
TRANSCRIPT OF PROCEEDINGS

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2009 VICTORIAN BUSHFIRES ROYAL COMMISSION

MELBOURNE

WEDNESDAY 20 MAY 2009

(8th day of hearing)

BEFORE:

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

1 MR CLELLAND: I understand that it is intended to interpose this
2 morning a witness, Paul Hendrie.

3 CHAIRMAN: Yes.

4 MR CLELLAND: Mr Hendrie was the captain of the Kinglake
5 brigade, a member of the CFA, and had, amongst other
6 things, some involvement in the events of 7 February in
7 Kinglake. Having received a statement from Mr Hendrie
8 yesterday, it also seemed apparent to me that Mr Hendrie
9 dealt with some community fireguard meetings in the area of
10 Kinglake in the period prior to 7 February and, indeed, as
11 it now has emerged this morning, actually attended at a
12 meeting, a fireguard meeting of the Bald Spur Road group on
13 20 December.

14 I have requested that certain information be
15 provided. We think that it might be of assistance to the
16 Commission just about the workings of that fireguard group,
17 the kind of information that they were provided generally
18 and even specifically on that date. I have also just been
19 provided before the Commission came on to the bench with
20 what appears to be an earlier police statement of
21 Mr Hendrie. So it seems, with respect, that there are some
22 not only significant issues that we would want to explore
23 with Mr Hendrie, if it is of assistance to the Commission,
24 but also provide some materials through him. I have asked
25 for some of those materials to be provided. Mr Rush hasn't
26 had a look at those yet and I have only briefly seen them
27 before I came into the hearing room.

28 Why I have risen at this stage, Commissioners, is to
29 seek an opportunity to sit and talk with Mr Hendrie for a
30 little longer about those matters, make sure that we can
31 provide copies of the material both to council assisting

1 and the Commission, and then hopefully Mr Hendrie's
2 evidence might be able to be presented in a more helpful
3 and complete form.

4 CHAIRMAN: What is contemplated at this stage?

5 MR CLELLAND: What is contemplated at this stage is, as I
6 understood it, Mr Hendrie was to be interposed. I am in
7 the hands of the Commission to some extent but I suppose if
8 I had to nominate it, I would like to have at least half an
9 hour with Mr Hendrie either before he gave his evidence or
10 before I cross-examined him. As I say, I think there is
11 material that might be of assistance to Mr Rush before he
12 takes Mr Hendrie in his evidence-in-chief but ultimately
13 that is a matter for Mr Rush.

14 MR RUSH: We are happy to proceed on that course, that
15 Mr Hendrie be stood down for half an hour. It was to try
16 and fit in with Mr Hendrie that we were interposing.

17 CHAIRMAN: Does that mean that we continue with Mr Griffiths. I
18 know we have got - as I understand it, it is contemplated
19 that Mr Sigmund and Dr Ferguson and Dr Langdon. Are we in
20 a position to proceed with anybody then at the moment?

21 MR RUSH: We are in a position to proceed with Mr Griffiths.

22 CHAIRMAN: Is there any difficulty in proceeding with
23 Mr Griffiths and just postponing Mr Hendrie so the
24 opportunity can be taken to find out what other matters may
25 make the taking of his evidence more cohesive?

26 MR RUSH: That would be a course we would agree with.

27 CHAIRMAN: I think that is the course we will take.

28 MR RUSH: Mr Griffiths may need a couple of minutes, I am not
29 sure, to go on-line. He can be brought into court.

30 CHAIRMAN: It is easier if we just wait here while things get
31 organised.

1 MR CLELLAND: While that is being done. Commissioners, can I
2 ask, before I leave the Bar table and start or have people
3 engage in some frantic copying of documents, whether the
4 Commission has been provided this document, it is called
5 "Building in a wildlife management overlay - applicant's
6 kit 2007" and it looks like that.

7 CHAIRMAN: My impression is that we have got it but I wouldn't
8 know where to put my hands on it in a hurry but that
9 applies to a lot of documents in our temporary
10 accommodation.

11 MR CLELLAND: We have one copy of this at the moment that I have
12 received but I think it might be helpful if we got other
13 copies for the Commission and for council assisting.

14 CHAIRMAN: I will get the technology experts to work out where
15 it is and in what folders and that presumably will be
16 available relatively quickly.

17 <ANTHONY STEPHEN GRIFFITHS, recalled:

18 MR RUSH: One matter, Mr Griffiths, yesterday we spoke about the
19 Sentinel hotspots and the satellite imaging and you
20 indicated there were potentially two runs of the satellite
21 imaging on 7 February that would have been sent to you via
22 Geoscience Australia at DSE; were you able to locate
23 them?---I have got those, yes. Can I just add to that, in
24 that Geoscience Australia provides the Sentinel hotspot
25 file which is the spatial data file that we use and is
26 shown on our maps as different coloured squares, that shows
27 pixels of where fire has been located. The images, the
28 MODIS images we download from a site called Rapidfire which
29 is a NASA site from the US.

30 So they come from either the NASA site in the US or from
31 Geoscience Australia into DSE for use within DSE for their

1 own purposes?---That's right, they are publicly available
2 data but as I was saying yesterday, with FireWeb, we like
3 to integrate all that relevant fire information so it is
4 accessible by our employees.

5 Are you capable of bringing up the Geoscience data that was sent
6 to DSE by file for 7 February?---I can display it. I have
7 examples of maps that were produced I think on the 7th or
8 the 8th, I haven't looked at the times, that illustrate
9 that data.

10 Can we start with the 7th?---I have two media maps here. By the
11 file naming it looks like it was created at 2230. So as I
12 was just explaining, the squares, the red squares are - as
13 it illustrates in the legend - are hotspots that have been
14 detected I think within the last 12 hours. Yes, so the red
15 squares are hotspots for the last 12 hours and then the
16 orange squares are 12 to 24 hours old.

17 The hotspots in the last 12 hours, is it your understanding that
18 this is firstly satellite imaging that we are looking
19 at?---Yes.

20 Hotspots that are detected by one or more runs of the
21 satellite?---Yes.

22 Which one, is it one or more?---More.

23 So this is putting together, if you like, a picture over 12
24 hours of what the satellite has detected?---That's right.
25 I did do some research last night in the passes on the 7th.
26 I have some maps here which is a prediction path of where
27 the satellite will be on the 7th. I was explaining
28 yesterday that the MODIS instrument is on both Terra and
29 Aqua satellites. The Terra satellite on the 7th passed at
30 11.35 and 2335 Australian eastern daylight standard time
31 and Aqua at 1550 and 0255 I believe on the 8th.

1 The document you are reading from is what?---This is information
2 that I have researched from the Rapidfire site.

3 From the?---The NASA Rapidfire site so they have an archive
4 there of the acquisitions.

5 And from that you are able to determine the runs of each of
6 those satellites you have just spoken about?---That's
7 right.

8 I will tender that document, Commissioners, and in due course
9 ask that copies be made.

10 CHAIRMAN: With a very uninformed eye from here it seems to be
11 of very little value but I take it will have some meaning
12 later on.

13 MR RUSH: It will just substantiate the times I hope that have
14 been given by Mr Griffiths. I haven't seen it, I should
15 say.

16 COMMISSIONER McLEOD: Could Mr Griffiths be given a short
17 opportunity to explain his understanding of what that
18 picture is telling us?---Sure. I did not produce this map.
19 It would have been produced by a mapping unit staff member
20 but given what I know about how the data is downloaded and
21 how it is used, I think that would be - the squares
22 illustrated on the map would be from the passes of 1550 of
23 Aqua and possibly the - I haven't got it to refer to, but
24 was it a 2230 pass by the Terra satellite?

25 CHAIRMAN: The 11.35 and 2335 and then 1550 and 0255?---So
26 possibly - this map was produced at 0159 hours on the 8th
27 so it is possible that it contains both the passes of the
28 afternoon at 1550 and also the 11.35. I would need to
29 investigate further and inquire with Geoscience Australia
30 just to make absolutely sure of that.

31 COMMISSIONER McLEOD: For example, on the left-hand series of

1 symbols, if the wind was coming from the northwest, would
2 that suggest that, given that there were two passes, that
3 that square block of symbols would suggest a kind of
4 progression of the fire from the north towards the south,
5 if you assume that the fire was moving between the two
6 passes and that that is a combination of the readout of the
7 two passes?---My interpretation of that is because to the
8 south the concentration of those points is more dense, that
9 shows where the active area is when the satellite passed.
10 To the north of that, the concentration of those dots seem
11 to reduce so it does appear to indicate that the source or
12 the origin was to the north and it was travelling in a
13 southerly correction.

14 But it is a combination of reactions of the satellite at to
15 different points in time that are combined in that
16 map?---That is possible but I would really need to research
17 that more.

18 MR RUSH: Who should we speak to in relation to getting an
19 explanation as to the use of the information provided by
20 the satellites, the times it was received, how it was used
21 and who is the person that we should be speaking to in
22 relation to that?---It is a product that is generated by
23 Geoscience Australia so any questions related to the
24 creation - - -

25 No, you misunderstand. In DSE who should we be speaking to in
26 relation to the interpretation of the data received on 7
27 February concerning the information coming from Geoscience
28 Australia?---The mapping unit officers that were producing
29 these maps.

30 Just so we understand it, the data comes from Geoscience
31 Australia into DSE and it is then used by the mapping unit

1 officers on 7 February?---That's correct. It could also be
2 because FireWeb is made available to the CFA as well as the
3 NEO partners, as well as we allow log-ins by partner
4 agencies via the internet, it could have been a CFA person
5 or DSE person or a NEO partner.

6 What is a NEO partner?---NEO is the Network Emergency
7 Organisation, and it is used to describe the partners of
8 DSE, Department of Primary Industries, VicForests,
9 Melbourne Water and I think DPCD, Department of Planning
10 and Community Development who assist DSE in its
11 responsibilities for management of fire and public land.

12 Just so we understand it, and this may be more directed at you,
13 you would be able to provide to the Commission all the maps
14 that were generated at DSE or within the IECC on 7 February
15 that utilized the satellite information?---Yes.

16 That could be done over the next day or two, I take it?---Yes.
17 So we will ask that that be done and speak to those associated.

18 CHAIRMAN: Could I just clarify. What is contemplated is that
19 this email should be part of Exhibit 24 which is the
20 statement of Mr Griffiths and what is contemplated is that
21 we will also be adding to it some maps. At this stage it
22 is unknown precisely what they will be but they will
23 include that map because as I understand it, if the red
24 squares reflect the position as at 3.55 in the afternoon on
25 7 February, that will give an idea of the heat registered
26 on the satellite at that time?---Yes.

27 MR RUSH: I would ask that that be added as part of the exhibit
28 concerning the statement of Mr Griffiths.

29 CHAIRMAN: The email at this stage but the contemplation is that
30 there will be more material that will be part of Exhibit
31 24.

1 MR RUSH: We will call the person responsible on 7 February to
2 produce those documents.

3 HIS HONOUR: If it proves to be appropriate to have a further
4 exhibit that relates to the other witness, so be it, and
5 that may be the end of this matter so far as Mr Griffiths
6 is concerned.

7 MR RUSH: Thank you, sir, they are the matters.

8 MR BEACH: Commissioners, with your leave I would like to ask
9 some questions dealing with linescans and mapping
10 generally, hopefully not a duplication of what Mr Rush has
11 asked.

12 CHAIRMAN: I think it will probably help us anyway so go ahead,
13 Mr Beach.

14 <CROSS-EXAMINED BY MR BEACH>

15 MR BEACH: Can I take you to the topic of linescans for a
16 moment. Is it the position that a linescan is only
17 generated if a formal request is made to the relevant
18 aircraft unit?---Yes, that is my understanding, that an
19 incidents management team, namely the planning officer,
20 will request a linescan.

21 In the absence of such a request, no linescan would be carried
22 out?---I believe if there is no incidents management team
23 established, that district duty officers, regional duty
24 officers and maybe even a state duty officer would request
25 it as well.

26 But in the absence of a request from any of those bodies or
27 individuals, no linescan would be carried out?---That is my
28 understanding; I may be wrong. The state aircraft unit
29 manages the firescan and linescan equipment and the
30 deployment of it.

31 I think your statement and certainly your evidence yesterday

1 appeared to suggest that a necessary condition for a
2 linescan was a request being made by the appropriate body
3 or individual; that is your position as far as you have
4 personal knowledge of the process?---Could you say that
5 again.

6 Your statement and also your evidence yesterday indicated that a
7 request was necessary to trigger a linescan. To the best
8 of your knowledge, is that your position?---That is the
9 case. Look, there might be an occasion, if during a
10 mission, another fire is visually located by the operator,
11 they may contact the state air desk and advise that they
12 can see smoke at a location and given that the aircraft is
13 so close, would they like it scanned.

14 Going to the linescan that was carried out in relation to the
15 Kilmore East vicinity at 12.33 p.m. on 7 February, you are
16 aware that a request was made for a linescan that then
17 produced that linescan at that time?---No, I am not aware
18 of any request. I was in a totally different role
19 monitoring and making sure our fire systems were operable.

20 You were in the IECC on 7 February?---That's right.

21 At what time did you arrive at the IECC?---I believe it was
22 approximately 0645.

23 What time did you leave the IECC?---At about 8 p.m. that night.

24 So we can take it that between midday and say 3 p.m. that
25 afternoon you were present in the IECC at all times?---Yes.
26 I am on the same floor as the IECC, okay. Where I was
27 working from was actually outside the designated area but
28 it is very close.

29 Is a linescan a useful piece of information or input for you in
30 terms of performing the function you were performing in the
31 IECC on that day?---Not in the role I was performing. It

1 is very useful for the mapping unit.

2 Does the mapping unit report to you?---No.

3 Who did they report to on the day?---They report to the planning
4 officer, I believe.

5 Who was that on the day?---My recollection is it may have been
6 Kendra Dean.

7 Did you report to Kendra Dean on that day as well?---No, I
8 report to the IECC coordinator who was Prue Dobbin on the
9 day.

10 Just going to your statement, paragraph 47, you have referred to
11 an individual Alan Slovecovich(?)?---Yes.

12 He was in the IECC that day?---Yes, he was.

13 What was his function on that day?---I believe Alan was
14 fulfilling the role as chief officer contact.

15 You were then reporting to two people on that day, were
16 you?---Alan is my day-to-day line manager and he was
17 passing by my desk often during that day and we did have
18 some discussions during the day.

19 Discussions about fire locations?---Yes.

20 Fire predictions?---I don't recollect any fire prediction
21 conversation.

22 Surely if you were talking about fire locations you would also
23 be talking about what was likely to happen with those
24 fires?---The conversation that I remember was regarding the
25 email with the screen grab attachments of the EyeFi images.

26 Just going back to the mapping unit for a moment, can you
27 identify the two individuals who form part of the mapping
28 unit?---No, I can't recall but we can find that out.

29 Could you find that out and give it to council
30 assisting?---Sure.

31 Just going back to the question of linescans, that is one source

1 of information, is it not, to provide a sketch of the area
2 of a particular fire?---That's correct, incident
3 intelligence, yes.

4 Are there other sources of information to enable you to perform
5 such a sketch?---Yes.

6 Such information would include observations from people in the
7 immediate vicinity of the fire?---Correct.

8 A relevant input would be provided by emergency personnel
9 whether DSE or CFA or police that were on the ground, is
10 that right?---Correct.

11 In terms of producing a sketch of the particular area of a fire,
12 in terms of orders of ranking or significance of the data,
13 how would you rank the three sources, linescan, just
14 observations from people in the area or specific
15 observations from members of the emergency services, which
16 would be the most probative through to the list, probative
17 information to produce such a sketch?---If it is another
18 way of saying that - what information do we have more
19 confidence in.

20 Yes?---Because we can see the image of the linescan and we can
21 interpret it, that that is where it was at that time, I
22 suppose we have visual proof of that as opposed to a report
23 coming in from an individual.

24 Do you agree with a major fire it is important to track the
25 pattern and path of direction of the fire?---Yes but you
26 are getting into an area that is outside of my
27 qualifications.

28 If possible, would you consider that performing regular
29 linescans would be a useful way to plot the path of a
30 fire?---It can be if the conditions allow it.

31 So you would expect then that the people in the mapping unit

1 would have made regular requests during the course of the
2 afternoon for linescans in relation to the Kilmore East
3 fire?---I don't know that.

4 We know that one linescan was performed at 12.33 p.m. but it
5 does not seem like any other linescan was performed during
6 that afternoon. Is that your understanding?---I do have a
7 list here of linescans that were performed on the 7th.

8 Just to confirm, let's stick with Kilmore East or that vicinity
9 for the moment. What does your information tell you about
10 the frequency and number of linescans that were performed
11 after the first one on 12.33 that afternoon?---My records
12 here which I have developed by researching our archive of
13 linescans indicates that the missions were conducted at
14 12.33 at Kilmore East and also at 2145.

15 Did you make inquiries of why there was such a large gap between
16 12.33 and later that evening in relation to linescans for
17 Kilmore East?---We had other fires going and in between
18 those two missions there are other missions.

19 So far as you were aware, there were no weather impediments to
20 performing another linescan, you know, say at hourly
21 intervals after 12.33 p.m. in relation to Kilmore East?---I
22 don't know that.

23 Did you check the records or your database or that of the
24 mapping unit to see whether any formal requests had been
25 made by the mapping unit to perform linescans after 12.33
26 p.m.?---No, I haven't investigated that.

27 I think you were perhaps suggesting to me earlier that linescans
28 are not your bailiwick, so to speak. Let me ask you the
29 question directly, why are you investigating the linescans
30 and when they were carried out, if that is not an area of
31 interest to you?---My responsibility as far as linescanning

1 is to make sure the final product is incorporated within
2 our system. So the scan is the mission and the actual
3 acquisition of the image is managed by the state aircraft
4 unit. Once the products are created on the aircraft and
5 transmitted back into the network it resides on the FireWeb
6 infrastructure, so on our server and is made available via
7 FireWeb and FireMap.

8 You have just mentioned your server. For FireWeb, are you able
9 to recreate for the period say from midday of 7 February
10 right through to midnight all information that was able to
11 that server over that 12 hour window?---I can investigate
12 that.

13 You would have back up tapes that would have kept a record of
14 the information on the server for that 12 hour period?---We
15 should have. The backups are the responsibility of another
16 organisation, an IT service provider for Victorian
17 Government so I would need to check with them.

18 Could you make an inquiry of that and if you are able to locate
19 that information perhaps you could give that also to
20 council assisting?---Sure, I can investigate that.

21 In terms of FireWeb, I take it that the mapping unit has their
22 own computer screens and terminals in which they can access
23 FireWeb?---Correct.

24 Would each of their terminals keep a record of what each
25 operator displayed on his or her screen during the course
26 of the day in terms of the particular page or pages that
27 they were looking at?---I don't think that is possible but
28 I can investigate that as well.

29 Just going back to linescans for a moment, I want to take you to
30 the linescan that was done at 2145 for the Kilmore East
31 fire perimeter. Commissioners, you will find that as part

1 of volume 7 of the hearing book and hopefully the page
2 should be WIT.004.002.0382. Perhaps that could be
3 displayed on the screen if possible. You should have in
4 front of you the linescan for 2145, is that right?---I
5 can't see the scan. I can see an interpretation perimeter
6 on the map but I don't know where that was sourced from.
7 It does say in the title linescan 2145.
8 There is a little logo CFA and then your department in the far
9 right?---Yes.
10 I thought that you made inquiries of what linescans had been
11 carried out. I think you identified this as the
12 time?---Yes, 2145.
13 I take it you haven't seen any other map or graph other than
14 this one which represents the linescan for 2145?---No, I am
15 not aware of one.
16 Can you explain to me this, we know that the fire swept through
17 Kinglake some time between 6 p.m. and 7 p.m., this linescan
18 seems to have been taken two and a half hours later yet if
19 you look at it, the eastern boundary of the linescan stops
20 short of Strathewen, Kinglake Central and Kinglake. Can
21 you explain why the linescan taken two and a half hours at
22 least after the fire swept through Kinglake would not show
23 that area within rather than outside the boundaries of that
24 perimeter linescan?---Having not seen the linescan image
25 from 2145 I can make an assumption, if you like, but it
26 will only be an assumption.
27 I would like you only to answer the question if it is a matter
28 of expert opinion rather than personal speculation. Have
29 you got any good technical reason to the best of your
30 knowledge as to why that perimeter wouldn't bring within it
31 the Kinglake Central and other areas?---Yes, I know one

1 technical reason.

2 What is that?---Cloud cover.

3 In terms then of the utility of a linescan, are you saying that

4 it is limited by the question of cloud cover so that we

5 shouldn't take these graphs as definitively expressing the

6 particular perimeters of a fire at a particular point in

7 time?---It is possible, yes. From an image, if it is

8 partially cloud covered, you would use the information that

9 is provided on that scan but where you would have no

10 information then you can't map that.

11 So are you saying that we have this beautiful image which is

12 shaded but that outside there must have been cloud cover

13 that was covering Kinglake Central and Kinglake and that is

14 why the perimeter stops well west of that?---I don't know

15 that, we would need to investigate that, I haven't seen

16 that scan.

17 You seem to indicate or question whether the perimeter shown on

18 that map was in fact the true perimeter of the linescan

19 observed by the infrared detection and particular aircraft.

20 What makes you doubt that as being the accurate

21 perimeter?---I haven't done the interpretation. I

22 explained the interpretation would be done by the mapping

23 unit and I wasn't working in that role on that day.

24 CHAIRMAN: Can I just interrupt, unless you are still on the

25 same subject, I wanted to ask a query as to whether you can

26 download and produce for us the linescan as at 2145 in the

27 same way that you were asked to do the earlier one?---I

28 can.

29 Try, but you are not sure?---Yes, I can, I can find it. It

30 might take me a couple of minutes to locate.

31 Now?---Yes.

1 I think it might be worthwhile doing that. Perhaps we will see
2 that; that may be the shortest way?---I can do this a
3 number of ways. I can either display a QuickPrint of that
4 image or I can show you the geo-corrected image within
5 FireMap; which would be preferred?

6 CHAIRMAN: We don't know until we find out. Do whatever is
7 quickest first and we will see how far that takes us?---The
8 area in particular is - - -

9 MR BEACH: Well, it is described as the Kilmore East fire
10 perimeter?---Okay.

11 WITNESS: So, according to the description there, this is
12 Kilmore, Saturday night, the 7th of February 2009 at 2145,
13 and it is run 7 which seems to indicate there is at least
14 six other runs.

15 When you say runs, is that the interpretive runs done by the
16 mapping unit, is it?---No. When the scanner is scanning a
17 fire, the fire may be of such size that it has to pass over
18 the fire area a number of times. Each time it passes over
19 the fire area is called a run.

20 Okay?---So it looks as though run 7 is actually a slightly
21 different area.

22 So what does that show?---So that is one of the runs of the
23 mission at 2145 that evening. As you can see, it is taking
24 a bit of time. It would possibly take me longer to find
25 the other runs. Yeah, I would certainly be able to locate
26 them, but it would just take time.

27 Let me be very clear and transparent as to what I want. I want
28 the original runs of the aircraft, I want the geo-corrected
29 runs (if there's something different) and then I want to
30 know what the interpretive value-added analysis is of your
31 mapping unit, the combination of all three of which

1 produced the linescan of 2145 hours that we looked at a bit
2 earlier. I'd like that information if that's
3 available?---Yes, we can investigate that and get that.
4 But, more relevantly, I would like to go back to 12.33 pm, that
5 is very early in the afternoon, and ask you the same
6 question: is the graph that we have seen for the linescan
7 at 12.33 pm really a composite of a number of runs by the
8 aircraft, its geo-correction plus the interpretive
9 value-added of the mapping unit?---Again, I wasn't involved
10 in the mapping unit that day but I would assume yes, but we
11 would need to ask the mapping unit people.
12 So it would be wrong to represent that 12.33 pm linescan as
13 being definitively what scientific instruments on the
14 aircraft have defined as being the relevant perimeter of
15 the fires at that particular point in time?---The way I
16 understand it, what you are referring to at the time of
17 12.33 is the time that the operator would create the
18 mission for the runs to be associated with. I believe the
19 actual run time of one of the runs around that time was
20 12.47.
21 12.47?---Yes.
22 If there are a number of runs then, what would have been the
23 latest run time for that particular mission?---I would need
24 to investigate that.
25 But would we be talking about an additional 10 minutes or an
26 additional 20 minutes or half an hour, what sort of order
27 of magnitude are we talking about?---I'd say 10 minutes is
28 not out of the ballpark.
29 So what you are really saying for that linescan that was
30 previously seen for 12.33 pm, not only does it have a
31 interpretive component and what that precisely consists of,

1 but it could represent an estimate of the boundary as late
2 as 1 pm rather than 12.33 pm?---Correct. That could be the
3 case.

4 Let me talk about how missions are created for these linescans.

5 I would like to show you some maps, and these again appear
6 in Vol.7 which was some attachments to Mr Rees's statement.
7 They have been identified, Commissioners, as maps that were
8 in the IECC at the relevant time.

9 Could I begin with map WIT.004.002.0393. Perhaps if
10 we could bring that up on the screen.

11 You will see down the bottom right, Mr Griffiths, the
12 time line 1230 hours, 7 February?---Yes, I can see that.

13 And you see a nice circle in red. Is that the sort of document
14 that the mapping unit seeking a linescan in that area would
15 produce as part of a request to a particular aircraft
16 unit?---I don't understand that question. Can you put that
17 again, please?

18 If the mapping unit are requesting a linescan of a particular
19 area at, say, 12.30 pm on the afternoon of 7 February,
20 would they as part of a request send to the aircraft unit a
21 map with the general area that they want scanned?---Having
22 worked in the mapping unit before, but not this season, we
23 would put that request to ... a person working in the
24 mapping unit reports to the planning officer through the
25 situation officer. You would have that discussion with
26 those officers and they would put in the request for a scan
27 to be conducted.

28 Would the request provide some sort of a map on a geographic
29 area as to where the scan was to be carried out?---That's
30 right.

31 And this type of document would be created for a linescan that

1 somebody wanted to carry out shortly after 12.30?---For an
2 operator to accurately locate the area where the request
3 covers, yes, an area could be drawn on the map to show the
4 area that they would like scanned.

5 Just remind me, is this the same map that would be produced by -
6 with the request - produced by DSE or CFA?---Either
7 organisation can request.

8 Can you tell from the coding down the bottom right half as to
9 whether this was produced by your mapping unit or the
10 CFA?---No, I can't tell immediately from the information
11 that is available on that map.

12 Could you make an inquiry?---Yes.

13 I should say this. In relation to the material that we've been
14 given, this is the only type of map with this broad area
15 indicated in the material that we have been given,
16 suggesting that the only request for a linescan was made at
17 around 12.30 by anybody, whether it be CFA or DSE; are you
18 able to comment on that?---No, I'm not able to comment on
19 that.

20 Could I take you to the next map, which is WIT.004.002.0391. If
21 one looks at the bottom right, it seems to have been a map
22 generated by the CFA EIMS mapper; do you know what the CFA
23 EIMS mapper is?---I'm aware of it. I have never used it.

24 Making the assumption that these maps came out of the IECC that
25 afternoon, are you saying that within what was to be the
26 integrated emergency control centre, that the CFA was using
27 one mapping system that you didn't know anything about and
28 the DSE was using another mapping system?---I didn't work
29 in the mapping unit so I'm not aware of any other systems
30 that were used.

31 Has there been any discussion between the CFA and the DSE about

1 using a joint mapping system for appropriate
2 integration?---Yes; and as I indicated yesterday, there was
3 a meeting prior to the past fire season with individuals of
4 the CFA mapping group and the DSE coordinator and I've seen
5 minutes to the effect that the CFA agreed to use the
6 Firemap system that I manage during the forthcoming summer.
7 But as at 7 February the CFA were appearing, at least so far as
8 these maps would indicate, to be using its own mapping
9 system?---Again I am not aware of that, but from the detail
10 that is on that map it would appear so.

11 Well, do you know within the IECC at the time that you were
12 present of any discussion at any level between the DSE and
13 the CFA about exchanging information about what their
14 different mapping systems were showing for the position
15 and/or projection of the Kilmore East vicinity fire?---I
16 wasn't involved in any discussion, no.

17 Just dealing for a moment with around midday. I think you said
18 in answer to some questions from Mr Rush this morning that
19 the Terra satellite was predicted to have made a passover
20 of the area at 11.35 am; is that right?---Yes. I don't
21 have my note to refer to, but yes, it appears that is the
22 case.

23 CHAIRMAN: That is in the email. AEDST is 11.35?---Yes.

24 MR BEACH: Yes, I haven't got that, Mr Chairman.

25 And you will make an inquiry of that organisation to
26 see what maps or satellite imaging that they produced in
27 relation to that passover?---We can, yes.

28 When you say the area, in terms of the passover at 11.35 am I
29 take it that would include the Kilmore East
30 vicinity?---Yes, the image acquisition is the whole of
31 Australia in different scenes.

1 Can I ask you about another map, WIT.004.002.0396. It seems
2 from the bottom of the page to have been produced at
3 1.50 pm on the afternoon of 7 February. Do you know what
4 that red line indicates?---No, I don't.

5 Do you know who produced this map?---No.

6 Is it something in the ordinary course that you would expect
7 your mapping unit to produce if they were trying to predict
8 the paths of, say, the Kilmore East fire from a
9 linescan?---Yes. When you say your mapping unit, I don't
10 manage the mapping unit.

11 You seem to want to disassociate yourself from the mapping unit
12 or is that an unfair criticism?---No, not at all, but they
13 were not under my direction, that's all I will say. So I
14 don't know the answer to your question, to most of these
15 questions, because they were produced by another unit and I
16 was doing a completely different role.

17 If you would look at another map, WIT.004.002.0388. This is at
18 1.53. Have you seen that map before?---I have it in front
19 of me. No, I haven't seen that map.

20 Let me just ask you, then, a bit more generally about your fire
21 sketcher tool. I take it that is a tool that maps the
22 known or approximate area of a fire?---It's used, yes, to
23 depict the fire area as well as control lines, tactical
24 graphics such as sectors and divisions within the known
25 incidents.

26 Would it be a sketch for the actual or estimated area as
27 distinct from prediction, that is, where it might be in six
28 hours time?---That's right, the prediction is something
29 else.

30 Well, let's stick with just sketching for a moment. In terms of
31 the normal procedure within your mapping unit, DSE's

1 mapping unit, would you expect regular sketches to be
2 produced of a fire during, you know, the course of the
3 afternoon of 7 February?---You'd expect so. The main
4 purpose of mapping within an incident management team, for
5 example, is to produce maps for the incident action plan
6 which is created twice a day.

7 So if the Kilmore East fire was given priority in the early
8 afternoon of 7 February, would you expect your mapping unit
9 to be producing sketch maps, say, every half hour in terms
10 of the path of that fire?---It is dependent on the
11 information-gathering available.

12 If there are ready sources of information in terms of
13 observations of people at the scene or the emergency
14 services personnel at the scene, would you expect (I know
15 this is approximate) up-to-date sketches to be produced
16 every half an hour or an hour or every two hours; can you
17 give me some idea of the time?---No, I can't because it
18 does depend when the information comes in. For example, it
19 could be a verbal - verbally transmitted via the radio
20 network straight to an incident management team and the
21 operations personnel may use that information to update a
22 wall map, for example, and then get a mapping unit
23 personnel member to add that into Firemap for other users
24 to view.

25 But you are not seriously suggesting that there may have been no
26 sketch maps produced at regular intervals by the mapping
27 unit in relation to the paths of the Kilmore East fire
28 during the course of the afternoon of 7 February?---I don't
29 know that. I wasn't working in a mapping role.

30 You haven't seen any of those sketches?---No.

31 So you have made an inquiry about the linescans that have been

1 carried out, but have made no inquiry about the sketch maps
2 that would have been produced at regular intervals on the
3 afternoon of 7 February; is that right?---That's right.

4 And yet the linescan is only one input into these sketch
5 maps?---Yes.

6 So the primary document that you would be looking for would be
7 the sketch maps and their regularity, wouldn't it?---I
8 wasn't asked to provide that, so I haven't.

9 Who asked you to provide just the linescans and not look for
10 anything else?---Mr Rush, I believe.

11 Well, can I ask you to make inquiries about whether there are
12 any other sketch maps that were - - -

13 MR RUSH: We will be calling the mapping section of both DSE and
14 CFA and they will be producing all maps.

15 MR BEACH: Let me just move for a moment to the predictive tool.
16 Can you just explain for me what predictive tools are
17 available in the mapping unit to plot the predicted pathway
18 of the fire?---I didn't work in that area but from what I
19 understand, the prediction maps were being produced ... I
20 indicated yesterday that we don't capture the prediction
21 lines within Firemap and so we use a commercial GIS package
22 to produce those products and produce the maps that show
23 those lines of prediction.

24 Have you seen any maps produced by the mapping unit showing the
25 predictive pathway of the Kilmore East fire during the
26 course of the afternoon of 7 February?---No.

27 Thank you, Mr Chairman.

28 CHAIRMAN: Thank you, Mr Beach.

29 <CROSS-EXAMINED BY MS BUTTON:

30 Mr Griffiths, you have been asked quite a lot today about maps
31 and linescans and so on. It may be of assistance to place

1 what you have said in the context of what your job was on
2 7 February. Could you explain to the Commission what your
3 job was on that day?---Yes. I was fulfilling the role of
4 fire systems duty officer which is to make sure that the
5 three systems - FireWeb, IRIS and Firemap - are functional
6 and are able to be accessed by users, and also to be there
7 to support users, so users that call into our hotline or
8 to send feedback or assistance for request. I deal with
9 those requests and keep monitoring our systems to make sure
10 that they're working correctly.

11 That was a role you fulfilled on that day. What is your role
12 more broadly in the fire section of DSE?---Within land and
13 fire management division?

14 Yes?---Yes, I am acting manager for the Fire Information Systems
15 Group so we develop and maintain the applications I have
16 just mentioned.

17 Is it your role in either of those capacities to review sketch
18 maps or linescans produced by operational personnel or
19 produced at the request of them?---No, it's not.

20 You were asked yesterday some questions by Mr Rush regarding the
21 interaction and the exchange of information between the CFA
22 and the DSE . You were asked about whether a CFA
23 controlled fire would appear on the DSE system. Do you
24 recall being asked about those matters?---Yes, I can recall
25 that.

26 And do you recall that you brought up a list of CFA fires for
27 the viewing by the Commission?---Yes.

28 Can you tell the Commission what those CFA fires were and, in
29 particular, whether they involved DSE personnel?---The
30 arrangement that we have in place at the moment and that
31 exists is that every 15 minutes CFA will place a file of

1 their current incidents on our file transfer site and we do
2 the same, we put a list of our current incidents as a file
3 on our file transfer site and we display the CFA incidents
4 in our fire reporting section and I am assuming the CFA
5 display DSE incidents within the CFA systems.

6 When you refer to their incidents in connection with the CFA,
7 are you referring to incidents involving DSE personnel or
8 solely CFA personnel?---I can't make a ... I don't know
9 that. Generally if CFA are the control agency and they
10 request the assistance of DSE personnel, that fire will be
11 added into the DSE system.

12 How will it be added into the DSE system? What aspects of the
13 system that you showed the Commission yesterday would you
14 expect to find details of the fire involving DSE personnel,
15 although a CFA controlled fire?---In the fire reporting
16 section, and there is a field there to indicate who the
17 lead agency is.

18 So is it fair to say that it would be more than just a mere
19 summary list?---Yes.

20 I want to ask you some questions also about linescans. You
21 referred to the time of 12.33 as the time in connection
22 with a mission. Can you explain to the Commission what the
23 times that they will be hearing about in connection with
24 linescans mean; what do those times signify?---That 12.33
25 does, as I understand it, indicate the time that the
26 operator, as they are approaching the commencement of a
27 mission, has created a mission. That will display the
28 exact time that that was done, which is the 12.33; then as
29 the mission progresses and acquisition commences, every
30 run, which is stored as a separate image, is associated
31 with that mission name.

1 Can I just take you a bit further through the process of these
2 linescans. What altitude does an aeroplane fly to take a
3 linescan?---This year the aircraft is a King Air. It is
4 not unusual for it to fly above 20,000 feet. The area on
5 the ground that the sensor can see is dependent on the
6 altitude of the aircraft. You will see a greater field of
7 view as you gain altitude.

8 So how wide a band, if I can put it in those terms, can an
9 aircraft see on one linescan run?---It is dependent on its
10 flight and the height of the aircraft. I believe if it is
11 a small fire there is no need to get up so high; if it is a
12 large fire and you want to increase your field of view of
13 the ground, you can gain altitude before you start
14 scanning.

15 You refer in para.36 of your statement to each run of the
16 aircraft being printed as a set of A4 pages. How many runs
17 would it take to cover a fire? If you think also back to
18 one of the images you brought up this morning which was of
19 run 7 of the Kilmore fire at the 2145 series. Are you able
20 to explain to the Commission how many runs you would need
21 to take to cover a fire?---Yes, the number of runs is
22 dependent on the size of the incident that you are trying
23 to scan; so as a fire progresses in size, in area, the more
24 runs you are going to have to perform to get the whole
25 incident in.

26 Where there are multiple runs, can any one QuickPrint or
27 geo-corrected image be used to create a map? When can the
28 mapping process start when there are multiple runs?---Each
29 run will be a separate geo-corrected image and once it has
30 been processed (they will be processed one at a time), it
31 will be transmitted into our network and be made available

1 to be utilised.

2 Mr Rush asked you some questions yesterday regarding how long it
3 takes for linescan images really to find their way onto the
4 FireWeb server. Can you explain a bit more about how long
5 that will all take where there might be multiple
6 runs?---Sure; and it is dependent on where in the state the
7 incident is located. I did indicate yesterday that we have
8 ten downlink stations located throughout Victoria to
9 provide coverage for most of the state. If it is a part of
10 the state that does not have direct coverage, you will have
11 to fly to the coverage area before you are able or the
12 transmission into our network is able to commence.

13 Perhaps you can explain a bit more what is a downlink site?---It
14 is like I'm doing here, connecting to our network
15 wirelessly. It is a similar process where I'm inside the
16 range area of the network at the moment. Our ten sites
17 have a theoretical range of 100 km each. A lot of them
18 overlap, but for some areas I believe there is no coverage
19 and so there may be one or two minutes' flying time to fly
20 towards a coverage area and for the download to take place.
21 So there may be a further interval to get into an area. What is
22 the process once you have multiple runs to get that into a
23 useable map form? You have talked about, I think in answer
24 to some questions from Mr Beach, the interpretation and the
25 sketcher tool?---Yes, as each individual run becomes
26 available, I would assume the mapping unit would utilise
27 the first run to start its interpretation and as more
28 incident data becomes available, they will start to utilise
29 that.

30 You were asked also by Mr Beach about a map at WIT.004.002.0393.

31 You may recall that was the map that had a red circle on it

1 {map put on screen}. Are you able to say, from looking at
2 this map, whether it is a request for a linescan?---No, I'm
3 not able to tell that.

4 Are you able to tell the Commission whether such a map would
5 always be created in connection with a request for a
6 linescan?---No.

7 You are not able to tell them or no, it would not?---The request
8 for a linescan can be done in a number of ways: you can
9 define an area on a map; you can provide a single
10 coordinate to indicate that is where you would like the
11 scan to take place from. So the actual location of a
12 request for a scan can be done in a number of different
13 ways.

14 And a request may not be reflected in an image such as
15 this?---That's correct.

16 You were also asked some questions by Mr Beach about sources of
17 information by which mapping can take place. You were
18 taken to linescans and ground observations, if I recall
19 correctly, from two sources, one being it could be anybody,
20 the second being from emergency services personnel. Can
21 you explain to the Commission how any one piece of
22 information may find its way from being reported onto a map
23 and what stages it must go through and how long that
24 process might take?---Sure. It would be typical that that
25 type of information would be reported to the operations
26 section within an incident management team and if a map was
27 required, the request would go to the planning officer to
28 use that incident intelligence to be depicted on the map.
29 The planning officer, if there was a mapping unit
30 functioning, would put that request to them.

31 Can you give any indication how long that process might

1 take?---It's all dependent on how complex the incident
2 intelligence is and how much of it there is.

3 You also referred to wall maps. Can you explain to the
4 Commission what they are and how they are used?---Yes. I
5 showed yesterday that one of the standard products that
6 comes out that is able to be produced from Firemap is the
7 operational map, I think it is called, and it's a map that
8 is produced at very large paper size, such as A1 or larger,
9 and can end up within an incident management team for the
10 team to keep referring to and it is also used in briefing
11 incoming crews and can be used at community meetings.

12 Are you aware whether information on such a wall map is placed
13 onto FireWeb?---I have seen that incidence I have been to
14 in the past where, as information is coming into the
15 incident management team by radio, the wall map is updated
16 manually and then once the people collecting that incident
17 intelligence want it transferred onto a map for
18 distribution to other team members, then it is given to the
19 planning officer and to the mapping unit to create those
20 maps or map.

21 You were also asked by Mr Beach about the gap between the 12.33
22 Kilmore East linescan and the 2145. Are you able to tell
23 the Commission anything about whether - from your
24 experience with these systems or from being involved in
25 aircraft operations yourself - whether the scanned aircraft
26 can fly in all conditions?

27 MR RUSH: I think there is evidence before the Royal Commission
28 from Mr Rees that the aircraft could not fly.

29 MS BUTTON: I will take the Commission to that. It is
30 WIT.004.002.0004. At para.6(d) Mr Rees Says, "Despite fire
31 behaviour, aircraft deployments were ineffective in

1 controlling the fire and only useful in asset protection
2 around houses and buildings. An aerial linescan was
3 conducted on this fire [and he was referring there to
4 Kilmore East] at 1233 hours. Further linescans were not
5 able to be completed due to weather conditions until 2145
6 hours that evening".

7 CHAIRMAN: Yes, thank you.

8 MS BUTTON: It is not the complete paragraph.

9 If I could just move on to some of the automated
10 FireWatch systems that you were asked about yesterday. You
11 were asked about this EyeFi SPARC technology. Can you tell
12 the Commission about how that SPARC system works perhaps in
13 comparison to the FireWatch system that you were also taken
14 to?---Yes.

15 MR RUSH: Again, Mr Langdon will be called hopefully this
16 afternoon, time permitting, and we will be calling tower
17 operators to explain the way in which they work. I think
18 it might be better from them rather than from someone who
19 doesn't have that expertise.

20 CHAIRMAN: Is there anything that we are likely to get that is
21 extra because we have already had a statement from
22 Mr Langdon and we are going to get into detail? Are there
23 particular aspects?

24 MS BUTTON: There is one particular aspect that I will move to.
25 As of 7 February what was your understanding about the
26 status of the trial and the calibration of the SPARC
27 equipment?---I had received an email on 5 February from
28 Mr Langdon that was saying that calibration was nearly
29 complete.

30 What did you understand by that?---That calibration was still
31 being undertaken of the cameras.

1 What does calibration mean in this context?---As I explained
2 yesterday, I play a very minor role in this research and
3 development project. I think I would rather let Simon
4 answer that question.

5 Okay. We'll take it up with Mr Langdon. I have no further
6 questions of Mr Griffiths.

7 CHAIRMAN: Thank you.

8 MR RUSH: Just a couple of matters.

9 CHAIRMAN: Yes, thank you, Mr Rush.

10 <RE-EXAMINED BY MR RUSH>

11 Mr Griffiths, you were asked about the linescan at 12.33. At
12 that stage the Kilmore East fire was probably a couple of
13 kilometres long and maybe the same in width, something of
14 that area. In those circumstances, having regard to your
15 qualification as a linescanner, you could expect that that
16 linescan could be completed with one run?---Can I say that
17 I'm not a linescan operator, I am a forward-looking
18 infrared operator, which is a different piece of equipment,
19 but from what we saw yesterday I was displaying one run and
20 it looked to me as though the complete incident was
21 included within that one run.

22 Did you attend the morning briefing at the IECC on
23 7 February?---I think I did. I can't recall at the moment,
24 but it would be common to attend the briefing.

25 There was one matter I wanted to ask you about and it was
26 something that Mr Beach raised with you in relation to
27 predictive maps. You indicated that there was some form of
28 commercial package in relation to predictive maps. What is
29 the predictive map and what is the package that you start
30 with as opposed to what may be fed in on the day?---The
31 predictions are made by wildfire behaviour analysts. The

1 package I was referring to is just what is used in the
2 creation of the map and the system we use is the ESRI
3 ArcInfo or ArcGIS tool, which is a standard commercial GIS
4 package, and we use that as we do in normal day-to-day
5 business to create a map.

6 So, for example, Dr Tolhurst, who will give evidence tomorrow in
7 relation to his involvement as a fire behaviour analyst and
8 in prediction of fires at DSE, would use that standard
9 package for the work that he does once he is putting the
10 information about fire into the package to form the
11 prediction?---He may have done that or he may have had
12 someone working with him to assist him in creating those
13 maps.

14 I have no further matters.

15 CHAIRMAN: Yes, thank you. Thank you, Mr Griffiths, you can
16 unplug?---Thank you.

17 <(THE WITNESS WITHDREW)

18 MR RUSH: Sir, I am hoping to call Mr Hendrie now. We are
19 making an inquiry as to - - -

20 CHAIRMAN: Do you want us to take a break now so that you can
21 clarify the position?

22 MR RUSH: Sir, I would prefer if we can clarify it without
23 taking a break because I suspect we are going to have time
24 troubles today if we take the break.

25 CHAIRMAN: Very well.

26 MR RUSH: Sorry, sir, I understand it would be convenient to
27 take a break now and I understand Mr Hendrie will then be
28 ready.

29 (Short adjournment)

30 MR CLELLAND: Thank you, Mr Chairman, for the time.

31 MR RUSH: Call Mr Paul Hendrie.

1 <PAUL HENDRIE, affirmed and examined:

2 MR RUSH: Mr Hendrie, is your full name Paul Hendrie and do you
3 reside in Kinglake and are you captain of the Kinglake
4 Country Fire Authority Brigade?---That's correct, except I
5 currently reside in Flowerdale at the moment.

6 Mr Hendrie, for how long have you been a volunteer
7 firefighter?---Approximately 34, 35 years.

8 Over that period of time you have conducted a number of courses
9 and refresher courses to meet the operational standards
10 required of a captain in the CFA?---Correct.

11 And you have held the position of captain of the CFA at Kinglake
12 between 1998 and 2004?---Correct.

13 And then came back to it last year?---2007 to 2009.

14 2007 to 2009. Is it a two-year appointment?---A two-year stint.

15 Are you elected to that position?---Yes, I am.

16 Who elects the captain of the brigade?---The brigade members.
17 CFA members vote to elect a captain.

18 And are the volunteer members of the brigade selecting their
19 captain who is also a volunteer?---Correct.

20 Mr Hendrie, was your last position contested?---Just the
21 elections on Sunday, I declined to stand. Everyone knew
22 that anyway. I wasn't standing anyway. It has got nothing
23 to do with what has happened.

24 I'm sorry, I meant when you were elected for your two-year
25 stint?---Oh, previous, sorry. I was opposed by one person,
26 yes.

27 That happens from time to time?---It does. It makes for a very
28 robust election and you get the person you want.

29 You have prepared a statement for the purposes of the Royal
30 Commission which had amendments made to it last night and
31 at the moment, Commissioners, I do not have a number that I

1 can give the statement but I do have a police statement
2 which has been summonsed and that number is
3 SUMM.044.002.4354. I'd ask that that statement and the
4 statement of Mr Hendrie, which you confirmed as of today as
5 being true and correct, that they be marked as the one
6 exhibit, sir.

7 #EXHIBIT 25 - Two statements of Mr P. Hendrie.

8 They are correct?---They are correct, yes.

9 You refer in para.2 of your statement to you having had
10 community fireguard responsibility I think since about
11 1996?---I believe the 96 is not correct. It is 98, sorry.
12 1998?---Yeah.

13 And that was the establishment of fireguard groups in the
14 Kinglake area?---The start of establishment of groups.

15 Has that been a constant role for you or one that has
16 got - - - ?---It was not a role for me. It was something
17 we decided the community needed for its safety, ongoing
18 safety.

19 In general terms, Mr Hendrie, how has that activity been taken
20 up in the Kinglake area?---In the early stages, very badly.
21 We had numerous meetings where no one came.

22 And what about latterly?---Later a lot of people came.

23 When you say later a lot of people came, did that have anything
24 to do with the incidents of fire in and around
25 Kinglake?---It usually does, it follows that.

26 So there were fires that threatened Kinglake in 2006. Are you
27 able to tell the Commissioners what impact that had in
28 relation to community fireguard activity?---Well, basically
29 the town meetings were a lot more patronised because of the
30 fires of 2006. Community fireguards are usually formed
31 from initial meetings with the public and people who are in

1 particular streets decide they want to form a group so you
2 get contacts from those initial meetings, public meetings,
3 so there was further interest. There was a number of
4 community fireguards already formed previous to 2006
5 anyway.

6 CHAIRMAN: Can I just interrupt to inquire the approximate
7 location and approximate area of that 2006 fire?---To
8 Exton Road, to the north of (without looking at a map)
9 North Kinglake.

10 Exton, EXTON?---Yes.

11 So it was into the national park?---It was in the national park.

12 It started from lightning strikes. And we had numerous
13 north to north-westerly winds blowing towards Kinglake
14 township.

15 Any structures?---I believe no structures. It was mostly all
16 bush.

17 Roughly, the number of hectares?---No, I couldn't tell you.

18 COMMISSIONER MCLEOD: How quickly before it was contained?---I
19 think that lasted a number of weeks. I wasn't captain at
20 the time, but, yeah, over a reasonably long period.

21 MR RUSH: Mr Hendrie, in your statement you refer to Kinglake
22 being a small community where people tend to know one
23 another; is that fair?---A good amount of people.

24 In relation to the message that CFA try to get out into that
25 community, overall, having regard to the size and the
26 nature of the community, is it a message that you think is
27 got out sufficiently?---I believe we have got the message
28 out reasonably well through a number of different mediums.
29 Our local Mountain Monthly magazine, community meetings
30 during summer, and the advent of community fireguard groups
31 in different areas.

1 I will come, perhaps, back to the fireguard groups but I want to
2 ask you a question - - - ?---Can I get a glass of water?
3 Yes?---That's better.

4 I want to ask you some questions about 7 February. Do you
5 recall what time you went on duty on 7 February?---It's all
6 an approximation, but roughly about 8.30, nine o'clock I
7 probably got to the fire station.

8 And in the lead-up to 7 February, had you had information as the
9 captain of the brigade that it was a day that was to be
10 reckoned with as far as firefighters were
11 concerned?---Well, in the week previous we had a week - a
12 couple of weeks previous - we had some 42 degree days so
13 our summer had definitely started. On just prior to the
14 day we got a memo from the CFA operations manager saying
15 that this particular day would have certain conditions. It
16 was a safety message to firefighters about initial tactics
17 and then - - -

18 I think you brought that along today and we have got some copies
19 for the Commissioners.

20 MR CLELLAND: We have three copies for the Commission,
21 Mr Chairman, and some for other representative parties.
22 Counsel assisting has a copy.

23 MR RUSH: If I can just ask - the date that is on mine is 19 May
24 2009?---Sorry, I printed that out on my computer and I
25 believe that date is one that is embedded in there that
26 changes every time you print it.

27 To the best of your recollection, did this arrive on the Friday
28 or the Thursday?---I believe I got it in an email, yes, on
29 Friday, yes.

30 On Friday 6 February?---Yes.

31 So the operations manager of the Yarra area is Graham

1 Armstrong?---Correct.

2 And this was information given to you as the captain?---That
3 wasn't specifically for me. That was probably emailed out
4 to all brigade captains.

5 All brigade captains?---I presume so.

6 In the Yarra area?---Yes, correct.

7 Perhaps just having a quick look at a couple of matters that are
8 raised there, it says in the first paragraph (I don't think
9 we can bring it up): "On 7 February fire danger indices
10 are expected to reach the upper end and even go beyond
11 extreme range. By coupling the extremely dry fuel
12 conditions, forecast weather for the central, the forest
13 fire danger meter predictions show the potential of forest
14 fire behaviour on level ground in long, unburned forest".

15 Then it gave the head fire rate of spread at 2.5
16 km/h, flame heights of 35 metres, spotting 8 km, and
17 grassfire rate of spread at 14 km, and said this: "Fire
18 behaviour during strong wind gusts and/or on slopes will
19 correspondingly result in much greater values than those
20 indicated above. This is important, very important
21 implications for our firefighting tactics and for
22 firefighter safety tactics".

23 The first tactic mentioned is "crews should expect
24 first attack to be ineffective unless the fire is small".

25 Putting that together, and I particularly want to ask
26 you about flame heights of 35 metres and the tactics that
27 the first attack would be ineffective, what did that mean
28 for you as a brigade captain?---Well, exactly what it says,
29 that if you go into a particular area of bush that is on
30 fire and these are some of the things that you might
31 experience, the chances are, if the fire is a small one,

1 you might be able to get it out reasonably quickly if you
2 can get there quick enough and apply enough water or
3 whatever medium you want to use on to it, you will be okay,
4 but if there is a delay getting there, the fire is
5 spreading quicker, you will experience some of those and
6 the possibility is that the first attack won't hurt.

7 As far as flame height of 35 metres is concerned, is that in
8 your experience something that could be considered to be
9 right at the upper extremity?---That would be reasonably
10 high, in the upper extremity, yeah.

11 What does that mean in relation to firefighting effort and the
12 fire itself?---Well, we definitely wouldn't be going around
13 to the head of the fire so it would be like it says in
14 there, that you would be fighting from the point of origin
15 up the flanks of a particular fire.

16 And you couldn't attack the head of the fire as such?

17 ---Definitely not.

18 So when you, with this background, arrived at the Kinglake
19 station, what happens on the day, what do you do?---Well,
20 we started off pretty - usually by a cup of coffee sitting
21 around the table, a bit of a briefing, looking at this
22 document, checking trucks and then just starting to monitor
23 what was going on.

24 What are the facilities at Kinglake as far as trucks and
25 vehicles?---Two tankers, one a 3,750 litre tanker with crew
26 protection; one a 2,000 litre tanker with twin cab, both
27 twin cab vehicles, a brigade car.

28 And were crews there to operate both tankers?---We paged out the
29 night before to make sure we had crews available for the
30 day.

31 You mentioned in your statement, Mr Hendrie, that you were

1 monitoring the CFA scanner?---Scanners, radios.

2 What information does the CFA scanner provide to you?---It would

3 provide radio traffic from elsewhere, different areas.

4 And so in that sense the information provided to you is

5 what?---Mere intelligence of what is actually going on.

6 And you mentioned in your statement that you monitored Channel

7 61, which is the channel for your region, as I understand

8 it?---Channel 61 is region 14's channel. At some stage

9 previous when I wasn't captain, the three years when I

10 wasn't captain, there was a decision made to change to

11 Channel 61 because of the radio coverage problems in our

12 area and St Andrews and Kinglake West.

13 And so a lack of coverage in relation to particular

14 channels?---Well, our group and our region's channel is

15 Channel 54 so there were problems. The captains at the

16 time believed that there was a sufficient problem with the

17 radio coverage and changed to another channel.

18 And so did that have particular brigades within your region

19 using Channel 61 as opposed to the channel that was used by

20 the rest of the region?---Sorry, can you ... ?

21 Yes, did that have particular brigades in your immediate region

22 using Channel 61 but region 14 using another channel?---No,

23 you have got it the other way around. The brigades in our

24 group, the Lower Yarra group were all on channel 54;

25 because we were on 61 and a region 14 channel there would

26 be a need for our brigade going down to St Andrews to

27 change to a channel 54 or the other brigades coming up to

28 change to channel 61. The one thing good about the channel

29 was we could hear what was going on over the Whittlesea and

30 Wallan way.

31 I'm just referring to your police statement and a paragraph in

1 that at p.13. I will read it to you if you don't have
2 it?---I've got it.

3 Whatever is convenient. Commissioners, it is at

4 SUMM.044.002.4366 at p.13. It is the paragraph in the
5 middle of the page where you say: "Our radio channels
6 [this is in the police statement] were a concern. We
7 currently operate on channel 61 along with Kinglake West
8 and St Andrews. We used to operate on 54 as most of the
9 stations around us operate on this channel. A decision was
10 made three or four years ago we would switch to 61 due to
11 poor reception on 54. That became an issue because I found
12 out later that a Warrandyte crew (the one from the truck
13 I'd located on Reserve Road) had made a mayday call in our
14 area but on channel 54 so I didn't even know they were
15 there let alone in trouble"?---Correct.

16 So because of the change in channels and the lack of - based
17 back to a lack of radio coverage, that could have
18 potentially led to a catastrophe?---It could have, yes.

19 But as it turns out, just looking at your paragraph, the
20 St Andrews - I'm sorry, the truck from Warrandyte actually
21 ended up in Kinglake?---It did. I believe they didn't know
22 actually where they were.

23 Do you recall - I know we have jumped out of sequence - but do
24 you recall at what stage that truck came into Kinglake in
25 approximate terms?---No, I wouldn't know.

26 I was asking you about the activities of the morning of
27 7 February and you indicated you were monitoring the
28 scanner and in preparation. During the course of the
29 morning did you get a call to attend a fire in St
30 Andrews?---Initially we got a call on the St Andrews Road,
31 so to be specific, the Heidelberg-Kinglake Road which

1 sometimes can be called the St Andrews Road.

2 And what was your response to that?---Two tankers and a brigade
3 car. I believe possibly even St Andrews may have
4 responded.

5 Was it a false alarm?---It was a false alarm.

6 Do you recall, and I ask you this generally over 7 February, in
7 relation to times?---The time line, yes. Look, I can't
8 recall but I did at some stage say in one of either your
9 statement, the statement I gave to you or the police
10 statement, that there was a sense of urgency when we were
11 turning out to that fire. So it is quite possible that the
12 Kilmore East fires, you know, were happening. So looking
13 at that spotting distance thing, it runs through your mind
14 the possibility of a spotting, who knows. But I'm not sure
15 of the time line, I'm only speculating.

16 At any event, you attended there, it was a false alarm and you
17 returned to Kinglake?---Correct.

18 You mention at para.7, I think, of your statement that when you
19 got back to Kinglake you commenced to monitor the CFA
20 website?---Correct.

21 You refer to the website from your perspective, I think you say
22 it seemed to have gone to pieces?---Basically I think I had
23 based that comment on the fact that brigades had already
24 turned out and turned out to a particular call and then
25 rushed and then the thing popped up, the job popped up on
26 the internet, onto the website.

27 From that are you saying it was running behind the
28 event?---Slightly behind in some respects, yes.

29 And Mr Hendrie, just so we understand it, as a CFA member, you
30 are able to log into a section, if you like, of the website
31 that is not available to the general public?---Correct.

1 So that you can monitor in a much closer way what is going on
2 and where various trucks are being sent and the like?---It
3 is called "Brigades on Line" and it is not an operational
4 thing that we do normally. It has this logging of calls
5 and it also has an extra thing that we can see how many
6 trucks are turning out to a particular fire.

7 You indicate that at some stage you became aware of what you
8 describe as a fire at Wallan and from there you say that
9 you started to consider the wind?---Correct.

10 You did that and considered the wind for what
11 reason?---Considered the wind in relation to where Kinglake
12 is located.

13 At that stage - - - ?---At that stage I got an indication that
14 the wind was blowing - would - could blow a fire below
15 Kinglake, so towards Arthurs Creek, Strathewen.

16 When you say you got an indication that it could blow a fire to
17 Arthurs Creek, Strathewen area, was that an indication that
18 was given to you or was it your prediction of what might
19 happen?---Just a rough idea of where it is. Look,
20 basically, looking at the map, a dot where the fire was, we
21 heard - we saw on the internet a particular street, we used
22 another piece of software on the internet called Google
23 Map, plotted that particular street, opened the map up
24 slightly, looked in a north-westerly direction - pretty
25 simple stuff.

26 And so you performed that analysis, simple as you say it might
27 be, but you performed that analysis when you understood the
28 fire was in the area of Wallan?---Yes, so looking at a
29 potential.

30 I think you mention that at that stage you, yourself, didn't
31 factor in a north-westerly change, it was more just looking

1 at the way - - - ?---A south-westerly change.
2 Sorry, a south-westerly change?---No.
3 You refer at para.9 to the fire hitting Whittlesea and advancing
4 quickly. I want to ask you how were you being provided
5 with information as to the advancement of the
6 fire?---Basically from radio traffic.
7 When you say the radio traffic, that's the traffic - - - ?---So
8 listening in to the radio traffic that was going on at the
9 time. I mean there was a particular mayday call on that
10 Whittlesea Road.
11 So that was the information coming out from the scanner?---I
12 think that statement that I made at no.9 was that the fire
13 was advancing quickly along that road because at one stage
14 there we heard that - there was a number of, I think, false
15 alarms in Whittlesea and then all of a sudden there was
16 this fire on the Whittlesea Hill, as I call it, and then
17 there was a mayday call so things were advancing reasonably
18 quickly.
19 Did you get a call out to attend a fire down the St Andrews
20 Road?---We did.
21 At that stage did you have concerns about sending your trucks
22 and yourself down that road?---In relation to that fire I
23 think one of my brigade members, Paul Lowe, got into the
24 brigade car, drove to the top of the hill, to a lookout
25 there, looked over and when he came back said there was
26 quite a column of smoke over towards that Whittlesea way.
27 We got a call to Mittons Bridge Road - sorry, firstly
28 Eagles Nest Road and there was a concern about advancing
29 any tankers down that road anyway because of the direction
30 of the fire. But I mean it was a fair way off at that
31 stage.

1 Who did the call come from, do you recall?---It would have come
2 from Vic Fire, dispatching.
3 Dispatching?---Yes.
4 What happened when you went down the road?---I didn't go down
5 there. Sorry - yes, for the turnout?
6 Yes?---I didn't go down there. Tanker 1 turned out down that
7 road. I went down later.
8 From what you observed and the reports coming back from tanker
9 1, what was the situation?---I can't speak for the tankers
10 because we didn't get any call from them of what it was
11 like down that road, but it was my observation driving down
12 that road, and I went down there for a particular reason,
13 it was my observation going down that road there was no
14 activity in that area at the time I went down there and it
15 wasn't until I got down to Olivers Lane that there was some
16 fire in the nearby hills to the north-west of the location
17 that I was at and fire had cut the road at Olivers Lane.
18 With that fire and your observations of it, what did you do?---I
19 had more of a concern of the people who were actually
20 travelling down that road and being stopped at the bottom.
21 I had to figure out what I could do with them and the only
22 thing I did was to turn them around and head them back into
23 Kinglake.
24 When you say people travelling down that road and being
25 stopped?---People were trying to get off the mountain at
26 that particular time.
27 So you turned them around to head them back to Kinglake because
28 of the fire?---Correct.
29 When you say people, I know this is difficult, but in numbers
30 and cars what are we talking about?---Ten, fifteen, twenty
31 cars maybe.

1 So you directed them back to Kinglake and followed
2 yourself?---Followed behind. And at some stage got in
3 front of them. On the way up there was a couple of spot
4 fires on the side of the road where there wasn't when I
5 came down and that was - on that particular day, the person
6 that was with me was Di Macleod, our secretary, and I said
7 to her on the way down, "If there's any spot fires on the
8 sides of the roads on the way down we are turning around
9 straightaway and heading back up" but as it turned out
10 there wasn't and it wasn't until we started heading back up
11 that spot fires were occurring.

12 When you got back to Kinglake what was the scene you were
13 presented with?---Many people in the street, driving
14 through the town. We'd blocked the road at the roundabout
15 and we stayed there with the brigade car and the lights on.
16 We had numerous people coming up to us saying, "Where
17 should we go, what should we do?"

18 Did you determine a course of action in relation to those
19 requests?---I did.

20 And what was that?---My advice to them was that they couldn't
21 traverse particular roads - Whittlesea, definitely the St
22 Andrews Road that I had just come up. I wasn't sure what
23 the road to Yarra Glen was like. I knew the column of
24 smoke behind me was blowing in that direction. And I had
25 also heard previously that there was a fire at the
26 Murrindindi Mill or Murrindindi, sorry, the Murrindindi
27 area. So I wasn't too sure what the road was like to Yea.
28 So in a position like that I couldn't give advice, firm
29 advice. The best advice I could give was to stay in the
30 main centre of town.

31 Did you refer to, I think, as hundreds of people being in the

1 main street of the town?---The number goes up each time a
2 person asks me - or down. Approximately two, three hundred
3 people in cars.

4 At that stage, if I ask you to put a time on it, are you able
5 to?---Well, it was definitely after three o'clock.

6 At that stage what communications had you had - I know you had
7 been despatched to a fire but as the Kinglake captain what
8 communication had you had, for instance, with the incident
9 control centre as to the nature of the progress of the fire
10 and the like?---Well, there's two things that I can recall.
11 One, I definitely called to police for a roadblock and the
12 second, I made a phone call but I don't recall what I said.
13 And I don't recall. I know I spoke to - I'm sure I spoke
14 to Peter Cumming at Kangaroo Ground which - he is a deputy
15 group officer but as far as the content I can't remember.

16 Was it your understanding that Kangaroo Ground was the incident
17 control centre for this fire or another control
18 centre?---My understanding is that it was the ICC, yes.

19 Your understanding is it was Kangaroo Ground ?---Correct.

20 You have spoken about phone calls going out, you requesting
21 police and you speaking but not recalling what was
22 said?---Yes.

23 Was there anything the other way, any flow of information to
24 you?---No. There might have been calls to the fire station
25 but I wasn't at the fire station so no.

26 There was a duty officer at the fire station?---No.

27 Just going back to what was facing you in the main street at
28 that stage. Did you direct any action from the brigades
29 that were under your control?---I don't understand that.

30 What did you do?---There was no brigades under my control at
31 that particular time.

1 When you got back to the main street?---Yes.

2 With those people in the main street, did you set out to attempt
3 to take precautionary - - - ?---I did, I did later on over
4 at the station. We got a couple of pumps out and connected
5 them to tanks and run some hoses. We did the same behind
6 the hotel. That's the extent of what we did.

7 You mention in your statement that there had been two fire
8 refuges in Kinglake but both had been
9 decommissioned?---Correct.

10 Were people gathering in either one of those fire
11 refuges?---There were a number of people gathered at the
12 Kinglake East primary school.

13 The Kinglake East primary school you refer to in your statement
14 as having water tanks and a hydrant. Were they capable of
15 being put into operation?---They would have if there had
16 have been someone who knew how to operate them. The school
17 was - I believe people got to the school and broke in to
18 the multi purpose room and stayed there. I think someone
19 knew roughly how to operate the pump.

20 The other refuge that had been decommissioned was the Kinglake
21 Community Centre?---And I don't know anything about whether
22 anyone went there.

23 Do you know when they were decommissioned?---At the end of my
24 captaincy in the year 2006, I think. 2004, sorry.

25 Is that CFA or municipality?---I believe the CFA withdrew its
26 support of refuges and the council followed. I think the
27 council did a risk analysis of the property and a number of
28 properties around the shire.

29 As far as those two decommissioned refuges were concerned, did
30 they survive the fires?---Both survived the fires. The
31 community centre, the office and senior cit's room were

1 destroyed. I think the hall and the stadium had smoke
2 damage.

3 Did you anticipate or were you able to anticipate the way in
4 which the fire would approach Kinglake when you were taking
5 the steps that you have just outlined previously?---Well,
6 once - those steps were taken after I heard a call from
7 Kangaroo Ground tower that the predicted wind change had
8 occurred.

9 You say you heard that call from the Kangaroo Ground tower?---I
10 believe so.

11 Are you able to remember how that information or how that call
12 was relayed to you?---No, I don't. I presume over the
13 radio but no, I'm not 100 per cent on that. I could have
14 received it from the station. There were brigade members
15 in the station doing things there.

16 What did the information about that wind change mean for
17 you?---Well, it meant that the flank, the eastern flank of
18 that fire that was heading along the bottom of the mountain
19 was now going to be the head of the fire.

20 And from Kinglake's perspective what did that mean?---We were
21 right in the way of that fire.

22 Did the fire approach in the way in which you
23 anticipated?---Roughly, yes.

24 From the precautions that you have outlined - well, firstly I
25 should ask you did you have a concern that the brigade
26 itself, the Kinglake fire station and the pub - - - ?---I
27 did. I did, yes. That was the reason why we deployed the
28 number of pumps and got some volunteers out of the station
29 to help drag stuff around and drag hoses.

30 The best you could using the hoses and pumps and the like to
31 protect the town?---The part where a number of people were

1 we had a street full of cars and people in the cars,
2 refuging in the cars, a number of people refuging in the
3 station. There were a number of people in the hotel that I
4 got out.

5 And the fire impacted on Kinglake but you were able to reserve
6 and look after what you had defined as that area?---The
7 fire did impact in a number of different ways in different
8 areas: ember attack and smoke, and in some particular
9 areas flame.

10 Could you give us a bit of a description of the nature of the
11 ember attack?---This is another area where my mind has lost
12 a lot of information. There was smoke, I do remember that.
13 I remember the station doors were open and it filled up
14 with smoke and we closed that and the smoke stayed there
15 for quite a while. I do remember getting me eyes syringed
16 with some solution with a whole heap of ash in it and other
17 accounts, people with other accounts say of ember but for
18 some reason it is just not in my mind.

19 The fire passed and it just generally - - - ?---We had a
20 spotting behind the fire station and the hotel in the
21 paddocks but with the wind that was blowing, it was
22 virtually blowing it away from us anyway, or slightly
23 burning back into the wind slow enough not to cause any
24 problems. I know Di Macleod was on one of the hoses around
25 the fire station. The station got wet down and those
26 flames got extinguished. There was a 30,000 litre water
27 tank in the back of the hotel and they were pumping from
28 that to fight the flames until I changed a bit of direction
29 and asked for the pump to be connected up to the tank and
30 some hoses run around the hotel. The main concern was the
31 hotel.

1 How close did it come?---As in flame?

2 Yes?---It probably was over the other side of the service
3 station in the bush over to the south. There was no direct
4 flame attack around that township area - unless a spot fire
5 had come over and started another fire, but not the actual
6 main front from the south.

7 You were equipped with a pager on the day?---Yes.

8 Were you able to utilise or use that?---No, it just kept going
9 off all the time. Just to have enough time - plus my
10 eyesight is failing; it is very hard to read some of the
11 letters. It was just constantly going off. As soon as you
12 turned one message off, another message would be beeping
13 through; you would turn it off and then another one and
14 another one, so they were just files and the page just kept
15 going down.

16 If you were to conduct your activities and responsibilities as
17 you did, was it possible also to use the pager?---In what
18 way?

19 In doing what you did on the day as you have described, was it
20 possible for you to utilise or use the pager as well?---Use
21 the pager to respond to anything?

22 Yes?---No. And some of the messages were even late as well.

23 You mention that the mobile phones went dead at Kinglake at some
24 stage later in the afternoon?---Yes.

25 Was there, apart from radio, any other communication?---There
26 probably was. I certainly got a number of SMS messages
27 from friends and people. There would have been mobile
28 phone calls. I was on Optus at the time so it wasn't an
29 overly great reception for Optus in and around the fire
30 station.

31 What is the position in relation to mobile phones in the

1 Kinglake area; are there black spots?---There are black
2 spots. I think Telstra has got a better coverage around
3 the area. Optus - I had been on Optus - it does work in
4 certain areas, not in others. They are the only two I can
5 speak about.

6 You have I think mentioned this morning that as part of the
7 community fireguard activity you were at Bald Spur Road
8 late in 2008?---Correct.

9 Do you recall the nature of that meeting or what was said at
10 that meeting?---Simply I was invited to come along to a
11 get-together, a barbecue, a couple of drinks and I felt I
12 should at least talk to them about the coming season, what
13 it was going to be - what it could be like. Nothing - - -

14 And that was held at the convener of the fireguard group's
15 home?---The leader of the group, yes.

16 You mention in your statement or the thrust of what you say
17 seems to be that where you have got a fire coming over a
18 couple of days, that things run pretty smoothly but it took
19 some time to get things going over a single day?---A fire
20 of this intensity and this speed, for sure.

21 You also made comment at para.16 and if I can just take you to
22 it: "In a normal situation in a strike team I would have
23 had a penciller take down messages but we couldn't do this
24 on the day." What does that involve?---I think I was just
25 giving an example there of a properly formed strike team of
26 one - a vehicle, a car, four-wheel drive car, fire tankers
27 and each tanker having a crew of five.

28 You go on to say: "On this day we had verbal communications but
29 we were on our own chasing up every call for help that we
30 could. I was not keeping a tab on the radio as I was not
31 in the station. The IECC had tried to contact me. People

1 in the station probably would have come to tell me. I was
2 not listening to the ABC Radio so if there were messages
3 about the fire I did not hear them. I expect that the ICC
4 would have known by prediction where the fire was going.
5 They would have got reports where the fire was heading in
6 St Andrews. I assume they can map in realtime with maps on
7 the wall. I wouldn't doubt that people listening to the
8 CFA scanner would have thought it was all over the place."
9 Are you speaking there from your knowledge and training in
10 relation to what goes on in an ICC?---Yes, correct.

11 They are the matters, Commissioners.

12 <CROSS-EXAMINED BY MR CLELLAND:

13 Can I take up those last points raised with you by Mr Rush. I
14 think you were asked to compare or whether you could make a
15 comparison of fires that lasted over a number of days as
16 opposed to a fire that occurred in the space of a single
17 day and I think you said something like "not a fire like
18 this" or "not a fire of this intensity"; is that
19 right?---Correct.

20 Was this a normal fire or a fire you had ever experienced?---Not
21 a normal fire and nothing that I had ever experienced.

22 Was it anything you had ever imagined, Mr Hendrie?---No.

23 In the time that you had been in the CFA and, indeed, given
24 advice to members of various communities where you were
25 based, was this the kind of fire that you had in
26 contemplation when you gave people advice?---Definitely
27 not.

28 What was it that made it so different in your opinion?---The
29 high temperatures, the wind speed and probably the way it
30 came from, where it came from, from the south, the south
31 side of the range, upper mountain.

1 Would you adopt the description that the fire seemed to just
2 engulf you?---It probably engulfed the mountain.

3 Mr Rush also asked you some questions about community fireguard
4 meetings. Can I just take up that point. What is
5 community fireguard and how does it work?---Well, a
6 community fireguard is a group of neighbours in a street or
7 a couple of streets that learn about fire behaviour, about
8 where they are in a particular street, with vegetation and
9 all that sort of stuff. They learn about different things.
10 And it is also a social thing where people get to know each
11 other.

12 Does it typically commence with a public meeting in a
13 community?---It usually starts with a public meeting,
14 people showing interest in actually starting up a group.
15 It does take a good leader to keep the group together.

16 In the event that there is sufficient interest, will the CFA
17 undertake to try and facilitate the creation and
18 development of a fireguard group?---That's the way I
19 understand it, yes.

20 The idea is essentially getting people aware of bushfire
21 behaviour, their risk and how they might assist
22 themselves?---Correct.

23 Is it correct that generally a facilitator will attend some or
24 all of the meetings?---I believe a facilitator would, yes.
25 They could probably have their own meetings as well, but it
26 needs to be structured at the start.

27 Is there also someone who ordinarily takes the role, and this is
28 a resident, of a convener?---Usually a resident that takes
29 the leading role and helps keep everyone else in the street
30 informed.

31 And, broadly speaking, CFA encourages such groups, does it

1 not?---For sure, yes.

2 And the facilitators who attend the meetings, to your knowledge
3 are they trained in that role?---I believe they are all
4 trained.

5 And again to your understanding is there actually a manual for
6 those who facilitate meetings?---I believe there is, yes.

7 Is it correct that the role of the facilitator, as you
8 understand it, is to guide the group's formation, to
9 provide information consistent with the program guidelines,
10 including information on the scope of the program and the
11 role and responsibilities of the facilitator and the role
12 of the participants?---I understand that, yeah.

13 Is it correct to say (and this is to your understanding and
14 indeed enshrined in the manual itself, and this will be
15 made available to the Commission) that the facilitator will
16 not conduct comprehensive risk assessments for program
17 participants?---I understand that. If it says that in the
18 manual, that's probably the way they do it, yes.

19 Perhaps move away from the manual for the moment. Is that your
20 understanding that it is not for the facilitator or indeed
21 the CFA to conduct comprehensive risk assessments for
22 program participants?---No, we don't conduct risk
23 assessments, no.

24 Nor is it the role of the facilitator or indeed the CFA to
25 prescribe or endorse particular strategies for individual
26 households or groups?---No.

27 Sorry, you shook your head then; are you agreeing with that
28 proposition?---I agree with that, yes.

29 The facilitator also makes sure that a number of documents, as I
30 understand it, are provided to the fireguard group. To
31 your knowledge, do they include the Living in the Bush

1 workbook?---There's a number of booklets available. We
2 certainly advertise the fact to everyone that those books
3 are available. They can be downloaded from the internet or
4 they can get a hardcopy.

5 I just want to show you several documents. Would you just look
6 at this group of documents, please. These are some of the
7 documents, Mr Chairman, of which we just spoke earlier.

8 There are three sets coming up to the Commission now and
9 being distributed. The first document is the facilitator
10 manual. I am not going to ask you to go through that in
11 detail, but, broadly speaking, do you recognise that as
12 being the manual that appears to have been that which was
13 current (at least up to 2007) which sets out the role of
14 the so-called facilitator for the fireguard

15 meetings?---Look, I haven't read this manual at all. Until
16 I was shown it before, I didn't realise there was one but I
17 assumed there would be one.

18 You are not trained as a facilitator in any event?---No, I am
19 not.

20 Put that to one side. Look at the remaining documents and just
21 see firstly whether you recognise them. It seems to be a
22 shorter version of the Living in the Bush document; do you
23 see that?---Which is a pamphlet, yes.

24 There is a document about "Radiant Heat, The Killer in a
25 Bushfire"?---Yes, another pamphlet.

26 There is a document unfortunately a little difficult to read,
27 but it is headed "Community Fireguard: A Bushfire Safety
28 Program". Have you seen that document or something of that
29 kind before?---Yes.

30 A document headed "Can I or can't I?" which has a series of
31 perhaps frequently asked questions about fire danger

1 periods and total fire bans?---We have distributed these
2 around time in a number of shops over the years.

3 And then there appear to be some cards which give numbers for
4 Victorian bushfire information line, a sticker or a card
5 relating to what - - - ?---One's a magnetic sticker I think
6 and the other one is a card, the bigger one is the card.
7 Which one is the card - if caught on the road in a
8 bushfire?---The 1800 number is a good information line for
9 people who want to ring up.

10 That is a fridge magnet?---I believe that's the card, the
11 smaller one is the fridge magnet.

12 That's the one I had in mind. The second page, Victorian
13 bushfire information line. Are you able to say in general
14 terms whether there is a kit containing that material or
15 that kind of material distributed to, amongst other people,
16 but members of community fireguard groups?---I can't say
17 that, no.

18 Can we tender those, if the Commission pleases, all as a bundle
19 and we expect that there will be evidence that identifies
20 those documents or those kinds of documents as documents
21 that are provided to community fireguard groups.

22 CHAIRMAN: Exhibit 26 will cover those documents.

23 MR CLELLAND: If the Commission pleases. (To witness): You
24 yourself, as I understand it, have attended not in the role
25 of facilitator but a number of fireguard group meetings in
26 the Kinglake area?---Correct.

27 And that's when you are either invited along by the members to
28 speak?---Correct.

29 Or indeed you might make contact yourself and if there's an
30 issue that you think might be brought to their notice, you
31 will ask if you can come and speak to them?---Correct.

1 In particular, have you spoken to the fireguard group, the
2 community fireguard group at Bald Spur Road in
3 Kinglake?---I did.

4 And I think as Mr Rush asked you, you might have actually
5 attended one of their meetings on 20 December 2008?---Yes,
6 I did.

7 Just before I come to that, can I ask you to look at these three
8 documents. I'm handing three documents to you. They are
9 photocopies. I am going to ask if you recognise those.
10 The first is a Mountain Monthly article for December
11 2008?---Correct.

12 Are you the author of that article?---I'm the author.
13 Where was it published?---Sorry?
14 Where was it published?---It was published in the Mountain
15 Monthly magazine for December.

16 Is that a local magazine for the Kinglake area?---It's a local
17 magazine.

18 And the article speaks for itself but did you, amongst other
19 things, reiterate and emphasise in bold the need for those
20 living in the bushfire prone area to have a plan for
21 summer?---Correct.

22 Did you inform those living in the area of fire prevention
23 material that was available from the CFA and also
24 accessible on line?---I did.

25 Did that include the "Can I or can't I" document that I have
26 shown you?---Yes.

27 "Know your fire ban districts"?---Yes.

28 "Living in the bush"; "Property bushfire preparedness and
29 vegetation management"; "Grassland curing guide after a
30 bushfire"; information sheets and, "Herbicide use for fire
31 prevention" - they were all available to the

1 community?---All available, yes.

2 I think you also referred to some other publications available
3 and provided the CFA website?---I did.

4 The article actually was introduced by a reference to the
5 "horror fire warning" for the coming bushfire
6 season?---Correct.

7 Although you expressed some optimism or hope that it wouldn't be
8 a disastrous fire season, the tenor of the article was to
9 the effect that people nonetheless needed to understand
10 there was that potential and that they should ready
11 themselves appropriately?---Correct.

12 Did you also produce a report for local community fireguard
13 groups 2008/2009?---Yes.

14 Which sought to also remind people that they were in an area
15 that was in the grip of a ten-year drought and warned
16 against complacency?---I did.

17 And amongst other things, there was a recommendation in that
18 document for the use of a document known as "Building in a
19 wildfire management overlay" to see what the risk is on a
20 particular property and informed the reader that in the
21 back of the kit is a section for how to carry out a
22 detailed assessment of your site?---I did.

23 And also recommended that everyone have a look at CFA's revamped
24 "Living in the bush" brochure which the Commission has
25 already seen and been taken to but you especially pointed
26 to the lift-out section in the back which would assist
27 planning for summer survival?---That's correct.

28 Anyway, there was a variety of other information and also at p.2
29 a number of sites identified, indeed places where
30 information could be obtained and people were encouraged to
31 be proactive?---Correct.

1 This was part of CFA's participation with the local community in
2 what was a highly fire prone area?---Correct.

3 If I might just move to the document that is referred to there,
4 the "Building in a wildfire management overlay". Could I
5 just inquire, Mr Chairman, whether the members of the
6 Commission were successful in locating that document that I
7 referred to earlier, the "Building in a wildfire management
8 overlay"?

9 CHAIRMAN: The answer is I didn't ask others to do it. I've
10 read it before so I just assumed it could wait until you
11 provided me with a copy as you have now done.

12 MR CLELLAND: Thank you, Mr Chairman. That document, as I
13 understand it, and I don't profess to be overly familiar
14 with it, but is it primarily directed to those who were
15 contemplating building in an area that is described as a
16 wildlife management overlay area - sorry, building in a
17 wildfire management overlay area?---Yes.

18 Could you look at this, please? You have got it?---Yes.

19 Why would you have recommended to a community fireguard group in
20 the district who one would presume already had a dwelling
21 on site, why would you have recommended they make reference
22 to this document?---Basically for the risk identification
23 of their property so they could actually do a detailed risk
24 assessment of their property. It had some useful
25 information in there about vegetation, tree height, fuel
26 loadings, tank fittings. They probably would have known a
27 lot of it anyway but I just felt it was a good thing to
28 show them. Even siting details. They could look at a
29 number of things - where a house is sited.

30 Was it, in your opinion, a document that would assist a resident
31 to assess their own risk?---It could help.

1 The third document that I have handed up to you is a document
2 that is headed "Scheduled community fireguard group
3 visits". Do you have that?---Yes, I do.
4 It mentions a number of locations - Ward Street group, Kinglake
5 fire station and the Bald Spur Road group; do you see
6 that?---I do see that, yes.
7 Again, just in general terms, is it your understanding that
8 although it may have been established sometime earlier,
9 there were, at least since 2007, a number of group meetings
10 in January of 2007?---Yes.
11 And that there was a CFA facilitator who attended and her name
12 was Hannah Sky; is that your understanding?---Yes, that's
13 my understanding, yes.
14 Did you attend any of the meetings where Ms Sky facilitated in
15 January 07?---No, I did not. Sorry, I did attend one
16 meeting but it wasn't in that area, it was in Edward's
17 staff driveway I attended a meeting.
18 Was Hannah Sky at the meeting you have been asked about on 20
19 December 2008?---I don't recall.
20 Was the meeting on 20 December 2008 at the home of a Ms Marcia
21 Nelson?---Yes.
22 That was an informal barbecue or something of that kind?---Yes.
23 She was the group contact or convener for the Bald Spur Road
24 community fireguard group?---That's correct.
25 Mr Hendrie, when you attended that meeting was there some
26 general discussion about, amongst other things, the "Living
27 in the bush, Living with Fire" strategy?---I think I - it
28 started off as just a normal discussion. I had a message
29 to tell, it was part of my scripted report to community
30 fireguard groups. I tried to stay in that area. I think a
31 lot of discussion sort of went around on general stuff but

1 basically I got my message through. I had a prior
2 engagement anyway. I wasn't there that long.

3 In particular did you recall speaking about the need to
4 residents, if this was their plan, to leave early before
5 fire threatened?---I don't recall the specifics of it.
6 Could you just have a look at this document. Don't read it out.
7 Just read the last paragraph, please. Once you have read
8 that, if that could be handed back?---Okay.

9 Does that refresh your memory as to whether you said anything
10 about - - - ?---It doesn't, no, but if that's what I said.

11 Thank you. I should confirm was Ms Marcia Nelson actually
12 present at that meeting?---She was.

13 And was present when you were speaking to the meeting?---She
14 was.

15 Did you at any time give any advice at that meeting as to
16 whether any individual houses were defensible in the event
17 of a bushfire?---No, I did not.

18 Have you ever been asked to do that?---Over the years I probably
19 have.

20 Have you done that?---No, I haven't.

21 Are you qualified to do that?---I'm not qualified.

22 But there are materials made available, as you understand it,
23 regarding, at least through the facilitators program,
24 regarding house survival?---Correct.

25 In your statement to this Commission (if I can find it), at
26 para.23 you made some comments about properties in the area
27 that, if well-prepared, in your view those properties could
28 have been saved?---That was in Victoria Road and Robertson
29 Road.

30 You also went on to make an observation about whether Bald Spur
31 Road was feasible to defend and you said it was probably

1 not feasible to defend?---With that particular fire, yes.

2 Prior to 7 February, was it your view that it was feasible to

3 - - - ?---It was.

4 If properly prepared - - - ?---Hindsight is a great thing.

5 The house and individuals, if properly prepared, was it feasible

6 to try and defend properties in that road?---Yes.

7 Is it the nature of the fire on 7 February and the destruction

8 that it wrought that has changed your mind?---It certainly

9 has.

10 I should ask you this: do you have a view about the role of the

11 CFA or at least under the auspices of the CFA but

12 appropriately qualified persons giving advice to residents

13 in bushfire prone areas about the defensibility of

14 homes?---There should be someone qualified to give people

15 that type of advice, yes.

16 You would endorse that approach?---I would.

17 Did you ever, when you attended the meeting on 20 December, did

18 you ever advocate for any particular strategy to be

19 undertaken by any of the residents of that road?---I don't

20 believe I did.

21 If the Commission pleases, could we tender, if I haven't done it

22 already, the report to the community fireguard groups

23 2008/2009, the scheduled community fire group visits

24 document which I think has been passed up to the Commission

25 and the monthly article or the article in the Mountain

26 Monthly for December 2008 of which Mr Hendrie was the

27 author.

28 CHAIRMAN: Those additional documents we will give a separate

29 exhibit number.

30 #EXHIBIT 27 - Report to community fireguard groups 2008/2009,

31 scheduled community fire group visits document,

article in Mountain Monthly for 0/12/08.

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MR CLELLAND: Before I move away from that topic, Mr Chairman, we will attempt to obtain some material from Ms Marcia Nelson and also Ms Hannah Sky and have that provided before the Commission.

Mr Hendrie, if I might, just to go back to your statement, you explained that on the day in question, that is the 7th, you attended early and you had a meeting, I think, with the duty officer and that was a Steve Bell, was it?---Correct.

What is the distinction in roles between the duty officer and the role you had on the day of captain?---The duty officer was developed so that it took a bit of pressure off the brigade captain; so it was developed a number of years back and we created a standard operating procedure on how the duty officer would work. It rotates between five officers including myself.

The Kinglake brigade, was that constituted entirely by volunteers?---It is.

When you got a message, as has now been tendered, informing you that 7 February was to be a day where conditions were expected to reach the upper end and even go beyond the extreme range on the fire danger indices, I think you said you put out a call to members of the CFA asking who was available?---The day before, yes. That would have been the duty officer's job.

What happens if there aren't enough volunteers in the local community to actually man the fire station?---Well, we either can't turn out or we might have to wait until another brigade area turns out before we can go. We are supposed to turn out a minimum of four on a tanker.

1 You had enough volunteers on that day?---On the day we did.
2 If that had been a weekday, would it have been more
3 problematic?---It would have. We possibly would have got
4 only one tanker out. Things change through weekdays. If
5 it is a day of total fire ban like it was there's a
6 possibility that some people might take the day off work.
7 When you had your meeting with the members who had turned out
8 and with Steve Bell, in general terms, the discussion was
9 that you were in for a pretty shocking day?---We basically
10 were in the meeting room and talking about that particular
11 set of numbers. We also talked about other things.
12 Is it correct to say that amongst the information you had,
13 although it is not actually - or it doesn't appear to be
14 explicitly referred to in the memorandum that has been
15 tendered, but you were informed by one means or another
16 that there was a predicted wind shift?---Yes, correct.
17 A south-westerly change due at some stage during the
18 afternoon?---That might have been from the local weather
19 report or something like that. I'm really not sure of
20 where we got the information about the wind change.
21 That would not be a typical event on a day of that kind, though,
22 would it, that you would get a wind shift in the
23 afternoon?---Sometimes you do, yes.
24 What you didn't know was when it was going to come
25 through?---When it was going to occur, yes, correct.
26 You describe in your statement at paras 9 through to 11 that you
27 became aware that once the fire had hit the Whittlesea hill
28 it was already advancing on Arthurs Creek and Strathewen
29 quite quickly?---Yes.
30 The Whittlesea hill, is that actually near or just below
31 Kinglake, just to the south of Kinglake West?---To the

1 north of - north-west of Kinglake West.

2 Perhaps if you would just have a look at this map. Whittlesea
3 is highlighted there and there's the Kinglake National
4 Park. Is it somewhere between Kinglake National Park and
5 Whittlesea (handed to witness)?---In relation to Kinglake
6 West, yes, it is to the west.

7 To the west?---To the west.

8 Below and to the west or in the same - - -?---Below and to the
9 west, yes.

10 Ordinarily, if you knew a fire was at, let's say Whittlesea
11 hill, what expectations would you have had for a fire
12 running on a north-westerly wind in terms of the exposure
13 of Kinglake?---Well, Coombes Road up through Sugarloaf, Mt
14 Sugarloaf, all those areas are on there, round the national
15 park, through the national park.

16 When you went down the road to St Andrews, as I understand you
17 did, and blocked off that road, was that because you
18 expected that the fire may come across from Whittlesea and
19 through that area?---Correct.

20 On the north-west wind?---The north-west wind, yes.

21 Can I also ask you this : did you build into that thinking that
22 there was the potential for the change to come through from
23 the south-west and impact that area?---I don't think that
24 factored into my thinking at the time. It possibly did.

25 When you went back up into Kinglake I think what you have
26 suggested is that when people were asking you for advice
27 you couldn't tell them where to go?---No, I couldn't.
28 Safely, safely where to go.

29 Because your belief, as I read your statement, is that the worst
30 place for people to be in a bushfire is on the
31 road?---Correct.

1 Indeed, that's one of the reservations you have about this
2 concept of refuges?---Correct.

3 What you understood when you were in Kinglake at least was that
4 there was the potential for each of the roads out of
5 Kinglake, although you didn't know, to be impacted upon by
6 bushfire?---Correct.

7 Whether on the northerly wind or the southerly change?---The
8 south-westerly.

9 The south-westerly change; is that correct?---Correct.

10 Can I ask you this, as a CFA officer, if somebody was asking you
11 to give them advice or to evacuate them at that time, was
12 that what was uppermost in your mind, that you couldn't
13 know that you were actually sending them to a safer
14 place?---Correct.

15 Likewise, would there have been any point, in your view, of
16 sounding an alarm?---No.

17 Why not?---Well, to my mind, if you sound an alarm, how do I
18 know the people that are hearing the alarm are going to do
19 what I want them to do or what they should do.

20 And equally, I suppose, when you sound the alarm whoever is
21 sounding it would have to know what is the right thing to
22 do?---And the right timing and the right training
23 beforehand. And the right information out to the public.

24 You said in answer to a question from Mr Rush that back at the
25 CFA building in Kinglake the duty officer wasn't there, I
26 take it he was actually at the fire?---He was on a tanker.

27 You were asked also about information coming from the ICC, if
28 you don't have the advantage of aerial surveillance,
29 linescanning, things of that nature, in large part, is the
30 information that the ICC gets coming from the fire
31 ground?---It would be a lot of that sort of stuff, yes.

1 If there are people fighting the fire in the fire ground and
2 they don't communicate that to the ICC, where does the ICC
3 get its information?---That's right. A lot of information
4 comes from the ground.

5 You got a call at some stage from Kangaroo Ground that the wind
6 change had - you think the Kangaroo Ground fire tower -
7 that the wind change had come through. Are you able to
8 estimate any time for that at all?---No.

9 You suggest a time at some point in your statement of - at least
10 the sky going black like night at four or five o'clock.
11 Are you able to say whether there is any accuracy to that
12 estimate?---No.

13 Was perhaps your assessment of time affected by the fact that
14 the sky did go dark as though it was night?---We had
15 virtually two days in one; it went black and then it came
16 light and then the real night came. So, my perception of
17 the time of the day - I wasn't looking at my watch all the
18 time, at any time.

19 Finally, do you know when the Kangaroo Ground ICC, if it did
20 become the ICC for your fire, when that occurred?---No.

21 Throughout the day, is it fair to say you were getting a lot of
22 information over the radio?---There was a lot of radio
23 traffic.

24 And you were listening to that?---Well, that and other - I mean
25 in the brigade car there are two radios, both on different
26 channels so you are getting mixed messages everywhere.

27 I take it, because of the circumstances that you have already
28 explained, you weren't actually able to log or record,
29 yourself, what that information was and when?---No.

30 Thank you, Mr Hendrie. Excuse me for a moment. I am asked
31 whether I wanted to tender the "Building in a wildfire

1 management overlay" document.

2 CHAIRMAN: I thought that was part of the second exhibit that
3 you included. I treated it as that.

4 MR CLELLAND: If it wasn't, can we make it that, Mr Chairman.

5 CHAIRMAN: Yes.

6 MR CLELLAND: If the Commission pleases.

7 COMMISSIONER MCLEOD: Mr Hendrie, could I ask you a couple of
8 questions about the memorandum you received on Friday
9 preceding the fires from the operations manager of the
10 Yarra area. In general terms, I take it to be advice
11 against the background of what was expected to be a very
12 serious day the following day, to give you an opportunity
13 to prepare and to prepare your crews?---It depended on what
14 the day would be, yes.

15 Did you find that useful advice?---For the fire fighters out in
16 the field it would be useful advice, yes.

17 Is that a normal process, to receive an advice like that in a
18 day of high fire danger?---It is quite possible.

19 How would you summarise the contents of that memorandum in very
20 broad terms?---I think in the first instance it talks about
21 the conditions, the flame height - they are pretty
22 significant, if you are up against something like that. It
23 talks about the safer part of fighting the fire would be
24 from the rear and up the flanks. Usually the flanks are a
25 lot less active than the head of the fire but I mean even
26 on that day the flanks could have been going like the
27 clappers themselves. I mean it was just general safety
28 advice that most firefighters know about anyway.

29 It was to help to prepare you for the possibility that the fires
30 may not be controllable?---Correct.

31 And also to provide a lot of attention to the safety of your

1 crews?---The safety of crews, correct, yes.

2 At the bottom of that note there were key words mentioned:

3 "Lookouts, awareness, communication, escape routes, safety
4 zones". Are they all indicators of aspects of concern in
5 relation to the safety of your crews?---Correct. Obviously
6 you need a lookout, someone to keep a - while people are
7 doing work. It is easy not to notice some things. So
8 lookouts. Just being aware of where you are in relation to
9 the fire. Communicating back to command and escape routes,
10 make sure you have at least two escape routes.

11 Against the background that this advice was issued to help
12 prepare for what might be and expected, a very big event,
13 it is noticeable that there is no advice in that memorandum
14 about any obligation that the CFA at the local level had to
15 keep the community informed of developments?---There's
16 nothing in there, no.

17 Is that a normal responsibility that would normally be exercised
18 at the local level in a big fire event, to not only keep an
19 eye on the fire and your crews, but also to keep an eye on
20 what support you may be able to give to the local
21 community?---It probably would be. If we had the time to
22 do all that, yes, it would be part of it, I'm sure it would
23 be. We would do it ourselves, we would implement that sort
24 of information ourselves. There was just no time on the
25 day for that.

26 How would you normally do that if you had had the time?---In the
27 2006 fires we went door to door to people's houses in the
28 affected area. In relation to the fire and where the fire
29 was going, we visited numbers of houses and just, you know,
30 wanted to know whether they were staying or going or
31 whatever. We had a board up at the fire station with a map

1 plotting where the fire was at the time. We had plenty of
2 time in that fire to do a lot of that sort of stuff. In
3 this fire we had no time.

4 Thank you.

5 CHAIRMAN: Just a number of matters in relation to your - I
6 suppose the period during the afternoon where you were
7 relatively able to keep your contacts with your tankers,
8 the ICC, there was a time when you went from being able to
9 maintain those contacts to not being able to maintain them
10 and could I get some idea where other members were at the
11 relevant times. When the other tankers had gone, how many
12 people were left back in Kinglake?---There would have been
13 - my first lieutenant was up at his property looking after
14 his mother and father.

15 Physically present with you?---There was - I had probably three
16 or four. I had two with me. Dianne Macleod was with me.
17 I had a couple of people over at the fire station. I had a
18 couple of people, new members that were just about to join
19 up were there to help but basically - - -

20 It seems that whilst you can't give the times for these things,
21 at one stage you thought it was prudent to go on the road
22 down towards St Andrews?---Correct.

23 And it seems at other times you went out to help people on
24 properties?---That was after the fires. So one was before
25 and one was after. So the majority of the driving around
26 was after the fire.

27 In terms of the comings and goings before the fire came, there
28 was only effectively one down the road?---One instance down
29 the road.

30 Is it the time when you lost the ability to maintain the
31 contacts when people came into you asking for advice as to

1 what they should or should not do?---Yes.

2 Or was it before?---It was before the fires.

3 That was before the fires?---So the tankers had already gone -

4 responded off the mountain and then from that time onwards

5 there was the trip down the St Andrews Road to bring people

6 back and then there was not much more time after that - - -

7 Because once you got back, presumably, all these people are

8 asking for advice so there is an inability to keep in touch

9 by telephone, an inability to keep in touch or to listen to

10 what messages might or might not be coming in?---Yes.

11 An inability to keep in touch with the radio?---Um - - -

12 Because your focus really was on helping the people who were

13 coming in?---Focussed on helping people down, anywhere,

14 yes, that's correct. We were at the roundabout, we stopped

15 there for quite a while and then I made my way to the fire

16 station on foot. Someone picked me up halfway and took me

17 the rest of the way. There was people milling around the

18 station wanting to know what to do.

19 When you were not there, presumably whoever was there was doing

20 the best they could?---They were. The brigade, a couple of

21 female brigade members, in the station, just taking queries

22 all the time, taking phone calls.

23 Did you involve them in some discussion as to telling them the

24 reasons why, for example, you were saying - there are

25 basically - sorry, I will split it up. There are three

26 roads essentially out of Kinglake?---Four.

27 Which is the fourth?---Glenburn Road which is not - - -

28 Glenburn would take you towards what you understood to be the

29 Murrindindi fire?---Would take us towards the Melba. The

30 Healesville - - -

31 That is where you understood that the Murrindindi fire was, so

1 you didn't want to send them out there?---No, that would be
2 a bad place to go.

3 You didn't want to send them down to St Andrews?---The St
4 Andrews Road. The Healesville-Kinglake Road and the
5 Whittlesea-Kinglake Road.

6 So the people who were left to answer other people's questions
7 would have given them similar advice as far as you were
8 concerned?---Similar advice, yes.

9 I notice the time. Perhaps we will resume questioning after the
10 break.

11 MR CLELLAND: Can I just say, Mr Commissioner, if it is not
12 going to take long, I think Mr Hendrie has an appointment
13 this afternoon that he wants to try and keep.

14 CHAIRMAN: Perhaps we will just do it now then. Sorry about
15 that. I just want to tease that out a bit further. The
16 position was that from the time that you were being
17 inundated with callers, you lost the capacity to let the
18 ICC know or to take account of what the ICC might not have
19 been telling you?---Correct.

20 And the same thing with radio, there was no point any longer.
21 There was the immediate need and you were attending to
22 immediate needs?---Correct.

23 There was no real capacity to let anybody know in terms of what
24 was the position except those people who were on
25 hand?---Correct.

26 COMMISSIONER PASCOE: I notice, Mr Hendrie, you have been a
27 member of the CFA for 35 years?---Correct.

28 So you have seen a lot of fire incidents in that time?---A lot
29 of fires, not of this nature, though.

30 I note you said earlier that this was not a normal fire. You
31 had never experienced anything like it or imagined anything

1 like it?---I couldn't imagine it. I mean if you look at
2 the main street of Kinglake, there's not as many trees
3 around in the main street, it's very hard to imagine that
4 something like this could have come through so fast and so
5 intense.

6 Including, in your testimony, the direction was unexpected as
7 well?---The direction we roughly knew but factoring in on
8 the day, probably not so good.

9 I am told that there are normally debriefs after major incidents
10 of this kind?---Yes.

11 That there would be a debrief occurring?---There was.

12 There was?---There was a debrief, yes.

13 Because I think that would be very helpful, to see some of your
14 reflection on the debrief because, for example, in both
15 preparation for and response to the fires there have been
16 suggestions made at a number of the community consultations
17 that we held that perhaps having databases available with
18 the intentions of local residents known in advance might be
19 of assistance. Would you like to comment on
20 that?---Probably getting the time - I mean we are all
21 volunteers - getting the time to do it. There's a massive
22 amount of paperwork that our secretary has to look after
23 day in and day out. It is a big job these days, looking
24 after a database. I know they have databases of people
25 with asthma. With a thousand or so residents, with their
26 intentions to stay or go, I'm not too sure how we would
27 manage that.

28 So that would require support, that kind of thing, beyond
29 volunteer involvement?---For sure, yes.

30 Finally, again, with the benefit of hindsight, could you foresee
31 if there was a comparable fire predicted for the future

1 that evacuation would be an option?---I certainly think
2 they would have to look at that for sure, with a whole
3 range of other things, I suppose, bunkers and warnings, the
4 scale of warnings.

5 Thank you.

6 <RE-EXAMINED BY MR RUSH:

7 Mr Hendrie, I'm right in saying the CFA instructs its members
8 not to give any advice to members of the community about
9 their firefighting equipment, the nature of it or whether
10 it will be good or bad?---True, yes.

11 The other thing is, you mentioned a debrief - that has occurred,
12 has it?---That occurred in the station a couple of weeks
13 ago.

14 Just a couple of questions: who conducted it?---It was conducted
15 by - we had a facilitator and CIS support, Pat Bigham and I
16 can't remember the gentleman's name who facilitated.

17 Have you seen the result of that?---I have, yes.

18 So that has been produced, the debrief paper?---It has.

19 I will give notice to my learned friend that I call on that
20 debrief paper, sir. They are the matters. May Mr Hendrie
21 be excused?

22 CHAIRMAN: Yes.

23 <FURTHER CROSS-EXAMINED BY MR CLELLAND:

24 Can I pick up one matter. We note the call and will have it
25 attended to, Mr Chairman. It was the question before that
26 from Mr Rush. I just wanted to make sure Mr Hendrie
27 understood it or I understood it. That the proposition was
28 that it wasn't for the CFA to advise people on the quality
29 or type of their firefighting equipment. That's my
30 interpretation of it and I will be corrected if I am wrong.
31 Did you understand that to be the question?---Yes. What,

1 about equipment?

2 Yes. Does the CFA give advice to householders about
3 equipment?---Sorry, yes, mops and buckets and pumps and
4 stuff like that, yes.

5 Thank you.

6 CHAIRMAN: We will resume at two o'clock.

7 <(THE WITNESS WITHDREW)

8 LUNCHEON ADJOURNMENT

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1 UPON RESUMING AT 2.00 PM:

2 MS DOYLE: The next witness is Mr Lou Sigmund. I would ask him
3 to come forward.

4 <LOU MARIO SIGMUND, affirmed and examined:.

5 MS DOYLE: Mr Sigmund's statement appears at folder 24, tab 31.
6 Witness page 020.001.0001, but most conveniently found at
7 folder 24, tab 31.

8 CHAIRMAN: You want those to go in as Exhibit 28?

9 MS DOYLE: I do. There is also a set of three simple Google
10 maps that I have organised to have provided to the parties
11 and the Commission. I will have Mr Sigmund identify
12 aspects of that map in a moment but the statement, which
13 itself has three attachments, including a DVD, and the map
14 I would ask be made one exhibit.

15 #EXHIBIT 28 - Statement of Mr Lou Sigmund, three Google maps
16 and attachments.

17 MS DOYLE: Mr Sigmund, you live in the town of Boolarra? ---I
18 do.

19 With the assistance of lawyers for counsel assisting, you have
20 prepared a statement dated 18 May?---Correct.

21 I would ask you to have in front of you that statement and the
22 Google maps I just referred to?---I do.

23 First of all, to orient everyone by looking at the Google map
24 marked 1, the top map, we can see there the town of
25 Boolarra with the "A" above it?---Yes.

26 That is the town you live with in with your wife?---Yes.

27 You are retired?---I am.

28 The town of Churchill and Traralgon are marked on the
29 map?---Correct.

30 Can you tell us how long it takes to drive to Traralgon from
31 Boolarra?---35 minutes one way.

1 And Churchill?---20 minutes one way.

2 The second map, number 2 handwritten on the top, gives a

3 slightly closer look at the town of Boolarra and some

4 aspects of the town. Your home is on the Boolarra-Mirboo

5 North Road?---Correct.

6 Can you indicate where that road is and roughly where your house

7 is?---It's on the southwest corner. It's the only road on

8 the southwest corner, down the bottom there, which has

9 Mirboo North-Boolarra Road on it.

10 If you continue on that road, you come to the town of

11 Mirboo?---Mirboo North.

12 This map also shows the Boolarra-Churchill Road?---It is called

13 the Monash road, but it is the same road.

14 The fish hatchery, which is essentially directly above the "A",

15 I will get you to explain this a moment, but at times

16 during the fires that burned in late January in Boolarra,

17 did you establish a control point at the fish hatchery?

18 ---We did.

19 Go to map number 3, which is another aspect of the town in

20 closer focus. Running essentially through the centre of

21 Boolarra is Penaluna Street, and off to the side of that

22 Tarwin Street. Is there a community hall in Boolarra?

23 ---That's correct.

24 Where is that located by reference to those streets?---On the

25 corner of - it is actually in Tarwin Street, in the main

26 street.

27 I will take you back to your statement which starts at witness

28 page 020.001.0002. Mr Sigmund, you have been a volunteer

29 firefighter for the CFA since 1998?---That's right.

30 You explain in your statement that you have risen to the

31 position of group officer, Morwell group?---That's right.

1 Group officer is the highest volunteer level in the
2 CFA?---Unpaid.

3 Your statement says that there are eight brigades in the Morwell
4 group. Can you just explain how that fits within the
5 regions in the CFA. What region are you in?---I'm in
6 Region 10, which encompasses four other groups and four
7 other group officers made up of a number of brigades all
8 responding to and responsible to a group officer as the
9 focal point for their problems, solving of issues, et
10 cetera. So group officers are basically the top of the
11 tree and they respond to the paid officers of the CFA, and
12 that is the tree that happens. That is the chain of
13 command.

14 In paragraph 4 of your statement you explain that you have a
15 number of fire fighting qualifications?---Yes.

16 In paragraph 5, the major fires in which you have been
17 involved?---Correct.

18 I want to take you to fires that burned near Boolarra and in
19 Boolarra in late January this year. You explain in
20 paragraph 7 they were known as the Delburn complex.

21 Commissioners, we have behind Mr Sigmund a large map
22 that we are only able to display in this way. Later the
23 parties will be invited to have a closer look at it and you
24 may seek to do so, yourselves, but, Mr Sigmund, by
25 reference to the map, just confirm the map generally shows
26 an area surrounding Boolarra and there are three tags on
27 there. What do those three tags represent?---The top tag
28 signifies that that was the Creamery Road fire, the very
29 top one. The one on the right signifies that was the
30 Ashfords Road, which was the first fire on the Wednesday.
31 The road on the left is the Delburn fire. Those three

1 fires were the Delburn complex of fires.
2 That aerial photo is taken after these fires?---That's correct.
3 The dark overlay is the area that had actually burnt out.
4 Returning to your statement, you give a chronological
5 description of how the three fires became the Delburn
6 complex. The fire is known as the Delburn complex fire.
7 You express some reservations about the use of that term.
8 Can you explain that?---Yes, it wasn't my concern, it was
9 the residents' concern who said, "Where's Delburn?" Of
10 course, we live in Boolarra, and Delburn is an area as
11 opposed to a town. The choosing of the terminology we
12 certainly had nothing to do with, but it certainly confused
13 a lot of the locals who, in hindsight, came to us and said,
14 "Where is Delburn?" It really worried them. They thought
15 that the fire was a long, long way away.
16 In fact, how far is the area of Delburn to the town of
17 Boolarra?---Over the hill, over the back of my place.
18 You explain in your statement the first of these three fires in
19 the complex that you learned of was the Ashfords Road fire,
20 which you turned out to on Wednesday, 28 January at 7 a.m.?
21 ---Correct.
22 You say "we turned out"; you personally turned out?---I did, on
23 a tanker, with the Boolarra tanker.
24 You note in your statement at paragraph 9 that there were
25 representatives from the CFA, Hancock Victoria plantation
26 officers, and Parks Victoria, who were also at the
27 scene?---That's correct. They were called. It was a
28 Hancocks plantation fire, it was on their patch of ground
29 and so, by default, they are called automatically. When we
30 respond, they respond.
31 By 4 o'clock that afternoon, you were called back to the same

1 location where there was by this time a wall of flame and
2 you note in paragraph 10 that you set up an incident
3 control point at the fish farm. Is that the fish hatchery
4 we looked at on the Google map?---That's correct.

5 You say that fire was contained by the following morning?---Yes.

6 Obviously, we got some resources in, got helicopters in.
7 The area was quite well resourced because there were no
8 other going fires at that time, so we had access to most
9 strike teams, helicopters and all the other resources that
10 we needed.

11 Turn to the next day, 29 January. You say you returned to the
12 fish farm control point at 6 and events unfolded during
13 that day. 29 January was another hot day in
14 Boolarra?---Yes, it was. I believe the temperature was 42
15 with a northwesterly blowing, swinging between the
16 northwest and the northeast, and it was a hot day.

17 On this day you learnt that the second of the fires in the
18 complex, the Creamery Road fire, had been ignited?

19 ---Correct. We learnt late afternoon that the second -
20 that a fire had been lit at Creamery Road which is, looking
21 at the map there, just above us, just above Boolarra, and
22 with a northwesterly blowing, it soon became obvious that
23 the fire was starting to erupt.

24 By this stage, was there an incident control centre established
25 for the two fires you have spoken off?---At that stage, no.
26 The ops officer who was on duty with us at the fish farm
27 control point then left our control point and proceeded, I
28 believe, to set up, or help set up, an ICC in Traralgon.
29 This information is in hindsight and it turns out to be
30 correct, and he never returned to the fire front, our fire
31 front, up to the finish of the fires.

1 Who or which entity was the control agency for the Creamery Road
2 fire?---I believe, and I am not sure, but it was a joint
3 agency control between CFA and DSE because we now had three
4 agencies, that is HVP, who are Hancocks Victoria
5 Plantations, we had DSE and CFA, and so we had three areas
6 and between them they worked out that they would have a
7 joint agency.

8 Take us through the rest of that day. You say in paragraph 15
9 as operations officer you requested information from the
10 mobile communications vehicle. Why and how was a mobile
11 communications vehicle being used?---When we first set up
12 the control point at the fish farm, because Boolarra is a
13 black spot, it is automatic that we request an MCV, or
14 mobile communication van, it is quite automatic. We had
15 very bad communications in that area.

16 When you say "black spot", with reference to communications?

17 ---Correct.

18 Go on?---So it is an automatic response. We requested it from
19 Newborough, where it was stationed. It arrived. It was
20 set up by the people who are trained in that area and I, as
21 operations officer, using fireground channel 1, opened up
22 communications with them and I left them and went to the
23 fireground towards the fire front and started to do my job.

24 You explain in your statement a number of difficulties during
25 your work in these fires in communicating with the ICC.

26 Can you explain in brief terms those difficulties and then
27 the effect that had?---My job as operations officer is to
28 look at the fire front, make decisions that are relevant to
29 the fire fight, itself, so I am at the coal face, and I
30 request through the MCV information or request urgent
31 information or resources and I do that so that there is one

1 command channel from me to the MCV which is relayed to the
2 ICC.

3 By what means is it relayed from the van to the ICC; radio,
4 mobile, pager?---The theory is that we use CFA channels and
5 we have a dedicated channel for that, but the dedicated
6 channel was never operable, we could never get through. It
7 was just a great difficulty for the girls. There are two
8 operators on board, and these are trained operators, to
9 contact the ICC at any stage. We have great difficulty.
10 In the end we tried our mobile phone because on the
11 incident action plan which we have, the mobile phone
12 numbers for the personnel within the ICC are given, and so
13 we tried to contact them direct, occasionally got through,
14 and most of the time didn't.

15 You refer also in your statement to the mobile communication
16 vehicle running out of fuel. What were the circumstances
17 there?---We requested on a number of occasions, I think, I
18 believe it was three, after having spoken to the girls,
19 that fuel be sent through the police blocks to the MCV and
20 we just never received any fuel. Once the MCV runs out of
21 fuel, we had no comms, no communications at all.

22 Was there a stage at which the MCV had to be towed out of the
23 fire area?---Yeah. We are just going forward a bit. As
24 the Creamery Road fire overran us, somebody on the radio
25 said, "Lou, can we tow the MCV out?" I said, "Absolutely,
26 tow it out." It had no fuel. Of course, it is illegal for
27 us to tow any vehicles in the CFA. So, yes, we towed it
28 out.

29 I take you back to paragraph 16 where, back on the afternoon of
30 Thursday, 29 January, and it was reported to you, you say,
31 there was fire spotting onto the water point in McIntoshes

1 Road. Can you explain where McIntoshes Road is. It is
2 marked on map number 2. It is two-thirds of the way up the
3 page?---Right next to the fish farm. It is the road that
4 traverses and runs right next to the fish farm. That is
5 McIntoshes Road.

6 You say in your statement you sent local police and DSE units to
7 evacuate residents in McIntoshes Road. Why did you do that
8 and do you know how police and DSE effected that?---Yes, I
9 made some decisions. The water point for our tankers was
10 at dam 54 of the fish farm and once it was reported to me
11 that the water was spotting on to that area, I then
12 immediately decided that the residents would be in danger.
13 I then - our local police officer who was standing not far
14 from me, I instructed him then to go and evacuate the area,
15 notify the residents that they were about to be overrun.

16 That was the local police officer?---Yes, it was.

17 Was there anyone on duty?---I think there was another car parked
18 further down the track, I can't remember, I asked him
19 specifically and I called him over and gave him those
20 instructions.

21 Do you know whether he or others did that?---Yes, they did.

22 Do you know whether all residents on that road agreed to leave
23 or whether any stayed?---I don't know.

24 Attachment LMS 1 to your statement, if you turn to that first
25 attachment which appears at - is an incident unit plan.

26 This has been filled in by Dave O'Brien; what position did
27 he have on that day?---Dave was the incident controller.

28 In other words, he was in the MCV. This isn't an incident
29 control plan, this is a situation report which means that
30 his job and his function was to report to the ICC via fax,
31 that the situation as it unfolded preferably every hour or

1 every half hour, whatever we could get through and this is
2 what he wrote and faxed and should be on record in the ICC.
3 If I can take you first of all to the bottom of the situation
4 report, this is heading, "Critical issues, warnings alerts,
5 resource needs, other". It says, "Warning sent to ABC,
6 reported by Lou Sigmund, five houses were lost not
7 confirmed." What is your understanding of the background
8 to that report under critical issues?---The warning was
9 sent - first of all, we couldn't get through to the ABC, we
10 couldn't get through to the ICC, we couldn't get through to
11 anybody. Dave O'Brien, being an innovative sort of person,
12 he got on his mobile phone, rang 000. I think he rang it
13 three times, I think, on the record. He instructed 000 -
14 and finally got through to a supervisor, told him who he
15 was, instructed 000 to notify the ABC which they did, I
16 believe they did, to notify the residents that we were
17 under attack.

18 Why did you not or you or Mr O'Brien simply call the ICC in
19 Traralgon?---We couldn't get there, couldn't get through.
20 Under situation summary - - -

21 CHAIRMAN: When you say couldn't get through, that means?---That
22 means - - -

23 There is no landline, obviously, because you are not a landline
24 place?---No, we had radios, we had landlines and on
25 Mr O'Brien's phone records are the attempts he made to ring
26 the ICC ops officers and he couldn't get through, that
27 means, "beep beep beep", busy, busy, busy on both the - - -

28 CHAIRMAN: Eventually he gets through but to 000 only?---Yes,
29 not through the ICC.

30 MS DOYLE: Your understanding is he asked 000 to call the ABC to
31 warn people in McIntoshes Road?---In Boolarra in general.

1 Under situation summary it says, "Evacuated fish farm control
2 and re-established staging area at football ground", why
3 was that done?---If you have a look at the map, Creamery
4 Road fire is in the north and the wind was coming from the
5 northwest and the fire overran our control point. As it
6 did, we of course had to evacuate because we were in
7 critical danger of being killed.

8 The football ground is down in the heart of the town of
9 Boolarra?---It is just to the north of it.

10 So your control point was moved down there. This goes on to
11 say, "Fire overran control lines in the northeast sector
12 which in effect nearly trapped three tankers", can you just
13 explain what happened?---Yes, the northeast sector had a
14 dead man's zone, in other words, an area of unburnt ground
15 and the helicopters were coming in. The DSE had put in a
16 firebreak 600 metres short and tried to split the fire in
17 half so that we had control. We had a control line down
18 the centre but there were 600 metres of unburnt ground and
19 - excuse me.

20 Do you want to take some time, Mr Sigmund?---It shouldn't
21 happen.

22 Take your time. Let us know if you want a break?---I feel
23 terrible about this. So we had a 600 metre unburnt
24 territory which was in effect a dead man's zone. I don't
25 know.

26 I will help you by reference to your statement, Mr Sigmund. You
27 explain that you had allowed the fire, this is paragraph
28 18, to burn out what is known as the dead man's zone. It
29 is area of unburnt ground between the fire and the
30 personnel you have there and you explain that you had
31 sought some information before that occurred. Everyone can

1 read the statement and see that?---Yes.

2 As that event was unfolding you were unable to get some
3 information that you needed and as the situation report
4 explains, your personnel, and this is a matter that
5 troubles you to this day, were put in danger?---Correct.

6 Now let's move on. Your statement notes at paragraph 21 that
7 CFA and DSE crews continued to fight the Creamery Road fire
8 and the Boolarra road fires right through to 2 a.m. on 30
9 January?---Correct.

10 You went back to your control point at the football oval 6.30
11 the next day on the 30th. When you arrived there your
12 statement recounts you discovered that the control of the
13 fire had been moved to an ICC at Churchill. Mr Sigmund,
14 that is closer to Boolarra than Traralgon and you didn't
15 know that was going to happen?---Correct, we were never
16 informed, including the captain of the Boolarra brigade.
17 All our crews were never informed so when they turned up
18 for work on the following morning there was nobody there.
19 Everything had gone.

20 You point out in paragraph 23 that you had, through fighting the
21 fires, gained some local knowledge that you would have been
22 willing to give DSE strike teams and others who attended
23 but your information was not specifically sought on that
24 day?---I was standing there, feeling quite useless and I
25 did have strike team leaders come up to me and ask me
26 whether I was the local bloke because I was still wearing
27 my tabard and my tabard had "ops" on it and so they did
28 come up to me. They said to me, "What are the names of the
29 roads on the maps?" I said, "Everything is on your maps,
30 water points, everything." They said, "No they are not,
31 the maps are incorrect." I sort of corrected their maps

1 and put the names of the roads on the maps and showed them
2 where the new water points were because the other ones were
3 overrun by fire and they went away and did their job. That
4 is the only time they we really got any - - -

5 I am going to give you a break now, Mr Sigmund, because we are
6 going to have some fun and look at a video that stars you.
7 While that is loading up, can you just confirm for the
8 Commission that you heard that day that there was a meeting
9 on in the town community hall?---Yes. I was told there was
10 one but I wasn't specifically invited.

11 But you thought you'd go along?---I live in the town, yeah,
12 sure.

13 When you arrived there were two cameras crews there, ABC and
14 Channel 9 and you have since learnt the ABC filmed a good
15 portion of the meeting?---That's correct.

16 Since these fires, a cameraman from the ABC came out to see you
17 and provided you with a DVD with some uncut
18 footage?---Correct.

19 That is an attachment to your statement. There is a summary of
20 what was said in the meeting set out in your statement but
21 the best record is the meeting itself. Can I ask that in
22 relation to attachment LMS 2 which has been provided to the
23 parties, this is the DVD, can you get the footage to
24 commence at 57.36 and Mr Sigmund, you had seen - the two
25 men that we will see at the front of the meeting, you had
26 seen them before and perhaps met them but you are not sure
27 of their names?---That's correct, I had seen them at some
28 stage. I was the ex-captain of Boolarra so Bushfire Blitz
29 and Firesafe Victoria meetings had been held on a regular
30 basis every year and I had seen them at that.

31 (Video played to Commission).

1 It is going to be difficult to manipulate the exact timing of
2 this but we have done our best to narrow it down.

3 (Video played to Commission).

4 You were at the meeting at this stage?---I was.

5 Roughly how many of your townsfolk were there?---I think about
6 120-odd.

7 At one stage the speaker there directed a question to Lou, that
8 was you?---Yes.

9 Or had a query for you. Up to this stage, did you agree with
10 the information this representative had given about the
11 fire and its likely progress?---Absolutely under no
12 circumstances.

13 You said at much, so if we can move - at some stage here the
14 footage cuts out, that is in the original disk, can you
15 move to 1.0230 on the DVD.

16 (Video played to Commission).

17 Move to 1.0409 a gentleman named Brian, from the CFA is
18 introduced. Mr Sigmund, you don't know which agency this
19 gentleman comes from?---Having a look at his badge, I
20 reckon DSE or Forestry but if he is not a CFA badge then I
21 - yeah.

22 (Video played to Commission).

23 Pausing there. Mr Sigmund, your statement says the meeting
24 started at about 10.30, how long did it go for?---I think
25 about 12.30, quarter to 1.

26 People dispersed at that time?---Yes.

27 What time was the town of Boolarra, including your home,
28 threatened by the fire?---About three hours, 1.30, 2
29 o'clock.

30 Just pausing there still. This gentleman Brian goes on to give
31 detailed advice about dealing with ember attacks, what a

1 fire might be like, the sorts of steps one might need to
2 take to put out embers during an ember attack. He gives a
3 great deal of information?---Yes.

4 Can we move ahead to 1.0802.

5 (Video played to Commission).

6 Can we move ahead to 1.1845. While that is happening, Mr
7 Sigmund, in the interval in the meeting here, some advice
8 was given about which roads were closed?---That's correct.

9 By that stage a number of roads were already shut?---Correct.

10 Did you give the meeting information about which roads remained
11 opened and which ones could be used?---I did.

12 If we go to 1.1845. At that time there was still a road open to
13 Churchill?---That's correct.

14 Was there more than one road available for that?---Yes, there
15 was but one which I didn't recommend.

16 (Video played to Commission).

17 Can we move ahead now to 1.2535. Your friend Dave
18 talks about water supply for a while.

19 (Video played to Commission)

20 Pause there. For the benefit of the Commission, a
21 woman says, "I have my car packed. I have heard that when
22 it is time someone will come and tell me when to leave."

23 We will pick it up with Mr Sigmund's response.

24 (Video played to Commission).

25 Move forward to 1.2920.

26 (Video played to Commission).

27 Can you go back to 1.28, a little segment from the
28 CFA gentleman and then we will move to the end.

29 (Video played to Commission).

30 If you move forward to 1.46. The footage picks up
31 filming the meeting from another angle at 1.46.

1 (Video played to Commission).

2 Your statement explains, Mr Sigmund that the
3 reference to, "We are going to set the siren there" was a
4 reference to you and Dave O'Brien, incident controller.
5 You say in your page 36 of your statement that during the
6 meeting Dave whispered to you that maybe we should set the
7 siren. What did you think about that?---I thought it was a
8 bloody good idea.

9 We will go to general questions in relation to the siren later
10 but what did you expect or hope people might do if they
11 heard the siren?---Well, it was the trigger point for them
12 to evacuate, to leave town.

13 I am going to finish with the video by moving to 1.4950. Towns
14 people gathered around and spoke to police and yourself
15 afterwards and sought information?---Yes.

16 (Video played to Commission).

17 Mr Sigmund, you fielded some questions like this from
18 individuals?---I did.

19 We are just going to find one bit at I think it is 4950. This
20 is it.

21 (Video played to Commission).

22 The last segment is 2.16.18.

23 (Video played to Commission).

24 That is the end of that DVD. Obviously, the siren
25 was set and we will come to that after the meeting. We can
26 go back to your statement, paragraph 37. You went back to
27 the control point at the football oval and your wife called
28 Mr O'Brien and said your neighbour's house was under ember
29 attack, you recall that?---Correct.

30 You left the football ground and went home to your
31 property?---Yes.

1 On the way, you radioed Mr O'Brien and you told him?---I told
2 him to set the siren and send me some tankers.

3 I am going to take you through this part again by reference to
4 your statement because it involves great personal stress to
5 you. You say at paragraph 38 you think you told Dave to
6 set the siren off at 1 or 1.30; you can't now recall the
7 exact time?---No.

8 As you are aware, he undertook to do that?---Correct.

9 You went home and asked your wife to leave and she went to
10 Churchill with your family pet?---Correct.

11 As you predicted, the fire front came over the top of the hill
12 and you had to spend the afternoon fighting the fire at
13 your own home?---Correct.

14 Which you saved?---Correct.

15 With the assistance of CFA personnel and others?---Correct.

16 Your home had been fairly well set up including planting a green
17 crop around the house?---Yes.

18 You say in your statement that you found the experience
19 stressful. You have been a firefighter for a number of
20 years but nevertheless, fighting a fire at your own home
21 you found difficult?---I did.

22 Was there anything you noticed about the fire that you saw on
23 that afternoon that was different from your previous
24 experiences with fires?---No. I think it was just the
25 position I was in. The fire was a relatively small one, by
26 any standards, our first fire was only 30 hectares and it
27 wasn't that fire that got us and it wasn't the Creamery
28 Road fire, it was the Delburn fire that come over the hill
29 which burnt Boolarra out.

30 Paragraph 41 and 42, you explain what you have heard since about
31 people leaving the town. At this stage you don't know, you

1 can't say how many people left before or after the
2 siren?---No, I have no idea.

3 And how many people stayed?---No.

4 29 homes were lost in Boolarra?---Correct.

5 No lives were lost?---No lives were lost.

6 You heard some information from Mr O'Brien about at least some
7 people who left the town and went to Churchill; what has he
8 told you?---He said there was an orderly procession of
9 vehicles leaving the town with boats on and floats on and
10 all sorts of things and they just left to the point where
11 the police in Churchill rang to find out what the hell was
12 going on and were told that they were evacuating.

13 What is the CFA policy in relation to the use of the brigade
14 siren?---There isn't one. Since 2004, the policy has
15 traditionally, and I think people have mentioned this, that
16 traditionally we used to use the siren to call fire
17 fighters to the shed when we knew something was going on.
18 But having said that, I have always argued the point that
19 there was no fall back position for fire fighters, that if
20 our pagers, our current pagers, our technology didn't work,
21 what are we going to do. I believed that using the siren
22 as a fall back position was a very good option and a much
23 better option than having nothing.

24 Prior to the use of the siren on the day which you have spoken
25 about, for a number of years the siren had only been used
26 on Boolarra to be tested on some Sundays at
27 9.30?---Correct.

28 I asked you whether that is notify townsfolk to go to church and
29 you said, no such thing?---No. Actually we had a lot of
30 fun setting the siren because the local dogs would howl a
31 lot.

1 You have attended a debrief about these fires at both the
2 brigade level and the regional level?---Correct.
3 The brigade debrief was held not long after the fire?---Yes.
4 The regional debrief was held a couple of weeks ago and you have
5 attached that as attachment 3 to your statement, witness
6 page 16. We just need to explain a couple of things about
7 this debrief. This debrief related to all the fires in
8 region 10 that had occurred up to the end of February
9 09?---Correct.
10 So it is not just pertaining to the Delburn complex?---No. I
11 was probably the only person there from the Delburn complex
12 of fires and I think everybody else was from the Black
13 Saturday fires.
14 There were people there who had been involved in the Jeeralang
15 Churchill and Yarram fires?---Correct.
16 There were representatives from region 10, the most senior
17 person there being who?---Operations manager Greg Flynn.
18 The way that this document works, it is a pro forma that
19 describes things that went well and things that need
20 improvement?---Correct.
21 Those who contributed were raising issues that had occurred on
22 Black Saturday?---Correct.
23 And if you raised something it was about the Delburn
24 matter?---Correct.
25 Matters noted down the left-hand side, if I can take you to page
26 19, you can see the witness page number, can you see
27 that?---Yes.
28 Page 19, there is a reference to Fire Ready meetings, "The
29 attendances at public meetings went up during the event.
30 Review program following Royal Commission findings." That
31 was a matter that was raised in the debrief?---Yes.

1 Go to page 20. Things that need improvement. ICC too
2 remote?---Yeah.

3 Is that a matter you raised at the debrief?---Yes. The ICC was
4 a 40 minute drive one way from the fire front and that in
5 itself presents lots of logistical problems even getting
6 tankers out there. A return trip of an hour and 20 minutes
7 for fire fighters is just ridiculous.

8 In the next column it says, "Incident action plans were not
9 reflecting what was happening on the ground indicating a
10 disconnect between IMT" - that is incident management team
11 - "and fireground"?---Yes. The disconnect obviously had a
12 lot to do with the communication systems that we had. Also
13 had a lot to do with - we had no people on the ground to
14 give direct information to the ICCs or the IMT. There was
15 definitely a disconnect and that is just a proven point
16 through the Boolarra fires.

17 Moving across the columns, it then says, "Multiple mentions 7
18 plus", so is that an indication that a number of people who
19 attended raised that issue?---Correct.

20 B and R means it was raised by people at the brigade and the
21 regional level?---No, that means that these are the people
22 who were supposed to fix the problems.

23 When these documents are completed, you obviously have a copy,
24 do you know where they are sent?---Well, they normally -
25 some of the points go to an RPC or regional planning
26 committee for action and they are looked at by that
27 committee and some of them are then passed on to the
28 various management levels and I am assuming brought up at
29 management levels. Some are passed back down the line to
30 us, to group officers, to the groups, and some are then
31 passed down to the brigades.

1 Do you as a brigade member get feedback as to whether matters
2 that have been raised under the heading "Things that need
3 improvement" have been actioned?---Going back to the 2002/3
4 fires we traditionally have never, ever, ever had any
5 success in implementing change throughout this process.
6 There is a history of lack of changes through all the fires
7 that I have certainly attended and this pro forma is the
8 same pro forma we used in the 2003 fires; and I did have a
9 look at some of the documentation going back to those fires
10 and I find all I needed was to change the incident and we
11 basically get the same response and the same sort of
12 answers right at the end - "further suggestions for
13 improvement" - and nothing is ever improved. It is just
14 the way it is.

15 The third item on this page is "Radio communication's inability
16 to communicate via command channels"?---M'mm.

17 And, again, numerous mentions, multiple mentions?---Yes.

18 And that is a matter that affected you in dealing with the
19 Delburn complex?---It did. It had a direct impact.

20 Can I take you to p.21, the third item, it says: "Wildfire
21 response plan has not been updated since 1998". What is
22 the wildfire response plan?---A wildfire response plan is a
23 plan that is put in place by the CFA in conjunction with
24 the groups and brigades. A plan that is the basis for an
25 incident action plan and that was never ever updated. I
26 was shocked. I was horrified actually.

27 Has that now been done?---I believe that two days after the fire
28 that was updated.

29 Can I take you to p.23. You see the second item on
30 page - - - ?---My page numbers have run out.

31 It is the second item there, "National Emergency SEWS Tone". Do

1 you see that reference?---Yes.

2 "SEWS should have been used"?---Yes, "SEWS should have been
3 used". As a citizen we know that SEWS was used and tested
4 over quite a long period of time and that when you turn the
5 radio on you would hear the siren. If you here this siren
6 of course you have got a problem. And, of course, that was
7 never used and of course it should have been used.

8 Go to p.25. I will hand one up if you can't locate
9 that?---M'mm. No numbers or anything ... hang on, I've got
10 25.

11 We are at 25. I just wanted to ask you about the last item on
12 p.25. "One water contractor was stopped at a roadblock"
13 and there are other references here to dozers being stopped
14 at roadblocks. Was there some discussion about that at the
15 debrief?---The debrief is not about discussing, it is not
16 about problem resolution, it is about highlighting the
17 difficulties that we had. So we know for a fact that an
18 ambulance was stopped and not allowed through, water
19 carriers, a whole range of people including firefighters
20 and the firefighters couldn't get through because they had
21 no ID and, of course, they were the relief crews for the
22 tankers and so they were all stopped.

23 I want to take you to the matters you raised at paras 60-62 of
24 your statement, which is witness page 11. You say in
25 para.60: "The CFA have a performance monitoring team which
26 goes into each IECC during a fire" and as far as you know
27 such a team did go into the Traralgon ICC?---Correct.

28 And one of the matters they identified was the need to identify
29 the wildfire response plan?---The fact that they didn't
30 have one. Not update, they didn't have it there.

31 You note in para.62 that you have tried to find some

1 documentation since these fires and you haven't been able
2 to locate it?---Yes. One of the systems that we have in
3 place is that the MCV or the mobile communications van is
4 that we must document everything that is processed; even if
5 the request going through to the ICC is a negative or
6 whatever the response is, everything is logged. It is
7 important. So if a coroner needs to have a look at it then
8 it is important that the documentation is there and, to my
9 horror, I found that all the documentation is gone,
10 missing.

11 The final point I want to ask you about is the matter that you
12 address at para.49 onwards in your statement?---M'mm.

13 You are familiar with the "stay or go" policy?---I am.

14 Have you attended meetings where it has been explained to
15 community members?---Yes, I have.

16 You say in para.49: "It is impossible for ordinary people to
17 understand". What do you mean by that?---I mean that - I
18 could only talk about our own circumstances. The fire had
19 been burning for two days and nobody felt threatened. I
20 understood that the Creamery Road fire - and we had that
21 under control; there was no question the following day we
22 did; we patted ourselves on the back and said "fantastic".
23 But the residents didn't feel threatened. It was only on
24 the day of the fire itself that we had a community meeting
25 and I felt "Oh, hang on a minute, the fire has been burning
26 for two days. Where are the triggers to allow these people
27 to make a decision to stay or go" and there weren't any,
28 and, of course, because of the lack of information from the
29 ICC I couldn't give them any information and I obviously
30 only guessed and everything I did on the day was knee-jerk
31 reaction to a situation that was quite threatening.

1 Were there risks attached to the decision you made to set the
2 siren?---Absolutely. And I'll put this: if the fire had
3 been travelling at 5 km/h and the spotting range was
4 between half a kilometre and a kilometre and the spotting
5 had happened in town and the siren is in town, there would
6 have been a lot of people dead, a lot.

7 The only final matter I just want to clarify, Mr Sigmund, was
8 when you mentioned the documentation missing from the MCV,
9 what is the name of the documentation that is missing? Is
10 it a particular type of log?---Yes, we have voice data logs
11 which although I have requested it several times, nobody is
12 willing to transpose for me. We have written documentation
13 and notetaking by the MCV operators and these are notes
14 that they jot down so that they can put it into a formal
15 form later on because we under pressure all the time and
16 all that documentation is missing.

17 Where would you normally expect it to be stored?---It must be
18 logged where the MCV is stored which in this case is
19 Newborough, at the Newborough fire station, and even though
20 I had my BASO, which is the brigade officer, search high
21 and low, and she is a pretty tough girl, she couldn't find
22 it.

23 Mr Sigmund, in relation to debriefs, you have also since this
24 statement now had an interagency debrief?---Correct.

25 That was held Monday this week?---Correct.

26 Representatives from the DSE and CFA attended?---That's correct.

27 The area manager for region 10 was there?---Yes.

28 That person's name is?---Malcolm McKenzie.

29 Was anything documented in writing at that interagency
30 debrief?---No, there was nothing documented. It was a most
31 unusual debrief I have ever been to. I think they trialled

1 a new type of debrief and we in actual fact had nothing put
2 in writing. We wrote things on the wall and did all this
3 sort of interactive stuff and we were asked to take away
4 ownership of what we felt were the salient points of the
5 whole thing, the whole exercise, and, of course, to take
6 ownership you need to have something in writing. In other
7 words, the onus was put back onto the volunteers and all
8 the management without really looking at what the problems
9 were. And the points that came up at that meeting and this
10 is the interagency meetings is no different from what they
11 were years ago: they are still the same problems, the CFA
12 really hasn't got its act together yet.

13 And what were the matters that were raised at the interagency
14 debrief; did they include any of the matters that you have
15 raised in your statement in these proceedings?---All of
16 them and I found out more information which was relevant to
17 me and I can only talk about my own fire, that because of
18 our incident action plans and the systems that we have in
19 place, the mobile phone numbers are given to all the sector
20 commanders, divisional commanders are written on the
21 incident action plan which means that anybody in any
22 tanker, because the crew leaders get a copy of it, can ring
23 the incident control centre and we believe and I believe to
24 this day that this is exactly what happened. Now one
25 person from Parks Victoria was in the incident control
26 centre and confirmed that, that the system was so choked
27 with mobile phone calls that nobody could get through which
28 really presented a big problem for everybody.

29 Was the matter of you setting the siren in Boolarra, was that
30 raised at the interagency debrief?---No, everybody has run
31 away from that. I was chastised for that actually. So be

1 it. But the reality is that setting the siren is really
2 about having ground observers in place so that you get
3 early warning and then you can set a siren or you can
4 implement some other sort of warning system, but we had no
5 ground observers. That means we had nobody trained and
6 nobody out there at the coalface to let the ICC know what
7 the hell is going on here and we had three fires burning
8 for three days and, of course, that in itself creates
9 logistical problems and a whole range of other tactical
10 problems and it really caused the town to actually burn.
11 Thank you, Mr Sigmund. I am sure there will be party who will
12 seek to cross-examine.

13 <CROSS-EXAMINED BY MR CLELLAND:

14 Mr Sigmund, the comment that you make at para.49 of your
15 statement to the effect that you say it is impossible for
16 ordinary people to understand and apply, that is, the "stay
17 or go" policy?---M'mm.

18 By that statement do you mean that either people are unable to
19 judge what "leave early" means in a given incident or
20 people are unwilling to activate that part of their plan
21 until a fire directly threatens?---That's a good question.
22 Most people that I speak to, and we live in a country town,
23 we are not that well educated so we understand this thing
24 as saving our lives. This is about self-preservation. So
25 if I am impacted or threatened, then I will make the
26 decision to leave and the town folks' idea of that is: "Am
27 I in danger or aren't I?" and they look at the fire and
28 say: "No, no, the wind is going that way so I should be
29 right" and the interviews that came afterwards reflected
30 that directly, that people sat down on their armchairs in
31 the middle of Boolarra on that Friday and said: "We are

1 going to drink beer and watch this fire". So they didn't
2 really understand the danger they were in and maybe we
3 should give them some sort of a trigger or some sort of
4 impetus to understand the level of threat they are under.
5 Can I just take up that point. It seems just from the DVD that
6 we were viewing, at least twice during the meeting, at
7 least in that part we were shown, and I think you may have
8 been one of the people who said it, but when people are
9 asking the question "when do I leave?" and they were told
10 "Now. It is time to go now" or "It's time to go" and yet
11 one can hear there are still people debating the niceties
12 of "well, how long do I have" and "what do you really mean
13 by 'go now'?" Is that your sense from being
14 there?---Absolutely, yes. There is no question of that. I
15 think that people in general and I think I said somewhere
16 down the road that most fires people have been to have been
17 a barbecue and so the reality of being overwhelmed by a
18 fire isn't in their minds and they can't really read it,
19 they can't understand it.

20 So even having the fires almost encircling the town wasn't
21 enough?---Correct and a lot of that had to do with perhaps
22 the wording of the Delburn complex of fires which in
23 reality meant nothing to the townsfolk and, therefore,
24 didn't frighten them enough to galvanise them into making
25 some decisions.

26 I don't think you could be criticised, Mr Sigmund, for not doing
27 enough to try and convey the message with words at that
28 meeting. Was what you described as the knee-jerk reaction
29 to say "all right, we'll sound the siren", was that really
30 a product of your frustration that people were still
31 sitting there, the fires at least threatened, it was time

1 to go and it seemed that people still hadn't got the
2 message?---No. I actually hadn't thought of the idea at
3 all. It wasn't my idea, it was I think the Boolarra
4 captain's idea and we passed that through. When he said it
5 to me I thought it's a logical thing to do, but having said
6 that, as I explained before, if the fire had been running
7 at a certain rate of knots and my house had been anywhere
8 north, that town would have been overrun, there is no
9 question about it.

10 Can I just ask you about that. I think when you were asked
11 where the risks attached to the idea of the siren being the
12 trigger, I may have misunderstood you but I took you to be
13 saying that if there was a reliance by people on such a
14 signal and it failed, such as for the obvious reason that
15 it was burnt, that that could have resulted or had
16 catastrophic consequences?---No question and that would
17 have cooked us as well as the firefighters.

18 And also if, depending on where the fire was, potentially a
19 signal going that was taken by the residents to be an
20 evacuation signal, there was the potential for them to
21 drive into even greater danger?---And you're right. It
22 depends on where and when, each fire, and if it happens
23 next year the wind might be in a different direction. So
24 if we have open or closed roads, you are right. The risks
25 are there and they have to be accepted. We live in a fire
26 prone area and we live in an area with not many roads out
27 of town. Some of the roads are right through plantations
28 and so everything we have around us is risk so we have to
29 manage that risk as best as we can, but early warning
30 systems are perhaps ... and somebody mentioned ground
31 observers and I'm a great believer that the real

1 information given to the people who are running the ICC or
2 the IMT should be in real-time and if we can give the
3 people a greater opportunity to make the decision to leave
4 now, most of them would make the decision a lot earlier and
5 feel more comfortable with the decisions they are making.
6 But without ground observers and changing the way we do
7 business, we are going back to square one.

8 So there were two aspects that in your mind at least justified
9 the triggering of the signal, using the fire siren as a
10 signal, firstly, that the people who at least were present
11 at the meeting had been informed that that is what it meant
12 - time to leave, go now?---Yes.

13 And, secondly, there was at least enough local information
14 available to you and the others with whom you discussed it,
15 that there was, in fact, a fairly safe way for people to
16 exit and go to Churchill?---Correct. As I stated earlier,
17 our weather patterns lead us to have the weather coming
18 from the south-west which means that the roads on the
19 northern side are generally open, but having said that, the
20 Creamery Road fire did spot onto the main road and we held
21 the fire the previous night. But if the Creamery Road fire
22 had taken out that road and that road was blocked, the
23 Boolarra people would have nowhere to get out and so we are
24 surrounded by risk.

25 Thank you, Mr Sigmund.

26 MS DOYLE: Are there any questions from the Commission?

27 Otherwise, I will ask that Mr Sigmund be excused.

28 COMMISSIONER PASCOE: Mr Sigmund, I have a question that relates
29 to a completely different part of your statement and thank
30 you very much for coming. I think we have enjoyed this
31 session and indeed your contribution at the community

1 consultation at Boolarra as well, but you in your statement
2 at para.39 just almost as a side reflection note: "I had
3 planted a crop of lucerne around the house between us and
4 the hill which offered some protection"?---Yes.

5 Can you explain that?---Yes. Lucerne doesn't burn real easy.

6 Because the lucerne crop was quite young (it was only about
7 5 to 10 cm high) and it was an experimental crop and when
8 the fire came over the hill, it actually - the fire
9 intensity for every 10 degrees of slope doubles in speed,
10 so if you can stop the fire coming up the hill at your
11 house and, of course, I have wooden barge boards on the
12 bottom of the house, that at least it aids me or it helps
13 me to protect the house. So the idea was to try to slow
14 the fire speed so I could do something with saving the
15 house.

16 Are you aware if other people in the area use crops or plants in
17 that way?---Never thought of it. It may be an appropriate
18 thing to do, but - I don't know, I thought it was a good
19 thing to do for myself.

20 COMMISSIONER MCLEOD: Did you believe it was, in fact, effective
21 in your case?---In actual fact, the fire came at us from
22 the north-west instead of the south-west; and the crop,
23 it's on the north, so if the fire intensity had been much
24 greater it would have done its job, but all the paddocks
25 burnt up to the house and up to the windbreaks, but having
26 said that, I have the only green spot in the whole of
27 Gippsland.

28 MS DOYLE: I have nothing that arises. Could I ask that
29 Mr Sigmund be excused?

30 WITNESS: Could I ask one question of the Commission?

31 CHAIRMAN: I don't know about questions, but if you would like

1 to make another comment, you are welcome?---Okay, a
2 comment. From a volunteer perspective, we would like to
3 ask whether, with your permission, what do you feel would
4 be in place to monitor the results of the Commission's
5 findings so that as the findings are put forward to the
6 local people, to the people in charge, that things are
7 monitored so things actually change?

8 Well, I can only say that we are concerned to emphasise this
9 point at least in one way, that we have taken all the
10 recommendations made in previous reports and have reviewed
11 what has been done in relation to them and if that isn't a
12 clear sign that we would hope that something is done in
13 relation to our recommendations, we can't take the matter
14 much further?---So the Commission isn't that empowered to
15 follow it through and to ensure that these things are done?

16 CHAIRMAN: The answer to that question is you're right?---M'mm.

17 I am not happy with that, but that's the way life goes.

18 MS RICHARDS: Thank you for your time, Mr Sigmund. You may be
19 excused.

20 CHAIRMAN: Thank you.

21 <(THE WITNESS WITHDREW)

22 MS RICHARDS: Commissioners, I call Dr John Ferguson.

23 <JOHN WALTON FERGUSON, sworn and examined:

24 CHAIRMAN: Take a seat and make yourself as comfortable as you
25 can, Doctor?---Thank you.

26 MS RICHARDS: For everyone's reference, Dr Ferguson's statement
27 is in Vol.24 behind tab 32. The document number is
28 WIT.022.001.0001. I think it is the tab behind
29 Mr Sigmund's statement so if people have that open, it is
30 the next one in the book.

31 Dr Ferguson, your full name is John Walton

1 Ferguson?---Yes.

2 You are an oral and maxillofacial surgeon?---Correct.

3 During the week you reside in Fitzroy?---Correct.

4 And most weekends you spend at your home in Aruna Drive,

5 Buxton?---Correct.

6 You purchased that property in 2003?---Correct.

7 What was it that attracted you to the area?---We were initially

8 attracted to the Marysville area, having spent a few

9 weekends there, and we looked at property in Marysville and

10 then by chance we looked at a property in Buxton which we

11 liked and we bought that the same day.

12 When you say we, you are referring to yourself and your wife

13 Valerie?---Correct.

14 You have a large family?---We have a large combined family.

15 And they spend time with you there from time to time?---From

16 time to time.

17 If we could have a look at the location of your property in

18 Aruna Drive, Buxton.

19 So we could see just to the right of the screen

20 (before we zoomed in) the township of Buxton; and Buxton is

21 at the northern end of what is known as the *triangle*, that

22 is made up of Buxton, Marysville and Narbethong. Can you

23 describe your block, please, Dr Ferguson?---It is a

24 one-acre block on flat land. On the property we have a

25 3-bedroom wooden house, a corrugated-steel roof.

26 What is the vegetation like on your block?---On our block

27 immediately surrounding the house we tend to have mainly

28 small evergreen plants such as rhododendrons, camellias,

29 wistaria and the like. There are also some deciduous trees

30 on the block. On the northside of the block directly

31 against the street there is a very large deciduous tree, a

1 pin oak tree, which sits between us and the heavily bushed
2 area to the immediate north and north-west of our property.
3 Just looking at the layout of the roads there, Aruna Drive is
4 that one there?---Yes.

5 And that is your house that is marked?---That's correct.

6 And you are close, are you not, to the Acheron River?---Yes.

7 Immediately in front of our block there is a dirt road and
8 the Acheron River is on the other side of that dirt road
9 about 10 metres from the road.

10 And in what direction from your house is the river?---It is
11 north.

12 North; along there?---Correct.

13 You moved to that location in 2003; at what time of year?---We
14 took possession of the property at the beginning
15 of November 2003.

16 Before you bought that property and started to spend time there,
17 had you had experience living in the Victorian bush?---No.

18 What was your understanding when you moved there of the fire
19 risk?---I understood that anywhere in Victoria was
20 potentially a fire risk, particularly where there was heavy
21 bush, so I understood that our region was a bushfire risk
22 area. I was aware that the area had been burned out in
23 1939.

24 Did you do anything to educate yourself about the level of fire
25 risk and what you should do to plan for it?---During the
26 first year or so there, no, other than finding out a little
27 bit about bushfires. At that stage we would not have been
28 in any sort of position to defend the property. Had a
29 bushfire come through during that first year, we would not
30 have been able to stay at the house. We missed the CFA
31 briefing for that year, which would have been in

1 about September, but during the following year, that is,
2 2004, I started getting information about bushfires and
3 that included later in the year going to the first of the
4 CFA briefings that I attended.

5 How did you find out about the CFA briefing?---These are
6 publicised in local newspapers. One of these is a small
7 non-profit local newsletter, I suppose, rather than a
8 newspaper, called The Triangle News. It is publicised in
9 there and also in the Alexandra newspaper.

10 And these CFA briefings, which brigade held them?---Different
11 years I went to either the Buxton or the Taggerty station
12 for the briefings.

13 You say in your statement that you went to these briefings most
14 years?---Most years. I missed a couple of years, but most
15 years I went to them. The first year was the most
16 important, though.

17 What did you learn at those briefings?---The first thing I
18 learned was that very few people attended them. I think I
19 went to one where there were more than 10 people; there
20 might have been 12 or 15. They were very thorough. The
21 people giving them clearly had a lot of experience. They
22 went to a great deal of trouble to explain the nature of
23 bushfires and bushfire behaviour and what we could expect.
24 On some occasions we were shown illustrations of big fires
25 to try to give us an idea of the significance of a really
26 big fire. I recall one occasion in Taggerty when the
27 person giving the briefing decided to demonstrate to people
28 what was meant by radiant heat by turning on an electric
29 radiator and bringing it forward and holding it against
30 people's faces to see how much they could stand before they
31 shrank away. This is extremely effective. He said,

1 "That's nothing like the radiant heat that you can expect
2 if you are faced with a big bushfire".
3 So a scaled-up version of a child only learning that something
4 is hot by touching it?---Absolutely.
5 Were you given any literature at these briefings that you
6 attended, anything to take away and read?---At all of those
7 briefings we were given the work book, the CFA bushfire
8 work book.
9 Which is now known as Living in the Bush?---Yes.
10 But there have been various editions over the years?---Correct.
11 Did you take that away?---Yes.
12 And worked through it?---Yes.
13 Having done that, what preparations did you make at your
14 house?---One of the first things I had to do was make a
15 decision about what sort of a threat we would potentially
16 face if there was a bushfire and this meant looking at the
17 area around the house and analysing it based on what I had
18 been able to read both from the CFA material and also
19 through research on the internet. Based on that, I decided
20 that if possible we would stay and defend the house and set
21 about acquiring suitable material for firefighting.
22 If I can just stop you there. Of course, having read this
23 material, you were aware of the CFA's advice that you
24 should either prepare to stay and defend or leave your
25 house early. What factors made you decide to stay and
26 defend your home?---I suppose after the first year we had
27 fallen in love with the property. We had decided that if
28 there was a bushfire the property was potentially
29 defensible and provided we were satisfied with the
30 preparations, we would deliberately stay and defend.
31 So you made that decision and what did you then do to prepare to

1 implement that decision should it be necessary?---We
2 already had existing water tanks on the property. These
3 were two corrugated-steel tanks. One of these started to
4 leak and I subsequently replaced it with a similar sized
5 plastic tank.

6 What capacity did you have? How much water were you able to
7 store?---The large plastic tank had a capacity of around
8 25,000 litres and the smaller tank a capacity of
9 approximately 12,000 litres.

10 And apart from the water supply, what other preparations did you
11 make?---I acquired a fire pump and a length of proper
12 firefighting hose. I had instructions on how to use this
13 from the supplier.

14 Any other equipment that you put in the place?---Small
15 equipment: mops; buckets; the super soakers that were
16 referred to, these were the pump-action water pistols that
17 send water a considerable distance; we had a fire
18 extinguisher in the kitchen and I keep a fire extinguisher
19 in my car.

20 You say in your statement that each summer you kept the water
21 tanks full throughout the fire season. We have had a
22 number of dry years. How did you manage to keep your tanks
23 full?---It wasn't difficult. There was always sufficient
24 water for me to leave the tanks full over the summer. We
25 tended not to use the tank water from late winter onwards
26 for any garden watering and allowed them to fill and if I
27 wanted to water the garden, as I am permitted on certain
28 days, the town water supply.

29 So you were also connected to the reticulated town water in
30 Buxton?---Yes.

31 Did you have a back-up plan, Dr Ferguson?---In terms of

1 defending?

2 Yes?---We had to accept that we might be unsuccessful, that the
3 house potentially could burn and that we might have to
4 abandon our defence. So I had planned an escape route. My
5 escape route was based on the presumption that a fire
6 attack would probably come from the north or north-west, so
7 I planned an escape route to the south across our fairly
8 big lawn at the back, through a neighbour's property where
9 we had two alternate routes to go depending on what was
10 burning, across a dirt road into an open paddock which is
11 normally kept short, cropped, by cattle grazing and I
12 thought that if we got there, we would suffer no more than
13 burns to our legs at the worst.

14 And we can see on the map on the screen the path that you might
15 take and I think where the cursor was is the area that you
16 were planning to evacuate to?---Yes, we would cross
17 Steavensons Road and into that big open area.

18 I understand this was not a plan to change your mind at the last
19 minute and leave, it was a plan to evacuate your house if
20 it caught fire and you were unable to save it?---Only if we
21 were unable to extinguish a fire or we thought we were
22 really in danger by staying, then we would go.

23 Prior to 7 February this year, what warning did you believe you
24 would ...

25 CHAIRMAN: Can I just ask one question in relation to para.11
26 because it is at this stage. You refer to arranging for
27 the removal of a number of large trees. Was it necessary
28 to get permission to take those trees away?---I made no
29 inquiries about permission.

30 MS RICHARDS: If I could ask you, Dr Ferguson, what were the
31 trees that were closest to your house that you had

1 removed?---There was one extremely large old semi-dead
2 tortured willow about 15 metres x 15 metres partly
3 overhanging the house with a large amount of dead wood and
4 debris in it which I considered most certainly would have
5 burnt. In the front of our property there were two large
6 native trees which I removed. Further back on the property
7 we removed a number of very large pine trees and eucalypts
8 and semi-dead wattles.

9 And I understand that one of these trees was in close proximity
10 to your large tank?---There was a fairly big tree partly
11 overhanging the plastic water tank and I, therefore,
12 removed this. I'd looked at the research done by the
13 Bushfire Cooperative Research Centre on the survivability
14 of plastic water tanks in bushfires and found that if the
15 top of the tank, even if full, was subject to sufficient
16 heat, it was likely to melt and then the tank would split
17 and empty; therefore, I removed that tree.

18 In order to have it clear of vegetation?---Yes.

19 Moving, then, to the issue of your expectation of a warning.

20 Before 7 February this year what did you expect you would
21 receive by way of warnings of an approaching
22 bushfire?---The CFA briefings had always made it clear that
23 a fire front may arrive with minimal if any warning on some
24 occasions, and that we, therefore, assumed that we might
25 get no warning. I worked on the basis that we would get no
26 warning on the day with a bad bushfire and that it was up
27 to us to work out if a bushfire was coming near us.

28 What was your understanding of the level of assistance that you
29 might expect to receive in the event of a bushfire?---The
30 CFA made it quite clear that in a big bushfire we should
31 not rely on people coming to help us.

1 Immediately prior to 7 February this year were you aware of the
2 weather forecasts for that day?---Yes, the first very
3 explicit warnings that I heard were on the Wednesday. I
4 recall particularly when I heard them sending a text
5 message to Valerie who was at work stating that they were
6 predicting that this would be potentially the worst
7 bushfire day in Victoria's history and that we would need
8 to go up there on the Friday night and make suitable
9 preparations.

10 Do you recall how you first learnt of that forecast of the high
11 fire danger day?---Over the radio.

12 Which station?---It would have been 774.

13 So you say that having heard that, you decided that you would go
14 up on the Friday night to Buxton?---Yes.

15 What was your normal practice?---Usually we go up on the
16 Saturday morning, often stop at Healesville for a late
17 breakfast or early lunch, and then continue on up to Buxton
18 at about midday or thereabouts.

19 Why did you decide to go up on the Friday night on this
20 occasion?---We wanted to be there early in the day, given
21 the predicted weather conditions.

22 On the day you say in para.19 of your statement that you made a
23 number of preparations. Can you outline what those
24 were?---Yes. Although I had checked the petrol in the fire
25 pump at the beginning of the fire season, I hadn't changed
26 the petrol. I, therefore, went up to the service station,
27 local service station, at about eight o'clock in the
28 morning and got fresh petrol. I emptied the fire pump, I
29 refuelled it. I gave it a trial run. I then got Valerie
30 to come and operate the pump a number of times. One of the
31 reasons for that was that I'd had a shoulder reconstruction

1 only six weeks previously so I had some limitation of use
2 of my right arm so I had to make sure that she could
3 operate it as well. Also it requires two people to operate
4 a heavy fire hose and a fire pump. In addition to that, I
5 just generally tidied up around the outside of the house,
6 made sure there was no obviously loose or easily flammable
7 material. I left the fire pump connected to the tanks. At
8 that stage I didn't lay the big fire hose out. I just had
9 the pump ready for the hose to be run out and connected if
10 necessary. And that was really all that we could do. On
11 the morning it became extremely hot shortly after midday
12 and we went inside and put the air-conditioning on.

13 Did you monitor the media or the internet for any warnings of
14 fire in the area?---As soon as we went inside, there was
15 nothing else to do, it was so hot; we just put the
16 television on and started watching television. During the
17 afternoon there were some messages coming across the screen
18 saying to listen to ABC 774 for bushfire warnings, but I
19 had really depended much more on looking outside to see
20 what was going on during the day.

21 Did you do that regularly on 7 February?---From the middle of
22 the day onwards I was outside every 20 or 30 minutes
23 looking around the horizon in all directions.

24 At approximately 3.30 that afternoon, did you notice smoke in
25 the area?---I had been outside not very long before that, I
26 suppose maybe it was ten past three. I was back inside
27 looking at the television and there is a high window up on
28 the corner of the room facing to the west and then I saw a
29 big cloud of smoke. I went outside and there was a huge
30 column of smoke coming up from what seemed to me, you know,
31 a long way away, maybe 30 or 40 km away, like it was a

1 mushroom cloud of dark brown and white smoke moving quite
2 quickly high in the sky, clearly a big fire.

3 If we can just zoom out a little bit on the map and get a sense
4 where Buxton is in relation to the Murrundindi Mill. The
5 Murrundindi Mill is pretty much due west of where you live
6 in Buxton, is it not?---Yes.

7 I think we might even have the point of origin of the fire.

8 There you are, a little to the north-west. So you could
9 see a cloud of smoke?---Yes.

10 How was it moving in relation to your property?---It appeared to
11 be moving from north to south, so approximately parallel to
12 where I was looking.

13 At some stage in the afternoon did it appear that that column of
14 smoke had moved closer to your home?---It seemed to be
15 closer by about five o'clock. It was still seeming to move
16 parallel to us, but it was noticeably closer and at that
17 stage Valerie and I decided to set up the garden sprinklers
18 which are horizontal back and forth-type sprinklers and set
19 them against the side of the house, on the north and west
20 side of the house. These were the sides of the house we
21 expected an attack to come from.

22 At around that time did you also ring the Bushfire Information
23 Line?---I made a number of calls starting at about five
24 o'clock. I got through to the Bushfire Information Line at
25 5.25 and I was put on hold. I know it was 5.25 because I'm
26 one of these people who can't stand being put on hold and I
27 looked at my watch thinking to myself I wonder how long
28 they are going to put me on hold. I thought I would time
29 it. And it was about 7 or 8 minutes because the operator,
30 the young lady who was trying to be very helpful, didn't
31 know where Buxton was. I said: "There is a huge amount of

1 smoke in the sky not far from us, to our west. Can you
2 please tell me where it's coming from?" She came back
3 eventually and she said: "There is a small grassfire at
4 Murrindindi with 30 appliances in attendance. At that
5 stage I thought, well, it sounds good, but it is not what
6 it looks like in the sky.

7 And this was at roundabout half past five in the afternoon?

8 ---It would have been 5.30.

9 So you had the information from the Bushfire Information Line,
10 but it wasn't matching what you could see?---That's
11 correct.

12 By about six o'clock what could you see?---At six o'clock the
13 smoke was closer and now it was moving very, very fast. I
14 tried to describe it in my statement as fast moving,
15 rolling palls of smoke like this, which to me suggested a
16 fire, a very large fire and a very, very intense fire and
17 presumably moving quickly because clearly it had travelled
18 a significant distance since I had first seen it; so at
19 that stage I realised that there was really the potential
20 for a fire to reach us.

21 Did you make any telephone calls apart from your telephone call
22 to the Bushfire Information Line between 5 and 6?---No. I
23 received a call from one of my children just after five
24 o'clock, my son Donovan, who said, "What's going on? Are
25 you okay?", and I said, "Well, there is a lot of smoke in
26 the sky and we've just lost the power and we were well
27 prepared. We think we are okay and at the moment the fire
28 doesn't seem to be too close to us". That was the last
29 call I received on any of the telephones.

30 And you say in your statement that when your mobile phone was
31 working again the following week or when you were able to

1 retrieve your messages the following week, you had a large
2 number of voice messages?---There were 23 voice messages.
3 The first one was recorded at 5.30 pm.

4 Who were those messages from?---Mainly from our children on the
5 night and then over the following two days from a small
6 number of friends inquiring after us.

7 So you conclude from that that at roundabout five o'clock,
8 sometime shortly that, your mobile phone reception
9 failed?---Somewhere roundabout that time, yeah.

10 What, if any, communication did you have with your neighbours at
11 around this time?---Our neighbours, on what I have
12 described as our eastern boundary, that is, to the right of
13 our house if you are looking towards the street, were
14 relatively new to the area, they had only moved into the
15 house a few months previously. A few weeks prior to the
16 fire I had asked them if they had a bushfire plan and they
17 said they were thinking of installing sprinklers. On the
18 day, during the day about midday, I said, "What are your
19 plans for the day?" and they said, "We are going to wait
20 and see what happens". They then became rather indecisive
21 during the day as to whether to stay or go and then finally
22 at 6.20 they came over and said they had decided to go and
23 they started putting a few more things in their car. I had
24 said to them a couple of times: "Look, if you are going to
25 leave, you really need to leave earlier because we don't
26 know where this fire might be on the roads". In the event,
27 they finally left at about 6.40 pm.

28 In which direction did they drive?---They drove back up onto
29 Steavensons Road and up Dyes Lane to the highway. They had
30 great difficulty getting to the highway because they
31 couldn't see the road any longer because of the smoke and

1 they could see fire to their right-hand side as they drove
2 to the highway.

3 So, as described to me by my neighbour, he was able
4 to get to the main road just by looking at the grass verge
5 on the side of the road and following that up until he
6 reached the main road. He then drove around past the
7 general store where there was of convoy of vehicles headed
8 by a fire truck and backed up by a police car getting ready
9 to go through to Alexandra.

10 By about 6.45 how thick was the smoke in your area?---At that
11 stage it was like night. You couldn't really see what was
12 happening with the smoke. The smoke was so dense it was
13 just darkness. We were sitting on our front deck at that
14 time watching constantly what was going on. At about 6.20
15 Valerie had said to me: "I think I had better cook
16 something quickly while I have got the chance." She cooked
17 something. We were actually just finishing some steak and
18 chips when our neighbour came over to let us know he was
19 leaving. He looked quite astonished to see us sitting
20 calmly on the deck finishing our steak and chips. But they
21 took off and then I saw red and blue flashing lights out on
22 the road. I went out to see. It was an emergency services
23 vehicle. I wasn't sure at the time whether it was police
24 or CFA. It was a four-wheel drive. I just went over to
25 the passenger window. I said, "We are in that house that
26 two of us are staying to defend". He said, "Good luck"
27 (which is what I'd also said to our neighbour when they
28 left late), and they left shortly after with our next-door
29 neighbours on the left-hand side, that is, the western
30 side, following them to go to a different house in Buxton.
31 And did that person in the emergency services vehicle, whether

1 it be police or CFA or something else, tell you anything
2 about the fire?---Yes. I said, "What's the story?" He
3 said, "You've got a major fire front coming straight at
4 you. At the most you've got 30 minutes".

5 After they left together with your other neighbours, did you
6 make any further preparation?---Yes, a little bit earlier I
7 had rolled out the big fire hose. About six o'clock when
8 there was a fire close to us, I had the fire hose ready. I
9 then got Valerie to start the fire pump and I started to
10 soak the house. Our particular fire pump with a hose puts
11 out a fairly large volume of water. I was able to estimate
12 the total amount of water used on the night by checking the
13 tank next day. I'd used probably over two-thirds to
14 three-quarters of the tank so maybe about 18,000 litres,
15 but in that first burst probably I put about 10,000 litres
16 over the house. My plan had always been to soak the house
17 with so much water immediately before a fire front that it
18 would manage the initial ember attack and hopefully combat
19 any direct flame attack until we had time to go out and
20 deal with it. At the end the ground was swimming in water
21 all around the house. There were big pools of water
22 everywhere. The house was absolutely drenched, but at that
23 stage the smoke became so thick that we were unable to see
24 any longer. Our eyes were so sore. We didn't,
25 unfortunately, have smoke goggles and breathing was
26 becoming also difficult. We were also concerned that not
27 being able to see the fire through the dense smoke we might
28 suddenly get hit with some radiant heat before we had a
29 chance to shelter. At that stage we went inside to wait.
30 Could you see flames at all at that stage?---At that stage we
31 didn't see flames directly. There was an obvious glow of a

1 low level initially. Although after we went inside the
2 house, this glow increased in all directions, but because
3 of the dense smoke at ground level you couldn't see
4 specific flame.

5 So you retreated into the house when the smoke became - - - ?
6 ---At that stage there were embers coming down also and
7 yes, we went into the house.

8 How long did you remain in the house?---It might have been 30
9 minutes or so.

10 And what could you see while you were there?---First of all, we
11 completed our preparations inside the house as soon as we
12 went inside. We put wet towels at the doors, checked all
13 the windows were tightly closed, checked that we had water
14 in the sinks and things and we had the super soaker loaded.
15 We discussed what we would do in various eventualities such
16 as a window breaking, curtains catching fire, and also
17 reviewed our escape route.

18 The house, despite the fact that we closed the house
19 up, it filled with smoke so dense that we could barely see
20 from one end of our long living room to the other. We
21 didn't have smoke masks but we put wet bandannas around our
22 mouth and nose and that was fine, we could breathe quite
23 well through those.

24 How did it feel being inside the house at that time, with the
25 house filling with smoke?---Very stressful, yeah, very.

26 Was there anything you felt you could do?---No, there was really
27 nothing to do other than sit and wait, and that was very
28 hard. It was much easier being outside doing something
29 than sitting inside and waiting not knowing what was going
30 to happen. Like most lay people who had never been through
31 a bushfire, we didn't know what was going to happen next,

1 we just had to wait and see. We were looking out the
2 windows all the time checking for spot fires but
3 particularly looking to the west where the fire was coming
4 from and at that stage initially I saw a glow off to the
5 left which would have been in a southerly direction which I
6 knew had to be the house on our south corner. There was
7 just a small red glow down on one corner at ground level
8 for a while and then all of a sudden the fire went straight
9 up the side of the house and in a very short time the whole
10 house was ablaze and it just eventually disintegrated after
11 a few minutes with a huge explosion.

12 That house was the house of one of your neighbours who had left
13 not long before?---That particular house, I didn't know
14 what was happening in that house on the night. I
15 subsequently learnt that the lady who was a tenant had left
16 during the afternoon because of her concern about
17 conditions.

18 During this time were there also embers falling on your
19 house?---Yes, there was a constant ember shower onto the
20 house. It was quite an interesting phenomenon because it
21 sounded like rain on the roof as the embers hit. These
22 embers are quite big and I have included at this time a
23 couple of pictures of the embers that I picked up
24 afterwards from the wet ground around the house to give an
25 idea of the size of these. We could see the embers coming
26 down but of course they were hitting the wet ground and
27 going out, so from that point of view we weren't initially
28 concerned. We kept checking out the windows to make sure
29 that nothing was catching fire and just waited to see what
30 was going to happen next.

31 Dr Ferguson, you have brought some photos for us and I will take

1 you to them in one lot in a short time. At some point did
2 you decide that it was safe for you to go outside the house
3 again?---We didn't know how safe it was. My real concern
4 at that stage was that we had been inside for 30 minutes, I
5 couldn't see every part of the house from the windows.
6 Also our house is on stumps and I was very concerned that
7 things might have blown in underneath where there was no
8 water and could be doing something without us realising it,
9 so we felt obliged to go outside and do a quick check
10 around the house. Then we decided it was probably better
11 to stay outside.

12 You mentioned in para.25 of your statement that you were also
13 concerned about the risk of snakes?---Well, there's been
14 numerous snake sightings on all of our properties.

15 And you are close to a river?---We are close to a river. The
16 neighbour's dog had been bitten by a snake not very long
17 before and we knew that with all the fire activity there is
18 a significant chance and we thought it would be terrible if
19 we survived the bushfire and got taken out by a snake with
20 no chance of getting emergency services down in time
21 because with a snake bite I knew we had a limited number of
22 hours available.

23 Did that particular concern come to pass that night?---No, it
24 didn't, we didn't see a snake on the night.

25 You then describe in your statement that you spent the next five
26 hours or so actively fighting the fires?---Yes.

27 What did that involve you doing?---Initially when we went
28 outside and checked around the house, we went and quickly
29 checked the neighbour's house on our right side because we
30 promised to look after the house; he had given me keys to
31 access the house if necessary. We hadn't put any water

1 over our freestanding studio which is further back on the
2 block and so we restarted the fire pump and soaked that and
3 the adjacent small conifer tree to get that really wet. I
4 could then see over the back hedge of our property (that is
5 on the, more or less, south boundary) a fire running up the
6 side of our neighbour's workshop complex. This is Jim. He
7 and his wife, Shirley, lived behind us.

8 They were away on holiday?---They were away on holiday at the
9 time. So with nothing immediately to do on our property,
10 we went over to just check that. We could see that there
11 was an actual fire front at that stage. Because the smoke
12 cleared a little then, we could see that there was an
13 active fire front coming down through the bush off to the
14 west. It was coming down the side of a hill and it was
15 moving, it seemed to us, relatively slowly. So we decided
16 to go over and see what we could do on Jim's property.
17 There was a fire which had apparently started with embers
18 stacking up against the side of his workshop and falling
19 onto the dry grass. It was a corrugated metal workshop and
20 I didn't think there was much danger of it burning, but we
21 decided to put the fire out anyway. He had a hose
22 connected to the tank which I couldn't use because it was
23 connected through a pump and with the electricity failure I
24 wasn't able to actually get any water on it; so we ran
25 backwards and forwards with buckets of water from our tank
26 and we thought we put this fire out and we then went back
27 over on to our own property.

28 You have made a modification to your metal tank, have you not,
29 so that you could easily bucket water from it?---Oh, the
30 corrugated tin, I had cut a hole in the top of it like this
31 not specifically for fighting fires. I had cut a hole in

1 the tank because I wanted to inspect closer the interior of
2 the tank which was rusty because I wanted to try and assess
3 the life of the tank before it did what the other one did,
4 which is split open and leaked one day. So, fortuitously,
5 this enabled us to be able to very, very quickly fill
6 buckets and move backwards and forwards rather than having
7 to run water out of the tap at the bottom of the tank.

8 So you thought you'd put that fire out?---We came back on to our
9 own property, checked ours and the neighbours' properties
10 again, and about this time our next-door neighbour on the
11 west side, Ashley, returned. He had left earlier in the
12 night to take his family away to another house and he had
13 come back with his father-in-law and his son to check their
14 property. At that stage the fire coming down the hill had
15 crossed over the Acheron River and it was burning at a
16 height of 2 or 3 metres getting quite close to the side of
17 his big workshop complex. Ashley is a man who collects car
18 and he had a large number of his favourite cars stored in
19 the workshop.

20 At that stage, with nothing else to do on our
21 property for the short time, we went over to help him and
22 we then worked very hard to stop this fire which was
23 obviously going to burn hard against the side of his
24 workshop and almost certainly get it burning.

25 This was at roundabout nine o'clock that night?---I think so.
26 Apart from 5.25 when I checked my watch and later in the
27 evening when I checked it again, all these times are just
28 estimates.

29 So at that stage we had essentially formed, the five
30 of us, a bucket brigade and ran backwards and forwards from
31 Ashley's water supply attacking this fire. It was quite

1 hot, you couldn't get very close to it, so what we resorted
2 to doing was taking the buckets of water, running quickly
3 and under the flames, throwing them on the flame base and
4 running back out again before we could get burned. We all
5 had appropriate clothing on. We all had heavy top and
6 clothing, hats and boots on, so it was just a question of
7 getting in and out quickly before you got burned. And we
8 did in fact effectively stop the fire getting particularly
9 fierce against the side of his workshop and we just didn't
10 let it go past us and continue on down the street.

11 Once you had that situation under control, did you then become
12 aware of a resurgence of fire?---I went back over to our
13 house a couple of times just to check that everything was
14 okay and I looked back at one stage and I could see flames
15 coming again from the area of the workshop on the south
16 boundary, this is Jim's workshop. We went back there.

17 That is where you had previously thought you had put out the
18 fire?---We thought we had put this fire out. He had a set
19 of new tyres for his car stacked against the side of his
20 shed. These had caught fire and these were burning very
21 fiercely and although we tried to put these out with
22 buckets of water, we couldn't, and this burned against the
23 side of the shed and then something inside started to burn
24 and then the whole complex caught fire and became quite a
25 big fire. He had a number of LPG cylinders inside and
26 these started venting and blowing off and this became a
27 very big fire and we just had to stand well back from it
28 and let it burn.

29 How far was that conflagration from your house?---It was a long
30 way. It would probably be 60 - or 70 metres probably from
31 our house, well away.

1 How close was this shed to your neighbour Jim's house?---It
2 would have been about 8 - I think about 8 metres from his
3 house.

4 In the end did his house catch fire?---No, it didn't. A big
5 bush on the side of his house caught fire and the plastic
6 downpipe melted in the heat. The walls of his house were
7 fibro-cement. He deliberately built the house with some
8 fire resistance. So, no, it didn't catch fire.

9 You have described a couple of times a fire front coming from
10 the west?---From the west.

11 Towards you. Perhaps you could indicate on the map, knowing
12 that (as we do) your house is just where it is marked
13 there, where did the fire front approach from, the first
14 fire front?---The first fire front appeared to come, if you
15 like, from the bottom corner of the screen. There's a big
16 open area here and clearly the fire burning through the
17 bush further back in the background had split around this
18 big open area. This was entirely fortuitous because that
19 open area had been tall grass but it had been taken down by
20 the farmer only about 14 days previously for hay-making, so
21 what had been over a metre high was just a small stubble
22 and although the fire burned across it, it burned across it
23 very slowly. So the fire effectively split on either side
24 around this big open area and the first fire - - -

25 So in that open area to the south-east?---No, to the left of
26 your screen. That's the open area. The fire then went
27 round the top of that and then came down the side of that
28 hill towards our house.

29 And reached you some time later?---Some time later, yes.

30 Did that second fire front reach your property or pass your
31 property?---It burned out the heavy bush immediately

1 opposite the front of our property. We had the advantage
2 of the very large pin oak tree that effectively shielded
3 our house and property from the radiant heat. The side of
4 the pin oak tree facing the fire was very badly scorched by
5 the fire but, as we had expected, it didn't actually catch
6 fire as with most deciduous trees which are relatively fire
7 resistant.

8 During this time were you also keeping an eye on the house of
9 your other neighbours?---We kept going over and just
10 quickly going around the house to check for spot fires.

11 They were the new neighbours who had left after some indecision
12 not long after half past six?---Correct.

13 When did you finally get to sit down and have a rest?---Well, we
14 finally sat down and I thought "oh, you know, it is getting
15 late now, it must be past eleven o'clock" and I looked at
16 my watch, it was two o'clock in the morning, I couldn't
17 believe it. So we had actually - everything, you know,
18 seemed to be - I don't know, I couldn't believe we had been
19 going for five or six hours, it seemed like a much shorter
20 time.

21 Did either of you sleep that night?---No.

22 What did you spend the night doing?---We sat out on the front
23 deck. I tried to rehydrate myself. One of the things that
24 the CFA had pointed out was that in association with
25 radiant heat, heat exhaustion could kill you and I mean I
26 was well aware of it from a medical point of view anyway.
27 I probably drank something like 5 litres during the time of
28 the fire. I then drank cups of tea all night. So we just
29 stayed out there and we talked. Now, although the fire had
30 burnt through the area opposite the front of our house,
31 fires continued there because all of the eucalypt trunks

1 and the tree stumps there just continued to burn and send
2 off ember showers and this continued for about 36 hours,
3 and these ember showers were blowing around in the wind; so
4 although these were small embers, compared to your bushfire
5 embers, we still felt we had to watch these all the time
6 just to see where they were going.

7 Having seen you safely through to the early hours of 8 February
8 we might have a look at your photos now?---Okay.

9 These are some before shots?---This is facing directly
10 north-west. This is the area where I expected a fire
11 attack would come from and that's the dense bush exactly
12 opposite the front of our house. This picture was taken
13 some time in late winter just before the big pin oak has
14 come out into leaf. There is also just to the right there
15 further deciduous trees on our neighbour's property so we
16 do have quite a good screen of deciduous trees between our
17 house and the bush.

18 That's just looking at the front of our house from
19 the street just to show it is a small house with trellising
20 and wooden decks and things and really very, very
21 susceptible to an ember attack.

22 Judging from the daffodils, that was taken in spring?---In
23 spring, yes. Late winter, spring.

24 Late winter, early spring?---That's looking to the west in the
25 direction - you can't see it, but towards our neighbour's
26 house on the left-hand side. Any of you who have ever
27 been, who had ever gone to Bruno's sculpture garden in
28 Marysville will recognise one of the sculptures that we
29 commissioned him to do for us in the centre of our garden
30 there. On the night of the fire Bruno was coming to dinner
31 with us, Bruno, the owner of the sculpture garden. We

1 called him at two o'clock and cancelled it, we said it is
2 just too hot to even cook, come next weekend.

3 Unfortunately his garden was largely destroyed in the fire.

4 That's looking to the south-west, the direction from
5 which the fire came.

6 Is that the freestanding studio you referred to?---Yes.

7 That's looking more or less to the south-east, just
8 showing our escape route straight across the lawn and then
9 round slightly to the right through an open space on either
10 side of one of the two houses there to get us onto the road
11 and across to the paddock on the other side.

12 That's looking straight across in a westerly
13 direction at Ashley's house, the neighbour whom we assisted
14 on the night and again showing the dense bush coming up
15 against the side of his property.

16 That's just showing - that's the east, an easterly
17 direction and that's just showing the bush off in that area
18 which is not a direction we would normally expect a fire to
19 come from, it is just showing the heavily wooded nature of
20 the whole area.

21 That's the house on our south corner that burned
22 down.

23 The one that you noticed was aflame while you were sheltering in
24 your home?---During the time we were in the house, yes.

25 That's just showing you the remains of Jim's workshop
26 complex. That's not taken from our property, it was taken
27 from the next-door property. It is just showing how the
28 grass fire burns through even very, very short relatively
29 dry grass such as that. We extinguished those fires during
30 the night further up and stopped them getting into Jim's
31 house.

1 Just showing again the remains of that house, showing
2 how the bricks disintegrated in this final explosion when
3 the whole thing blew apart.

4 Showing opposite the front of our house. It has been
5 cleaned up a bit. I took this picture relatively recently
6 but it has been cleaned up a bit since then. Our two
7 neighbours went over and cleaned away a lot of debris. It
8 is just showing the remains of the bush there.

9 Just showing some of the embers that landed around
10 the house. I picked up a handful of these just to give an
11 idea. Some of them were bigger than that, as the next
12 picture shows. And I guess they can get to any size
13 depending on how far the wind will carry them. But these
14 are all embers that fell onto the wet ground around the
15 house.

16 As they fell from the sky they were glowing or on fire?---Yes,
17 very much so.

18 CHAIRMAN: Doctor, that looks as though it would be an ember
19 that would be capable of breaking a window. Are the
20 windows in your house normal glass, strengthened or
21 double-glazed?---No, they are just single 3 ml glass; they
22 would break very easily.

23 That is why in your statement you refer to the fact that you
24 were keeping an attentive eye on the windows?---We knew
25 that windows breaking were one of the problems with large
26 pieces of material flying through the air and we knew that
27 if a window broke we had a problem that we were going to
28 have to deal with straightaway.

29 That's just one more shot. I took that last week.
30 It's a bit gloomy, you can't see very well, but again it
31 shows the dense bush on the other side and the height of

1 the hill up which the fire burned.

2 MS RICHARDS: Thank you. Dr Ferguson, you told us earlier that
3 when you were able to check your messages on your mobile
4 phone the week after the fire you found a number of
5 messages from anxious family members. When were you first
6 able to contact your family?---I left my mobile phone
7 switched on and was carrying it around in my pocket and on
8 the Tuesday I got a beep from it indicating that a message
9 had arrived and I realised that we were picking up a weak
10 signal. I wasn't able to do much with that but somebody
11 suggested I drive up to the top of one of the nearby roads
12 up a hill where the mobile reception was a little better
13 and I was then able to speak to people and that would have
14 been on Tuesday afternoon.

15 Did you remain in the Buxton area in the immediate aftermath of
16 the fire?---Yes. On the Monday morning the police arrived
17 to do a welfare check on behalf of queries from our
18 children and we were able to arrange through them to take a
19 week off work and to pass suitable messages back to our
20 family.

21 Apart from controlling your own property to ensure that there
22 was no further fire activity, did you do anything else in
23 the local area that week?---On the Monday morning we went
24 up - we thought that the immediate fire danger was past.
25 The CFA were at that stage very vigilant, coming and going
26 all of the time, walking onto people's properties and
27 checking all around them. There was no evidence of threat
28 at that stage. We went up to the local CFA station. We
29 said, "We are up here for a week. We have got nothing to
30 do, what can we volunteer for?" I realised then there was
31 no sort of organisation, no infrastructure in the community

1 to deal with a natural disaster. There was no plan or
2 nominated person we could refer to. However, there was a
3 local resident in the CFA station who was trying to
4 organise a few things. He had a whiteboard and he was
5 arranging the few remaining people in the area to go round
6 different streets and check that remaining people had
7 drinking water. So we went and checked our area. There
8 were only two people in houses and we just checked that
9 they had drinking water. The CFA then suggested we go over
10 to the adjacent trout and salmon farm where they had
11 apparently had some sort of disaster. We then did that.
12 The aerators that keep oxygen in the ponds for the fish had
13 failed because of the electricity supply and the heat had
14 raised the water temperature and all of the fish had died,
15 and we are talking about 40 tonnes of fish. So, with a
16 small number of other locals I organised a couple of other
17 people and some other people turned up. We went and helped
18 the owners get all his fish out and bury them. It took two
19 days, 40 tonnes of fish buried in a large pit that somebody
20 had found an excavator to dig. So that occupied us for a
21 couple of days.

22 It sounds like it was a most unpleasant task?---Rotten fish,
23 they rotted very quickly, it wasn't very nice, no.

24 We can only hope that something green will grow on top of where
25 those fish are buried?---Absolutely.

26 Dr Ferguson, what lessons have you taken from the experience you
27 had on 7 February?---Well, we concluded that our plan was
28 successful given the particular conditions with that
29 particular fire.

30 Would you stay and defend your home again?---We would. We would
31 appreciate that in a different fire we might have to face a

1 different level of threat. If a fire came down the hill
2 from our north with a very, very strong north wind behind
3 it we could potentially be subjected to a greater level of
4 ember attack, flames and radiant heat; that was the one
5 that we had planned for. But, again, we would certainly
6 stay and defend. We've got some extra equipment which I
7 have obtained now. Our fire hose wasn't long enough,
8 unfortunately, to reach the south property because I could
9 otherwise have put the fire out in the workshop complex, so
10 I have doubled the length of our fire hose and following
11 advice from the CFA, I have purchased smoke goggles and
12 proper smoke masks, P2 masks so we would be better prepared
13 and we of course have learnt something now from our
14 experience. We hope that we will never face a bushfire
15 again but in the unfortunate event we do, provided we are
16 still physically able to do so we would. I guess another
17 point to make about that is that it is very hard work. We
18 were absolutely exhausted. You need to be reasonably
19 physically fit.

20 You also mention in para.40 of your statement that working with
21 neighbours on the night was a significant advantage and
22 that you are planning on strengthening those arrangements
23 for any future fire you might have to face?---We had not
24 had much to do with our neighbours on the left-hand side,
25 Ashley and his family. Just really by chance we on the
26 night had to work together which has actually forged a
27 friendship now, as you might imagine and I understand now
28 that if you have got a group of determined people who can
29 work together, it is more effective, obviously, than just
30 one or two of you trying to fight a fire.

31 You say that with your neighbours on both sides you have agreed

1 that you will develop a combined defence plan for all of
2 the properties?---Yes, in the future we wouldn't act
3 independently, we would plan together.

4 Would you have made the same decisions if your house was located
5 differently, perhaps in the Marysville township?---Well,
6 based upon how I've gone about assessing bushfire threat
7 and knowing Marysville very well, my view would be that the
8 majority of houses in Marysville would be bordering on
9 indefensible in a serious fire. The properties are all
10 very close together and there are eucalypts everywhere and
11 eucalypts are really the most dangerous - apart from the
12 ground level fuel, eucalypts are the most dangerous thing
13 in a bushfire because of their well-known propensity to
14 heat up, give off vapours, explode and produce fireballs
15 which creates overhead fire with huge radiant heat
16 intensity. I've never seen anything like this but I have
17 read a great deal about it and I understand the danger of
18 it; so, no, I don't think unless we had a cleared property
19 in Marysville that we were very well set up to defend, it
20 is very unlikely I would stay in Marysville with a bushfire
21 threat.

22 Thank you, Dr Ferguson. Do the Commissioners have any
23 questions?

24 COMMISSIONER PASCOE: Yes. Dr Ferguson, you made reference in
25 para.11 to removing a series of trees around the house and
26 a number of times this afternoon you have spoken about a
27 pin oak tree that you believed provided an effective screen
28 for the house and other plants. Is this a matter that you
29 have researched?---I didn't specifically research this
30 other than being aware that deciduous trees in previous
31 bushfires have produced good shelter. I think it was from

1 the 1983 Ash Wednesday fires, one of the reports stated
2 that many of the surviving houses were underneath large oak
3 trees. Driving around the bushfire affected areas
4 subsequent to the fires, it has been noticeable frequently,
5 including in Marysville, that deciduous trees survive the
6 fires in some cases very well.

7 So if you were planning, say, to build a house in a bushfire
8 prone area, it is something that you would
9 recommend?---Yes, very much so but if I had the chance to
10 start from the beginning, the trees would be planted
11 strategically, specifically for that purpose.

12 Thank you.

13 MS RICHARDS: I have been reminded that I should tender
14 Dr Ferguson's statement and his photographs.

15 #EXHIBIT 29 - Statement of witness and photographs.

16 And Dr Ferguson, we will have to arrange to take a copy of those
17 photographs you brought in with you before you leave. I
18 think Mr Clelland has some questions.

19 MR CLELLAND: Only briefly, Commissioners.

20 <CROSS-EXAMINED BY MR CLELLAND:

21 Doctor, the house as you have described it is timber and clad
22 with half logs and extensive decking?---Yes.

23 So apart from the roof and the guttering, as I understand it, it
24 is all otherwise exposed timber?---It is.

25 When you had your briefings with the CFA did you speak to them
26 specifically about what particular issues might arise in
27 defending a home of that sort of construction?---Well, only
28 the obvious, that the more exposed timber you had,
29 particularly if it was open timber work such as trellis
30 work or decking and obviously these are going to be dry
31 timbers, these were extremely prone to catching fire with

1 ember attack.

2 You indicated that the briefings you received from the CFA were
3 thorough and that they had gone to a great deal of
4 trouble?---I can't speak too highly of the CFA briefings.
5 Anybody who lives in country Victoria really should go to
6 them and I think that people who don't go to them are
7 showing a level of complacency that is really unacceptable.
8 Had all the people who died on Black Saturday attended
9 these bushfire briefings, I believe many of them would not
10 have chosen to be in the areas that they remained in on
11 Saturday.

12 Amongst other things, did those briefings emphasise the "leave
13 early" part of the policy?---Absolutely, it was absolutely
14 unambiguous. Leaving early means you will not defend your
15 home and you will leave the night before or early in the
16 morning on a day of high bushfire danger.

17 It is clear and I say this with respect, that you are a very
18 intelligent man and you have obviously conducted your own
19 research in addition to what you have been told by CFA and
20 yet it would seem from your statement that there was
21 nothing that could have prepared you or, indeed, you had
22 not been prepared for the experience when the fire actually
23 came upon the house; is that a fair comment?---Yes, it is
24 just simply not possible to prepare for that other than
25 through reading and listening to people and on the night,
26 hoping for the best, we both accepted there was no
27 guarantee that we would save the house and there was no
28 guarantee we would survive, it was purely our decision.

29 Is there anything you can think of that might drive the message
30 home just about what the experience of going through a
31 bushfire actually entails?---I've spoken to a small number

1 of people who survived the bushfire and lost their homes,
2 sometimes people who had very narrow escapes from the fire
3 and who were not prepared, who had never been to a bushfire
4 briefing and although I put it to them that in future they
5 would need to think differently, in the majority of cases
6 they said no, all of them have said that they expected to
7 be properly warned in advance of the fires and my view is
8 that when you have this level of complacency where your own
9 life is concerned, I really don't see how this problem is
10 going to be tackled and I therefore don't see a way in
11 which you can avoid people dying in the future in bushfires
12 while you have this level of community complacency. It is
13 very widespread and I don't have the answer as to how you
14 can convince people that it is their lives that are at
15 stake here.

16 Was there anything that the CFA in your experience, in you
17 dealings with them, could have done to get that message
18 across?---No, I don't believe so. Their position is also
19 unambiguous. At my first CFA briefing I said to one of the
20 officers: "Is it possible for you to inspect my property
21 and advise me?" and they said: "No, we are not prepared to
22 do that because for the obvious reason that in this
23 litigious society, if we get advice that turns out to be
24 not to our liking after the event people are likely to
25 bring litigation against the CFA". So they are in an
26 invidious position if they choose to give people that sort
27 of advice and I understand that. I took on board exactly
28 the message they gave me: "It's your decision, it's your
29 life, you must make that decision yourself".

30 Two other matters, if I might. You refer in para.23 of your
31 statement to an emergency services vehicle, and counsel

1 assisting actually asked you about it, which arrived at the
2 property at about 6.45 pm. Indeed, you nominate the police
3 as being the emergency service in that paragraph. But you
4 indicate that it was strongly recommended to you that you
5 or indeed everyone should evacuate?---Yes.

6 That was an option that you did not wish to take up?--No.

7 It was contrary to, of course, your planning and what you
8 intended to do?---Yes.

9 How would you have reacted if the police had become more
10 insistent and said: "We really strongly recommend you come
11 with us or evacuate now, indeed, we have a power to force
12 you to leave"?---My view was that once you had a plan and
13 you considered it was a good plan, the worst thing you
14 could do was change your plan at the last minute and leave,
15 and this was a lesson that was learned by people in our
16 area, as well as everywhere else in Victoria on Black
17 Saturday. If the police had said "we demand you leave", I
18 would have gone inside and locked the door and waited for
19 them to leave, then I would have come out and conducted our
20 defence. I would not be prepared to be forcibly removed
21 from my own property.

22 Finally, you have explained the problems you had with the
23 bushfire information line. I just want to ask you about a
24 related matter. Did you listen to the emergency broadcast,
25 the ABC during the afternoon?---Yes. As soon as I saw the
26 smoke in the sky - I didn't have a radio in the house, it
27 was in the studio - I brought the radio inside and put it
28 on. I had the radio going all the time. I was listening
29 with one ear to the radio and the other watching the
30 television in the meantime, but increasingly going outside
31 to see what was going on. There was nothing at all on ABC

1 Radio at that time. Eventually when the power went off we
2 couldn't listen to the radio. When I say nothing, there
3 was nothing referring to our area being under threat.
4 There were messages about bushfires all over the place but
5 nothing I detected related to us.

6 Would that have been 744?---Yes, it was.

7 I will ask you to comment and it may well be a time when you
8 weren't listening to it, but we understand that at 5.34
9 there was an urgent threat message for the community of
10 Narbethong and that that message was extended to the
11 communities of Marysville and Buxton which, according to
12 the ABC, were also expected to come under direct threat.
13 Is that a message - - - ?---We had lost power at that
14 stage. We didn't have a battery powdered radio in the
15 house, although we had the car radio, of course. At that
16 stage, though, with the smoke in the sky, I didn't consider
17 it necessary to listen to the radio, there was a fire
18 obviously coming.

19 Understood. So is one of the additional things that you might
20 do next time to make sure you have a radio with
21 batteries?---I could do so, but I'm not so sure that it
22 would override what I regard as the most important thing
23 which is to watch what is happening in the sky.

24 Thank you, Doctor?---But yes, I will probably get a small
25 transistor radio anyway.

26 Thank you, Doctor.

27 MS RICHARDS: Nothing arising, sir.

28 CHAIRMAN: Thank you very much, Dr Ferguson.

29 <(THE WITNESS WITHDREW)

30 MR RUSH: That is the evidence for today, Commissioners.

31 CHAIRMAN: Can you give us an outline for tomorrow or will we

1 just adjourn until 9.30?

2 MR RUSH: No, I think Mr Langdon will give his evidence first
3 thing tomorrow morning, Dr Tolhurst will follow and a lay
4 witness at two o'clock.

5 CHAIRMAN: Thank you. We will adjourn now until 9.30 tomorrow
6 morning.

7 ADJOURNED UNTIL THURSDAY 21 MAY 2009

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