from each of the regional duty officers.

22 Is it an expectation that a regional duty officer would know
23 the people personally who would be available?---They would
24 be in contact with individuals or there would be
25 arrangements in place where individuals would indicate
26 their availability, so they would have knowledge.

27 So someone in your circumstance would have both an overarching
28 responsibility for collating for an area and a specific
29 responsibility for organising for a region?---On that
30 particular day I had both roles.

31 MR RUSH: What you can see on the screen in front of you, is

1 that the IMT planner filled in that you are referring to
2 with the availability of various personnel?---Yes.
3 Is that just a CFA planner?---Whilst the document is prepared
4 by CFA, on this occasion there are DSE people identified
5 on the planner as well.
6 If we look at Saturday the 7th, one sees the incident
7 controllers there set out. They are the available
8 incident controllers for the north-eastern region?---That
9 is correct.
10 The names there, from Mr Kreltshheim down, are all personnel
11 with level 3 qualifications; is that the position?---My
12 understanding is those people are endorsed as level 3
13 incident controllers.
14 So we follow it down to operations officer in that column and
15 the various names are there filled in?---That's correct.
16 We have heard in the Royal Commission that there were
17 predesignated level 3 incident control centres?---That's
18 correct.
19 As you have indicated, the two in your immediate region were
20 Kilmore and Alexandra?---Yes.
21 Mr Rees in his witness statement set out the various level 3
22 incident control centres for the state, referred to your
23 two in the region and described them as prepared in
24 readiness as level 3 incident control centres. Is that
25 the way in which they worked in the region?---I will just
26 consider that. Could you ask the question again, please?
27 Perhaps if we look at your statement, I think at paragraph 35.
28 You there say that, "There is a ramp-up to a level 3
29 incident. It is usually a gradual process." Now, what
30 I'm driving at, Mr Creak, is this: On one view we have had
31 the level 3 incident control centres described as prepared

1 in readiness at level 3 for 7 February. You in that
2 paragraph and the paragraphs that precede it indicate that
3 there is a ramping-up and they start off at a level 2 and
4 build up to level 3?---Yes.

5 Is that the way it works in your region?---Yes. Historically
6 in region 12 incidents escalate from level 1 to level 2
7 and then to level 3.

8 At paragraph 19 of your statement you indicate in about the
9 sixth line, after referring to the level 3 incident
10 control centres, you say, "It is not possible to
11 prearrange for specific people to be available for
12 specific locations. Rather, the IMT planner is prepared
13 and it identifies specific people available for specific
14 roles." As I understand what you are saying there is it is
15 not possible in your region to say, "I'm going to put in
16 place a level 3 incident controller, a level 3 operations
17 officer, a level 3 logistics officer" at the Kilmore level
18 3 incident control centre prior to a fire occurring on the
19 day.

20 MR CLELLAND: Just before the witness answers, Mr Chairman, I
21 think - - -

22 CHAIRMAN: I was reluctant, seeing it was a long question, to
23 interrupt.

24 MR CLELLAND: A good one, but long.

25 CHAIRMAN: Can I just say part of the problem is only you and
26 the witness are focused on this particular one in the way
27 that is appropriate anyway, because we have not, either on
28 our screens or in hard copy, got the supplementary
29 statement and we have been working on paragraph 35 of the
30 original.

31 MR RUSH: I'm sorry, Commissioners.

1 CHAIRMAN: That's why I was reluctant to intervene. It was
2 probably too long a question, anyway.

3 MR RUSH: It arrived, and this is not a criticism of anyone; it
4 was provided at about 10 o'clock today and I will have
5 copies made available.

6 CHAIRMAN: If we could just have it up on the screen if we have
7 it, it will make it easier to understand your questions.

8 MR RUSH: I understand it has been loaded. It is at
9 (WIT.3004.017.0005), the page I'm referring to, at
10 paragraph 19. While that's coming up, perhaps if we can
11 focus in on paragraph 19. You there set out as discussed,
12 Mr Creak, the incident control centres for the north-east
13 area, the level 3 incident control centres?---Yes.

14 The two in your region are the first, Alexandra, and the last,
15 Kilmore?---That's correct.

16 We have discussed the IMT planner, people making themselves
17 available, and I was going to the sixth line where you
18 say, "It is not possible to prearrange for specific people
19 to be available for specific locations." What do you mean
20 by that?---I would like to provide some context around
21 that. What I would like to say is that people are
22 arranged in different locations across the north-east area
23 so it means that we can't put everybody into one location,
24 we need to spread people out, because at the start of the
25 day we don't know where the fire is going to start, and a
26 fire might start in a different spot and we have to move
27 people to a particular locality. So, whilst we do have
28 people spread geographically across the north-east, we
29 can't fully populate all of the incident control centres
30 in the north-east.

31 So do we take it from that, if we concentrate on Alexandra and

1 Kilmore, that they on 7 February might not necessarily
2 have in place a level 3 incident management team?---It's
3 fair to say that they wouldn't have a full level 3
4 incident management team in place.

5 Are you able to tell us in relation to Alexandra what incident
6 management team was in place?---I'm not able to tell
7 you the - I'm aware that there were incident management
8 people in place. I'm unable to give you exact details of
9 which members were in place.

10 Are you aware of the terminology, as far as an incident control
11 centre is concerned, of a "hot start"?---Yes.

12 And what do you understand that to mean?---If I could refer to
13 my statement. I would understand that a hot start means
14 that identified ICCs are staffed with some local incident
15 management team personnel, not necessarily the full range
16 of people and not necessarily level 3 personnel, or able
17 to be staffed at very short notice and ready to manage
18 incidents if required.

19 I just want to read you some evidence at transcript 2415 of
20 Mr Rees in relation to preparations of incident control
21 centres. He said this, after being asked specifically
22 about Kilmore and its readiness, "I will go back one step
23 and then I will answer your question, Mr Rush. Kilmore is
24 agreed between CFA and DSE as being the predesignated ICC.
25 It is a fire station. It is not ideal. We don't have any
26 better facility at this point in time. My expectation on
27 that day was that the facility would be ready to operate,
28 that there would be a minimum skeleton capability of
29 people there from both CFA and DSE, and if there wasn't
30 one from the other that they would be very close handy,
31 able to make that ICC operate virtually immediately."

1 "So as part of your coordination role you I think
2 have indicated in your evidence that on the Friday you
3 made sure, or did something to check that level 3 ICCs, as
4 designated here in this table, were extant and you used
5 the word 'ready' and I take it you mean ready to operate?"
6 And he answered, "On the Thursday prior to in the
7 teleconference I requested what I call and I discussed
8 this with Ewan Waller, that we needed to be at a very
9 heightened state of readiness, that the ICCs, the
10 predesignated ICCs would be ready to operate in what we
11 call a warm start or a hot start, that is there are people
12 there, all the facilities, the equipment is up and running
13 and tested. I then sought and got a list on the following
14 day which said which were ready and were not, and I was
15 assured that that was in fact the case." Mr Rees was
16 there talking about Kilmore. Was there any communication
17 with you in the day prior to 7 February to ensure that
18 Kilmore and Alexandra were ready for a hot start?---In
19 relation to Alexandra I was aware of the standing
20 arrangements that DSE had for their facility and I was
21 aware that we had people identified that could move into
22 that facility at relatively short notice.
23 What does "relatively short notice" mean?---They were located
24 in Alexandra and able to move at a request or at the
25 initiative of the individuals.
26 So are you aware of when the level 3 incident controller
27 arrived at the Alexandra incident control centre?---I was
28 aware that the level 3 incident controller had been
29 identified and requested to attend the ICC. If I could
30 refer to my statement, I'll just check if that's okay.
31 I had a message from Graeme Fergus, who was located at the

1 Alexandra ICC. Graeme is a CFA officer. Graeme
2 unfortunately has passed away since. Sorry, I think
3 that's sensitive. I just - - -
4 I will try and shorten this. I suggest to you that the first
5 incident controller at Alexandra was Mr Andy
6 Miller?---Yes.
7 Who has a level 1 qualification?---Yes.
8 And the second incident controller at around 1830 was
9 Mr Lovick, who has a level 2 incident control?---Yes.
10 Are you able to tell us when the first level 3 incident
11 controller arrived at Alexandra? If you can't - -
12 -?---I interpret your question in relating to Andy Miller
13 and Tony Lovick, so I can't recall at the moment, I'm
14 afraid.
15 I just want to take you back to another piece of evidence.
16 Were you the regional duty officer, effectively, for your
17 region on the day?---Yes, until the evening of the 7th.
18 Mr Paterson, the state duty officer, has given evidence that on
19 7 February he had one of his assistants who worked in the
20 IECC contact all regional duty officers and area
21 coordinators to inform this person as to the level of
22 preparedness in relation to incident control centres in
23 their immediate regions. Were you contacted by the state
24 duty officer, by the state duty officer's assistant or by
25 the IECC on the morning of 7 February to check of the
26 level of preparedness of Alexandra or Kilmore?---I do have
27 a recollection of a phone call in relation to the
28 preparedness. I interpreted that as a general phone call
29 about preparedness, including the incident control
30 centres.
31 Then the position, as we understand it, and I appreciate that

1 you will give evidence about the Kilmore fire in November,
2 but just to touch on one element of it, Mr Kreltszheim was
3 the level 3 incident controller who was brought from
4 Wangaratta, or that area, to Kilmore to take control of
5 that fire?---Stuart was brought in to be the incident
6 controller. I don't think he was based at Wangaratta at
7 the start of the day, though.

8 But he arrived at Kilmore at around 1630,

9 4.30?---Approximately, I believe.

10 And that was a fire that started at around midday?---That's
11 correct.

12 And then you have the Alexandra ICC, at least to the best of
13 your knowledge, without a level 3 incident controller past
14 6.30?---That's correct.

15 Then the level of preparedness was not what you would have
16 expected?---The level of preparedness is what I would have
17 expected. I would have expected plans to be in place for
18 incident management team personnel to attend incident
19 control centres as required. In the initial emerging
20 stages of a fire it can be appropriate for a level 2
21 endorsed controller to be the incident controller.

22 Mr Creak, I suggest to you for the Kilmore East fire and most
23 definitely for the Murrindindi fire that it was never
24 appropriate but to have anyone but a level 3 incident
25 controller running those fires at the earliest
26 opportunity? If you want to answer it by breaking it up,
27 do so?---In essence, what you are saying is should you get
28 a level 3 incident controller there at the earliest
29 opportunity. I think that's something that you do need to
30 do, but you do need to do that in consideration of the
31 issues about getting a level 3 incident controller there

1 in terms of time and space, other planning, other
2 commitments that those individuals have.

3 Can I put this to you: If one thought that the Alexandra and
4 Kilmore ICCs were ready for a hot start as level 3
5 incident control centres on 7 February, that would be a
6 misconception?---It could be conceived as that.

7 Because to describe them as hot start, ready to go level 3
8 incident control centres was not the way they were
9 established for 7 February?---My recollection is that they
10 were established for a rapid escalation if required, but
11 not necessarily that there were level 3 teams in place in
12 each of those facilities at the start of the day.

13 Mr Creak, at paragraph 36 of your statement you indicate that
14 the Murrindindi fire was initially run out of the Yea
15 group headquarters, then went to a level 3, run out of the
16 Alexandra incident control centre, and that that occurred,
17 as I understand your statement, at some time between
18 approximately 3 o'clock and 4.30 when the Alexandra
19 incident control centre took control. What do you base
20 that statement on?---In the initial escalation and
21 response phase of a fire like that, you've got concurrent
22 actions happening from different locations, so you've got
23 an escalation of response from a CFA perspective occurring
24 from CFA facilities such as the Yea facility, you've got
25 escalation of resources occurring from other facilities
26 such as the Alexandra DSE office, so you've got this
27 initial response phase. In that initial response phase
28 the reporting lines are established and when I refer to
29 that there what I'm saying is that reporting lines for the
30 CFA resources that were on the ground was initially
31 through the level 2 ICC at Yea.

1 Are you able to tell the Commission when there was a handover
2 from level 2 Yea to level 3 so-called incident control
3 centre at Alexandra?---In my statement I have said
4 normally I would expect a handover to occur between the
5 incoming level 3 ICC and the existing level 2 ICC. I said
6 there I'm now aware there was no such handover in respect
7 of the Murrindindi fire. I would like to provide some
8 qualification and some information that I now have. There
9 was regular discussion between Yea, as I understand it,
10 and the Alexandra ICC. Graeme Fergus was tasked with
11 the job of integrating the resources or the operations at
12 Yea with the operations at the ICC. So, whilst it was
13 probably not what you would consider a formalised
14 handover, there was communication and discussion between
15 the ICC at Alexandra and the group headquarters at Yea.
16 How were the people in the field, the firefighters, informed
17 that there had been a handover from Yea CFA to Alexandra
18 ICC?---I'm unaware of how that notification may have taken
19 place.
20 Are you aware of any such notification taking place?---Yes.
21 I'm aware that a strike team that was in attendance at the
22 Murrindindi Mill effectively near the point of origin was
23 aware that the incident control centre was established at
24 Alexandra and it was a DSE controlled fire or DSE were the
25 lead agency.
26 And which strike team was that?---I know it was a strike team
27 based in the Alexandra group. It would either be 1204 or
28 1250. I can't recall now, I'm afraid.
29 Is that a DSE or a CFA strike team?---That is a CFA strike
30 team.
31 And who led it?---We had a couple of strike team leaders and

1 I would be guessing to give you an answer.

2 Then let me just ask you: what was it that led you to put in
3 your statement that you are not aware of any handover in
4 respect of the Murrindindi fire?---I guess when I put that
5 in, I was talking about a formal handover. That probably
6 doesn't give credit to the level of informal conversations
7 that were occurring, as I understand it, at the time.

8 You would anticipate a formal handover and you would expect
9 some formal notification to all the firefighting resources
10 related to that particular fire?---In an ideal situation,
11 that would be the case. I think considering the pressures
12 and demands on individuals on a day such as that, it
13 wouldn't be uncommon for that notification to be either
14 delayed or occur at another time, such as a shift
15 changeover, briefing or other sort of communication
16 update.

17 You refer to that time, as I understand it, that this all
18 occurred between 3 and 4.30 pm on 7 February, yet your log
19 on that day records, does it not, at quarter to 6 that you
20 were informed that the ICC had been established at
21 Alexandra?---My log does - I should probably check that,
22 actually, but I'm sure it does say that. However, I had
23 that knowledge prior to that entry in the log.

24 The first entry in your log, which is at - it is an attachment
25 to your other statement, but it is at (WIT.3004.008.0333).
26 If we go down to 1746, are you able to read that entry for
27 us?---1746 there is a tick in a column there which
28 indicates whether it is an incoming call or an outgoing
29 call. "T" indicates that the message was via telephone.
30 "Graeme Ferg" indicates that the conversation was with
31 Graeme Fergus. The next comment is "ICC established. IC

1 Andy Miller." Then "1204 Marty Shaw, strike team leader.
2 1250 Alexandra" - that's a bit hard to interpret.
3 You are referring to strike teams there?---Strike teams, yes.
4 And then something about Marysville?---Murrindindi. Then there
5 is a reference to Mansfield. I recall that to be a
6 reference to another strike team coming from Mansfield.
7 "Marysville. Assemble in Buxton. 184 command. 105
8 fireground." A couple of things that that indicates to me
9 is that those strike teams were en route to Marysville,
10 they were to assemble in Buxton and that the
11 communications plan was that channel 184 was the command
12 channel and channel 105 was the fireground channel.
13 Whilst we are looking at your log, we may as well have a look
14 at the other entries. If we could go to the next page,
15 1749. The column with the ticks indicates in and out
16 calls, is that right?---That's correct.
17 So the last call with Mr Fergus was an out call by you to
18 Mr Fergus?---That's correct.
19 So you are telling him that the ICC is established at
20 Alexandra, Mr Miller is the incident controller?---No. If
21 I recollect, some time before that Graeme had left a
22 telephone message for me. I was unable to answer his call
23 at the time, so he left a message. So, some time before
24 that I received a message to call Graeme. That message
25 had indicated the details regarding the fact that the ICC
26 had established and that Andy Miller was the incident
27 controller. That was some time prior to that and it was
28 in that return phone call that I confirmed with Graeme the
29 information that I received previously.
30 I don't want to delay on this, but just going through a couple
31 of the entries there is a mayday in relation to a tanker.

1 That's the first one on that page?---That's correct.
2 And are you able to inform us what that relates
3 to?---I understand that's in relation to the Kilmore East
4 fire.
5 Then at 1815 you were made aware of some fatalities,
6 6.15?---Yes.
7 And are you able to inform us any more of that?---Not
8 particularly, but I suspect that that's in relation to the
9 Kilmore East fire as well.
10 And then somewhere around that time you were informed that
11 Mr Lovick had become the incident controller at Alexandra
12 DSE?---That's correct.
13 Then at 1819 you received a call from Mr Rice?---That's
14 correct.
15 And Mr Rice is the group officer based at where?---He is based
16 at Alexandra.
17 At 1819 he gave you information about the Murrindindi
18 fire?---That's correct.
19 Perhaps if you could just tell us what he indicated to
20 you?---I will just check with my statement because there
21 may be some additional information there. At 6.19 pm
22 Peter Rice - I had a conversation with Peter Rice. It was
23 there that he confirmed that same information that I had
24 had from Graeme Fergus that strike team 1204 and 1250 were
25 heading to Marysville. They may well have been either in
26 Marysville at that stage or very close.
27 If I might just - if we can concentrate on your diary entry for
28 the time being. You have, "Issues. Heading to
29 Marysville. Two strike teams to Marysville." I suggest
30 you haven't written it twice for strike teams?---The
31 "Heading to Marysville" statement, I can't recall whether

1 that's in relation to the strike teams or in relation to
2 something else.

3 It would suggest, I put to you, Mr Creak, you wouldn't put it
4 twice in relation to strike teams. You've got two strike
5 teams heading to Marysville. The immediate entry above it
6 is "Heading to Marysville". It wouldn't be that that
7 related to the fire, would it?---It's quite possible.

8 Appreciating, and one goes through your log, you were dealing
9 from your position with two major fire events at the
10 time?---Absolutely.

11 And, as you have indicated, aware of fatalities already in one
12 and that news was soon to come to you in relation to the
13 Murrindindi fire?---Yes. I received information later
14 regarding fatalities from the Murrindindi fire.

15 The first entry in your log concerning the Murrindindi fire is
16 I think at 1510. If we see your entry at 1510, you are
17 informed - is it "Wayne Story"?---Yes.

18 Could you just tell us what the writing is that you have
19 written in your log? Have you got your log in front of
20 you?---I do. I just thought I would refer to this part of
21 my statement as well. 1510, it's verbal communication, so
22 I was talking to Wayne face-to-face. He was located in
23 our RECC at that time. It says "New fire Murrindindi.
24 Wilhelmina Falls." I would interpret that as Wilhelmina
25 Falls Road. The next line says "SP Ausnet started fire."
26 I have then put a later entry in in brackets that I have
27 said "Later confirmed incorrect" and I have initialled
28 that.

29 You have the "Old Murrindindi Mill"?---"Old Murrindindi Mill."
30 And then the entries, "Highlands, Flowerdale, Homewood Private,
31 eastern side of Melba"?---Yes, I understand that those

1 further log entries were some notes that I made after my
2 conversation with Wayne Story, so the last bit of the
3 conversation with Wayne Story would either be old
4 Murrindindi Mill or that line relating to the cause of the
5 fire.

6 The entries in relation to those localities is an indication of
7 what you appreciated at around 3.10 or thereabouts as to
8 the potential of this fire?---It certainly indicated the
9 location of the fire.

10 Indeed, it did more than that, I suggest. At 3.10 there was a
11 request for air support. I think that's at paragraph 61
12 of your statement?---Paragraph 61 of the statement says
13 that, "Wendy Hiscock's log records that there was a
14 request for air support and 20 tankers for the Murrindindi
15 fire. I became aware of this information shortly
16 afterwards, but I do not recall how I became aware of
17 this" or indeed the exact time that I did become aware of
18 it. For the benefit of the Commissioners, Wendy Hiscock
19 was not located in our regional emergency coordination
20 centre on the day. She was actually located at Yea. So
21 I didn't have direct communication with Wendy.

22 Who is Alan Ellis?---Alan Ellis is an operations manager with
23 CFA. Alan acted as my assistant on the day.

24 You have had recourse to his log for the preparation of your
25 statement?---That's correct.

26 If we have a look at his entry, which is at
27 (WIT.3004.017.0124), his entry for 1513. It is in your
28 statement, if you want to go to it, but hopefully it will
29 come up on the screen. It is at 0123. Do you see your
30 name there, 1513, "Mr Peter Creak"?---Yes.

31 And he has made a record in his log, "Old Murrindindi Mill site

1 request for aircraft support", and that was a
2 communication with you?---Yes.

3 From Mr Ellis at 1513?---Yes.

4 So you were aware at that time that the fire was of such
5 magnitude that there had been a call for aircraft
6 support?---Yes.

7 When you, as we have been to in your log, put a location of
8 Flowerdale as a potential location for this fire, what I'm
9 suggesting, Mr Creak, is that you appreciated at this
10 stage that this was a fire of considerable
11 potential?---Could I ask you to clarify - - -

12 MR CLELLAND: Mr Chairman, can I just point out I don't think
13 the witness actually said that Flowerdale was a location
14 in reference to that entry in his log?---Yes, the
15 reference to Flowerdale was in relation to a tanker, so a
16 firefighting vehicle rather than a location. So those
17 locations that I have mentioned in my log actually relate
18 to some vehicles rather than specific localities.

19 MR RUSH: With the knowledge of a request for aircraft support,
20 what did you consider to be the potential of the
21 Murrindindi fire?---At that stage I had very scant
22 information on the Murrindindi fire. I was aware that a
23 fire had started. Naturally on a day like that you have
24 an awareness that, if a fire is not held in the initial
25 attack phase, that it may well develop rapidly. It is
26 quite normal and quite regular to request aircraft to a
27 fire on a day such as that. So, in terms of my
28 appreciation of the fire I probably didn't develop a good
29 appreciation of the exact potential of the fire until
30 I had further information. At that stage all I really had
31 was a location that the fire was and the fact that the

1 initial response and the first attack was being prepared
2 and being undertaken.

3 Was there not at that time a request for 20 tankers?---There
4 was.

5 And what did that mean to you?---I would like to just clarify
6 that, in that Wendy Hiscock's log records that there was a
7 request for air support and 20 tankers. My discussion and
8 briefing, if you like, with Alan Ellis talked about a
9 request for air support and Yea strike team to be
10 redirected. DSE requested Yea group two strike teams
11 assemble at Murrindindi fire station. So that discussion
12 was in relation to resources, by the looks of Alan's log,
13 and not specifically those 20 tankers, so I may not have
14 been aware of the entry in Wendy Hiscock's log at that
15 time.

16 You set out at paragraph 63 of your statement something from
17 Mr Peter Brereton, CFA operations officer based normally
18 at region 22 but at this stage at Benalla. What you set
19 out there is that he had noted and recorded, "Murrindindi
20 fire currently out of Yea. Need to set up at Alexandra
21 will burn up into Black Range - CFA have no further
22 capacity and - is happening." Were you aware of the
23 information or you've just put that into your statement
24 for what reason?---I have put that into - I wasn't aware
25 of that information at the time, but I've put that
26 information into my statement to try to build a picture of
27 the information that was available at the time.

28 Okay. About seven minutes later you actually spoke to
29 Mr Brereton and he would have informed you of that, would
30 he not?---Unfortunately I can't recall the details of that
31 discussion with Peter. I didn't log that discussion with

1 Peter and, as far as I'm aware, Peter didn't either.
2 No, but your conversation with him was about the Murrindindi
3 fire, was it not?---I was having discussions throughout
4 the day with Peter in relation to the Murrindindi fire, in
5 addition to conversations regarding the Kilmore East fire.
6 Mr Creak, just put that in context. At 3.15 you have
7 Mr Brereton recording that the fire is likely to burn
8 across the Black Range and he speaks to you seven minutes
9 later. You say you have no recollection at all of what he
10 said to you about the Murrindindi fire?---No.
11 So is the position - when did you ascertain, then, that this
12 was a fire of the sort of potential and the sort of
13 picture that you are trying to set, as I understand it, in
14 your statement?---It's difficult to pinpoint an exact
15 time, but my recollections are that between about 3.30 or
16 thereabouts and shortly after, I became aware that the
17 fire was rapidly developing. In terms of when the fire
18 entered the Black Range, my feel is that it was perhaps
19 slightly after that.
20 At paragraph 66, at 3.27 you note that you approved a PIR, and
21 you might tell the Commissioners what that is?---A PIR is
22 a preliminary incident report. That's a report that goes
23 onto our Incident Management System. It is the CFA
24 network and people who are on the CFA network can look at
25 the PIRs to get an update, and in virtually real-time, of
26 the entries that are going in.
27 And it says "Confirmed fire at the old Murrindindi Sawmill.
28 Request from group is make tankers 20. Aircraft also
29 requested. This fire has potential. DSE in attendance
30 fire will burn into Black Range State Forest"?---Yes.
31 So at least by 3.27 you were aware of that potential?---Yes.

1 So by that time a fire of greater significance?---Certainly by
2 that time, given the entry on the PIR, we have an
3 appreciation that the fire has potential and it's likely
4 to burn into the Black Range.

5 The position was that you had issued to brigades in your
6 immediate area a message, had you not, on the day before
7 and on the morning of 7 February indicating to those
8 brigades that if first attack was not successful then it
9 was unlikely - indeed the fire would run out of
10 control?---That's correct.

11 So you appreciated by at least this time that that was the
12 likely position in relation to the Murrindindi
13 fire?---When there is a fire burning such as that the
14 information is coming in sporadically and not in a
15 complete fashion, but as the picture built by that stage
16 I was aware that the fire had potential and we may have
17 some difficulties.

18 Mr Creak, I will try to get to the point. At 6.30, at
19 paragraph 38, you refer to a conversation with
20 Mr Rice?---Yes.

21 Mr Rice, just to go back, he is the group officer located in
22 Alexandra at the CFA headquarters in Alexandra?---That's
23 correct.

24 He is not located at the incident control centre?---Not at that
25 stage, no.

26 They work out of two separate buildings in Alexandra?---That's
27 correct.

28 Mr Rice telephoned you and advised you, you record, that he had
29 spoken with Andy Miller and that they had determined DSE
30 would be the control agency. You say, "I had already been
31 made aware of this from my previous conversations with

1 Messrs Davies, Ellis and Fergus"?---Yes.

2 Is the position that the group officer in Alexandra telephoned
3 you at 6.30 unaware that DSE were the control agency?---My
4 recollections are that by 6.30 Peter Rice was well aware
5 that DSE were the control agency. My understanding is
6 that Peter Rice had conversations around 4 pm or shortly
7 after with Andy Miller directly where those incident
8 management arrangements were confirmed. So for two hours
9 or more than two hours prior to that Peter was aware.

10 You at paragraph 71 of your statement indicate at 3.44 that
11 Mr Beer, who is the group officer in Yea, is that
12 correct?---That's correct.

13 A level 2 incident control centre?---Yes.

14 He contacted you and informed you of the various matters you
15 set out there, but also at 71.4 you indicate that he had
16 indicated to you that he had not completely set up the
17 ICC?---I would like to clarify that. I didn't speak
18 directly with Neil, so I wasn't able to ask questions of
19 Neil. Neil actually contacted one of the staff in our
20 centre and provided that detail. So the information that
21 was provided to me was in a message form or a briefing, if
22 you like, of the contents of the conversation. That was
23 recorded in the log of that individual. However, I'm
24 unable to recall at this stage whether I recall that
25 statement that's referred to in 71.4.

26 Is that what is recorded in the log that you have referred to
27 in preparation for your statement?---That's correct.

28 What you have referred to and set out is that Mr Beer indicated
29 he was setting up an incident control centre?---The
30 statement says "he had not yet completely set up the ICC".
31 Okay. He was in the process of setting it up?---That looks

1 like what it says, however I couldn't be completely sure.
2 He set out the resources at 71.5 that had responded to the
3 Murrindindi fire?---That's correct.
4 He was setting up a staging area at the Yea football
5 ground?---That's correct.
6 And doing what you would expect of an incident
7 controller?---Some of those activities are what you would
8 expect of an incident controller.
9 What isn't?---If some of those activities are setting up a
10 staging area, for example, if a division was established,
11 a division may set up a staging area as well. I would
12 consider that this part of the fire development in the
13 early stages of the escalation, we are still in that
14 process that I referred to before of the escalation from
15 level 1 to level 2 to level 3.
16 If you go to paragraph 76, you indicate at 4.06 you had a
17 conversation with Mr Davies and "we discussed that the
18 Alexandra ICC would be responsible for the management of
19 the fire"?---Yes.
20 So is the position this: that at 4.06 there was indecision as
21 to who was running the Murrindindi fire from your
22 perspective?---From my perspective at that time I was very
23 clear that DSE were the control agency of the Murrindindi
24 fire.
25 Why did you need to discuss with Mr Davies that Alexandra would
26 be responsible for the management of the fire?---When
27 I say I'm clear, at that point onwards I am clear that DSE
28 are responsible. I probably formed the opinion some time
29 slightly prior to that, given my appreciation of where the
30 fire was heading in terms of the direction the fire was
31 burning.

1 But it wasn't until four minutes later that you phoned
2 Mr Conway to tell him that the DSE at Alexandra and that
3 ICC would have control of the fire?---I'm not sure how
4 long the conversation with Alan Davies lasted. It may
5 well have lasted - - -
6 But if you just look you indicate at 4.10 in the next paragraph
7 you had a conversation with Mr Conway, and in the last
8 sentence of that or the last two lines you say you
9 informed him the ICC would be based at DSE Alexandra and
10 DSE would be the control agency?---That's correct.
11 Is it the position that somewhere just after 4 o'clock the
12 decision had been made that DSE Alexandra would be the
13 control agency and the ICC for the fire?---My awareness of
14 the decision was around 4 o'clock. I may have been
15 aware - I guess I would have expected that to have been
16 the case. Certainly in terms of where the fire was
17 burning, where the exposures were and given our existing
18 commitment to the Kilmore East fire, it was very logical
19 that Alexandra would become the ICC for the fire and DSE
20 would be the lead agency. So in my mind there was never
21 an issue about who the lead agency for the fire would be.
22 Then, once you had determined that, how were your group
23 officers informed of that decision?---I understand that
24 shortly after Peter Rice was in regular contact with Andy
25 Miller at the ICC. So Peter was aware of that decision.
26 Bear in mind that Peter had already sent or was about to
27 send some of his staff to the ICC. So he was naturally
28 aware of that. I'm aware that Neil Beer had conversations
29 throughout the afternoon with the ICC at Alexandra. But
30 I acknowledge that I can't recall specifically telling
31 Neil in particular that DSE were the lead agency for the

1 fire.

2 So is the position this: now you understand that Mr Beer was
3 working at Yea, at least for a considerable time after
4 4 o'clock, on the understanding that he was the incident
5 controller for the Murrindindi fire?---After you go
6 through a transition like that and the level 3 ICC is
7 established, it's quite common for the existing facility
8 such as Yea to become a divisional command point. In
9 essence the role of the level 2 incident controller is
10 very similar to the role that the divisional commander
11 might play at the divisional command point.

12 No, but my question was a different one. Is it your
13 understanding now that Mr Beer proceeded on the basis that
14 he was the incident controller after 4 o'clock?---My
15 understanding is that he was aware of that, but I'm not
16 sure for how long.

17 You issued a red flag warning on this day?---I issued a number
18 of warnings over our radio network and using our pager
19 network as well. I can't specifically recall whether it
20 was a red flag warning or a general message.

21 Did you not go on the radio and provide a warning to your
22 region concerning the wind change?---Yes, that's correct.

23 What time was that?---At paragraph 104: at 5.41 pm, following
24 notification from the IECC that the wind change had
25 reached Melbourne, I relayed information from the IMS
26 message on channel 49. I read from the IMS message.
27 I received acknowledgments from each group that the
28 message had been received.

29 How was that information conveyed to you from the IECC?---Using
30 the IMS system there is a messaging function, and the
31 state duty officer had authorised a warning message to go

1 out on the IMS system.

2 What time do you say that was?---Our records show that we
3 received that information in Seymour at approximately
4 5.35. The IMS message from the state duty officer said
5 that "the wind change has just hit Melbourne, is averaging
6 60 kilometres per hour wind speeds". The time stamp on
7 the IMS message is 5.25 pm.

8 So you went on the radio. Who would receive your red flag
9 warning?---The message would be received by anybody who is
10 listening to that particular radio channel at the time, or
11 in fact a number of the community listen to that
12 particular radio channel on what we call listening sets,
13 so like a scanner. So that would be received by members
14 of the CFA, people with radios, members of the public.

15 Mr Creak, did you also organise for it to go out on the pager
16 system?---Yes.

17 Did it go out as a priority communication on the pager
18 system?---I handed the message to one of our staff and
19 asked it to be sent as a pager message to region 12 all.
20 I understand now that it went out as an administrative
21 message, which is not the highest priority message.

22 What time was it received on your pager?---It was received
23 early the following morning in the early hours, 1 or
24 2 o'clock, I think it says in my statement.

25 Were you aware of Mr Rice also issuing a red flag
26 warning?---I can't recall being aware at the time that he
27 issued a red flag warning, but that would seem an
28 appropriate thing to do for somebody in his position.

29 Why would you do that and it not be done through the incident
30 control centre?---The warning that I issued I issued as a
31 general message, that's my recollection, which is not

1 strictly a red flag warning. It's quite common throughout
2 a total fire ban day, particularly if a wind change is
3 due, to provide weather updates over the radio. For
4 example, if we receive a wind change chart from the
5 bureau, we will read details of that wind change chart on
6 our radio network.

7 When did you first have an appreciation of the fire in
8 Narbethong?---Could I refer to my notes?

9 Certainly?---My estimate would be some time slightly prior to
10 5.20 pm. I will qualify that by saying that was my
11 understanding about spotfire activity at Narbethong rather
12 than the main firefront at Narbethong.

13 There are two other matters then. When in approximate terms
14 did you first have an appreciation that the fire had the
15 potential to impact on Narbethong and on
16 Marysville?---I had a conversation with Peter Rice just
17 before 4 o'clock, and there Peter advised me that he was
18 concerned about the fire in the Black Range and that he
19 could see the fire later impacting into places like
20 Buxton, Acheron and Narbethong. I guess, given my
21 experience, I was very surprised at the speed at which
22 that spotting activity reached Narbethong. In my
23 experience it would take a significant amount of time
24 longer than that, and on a normal sort of day you might
25 not expect it to reach Narbethong in that day.

26 But Mr Rice was telling you something different?---He was
27 saying, if I recollect the conversation, that he could see
28 the fire impacting later into places like Buxton, Acheron
29 and Narbethong. There was no indication in that
30 conversation about the timing of the possible impact, just
31 that that impact was possible. So at that stage I had an

1 appreciation from Peter that there was potential for the
2 fire to impact later in places like Buxton, Acheron and
3 Narbethong, but not in the time that history shows that
4 the fire did impact.

5 So is that what you are referring to at paragraph 75 of your
6 statement?---That's correct.

7 The conversation with Mr Rice, "I told him that I was concerned
8 about the fire in the Black Range ... see it impacting
9 later into places like Buxton, Acheron and Narbethong."
10 Were you in the hearing room for the evidence of
11 Mr Lawlor?---No.

12 Were you aware of the western flank and the size of the western
13 flank of this fire by 4 or 4.30?---Not specifically.

14 I was reasonably remote from the fire and was aware of the
15 location of the fire, but not the detail about the flank
16 and so forth.

17 I said the western flank. It should be the eastern flank.

18 Thank you. I, at this stage, have no other matters for
19 Mr Creak, Commissioners. Mr Creak, can I just indicate,
20 will be recalled for the Kilmore fire. I have had his
21 statement here for a couple of hours, but - - -

22 CHAIRMAN: Part of the difficulty is that we would be limited
23 in our capacity to consider questions that we might want
24 to ask because we have not had the opportunity to read the
25 statement. I think it would be preferable to assume that
26 Mr Creak will need to be called again in the next few days
27 so that we do have that opportunity.

28 MR RUSH: That would certainly suit our convenience. It is
29 just a matter of finding a time. I do understand Mr Creak
30 has been on leave. We will attempt to make
31 arrangements - - -

1 CHAIRMAN: We can adjourn now, unless Mr Clelland wants to ask
2 questions now in relation to matters that have already
3 come out. You can work out between you and liaise with
4 Mr Creak as to what's the most convenient occasion to have
5 him recalled.

6 MR RUSH: We would ask for that course, Commissioners.

7 MR CLELLAND: Mr Chairman, I'm not sure it was made clear, but
8 it is expected that Mr Creak will be recalled for the
9 Kilmore fires.

10 CHAIRMAN: I understand that. I understand part of the
11 difficulty was he wasn't expecting to be called today
12 anyway.

13 MR CLELLAND: Quite.

14 CHAIRMAN: We weren't expecting him. That put everyone at a
15 relative disadvantage.

16 MR CLELLAND: Yes. So there was some great industry then
17 devoted to try to put together a statement for the
18 assistance of the Commission.

19 CHAIRMAN: That's what I understood. You were at a
20 disadvantage, he was, and everybody is. But I still think
21 that there are matters that are not clear in my mind, and
22 I feel the other Commissioners would also really want to
23 have matters clarified at an appropriate time. But it is
24 a question as to when that can be done. It is probably
25 best left to you to liaise with Mr Creak and Mr Rush
26 because we don't have enough of an idea as to how much
27 time is going to be taken up by other people because we
28 don't have a chance of course to see anything other than a
29 list and of course statements which may or may not be
30 appropriate to the witness who is about to be called.

31 MR CLELLAND: The quick discussion I just had with Mr Rush was

1 to the effect that we think there are some six DSE
2 witnesses who are scheduled for tomorrow. But they are
3 all staying in Melbourne overnight, having come from
4 the north-east. So we are rather anxious that they could
5 return home tomorrow night.

6 CHAIRMAN: It may well be that we just put off doing any
7 further analysis of the material that's just been put in
8 front of us until Mr Creak comes back for the East Kilmore
9 fire, even though that leaves things a little up in the
10 air.

11 MR CLELLAND: Yes. It may well be that, once the Commissioners
12 have read the statement in full, there is nothing further
13 that they need from Mr Creak.

14 CHAIRMAN: But part of the difficulty is he does refer to a lot
15 of other logs and, speaking for myself, I would benefit
16 from looking at what the other logs say and try to tie
17 them together.

18 MR CLELLAND: And we expect that most of that material will
19 come before the Commission via the witnesses who have
20 actually kept the logs. On that understanding,
21 Mr Chairman, can I just ask two short matters of Mr Creak?

22 CHAIRMAN: Yes.

23 <CROSS-EXAMINED BY MR CLELLAND:

24 Mr Creak, you spoke about, if you like, this handover to the
25 Alexandra ICC from both Yea and Alexandra CFA
26 headquarters, and that having occurred some time after
27 4 o'clock?---Yes.

28 I think in relation to Alexandra, just for the Commission's
29 understanding, Mr Peter Rice was the group officer for the
30 Alexandra CFA?---Yes.

31 You said that some time after 4 o'clock it was your

1 understanding that he was having regular contact with the
2 Alexandra ICC, including the then incident controller, and
3 he actually sent down CFA personnel into the Alexandra
4 ICC?---Yes, that's correct.

5 And one of those people was a Mr Graeme Fergus, now
6 deceased?---That's correct.

7 And he eventually took on the role of the deputy incident
8 controller at the Alexandra ICC?---That is correct.

9 And in relation to Neil Beer, who it is also expected will be
10 called, he was the - what was he? The group officer for
11 Yea?---Yes.

12 And was at Yea headquarters on the day. From your review of
13 the material, can you confirm that at least by or at 4.30
14 he had been advised by Mr Fergus that in fact Alexandra
15 ICC was operating as the controlling incident control
16 centre?---Yes.

17 CHAIRMAN: Could I just interrupt there. You have referred,
18 and I have not had a chance to check, to a number of logs.
19 Has it been possible for you to look at the log of
20 Mr Fergus?---I have.

21 Is it of any value?---It is. It describes some of the
22 conversations that he had during the day. Obviously
23 I can't - - -

24 With you and with other people?---Mainly - my recollections of
25 my discussions with Graeme Fergus are based upon my own
26 logs and messages that came into our centre. What I have
27 relied on from Graeme's log is conversations that he has
28 had with other people, namely people within the Yea group
29 headquarters, including Neil, and also back to Peter Rice
30 and his team in Alexandra.

31 MR CLELLAND: Mr Chairman, it is an attachment to Mr Beer's

1 statement.

2 CHAIRMAN: It is attached to Mr Beer's statement?

3 MR CLELLAND: Correct; the log of Mr Fergus. They were the
4 matters, sir.

5 CHAIRMAN: Yes, thank you. We will adjourn now until 9.30
6 tomorrow morning.

7 <(THE WITNESS WITHDREW)

8 ADJOURNED UNTIL WEDNESDAY 7 OCTOBER 2009 AT 9.30 AM

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