
TRANSCRIPT OF PROCEEDINGS

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2009 VICTORIAN BUSHFIRES ROYAL COMMISSION

MELBOURNE

THURSDAY 10 DECEMBER 2009

(93rd day of hearing)

BEFORE:

THE HONOURABLE B. TEAGUE AO - Chairman

MR R. MCLEOD AM - Commissioner

MS S. PASCOE AM - Commissioner

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1 MS DOYLE: Commissioners, before I call Mr Owen I will tender
2 the documents which will complete the emergency management
3 picture for the Bunyip fire. There are a number of
4 witnesses who have provided detailed helpful statements
5 and there is nothing of any consequence in contest in
6 them, so I will just tender them.

7 The first in that sequence of witnesses is
8 Mr Charles Allen, whose statement is at
9 (WIT.3010.006.0131). Mr Allen was the division emergency
10 response coordinator or DERC for region 5 division 2 at
11 the time of these fires. Mr Allen attests to the fact in
12 his statement that he has been a member of Victoria Police
13 for 28 years and acquired the role of acting
14 superintendent and DERC on 7 February in order to relieve
15 another member of Victoria Police.

16 He indicates that in the weeks leading up to the
17 fires he spent time attending regional and divisional
18 operations meetings and familiarising himself with the
19 unfolding situation in terms of the Bunyip fire. At
20 paragraph 14 of his statement he refers to a specific
21 occasion on 6 February when he was given detailed
22 information by Senior Sergeant Teer, the MERC, in relation
23 to the Bunyip fire situation. This confirmed Mr Allen's
24 view that the fire was likely to breach the park and would
25 therefore necessitate work by him on the day of the 7th.

26 At paragraph 29 of his statement he refers to the
27 day as it unfolded for him from 6 am on 7 February. He
28 was informed that the fire had jumped containment lines
29 overnight and that the Cardinia MECC had been activated.
30 In paragraph 32 he records the fact he remained in regular
31 contact with the Pakenham police operations command

1 centre.

2 In paragraph 38 he records the fact, which you
3 may recall I put to a number of witnesses, that at about
4 noon that day he was advised the Pakenham ICC were
5 preparing a request for use of the standard emergency
6 warning signal. It is Mr Allen's evidence that he was
7 initially asked to prepare a request to sound that warning
8 for Labertouche and Tonimbuk. He was later advised that
9 the request was withdrawn. The trail runs cold there,
10 Commissioners, as no witness who has given evidence is
11 aware of those circumstances.

12 In paragraph 46 of his statement he refers to
13 attending debriefs in relation to these fires at which a
14 number of issues were raised, including some difficulties
15 associated with effective radio communication at the
16 Pakenham police operations centre. He also refers to a
17 matter, again which I put to a number of witnesses, namely
18 disquiet about the second move of the ICC for this fire.
19 After its main run, the ICC was moved from Pakenham to
20 Noojee. He indicates that this was in his view an
21 unsuitable location as the ICC at Noojee was threatened by
22 the Bunyip fires.

23 Those are the principal matters addressed by
24 Mr Allen and I seek to tender his statement.

25 #EXHIBIT 590 - Witness statement of Charles Allen dated 9
26 September 2009 and attachments (WIT.3010.006.0131) to
27 (WIT.3010.006.0182).

28 MS DOYLE: Mr Teer is the next witness in this class. He was
29 the municipal emergency response coordinator, the MERC,
30 for Victoria Police for Cardinia shire. He has been a
31 member of Victoria Police for 30 years.

1 He indicates in his statement an interesting
2 development since the fires. In paragraph 16 he indicates
3 that since the fires there has been an operation
4 established - I should have indicated his statement is at
5 (WIT.3010.005.0143). At paragraph 16 he indicates an
6 initiative has been established with the shires of
7 Cardinia, Casey and Greater Dandenong. They have
8 determined to undertake dedicated proactive mobile patrols
9 in high fire risk locations within their division, which
10 is division 2 of region 5, with the aim of preventing
11 persons from deliberately lighting fires, detecting and
12 arresting those intent on arson activities. They are
13 going to engage in overt and covert operations and will
14 work with the CFA, DSE and Parks Victoria in order to do
15 so. They are going to identify the high risk areas by
16 reference to historical and geographical factors.

17 Mr Teer also notes in paragraph 27 the time at
18 which he first became aware of the Bunyip fires on
19 4 February and the fact that he continued to be updated
20 about their progress over the following days. At
21 paragraph 29 he confirms that on 6 February the ICC was
22 opened at Pakenham and he was briefed by the DSE incident
23 controller, Mr Hardman, as to the predictions for the fire
24 at that stage. He then arranged for the incident
25 management team to meet with his people and other agencies
26 and he explains this in paragraph 31.

27 He became apprised of Mr Smith's trigger point
28 plan and was well versed in what it would require on the
29 following day. Indeed, he says in paragraph 32, "The CFA
30 fire predictions were exactly right and without their
31 input and planning we would have lost several towns." At

1 other points in his statement he similarly praises the
2 work and the way in which he was kept up to date with the
3 plans.

4 In paragraph 34 he refers to the public meetings
5 held in Labertouche at lunchtime and on the evening of the
6 7th. At paragraph 37 Mr Teer also touches on the question
7 of the second move of the ICC. He indicates in paragraphs
8 37 through to 38 and at 45 his disquiet concerning the
9 movement of the Pakenham ICC to Noojee. Again he says the
10 new location was at significant risk having been razed by
11 fire on two previous occasions. He joins his other
12 colleagues at Victoria Police in expressing some concerns
13 about the movement to that location.

14 I tender Mr Teer's statement.

15 #EXHIBIT 591 - Witness statement of Trevor Teer dated 7
16 September 2009 and attachments (WIT.3010.005.0143) to
17 (WIT.3010.005.0312).

18 MS DOYLE: The final Victoria Police witness is Mr David Smith.
19 He was the forward commander based at Pakenham during the
20 relevant period. He has also been a long-serving member
21 of Victoria Police for 21 years. He explains in paragraph
22 18 that prior to the 7th he was aware that a fire had
23 started near the Bunyip Ridge Track and that it was being
24 patrolled by DSE.

25 At paragraph 20 he explains he was aware of the
26 movement of the ICC to Pakenham and he refers to a matter
27 that Mr Smith emphasised in evidence yesterday, namely
28 that the ICC at Pakenham is under the same roof as the
29 Pakenham emergency services complex which effectively
30 means the police operations centre is under the same roof.
31 He says at paragraph 20, "The close proximity of the POC

1 and the ICC proved to be extremely effective in the early
2 stages of the response because all of the agencies were
3 able to work very closely together." You will recall
4 Mr Smith echoed those sentiments.

5 At paragraph 24 Mr Smith notes the fact that a
6 police liaison officer was stationed at the ICC to take
7 notes of all their meetings and at paragraph 25 the
8 liaison officer was also stationed at the municipal
9 emergency coordination centre. Again he credits both of
10 those steps as being extremely valuable in ensuring the
11 flow of information between the different arms of the
12 emergency response.

13 Mr Smith, who had principal responsibility for
14 implementing traffic management plans and points, deals
15 with those matters at paragraph 33 onwards. He notes at
16 paragraph 34 that Mr Smith's trigger point plan was very
17 valuable in understanding when certain roads needed to be
18 closed, when traffic management points should be activated
19 and in what form. His one criticism, a matter I put to
20 Mr Smith, is at paragraph 35, and that is that later in
21 the response to the fire it was his view that there was
22 some confusion caused by the particular status of traffic
23 management points being relaxed on particular occasions by
24 the incident controller. That appears to be his one
25 criticism of an otherwise useful approach to the emergency
26 response to this fire.

27 He also indicates in paragraph 38, however, that
28 he was concerned about the movement from Pakenham to
29 Noojee. He says, in addition to the physical risk to that
30 building, "from an operations perspective this was a
31 critical mistake because the POC was unable to maintain

1 regular contact with the ICC." Again, a matter which
2 seems to underscore the utility of the previous
3 arrangement whereby they had been co-located.

4 I seek to tender the statement of Forward
5 Commander Smith.

6 #EXHIBIT 592 - Witness statement of David Smith and
7 attachments (WIT.3010.006.0001) to (WIT.3010.006.0130).

8 MS DOYLE: The municipalities also obviously played a role in
9 the emergency response to this fire and in that context
10 I will tender the statements of the MEROs, municipal
11 emergency resource officers, for each of the Cardinia and
12 Baw Baw shires.

13 Turning first to Mr Dickson, whose statement is
14 at (WIT.4018.001.0001), Mr Dickson is the MERO for
15 Cardinia shire and has held that position since
16 October 2007. It may be useful if this part of his
17 statement is able to be brought up at page
18 (WIT.4018.001.0002).

19 Mr Dickson explains some of the features of the
20 shire for which he is responsible. Cardinia shire, he
21 says at paragraph 9, frames the south-east boundary to
22 metropolitan Melbourne. It covers 1,280 square kilometres
23 and is centred around Pakenham. He describes the
24 townships to be found in the shire, this is in paragraph
25 10, and in paragraph 11 deposes to the fact that the shire
26 is a mix of residential, rural and areas of special
27 significance; the Dandenong Ranges and foothills, the
28 Princes Highway and the Monash Freeway corridor and the
29 Koo Wee Rup swamp. He also notes the fact that the shire
30 includes part of the Bunyip State Park.

31 The population of the shire is approximately

1 61,000 and it is of note that Pakenham itself has 20,000
2 residents. In paragraph 14 he refers to notable local
3 industries and those are listed there. A map of the shire
4 is attachment 1 to his statement. He has also attached
5 the municipal emergency management plan at attachment 2
6 and the municipal fire prevention plan at attachment 3.

7 At paragraph 50 he explains a special feature of
8 the municipal emergency coordination centre for this
9 shire. He says at paragraph 50 that since July 2008 the
10 Cardinia shire has had a fully portable MECC. I stand to
11 be corrected, but I think it is the first of that type we
12 have heard of. It is able to be set up in any location
13 because the council has acquired wireless communications
14 and technology. Under most circumstances, he says, it
15 will usually locate at the ICC, the co-located centre that
16 I have just spoken of in the context of the police
17 witnesses.

18 In paragraph 63 he sets out the advantages of a
19 portable MECC. He says it enables one to use it
20 regardless of whether the MECC is destroyed, damaged or
21 inaccessible; a building which ordinarily houses a MECC
22 might be intact and accessible, but it might not have
23 power or communications; it allows flexibility and in
24 addition it relieves the strain on local council chambers,
25 which are sometimes used as a MECC. So those, as he
26 regards it, are the advantages of a portable MECC.

27 He explains in paragraph 57 that on 6 February he
28 attended the ICC and obtained a briefing about the
29 horrific predictions for the days ahead. In paragraph 59
30 he confirms that the MECC in its portable mode was
31 activated by quarter to 7 on the morning of the 7th and by

1 8.40 he had physically located it at the Pakenham centre
2 where the ICC and the police officers involved were
3 located. In paragraph 64 he recites the numerous requests
4 and matters the MECC dealt with during the day on the 7th
5 and thereafter during the recovery effort.

6 I tender the statement of Mr Dickson.

7 #EXHIBIT 593 - Witness statement of Paul Roy Dickson and
8 attachments (WIT.4018.001.0001) to (WIT.4018.001.0369).

9 MS DOYLE: The final statement in this sequence is that from
10 the Baw Baw shire, the statement of Stephen Venville
11 (WIT.4022.001.0001). Mr Venville is presently the MERO
12 for Baw Baw shire and has been so since August this year.
13 He was not in fact the MERO on the 7th, he was the MECC
14 manager, although he did at that stage hold the concurrent
15 role of municipal fire prevention officer. Nevertheless,
16 he is in a position to attest to the matters that unfolded
17 on the day, including the work of the MERO and the MECC.

18 At paragraph 15 he describes the Baw Baw shire,
19 explaining that it is located in West Gippsland and the
20 largest town in it is Warragul, Drouin being the second
21 largest town with 8,000 people. That's of note in light
22 of the evidence we have heard concerning the grave threat
23 to that town during the fire.

24 He then describes the fact that the shire is
25 located in undulating countryside between the Baw Baw
26 Plateau and the Strzelecki Ranges. He explains the shire
27 varies in its vegetation cover. Well developed pasture
28 land is located in the central and southern areas,
29 extensive tracts of forests in the northern ranges. He
30 has also attached the municipality's emergency management
31 plan and fire prevention plans at attachments 2 and 4.

1 In contrast to Cardinia, the Baw Baw shire's MECC
2 is located at the council chambers, as is often the case,
3 and he attests to that at paragraph 51. In paragraph 60
4 he explains he was briefed on the 6th about the risks
5 posed by the fire. In paragraph 62 he attests to his
6 awareness of the community meetings about which we have
7 heard. In paragraph 65 he explains he received the call
8 early on the morning of the 7th and was asked to get
9 everything ready at the MECC and he did so.

10 At paragraph 77 he indicates one matter that
11 concerns him is that it was difficult to obtain specific
12 information about the fire in terms of its exact location,
13 direction, spread and speed. He says the MECC was
14 bombarded with many general updates from various agencies.
15 It was difficult to work out what was important, what was
16 accurate and what was up to date. He found he turned to
17 the ABC Radio as a primary source of information at some
18 times, he notes in paragraph 70.

19 He also indicates in paragraph 83 onwards the
20 demands of dealing with response to the fire at a time
21 when the recovery effort also overlapped. He indicates
22 the demanding nature of the work that needed to be done.

23 I tender the statement of Mr Venville.

24 #EXHIBIT 594 - Witness statement of Steven Lee Venville dated
25 4 December 2009 and attachments (WIT.4022.001.0001) to
26 (WIT.4022.001.0552).

27 MS DOYLE: Now, Commissioners, to complete of the evidence from
28 the operational witnesses in relation to this fire, I call
29 Mr Trevor Owen.

30 <TREVOR WILLIAM OWEN, sworn and examined:

31 MS DOYLE: Your full name is Trevor William Owen?---That's

1 correct.

2 And you have prepared a statement with the assistance of
3 Victorian Government Solicitors. As I understand it,
4 having had a look at it recently, there are some minor
5 corrections you would like to make. I have a copy of
6 those, but I will just ask you to identify them or confirm
7 them for me. At paragraph 45.2 do you wish to add after
8 the first sentence the words "for 5 February", so that the
9 sentence will read "I made available a team of three CFA
10 ground observers for 5 February"?---Yes.

11 On the next page, above paragraph 48, in order that the
12 sequence of events flows correctly, what you would like to
13 do is move a heading that appears later in the statement.
14 So above paragraph 48 you would like to insert the bold
15 heading "Thursday, 5 February 2009"?---Yes.

16 And we should delete that heading from where it presently
17 appears above paragraph 55?---That's right.

18 A consequential change you would like to make is in that
19 paragraph 48. You want to delete some words in the first
20 sentence. I will read the paragraph as you wish it to
21 appear. "Because of my concern about the size and
22 potential of the fire with the predicted deterioration in
23 weather conditions," you then want to delete the next few
24 words and have it read "during the morning of 5 February",
25 so we are deleting "at about 1430 hours on 4 February",
26 "I drove out to the Pakenham ICC", delete the words "with
27 Jim Dore", "to meet with the incident controller, Dave
28 Nugent, and Jim Dore"?---Yes.

29 The paragraph now reads as a whole, "Because of my concern
30 about the size and potential of the fire with
31 the predicted deterioration in weather conditions, during

1 the morning of 5 February I drove out to the Pakenham ICC
2 to meet with the incident controller, Dave Nugent, and Jim
3 Dore"?---Yes.

4 Equally in paragraph 53 you want to change "4 February" to read
5 "5 February"?---Yes.

6 Obviously we then delete that heading above paragraph
7 55?---Yes.

8 Paragraph 58, you want it to read "During the early morning
9 I had travelled out to the Pakenham ICC", so add the words
10 "early" and "had" and delete "back", so that it reads,
11 "During the early morning I had travelled out to the
12 Pakenham ICC"?---Yes.

13 I understand that those changes in part make some of the
14 paragraphs no longer chronological, but does the statement
15 now reflect, as you recall it, the sequence of
16 events?---Yes.

17 With those changes, are the contents of the statement true and
18 correct?---Yes.

19 I tender that statement.

20 #EXHIBIT 595 - Witness statement of Trevor William Owen dated
21 7 December 2009 and attachments (WIT.3004.031.0001) to
22 (WIT.3004.031.0172).

23 MS DOYLE: Mr Owen, you joined the CFA in 1983 as a volunteer
24 in region 11 initially ?---Yes.

25 You are now a career employee. You are the operations manager
26 of region 8 based in the CFA headquarters for region
27 8?---Yes.

28 How long have you held that position?---For the past - since
29 April 2008.

30 You were not operating in the role of RDO on the day, although
31 that is a position that you are sometimes rostered to

1 hold?---That's right, on occasions.

2 In order to complete your history with the CFA, you first
3 joined just after 1983 as a youngster following the Ash
4 Wednesday fires. You then say in paragraph 13 that in
5 February 2003 you became operations officer at the
6 Dandenong brigade and you held that role for about five
7 years. In your present role, in your paid role, you
8 obviously have a range of duties, but you have maintained
9 your voluntary status. What is your role as a volunteer
10 at the moment?---As the brigade captain of the region 8
11 Headquarters brigade which was formed back in September or
12 thereabouts last year.

13 You also have experience in a number of major incidents which
14 you set out at paragraph 18 onwards. You have held roles
15 and occupied positions including level 3 planning,
16 operations, logistics and level 3 incident controller. As
17 at February this year, did you have a qualification as a
18 level 3 incident controller?---Yes.

19 You then set out in paragraph 19 your significant experience
20 which includes working during fires in 2007 and 2002 to
21 2003. In paragraph 21 you refer to your primary
22 objectives as the operations manager of region 8. Can you
23 explain for the Commission - we have all seen on a map the
24 area region 8 occupies, but it is a diverse region in
25 terms of the semi-urban and then rural areas it covers.
26 Can you explain whether that poses any particular issues
27 or challenges?---It is CFA's smallest region in
28 geographical area, but in terms of its risk it is probably
29 the most predominant in the sense that it has heavy
30 industry, commercial and residential property throughout.

31 It is one of the three regions that borders the metropolitan

1 fire district?---That's right.

2 In your role as operations manager have you engaged in liaison,
3 including interagency training, with the MFB?---Frequently
4 we try and train as much as we can with the MFB, both at a
5 brigade level and region level, yes.

6 Leaving aside 7 February for a moment, in the cold light of day
7 is it your view that region 8 is well and adequately
8 resourced?---From a day-to-day basis, yes.

9 We will go to the strain on the resources on the 7th in a
10 moment. But do you have any particular arrangements with
11 the MFB in particular where region 8 borders the
12 metropolitan fire district about activating step-up
13 arrangements or activating the memorandum of understanding
14 between the two agencies?---If we require further
15 assistance on even a day-to-day basis we would activate
16 that through the processes, through the mutual aid
17 arrangements and get move-up appliances as requested.

18 Turning to what you learnt about this fire in the lead-up to
19 the 7th, in paragraph 33 you refer to the events prior to
20 the Bunyip fires breaking out. You say that brigades
21 within region 8 had already been called out to a number of
22 incidents, including the Delburn complex fires which were
23 burning in the previous week and some brigades were
24 already fatigued. So that was obviously a matter in your
25 mind going into the bad weather that preceded
26 7 February?---That's right.

27 You say in paragraph 43 that, having learnt of the potential of
28 the Bunyip fire, on 4 February you made an offer to the
29 DSE. Essentially you said you offered up the Pakenham
30 facility in preference to the Belgrave ICC due to the
31 prospect the Bunyip fire would escalate and

1 escape?---That's correct.

2 You say in paragraph 44 that that was accepted and DSE

3 transitioned from Belgrave ICC to the Pakenham ICC?---Yes.

4 Was your decision principally influenced by the superior

5 resources at Pakenham or was it about acknowledging the

6 inevitability that the fire would travel into the CFA

7 patch?---No, it was acknowledging the inevitability that

8 it would come into CFA area and that it was the most

9 suitable location for where the fire would likely run

10 under the next few days of weather pattern.

11 You explain in paragraph 45 the CFA didn't become heavily

12 involved in the actual firefight initially, principally

13 because your resources and equipment are not suitable.

14 But you indicate that there were some things you could do

15 and you set those out in paragraph 45.1 onwards. You

16 indicate there that water tankers could assist by

17 essentially delivering water to where the DSE were

18 working?---(Witness nods.)

19 You say you made available a team of ground observers for the

20 5th?---Yes.

21 It appears from Mr Smith 's evidence that those ground

22 observers were very useful in terms of feeding in

23 information to the plans he was making. Was that your

24 assessment?---Absolutely.

25 You also say in 45.4 that you made available your aircraft

26 officers to enable an air base to be set up in Longwarry.

27 As far as CFA air resources are concerned, when were they

28 first deployed to the Bunyip fire?---As far as providing

29 aircraft officers, it was back on 6 February that we

30 provided.

31 So some of your resources were in the air on the 6th?---It is

1 through the state aircraft unit so it is a combined
2 aircraft unit, so they are our resources.

3 With the amendments you have made to your statement, it now
4 appears that on the 5th you attended the ICC on two
5 occasions and on one of those occasions you received some
6 information about the burn-out operation that had occurred
7 and the escape from containment lines. Those two matters
8 increased your degree of concern about the prospects of
9 the Bunyip fire?---Yes.

10 As at, say, close of business on the 5th what was your best
11 estimate about what was going to happen?---Look, it was
12 not a matter of if, it was a matter of when, and Saturday
13 seemed to be the most likely day.

14 In paragraph 55 you confirm one of these matters about the work
15 of the ground observer team. You note that they were
16 providing information, including identifying water points
17 and assets. That appears again from Mr Smith's evidence
18 to be a matter that became central to the way that he
19 developed his trigger point plan. Did Mr Smith keep you
20 apprised of that plan and the way he had in mind rolling
21 it out over the 7th?---Ivan had spoken with me frequently
22 about the development of the plan and his concept and
23 ideas, which I was supportive of.

24 Can I take you then to paragraph 58 of your statement, where
25 you explain the information that started to then unfold.
26 It looks as though on the 5th and 6th you went to the
27 Pakenham ICC a number of times and/or contacted the ICC in
28 order to ensure you were apprised of the latest size of
29 the fire and the latest predictions?---That's right.

30 In paragraph 59 it seems that you then decided the CFA needs to
31 start preparing for integration. I just want to pause

1 there and ask you this: in the event, the model that
2 Mr Smith devised wasn't one of full integration but rather
3 a novel approach pursuant to which the CFA concentrated on
4 contingency planning and protection of communities while
5 keeping in close contact with the DSE team who were
6 fighting the fire. That's the way he has explained the
7 model. Again, was that a model of which you were
8 supportive?--Very supportive of that model, yes.

9 Did that provide the additional benefit that your team was kept
10 relatively fresh prior to the firefight on the 7th?---That
11 was certainly a consideration, yes.

12 I want to take you to paragraph 65. You refer there to a
13 teleconference engaged in at 11 am. I assume this is
14 still on the 5th?---That's correct.

15 At 11 am on the 5th in your capacity as operations manager.
16 This is a teleconference of which we have already heard
17 some evidence. Mr Rees participated, as did the state
18 duty officer. You have attached an email dealing with
19 that. You explain in paragraph 65 that you recall Mr Rees
20 indicating his concern about the predicted weather and
21 emphasising the need to put as many arrangements in place
22 and be well prepared so far as is possible. In paragraph
23 66 you say, "Russell Rees advised he wanted us to arrange
24 hot start ICCs." Was there any lack of clarity or
25 confusion in your mind about what "hot start"
26 meant?---I was absolutely clear on what a hot start meant.
27 There is no uncertainty with me in terms of what a hot
28 start means.

29 You had heard the term prior to the 5th?---Yes.

30 What did it mean to you?---It basically means that everybody is
31 in position in an ICC, that we are running a level 3 team,

1 everything is tested and everybody is ready to go and with
2 all the functional leaders within each of the roles.

3 By what time?---Nominally it would be about 8 o'clock in the
4 morning.

5 So you completed your involvement in that teleconference
6 understanding the chief fire officer had asked that a
7 level 3 team be ready by 8 o'clock on the 7th?---Correct.

8 There has been evidence in these proceedings, including from
9 Mr Haynes, that there has been confusion about the meaning
10 of the message delivered by Mr Rees in that
11 teleconference, not confusion that you shared, by the
12 sounds of it?---No. I was absolutely clear on what was
13 required.

14 Indeed, you say in paragraph 67 that following the
15 teleconference you started putting the arrangements in
16 place. You say in paragraph 67, "I instructed the
17 relevant groups in region 8 to ensure everything was set
18 up at both ICCs" so that's Moorooduc and Pakenham, "ready
19 for a hot start, meaning they needed to be fully
20 operational first thing Saturday morning." You note, "They
21 did that and as I understand went through and checked
22 everything right down to the firefighting equipment." Is
23 that what you would expect from your people on the
24 ground?---Yes. It was made abundantly clear by Russell
25 that we were to test fax machines, generators, everything
26 that we could, and that was passed on to the groups to
27 organise.

28 In terms of putting together the IMT for Pakenham, you say in
29 paragraph 69 you called Mr Smith. Why did you call
30 Mr Smith in particular?---Ivan and I have worked for many
31 years together. We also assessed and trained other career

1 staff in rural tutes. I'm very much aware of his level of
2 planning and lateral thinking and I'm very much aware of
3 his experience and he, from my opinion, was the ideal
4 person to lead that team.

5 You discussed with him putting together a team and an
6 operational response to deal with the possibility of the
7 fire moving out of the park and no doubt you are aware of
8 Mr Smith's evidence and no doubt you have seen the plan in
9 terms of the level of detail and preparedness to which he
10 went?---Yes.

11 You then say in paragraph 71, in accordance with your region's
12 human resources plan you contacted Cardinia group
13 officers, both of whom you considered to be highly capable
14 managers, and asked them to assist you identifying other
15 appropriately qualified CFA members to fill important
16 roles. Were they able to assist you with finding
17 appropriate people for a level 3 team?---Yes.

18 In the subsequent paragraphs you identify the steps you then
19 took to ensure people were ready to go. Can I take you to
20 paragraph 75 of your statement where you refer to more
21 information about the fire itself. This is 6 February now
22 and you indicate there that a line scan had been arranged.
23 It came back in and it revealed the size of the fire was
24 108 hectares. Now, it seems from a number of paragraphs
25 in your statement that you had been troubled prior to the
26 6th by the prospect that the fire might be bigger than the
27 official estimates you were getting?---That's right.
28 Brigades had been contacting me, more so the captains of
29 neighbouring brigades around the Bunyip fire, and they
30 were quite concerned with the amount of smoke that was
31 showing up and believed that it was much greater than what

1 was first predicted.

2 You get this confirmation on the morning of the 6th. It is a
3 108 hectare fire. Did that change your mind at all about
4 the prospect or level of risk that this fire would
5 escape?---Yes, it indicated to me that it was imminent and
6 that on Saturday there was basically no chance of them
7 being able to contain or control the fire by that time.

8 You were aware of the meetings that were organised with
9 community members and you say in paragraph 78 that you
10 understood there was good attendance. Now, well after the
11 event and indeed in anticipation of giving evidence here,
12 you have made contact with Mr Barber, the community
13 education coordinator, and asked him to provide you with
14 some information about those meetings?---That's right.

15 Perhaps if I can just take you to that attachment, attachment 6
16 to your statement, (WIT.3004.031.0067). This is a
17 relatively recent email from Mr Barber, 20 October. Just
18 wait for it to come up on the screen. He writes back to
19 you with his recollections as at October of the meetings
20 held earlier this year. About two-thirds of the way
21 council the page he says, "With a total of approximately
22 550 residents attending these meetings we delivered the
23 following," and he identifies his recollection of the
24 message delivered. On the page after that at 0069 there
25 is a list of the meetings. Only some of them pertain to
26 the period prior to the fire, if you can see some of them
27 move on to talking about the 9th, but if we concentrate on
28 those held on the 6th at Labertouche, Jindivick, Tonimbuk
29 and Drouin West, he has listed the attendees there as 150,
30 150, 130, 150, 120. As I understand it, you didn't attend
31 those meetings?---No. I attempted to, but I was too busy

1 with the preparedness and the planning.

2 So this is the feedback you have received since the event about
3 what went on and the level of attendance at each?---That's
4 correct.

5 Returning to the text of your statement at paragraph 82, you
6 confirm a matter we touched on a moment ago, namely that
7 your approach in conjunction with Mr Smith was not to have
8 the fully integrated IMT but to have the CFA team working
9 on their protection plans, and in paragraph 83 you confirm
10 this question about the team remaining fresh. Did you
11 convey at any stage to the IECC the way in which your
12 region was handling the lead-up to this potential event on
13 the 7th?---Yes, I did speak with the state duty officer at
14 the time and the chief officer, Russell Rees, was also
15 aware. Hence the further email of the township protection
16 plan that we provided to him.

17 So as the time grew near you actually provided Mr Rees with a
18 hard copy or an emailed copy of the plans that you
19 intended to allow to unfold?---That's correct.

20 In the next few paragraphs you work through the sequence of
21 other preparatory work on the 6th and we won't go to the
22 detail of that, save for paragraph 91, where you indicate
23 that at 11 o'clock on the morning of the 6th you sent a
24 page message to all CFA members in the region alerting
25 them to the weather, stating it would be a code red day
26 and asking each group to start compiling information about
27 people and resources available. Was that part of what you
28 understood Mr Rees to have directed to be done or was that
29 an initiative of your own at the regional level?---We have
30 a regional operational management plan which details that
31 for a given FDI above 35, which clearly that day was going

1 to be, that it would be a code red day. So it is not
2 something that, no, Mr Rees would indicate, but it was
3 clearly evident that it was code red in line with our
4 operating procedures.

5 That is using the phrase "code red" in a way and with a meaning
6 that it had prior to these fires?---That's correct.

7 That kicked in, did you say, at 35?---35 was the FDI in forest
8 and grassland.

9 That is a region 8 standard procedure?---It is a region 8
10 standard procedure, but I understand it is pretty much
11 across the state with most regional operational management
12 plans, yes.

13 I want to move to the afternoon of the 6th. At paragraph 99
14 you explain that at 2.30 Mr Warrington, the deputy chief
15 officer, gave you information about arrangements that had
16 been made with the MFB and you were aware of liaison with
17 the MFB such that two MFB commanders would be based at the
18 RECCs in each of the bordering regions 8, 13 and 14, from
19 9 am to 5 o'clock on the 7th. Again, is that something
20 that is standard above a particular FDI or was it
21 something specially put in place because of the
22 particularly dire forecast for the 7th?---No, it was
23 something that was put in place for that day, yes.

24 You say, "In fact, on the day we redeployed one of the MFB
25 commanders ... to assist at the Pakenham ICC instead."
26 Again was that something that needed to be done in
27 response to the unfolding situation?---It was likely that
28 the MFB resources would move out to the Pakenham or Bunyip
29 fire at some stage, so it was wise of us to move one of
30 them out to that location.

31 You note there the reality as it unfolded, the MFB were

1 available to backfill CFA stations as required and it
2 appears from other points in your statement that you are
3 aware that that in fact happened?---Yes.

4 Five brigades I think moved up to CFA stations and two strike
5 teams were deployed, including one to Drouin?---That's
6 right.

7 You went to a meeting at 3 o'clock at the Pakenham ICC where
8 you received a briefing and it was at that meeting, as
9 I understand it, Mr Smith presented his plan and ensured
10 that DSE and CFA were aware of its contents, as were other
11 emergency organisations like Victoria Police?---That's
12 correct.

13 At paragraph 103 you note that at 7 o'clock that night you sent
14 a fax to all brigades and groups, providing further
15 guidance about the weather and giving key reminders for
16 the day. So this was in addition to the email you had
17 sent in the morning?---That is right.

18 At paragraph 105 you refer to the strategy for the Saturday.
19 It was obviously to contain the fire for as long as
20 possible within the park. You are no doubt aware of the
21 evidence that was given yesterday and the facts in terms
22 of aerial support. Do you share the view that has been
23 expressed that the deployment of aerial resources on the
24 7th held the fire back for a couple of hours?---From the
25 reports we were receiving from the ground observers who
26 were on scene observing that, yes, that was all the
27 indicators that the aircraft did a magnificent job in
28 confining the fire for as long as what it did, which is
29 consistent with Ivan's statement.

30 At paragraph 110 onwards you note that you received the bad
31 news that the fire had leapt containment lines in the

1 early hours of the morning of the 7th. There is no need
2 to go to the rest of the detail in relation to that. At
3 paragraph 116, still the early hours of the morning, 6.20,
4 you sent Mr Rees a copy of the plan outline for the day.
5 You indicate part way through that paragraph, "As part of
6 communicating the plan ... we were also putting in a
7 request for additional resources." Mr Owen, was there
8 anything you asked for for the 7th, either by way of
9 ground or aerial resources, that couldn't be supplied to
10 you?---The state duty officer had a list of those
11 resources as per the plan that was provided with Ivan's
12 team and they were working the background to try and
13 achieve as many of those resources that they could. But,
14 yes, as per Ivan's plan, some of those resources couldn't
15 be met.

16 Did that in part come about because as the day unfolded, and
17 later on in your statement you deal with this, region 8
18 began to suffer outbreaks of a number of fires around the
19 Narre Warren, Harkaway area and Upper Ferntree
20 Gully?---That's correct. For the period of the day we had
21 nearly 172 events, but with other resourcing priorities
22 and requests, those extra resources got absorbed into
23 those fires.

24 You recount the day as it unfolds, but we will jump to
25 paragraph 123, where you confirm the matter of the use of
26 MFB resources. There you note that you moved available
27 MFB trucks up to Dandenong, Springvale, Frankston, Hallam
28 and Paterson River, which enabled your CFA members to be
29 deployed to the Bunyip fire. Can I take you then to
30 paragraph 130 where some of these matters relating to
31 resources being stretched emerge. You say at paragraph

1 130 that Mr Smith had identified the number and types of
2 strike teams he wanted, and you were trying to meet those
3 requests. You say at paragraph 131 that Mr Smith said to
4 you, "I'm going to keep asking for more and eventually
5 you're not going to be able to give me any more." You
6 note there that you both understood at some stage
7 competing priorities may interfere. Ultimately one of
8 those competing priorities was the Upper Ferntree Gully
9 fire. There was a decision made to move one of the aerial
10 resources from Bunyip to that fire. Were you aware of
11 that decision?---No, not at the time, no.

12 Is that something you learnt later?---Yes.

13 Have you since been informed that, as it turns out,
14 fortuitously that air resource while en route, Bunyip to
15 Upper Ferntree Gully, saw the Harkaway or Narre Warren
16 North fire?---That's right.

17 And the pilot of that resource determined that that presented
18 an even greater risk and determined that he ought water
19 bomb that fire, the Narre Warren North fire?---That's
20 right. We put in a request for aircraft earlier, once
21 that fire had started, and the state aircraft unit
22 informed there were none available. But I wasn't aware
23 that any aircraft at that time had been deployed to it.

24 So it is an unusual story in that the aircraft was going to
25 Upper Ferntree Gully and didn't make it, diverted to deal
26 with Harkaway. In fact, at the same time you were seeking
27 aerial support for Harkaway and had been told there is
28 none available?---That's right.

29 The happy result is, having diverted to Harkaway, it would
30 appear that that pilot can be credited with assisting in
31 stopping that fire from breaking out and devastating the

1 Dandenongs?---Absolutely. That was a critical point in
2 time of when he did that bombing operation. It was
3 fortuitous but critical to the success.

4 You recount in your statement the unfortunate event that there
5 was an IT system crash, at paragraph 135, at about 11.20
6 and you explain there that the device had to be adopted of
7 having material from the ground and other places sent to
8 the RECC and then read out over the phone to the ICC. How
9 many hours did that situation endure for?---Basically for
10 the rest of the day.

11 It sounds difficult and inconvenient, but you may have heard
12 the evidence of Mr Smith and Mr Nugent that it didn't
13 hamper their efforts on the day. What about at your end?
14 Was it productive of delays or frustration at your
15 end?---There was some critical information coming in from
16 ground observing crews which was being electronically sent
17 via the NextG network, but unfortunately it wasn't being
18 received at the ICC and was only being received at the
19 RECC, of which we then had to paint the picture via phone
20 of that to the ICC. So it wasn't ideal, but we found a
21 work around.

22 You found a way to make it work, but it sounds as though it may
23 have been productive of some wasted effort?---That's
24 right.

25 At paragraph 144, we are moving ahead to the afternoon now, and
26 at 2.30 you say, "We were at a point where we couldn't
27 provide anything more from within region 8 without leaving
28 other areas exposed." That's always a consideration, isn't
29 it, that even if a resource is literally available you
30 can't leave the region with nothing to deal with any other
31 emerging threats?---That's right. We were down to one

1 appliance at most locations, most fire stations, and in
2 some cases we had actually had nothing in fire stations
3 but tried to leave either side of that particular location
4 with some sort of resource.

5 In paragraph 146 onwards you start to indicate the word that
6 was coming in to you about these Narre Warren, Cranbourne
7 and other fires. In paragraph 146 you say at 3.18 you got
8 a report of the fire at Kirkham Road in Dandenong South
9 but then within 15 minutes you received a report of the
10 Harkaway/Narre Warren North fire and not long after that
11 the Lynbrook, Coral Drive fire. Bad news after bad news
12 was coming into region 8?---That's right. It was all
13 occurring at the same time. We had a major fire at
14 Kirkham Road off Eastlink that was heading towards Visy
15 Board and to VicNet Gas which supplies gas to Victoria,
16 New South Wales and South Australia. Shortly after that
17 there was the Harkaway fire which was following a similar
18 trend to Ash Wednesday. Then shortly after that we had
19 the Lynbrook fire which had come across the South
20 Gippsland Highway and also into Narre Warren South, to the
21 point where we were struggling to resource all of those
22 growing events at the same time.

23 When you say it was trending towards Ash Wednesday, was that
24 something you could remember from having experienced Ash
25 Wednesday as a child or was it something you got
26 additional information from Mr Smith about, given his
27 personal experience?---It was additional information from
28 Ivan, but it was also knowledge about where Ash Wednesday
29 went back in 1983, whilst I wasn't privy to that being
30 that age, but it was evident that it could follow the same
31 course of going through Upper Beaconsfield and beyond,

1 back into the Dandenongs.

2 At paragraph 150 you explain the fact that, getting word in
3 about the fires, you needed to make, and these are your
4 words, "a professional assessment as to the potential of
5 each fire" and you did that by weighing information you
6 were getting from people closer to the ground. Would it
7 be fair to say your task in the late afternoon became one
8 of triage. You needed to decide which was the most
9 pressing threat and therefore deploy and redeploy
10 resources based on those prospects?---That's right.
11 I used the operations officers by rank, which are
12 subordinate to me, deployed them to those fires to be able
13 to make an assessment with the incident controller that
14 was on scene to try and release possible resources even
15 though the fire may not be extinguished and not
16 necessarily contained, but they were required elsewhere.
17 So we were trying to apply a risk assessment based on good
18 judgment, common sense.

19 And you say in paragraph 156 this sometimes necessitated tough
20 choices. For example, you moved some crews from Bass
21 Coast all the way up to Harkaway while being concerned
22 that that might leave the Bass Coast exposed, but then
23 ultimately found a solution by sending that crew back and
24 moving other resources including MFB resources
25 around?---That's right. We tried to move resources, but
26 obviously as you move them up you then run the risk of
27 depleting elsewhere. So we were trying to move them to
28 where the fire activity was and then, once that fire
29 activity started to die down, move them back into their
30 locations because of the risk that they had back in their
31 own areas.

1 Another example of a decision like that you made is in 160 you
2 say there was a region 15 strike team on its way to Bunyip
3 from Ballarat. You essentially diverted that team as it
4 was coming through the CityLink tunnel and said go
5 straight to the Lynbrook Coral Drive fire because there
6 was risk to property there. Again, that's an example of
7 one of those decisions it seems that had to be made within
8 a short timeframe and in one sense a tough choice?---It
9 was a lucky choice in the sense that they had actually
10 rung up at the time to find out where the staging area
11 they had to be deployed to for the Bunyip Ridge fire was,
12 of which we then indicated that there was a higher
13 priority and we were losing property in Narre Warren South
14 or in the Lynbrook area, of which we deployed them to
15 because we had no further resources left at our disposal.
16 So they had a good 45 minutes. They were coming through
17 the CityLink tunnel at the time and were deployed to that
18 location to protect property in Narre Warren South.

19 And in paragraph 161 you set out the story I have taken you to
20 a moment ago about the air support at Harkaway. At
21 paragraph 163 you make a comment about the level of
22 incidents. You note that Harkaway and Lynbrook and some
23 of the other fires in that area were not level 3
24 incidents, but is it the case, Mr Owen, that you treated
25 them as level 3 incidents?---That's right. All of the
26 fires that were in the afternoon under the strong
27 northerly wind conditions, high temperatures and very low
28 humidity had the potential, any sort of ignition source.
29 Our area, like most of the state, was completely
30 combustible. Fuel was running at 100 per cent. So the
31 likelihood of fire and something growing very rapidly was

1 very real.

2 Do you think that that was a good approach? Although Harkaway
3 for example was technically level 2, your approach to its
4 resourcing and its suppression efforts was level 3. Is
5 that a decision and an approach you would adopt again in
6 the future?---Trying to get the resources, and Ivan spoke
7 briefly about it yesterday, we need to get the resources
8 on scene in the most timely and efficient manner into the
9 right location. If we get it wrong, then the potential is
10 to lose property and lives, and so there has got to be
11 some very tough decisions as to where that resource is
12 better positioned, even though we might be losing property
13 in a number of different locations. So, the decisions
14 were based around getting, as I said, those resources into
15 the right positions at the right time.

16 Two final matters, Mr Owen. You refer in your statement at
17 paragraph 186 onwards to your role in terms of
18 disseminating a red flag warning. In that part of your
19 statement you indicate that, having become aware at about
20 4 o'clock of a wind change coming through at 6 rather than
21 7, you formed the view a red flag warning should go out.
22 Your statement recounts the fact that, having determined
23 to send a pager message to everyone on the fireground, you
24 have later discovered the pager system was so bogged down
25 your red flag message sent at about 4 pm didn't go through
26 until 10 o'clock that night. Just pausing there, is that
27 your experience?---Yes. That's correct.

28 But as matters unfolded in the afternoon, you realised your
29 pager message had not been received and you determined
30 that you ought to act urgently. With 20 minutes to go
31 before the wind change might hit and knowing that your

1 pager seemed not to have worked, you asked Mr Thompson to
2 urgently contact the ICC and advise them to issue a red
3 flag warning to all crew on the ground. In addition, you
4 personally issued one across the command channel
5 27?---That's right.

6 Do you know whether there has been any investigations
7 undertaken as to the circumstances which caused the pager
8 system to be so bogged that a red flag could not get
9 through?---We faced a similar experience back in April of
10 last year during a major storm event that hit the
11 Peninsula area and we had similar issues back then which
12 were flagged and the report was since tabled by OESC at
13 the time into that particular issue and therefore I had
14 little confidence that the system would hold up, which it
15 didn't. So, it came as no surprise; hence why the
16 alternative was to go directly to the radio channel which
17 I knew could broadcast it region wide and would be a quick
18 means of getting the communication out about a red flag
19 warning about the predicted wind change.

20 The records seem to demonstrate, Mr Owen, there is no question
21 each firefighter relevantly in the path of this wind
22 change seems to have received the red flag in one way or
23 another and in any event none were put at risk by reason
24 of the wind change?---Yes.

25 The previous report you just referred to, is that the Emergency
26 Services Commissioner's report and review in relation to
27 the April 2008 windstorm event?---That's correct.

28 The pager message you sent, can you recall now how you
29 characterised it? Was it characterised as admin or did
30 you give it a higher priority?---We gave it as - not an
31 admin, the next higher priority that we have access to,

1 which is our highest priority, which is non-priority
2 paging, basically, and then it goes to an admin page. So
3 we used the highest priority paging that we had available
4 to us.

5 You also refer in your statement to the relocation of the
6 Pakenham ICC to Noojee. Just briefly, you say you were
7 not consulted about the move. It was made by DSE and in
8 your opinion not a good outcome. What were the
9 difficulties in terms of moving to Noojee?---It was a
10 discussion held between Dave Sherry, operations manager
11 region 9 and myself. We had grave concerns, probably
12 supported by Trevor Teer, the MERC, and others, about the
13 move to Noojee because of the fact that there had been
14 previous examples in history where Noojee had been
15 devastated by fire. It was to do with the safety of our
16 people and the fact that, whether it be the Murrindindi
17 fire complex or it be that of the Bunyip Ridge, had they
18 have continued, and whether it be under a north-westerly
19 or south-westerly, at some stage Noojee would possibly
20 come under threat. Therefore, it didn't seem logical to
21 us to be moving to Noojee. But at no time were we
22 consulted about the fact of Noojee; it just occurred.

23 The last matter I want to ask you about, Mr Owen, is you may or
24 may not have seen this. We have recently been provided
25 with a document called "Endorsed list of level 3 incident
26 controllers for the management of complex incidents"
27 signed by the two chief fire officers on 2 December. Are
28 you aware of that document or were you consulted in terms
29 of the names that ought go on that list?---2 December just
30 gone?

31 Yes?---Yes.

1 It contains a list of those who are said to be level 3 endorsed
2 incident controllers and, by the title of the document and
3 in terms of evidence given here by Mr Haynes, these are
4 the incident controllers who will be the first pick for
5 the management of complex incidents. Was your input
6 sought about people from your region who might be suitable
7 names for the list?---Yes.

8 Mr Smith's name does not appear. In your view would he be
9 someone that you would put forward as a potential incident
10 controller as manager of complex incidents?---That was an
11 anomaly that was discussed with DCO Geoff Conway that we
12 picked up on. It hasn't appeared on that but has since
13 been rectified.

14 So Mr Smith will be on the list?---Correct. He will be on the
15 list as a level 3 controller, yes.

16 In your view it is a list on which he deserves to have a
17 place?---Absolutely. Without doubt.

18 Are there any questions for Mr Owen?

19 COMMISSIONER McLEOD: Just one question, Mr Owen. You
20 mentioned the red flag warning was transmitted on what you
21 described as the highest classification that was available
22 to you, which was a non-priority channel. Is that the
23 right term?---Yes.

24 What is the implication of that for the issue of a red flag
25 warning, which obviously is a message that needs to be
26 transmitted and passed to the recipients instantly? Does
27 the classification, highest though it may have been that
28 was available to you, would that have normally gone into
29 some queue at a higher level in the communications system
30 before it was actually actioned?---Priority paging, as
31 I understand it, only rests with our VicFire, the dispatch

1 that organises for response. As far as locally at region
2 level, we don't have that higher level of access, so in
3 terms of it getting to our people, the majority of our
4 members hold pagers and the only way you could be
5 absolutely sure that everybody is being informed by the
6 red flag warning would be via a timely pager message.
7 Doing it via radio requires somebody to get the message,
8 to hear it in the first place and then communicate it on
9 to the rest of the crew. Therefore, the paging system is
10 critical to ensure that it actually gets to everybody on
11 the field and everybody knows about it at that time. But
12 in terms of it queueing, yes, it obviously queued and we
13 could see that it was queued and that it just wasn't
14 progressing through because of all the other backlog there
15 of the higher priority, and that being fire calls that
16 were coming in around the state were in actual fact
17 bogging down the system and not allowing the non-priority
18 to be effectively processed in a timely manner.

19 So you really chose an alternate means of getting the message
20 through?---Well, it was our only real other means of
21 communication that we could timely communicate to
22 everybody, apart from going down a very manual process of
23 actually ringing them individually and trying to get
24 through on a mobile phone, which not everybody would have.
25 So, the only way we could do it really effectively in the
26 end without the paging system was via our command channel,
27 of which we knew that the region, apart from that of the
28 Bunyip fire, were using at that time.

29 Is that then a systemic weakness that really needs to be
30 rectified in some way?---In my opinion, yes.

31 How would that be done, would you think?---It needs

1 improvements to the paging system so that it can cope with
2 the extra load that occurs on bad days. If we look at
3 what occurred back in even the windstorm event, which
4 really only impacted on a few parts of the state,
5 predominantly our area, being the Mornington Peninsula,
6 and the fact that it was overloaded then only showed that
7 the system in a matter of time was going to be further
8 overloaded and that is simply what occurred on 7 February.
9 So, the likelihood of that occurring again and being a
10 tool that wouldn't be feasible or useable is highly likely
11 under the current system.

12 Are you aware of steps that are being taken to improve the
13 system to rectify that issue for the future?---My
14 understanding is it has to do with the amount of
15 characters that the paging system processes. We have put
16 in means to inform our brigades on those bad days that
17 they are not to use the paging system because normally it
18 is used as a tool of communication that they can use to
19 inform their own brigade members. So what we are trying
20 to do is cut out the normal superfluous stuff and leave it
21 just for operational purposes. That's only a work around.
22 I don't believe it will overcome those days when there is
23 very high activity.

24 MS DOYLE: Can I just ask a question arising from that. You
25 have indicated what you see as the benefits of use of a
26 pager system so long as it is not overloaded. Is there
27 one limitation on its effectiveness: the pager system does
28 not on its face seem to provide an opportunity for members
29 to acknowledge receipt of the message, which is obviously
30 an important part of a safety system. Perhaps you can
31 correct me, but is there any simple way that a member can

1 notify receipt of a pager message?---Not to my knowledge.
2 However, I am aware that there are paging systems
3 available where you can activate the button which will
4 send a message back to indicate that it has been received
5 and, you are exactly correct, we only know that the
6 message has gone out. We don't know necessarily that it
7 has (a) been received and that (b) we have received it
8 back to say that it has been accepted.

9 So ideally one might want a system with greater capacity, more
10 ability to prioritise important messages, but also a
11 simple methodology for acknowledging receipt. Without a
12 member having to type an answer, there might be a type of
13 system where one could hit the "yes" button,
14 effectively?---There needs to be an understanding that it
15 is not just about the emergency response. The paging
16 system plays many other roles in activating members and
17 establishing crews and all the rest of it that the
18 brigades, regions and others need access to. In terms of
19 the operational response from Vic Fire in dispatching of
20 resources, that system obviously holds up because it is
21 the highest priority, but everything else that sits behind
22 it subsequently falls away, which is in some cases just as
23 important than it is to get the truck dispatched.

24 COMMISSIONER PASCOE: Just a quick question before we move on.
25 Listening to you, Mr Owen, it seems that in the lead-in to
26 7 February there was, from your point of view, a very high
27 level of preparation and planning, a focus on using
28 capable and experienced people and a focus on a productive
29 working relationship with the DSE moving into the fire.
30 Just a two part question. Are they approaches that you
31 would take to incidents of this kind again? Secondly, are

1 there any other reflections or lessons from 7 February
2 that you would take into future fire
3 seasons?---Relationships between the services is
4 critically important, firstly. Following from that, the
5 fact of what we did, which was not necessarily follow the
6 traditional approach of us fully integrating in a system
7 with the DSE early on and that by shadowing them in many
8 of those key roles, but allowing, like we said earlier,
9 the expertise and acknowledging the expertise of both
10 agencies, but allowing in this case CFA to spend a few
11 days on preparatory work in the background to establish
12 proper township protection planning, because past
13 experience is that sometimes we have been fairly narrow,
14 we have shadowed DSE and vice versa and got ourselves into
15 the immediate fire and where we can possibly either tie it
16 into a track or a bulldozer line or a mineral earth break
17 or whatever it might be, without looking at the bigger
18 picture, and that being where it ultimately could end up.
19 I think the fact that we identified a few days out the
20 likelihood of that fire really impacting on those
21 townships we identified ultimately allowed us to put in
22 some really good planning that otherwise we wouldn't
23 perhaps have normally done to that degree. So I think it
24 is critically important that we acknowledge the strategic
25 planning for where the fire might impact on a town.

26 COMMISSIONER McLEOD: Just to round that off a little, to
27 operate from a common facility would you agree obviously
28 helps to encourage that closeness and sense of cooperation
29 and intimate knowledge of each other's activity is a big
30 plus?---Without doubt. Having the key people there, and
31 not necessarily their deputies, but the key people there

1 working out of one facility rather than remotely, you will
2 always get a better relationship and you will always get
3 more effective communication if you can eyeball somebody
4 rather than trying to do it over the phone or via computer
5 or whatever. The fact that we had all the key people from
6 municipal level right through from DSE, CFA, MFB working
7 out of the one facility undoubtedly makes a huge
8 difference in terms of the cohesion and the relationship
9 and therefore the ultimate outcome of success. It is
10 critically important.

11 <CROSS-EXAMINED BY MS BUTTON:

12 Just a couple of matters, Commissioners. I think you have
13 explained, Mr Owen, in your statement that on 5 February
14 you were fielding some calls from your local members,
15 brigade members that is. Can you explain what those calls
16 were about?---The brigade members were concerned with the
17 amount of smoke and fire activity that was in some cases
18 on their back doorstep, so to speak, in the sense that
19 they were from the neighbouring towns and they felt that
20 perhaps not enough was being done to control the fire.

21 Was receiving those calls part of the reason that you chose to
22 visit the Pakenham ICC on 5 February?---Yes.

23 I think you have given evidence through your statement that
24 when you went there you spoke to Mr Nugent, the incident
25 controller, and you have described that meeting as open
26 and collaborative. Having had a discussion with him, were
27 you satisfied with the way in which that fire was being
28 managed at the time?---Yes, I was. There was fielding the
29 calls from many of our captains that were concerned
30 because they were obviously getting community and their
31 own brigade members, but often you can sit back in the

1 armchair and watch from a distance and you aren't aware of
2 the actual planning at both a strategic and tactical level
3 that is actually in play. So it was a matter of educating
4 them and informing them of what was actually in fact
5 occurring because they were under some assumptions and
6 perhaps perceptions that weren't necessarily reality in
7 the sense that there was quite a contingent of DSE
8 resources that were already deployed to the fire and
9 actively working to control that fire.

10 After you had that meeting at Pakenham, you called your brigade
11 members to explain to them what was going on?---That's
12 correct.

13 At that meeting with Mr Nugent you learned about the
14 burning-out; is that correct?---That's right.

15 I think in your statement you describe it as fuel reduction
16 burning, but is it correct to say that what you are
17 referring to there is the burning-out operation?---That's
18 correct. Removing of the fuel, yes.

19 I think you explain in your statement that the CFA resources
20 were not suitable to go into the Bunyip Ridge fireground
21 to assist. Could you explain why that is?---Most of our
22 fleet is made up of four-wheel-drive and two-wheel-drive
23 tankers that are much bigger than a slip-on type
24 arrangement that a lot of the DSE use. They are not
25 really suitable for very hilly terrain and that of
26 topography where you are following bulldozer trails and
27 the like. It was felt that it would be unsafe, nor would
28 some of those vehicles of our typical nature be able to
29 access that environment they were operating in. We do
30 have a small amount of slip-on type vehicles but they had
31 previously been deployed to the Delburn complex and for

1 many of those brigades they were feeling quite fatigued.
2 So there wasn't much capacity for us to provide, apart
3 from tankers, which were seen to be unsuitable but were
4 used to refuel DSE slip-ons so that they didn't have to
5 traverse all the way out of the forest. We actually met
6 them at a number of major tracks and acted as shipping of
7 water and tankers to allow their slips on.

8 Is there also a safety concern about taking tankers into that
9 sort of terrain?---Into steep hilly terrain where you are
10 on dozer trails and the like, yes, very much so.

11 What is the safety concern?---The fact is that because of the
12 weight of the vehicle, and you are talking in the order of
13 anywhere between 12 and in some cases 14 tonnes per
14 vehicle, because of that vehicle and the weight and the
15 nature of that, there is the risk of it either rolling
16 over or slipping down an embankment, and the size of it
17 doesn't make it very versatile to be able to get through
18 some of the trees and foliage et cetera where they are not
19 a man-made track that has previously been put in.

20 Thank you.

21 MS DOYLE: No questions arising. May Mr Owen be excused?

22 CHAIRMAN: Thank you, Mr Owen. You are excused.

23 <(THE WITNESS WITHDREW)

24 MR ROZEN: Commissioners, at this point we will leave the
25 examination of the operational aspects of the Bunyip fire
26 and call a series of witnesses who will give evidence
27 about the evacuation of the Neerim South Hospital and a
28 nursing home in the township of Bunyip. The first witness
29 is the CEO of the hospital and aged care home, and then we
30 will hear from a Mr Halligan, who was located in the
31 Pakenham MECC and Mr Wright, who was located in the

1 incident control centre at Traralgon, both of whom played
2 a role in relation to the evacuation. I call Frank Hoff.

3 <FRANK JACOB HOFF, sworn and examined:

4 MR ROZEN: Mr Hoff, is your full name Frank Hoff?---Yes, that's
5 correct.

6 And do you live at Main Neerim Road, Neerim South?---That's the
7 address of the hospital, Neerim South Hospital.

8 That's your work address, is it?---Yes, that's correct.

9 You are the chief executive officer of the Neerim District
10 Health Service and the Hillview Bunyip Aged Care
11 facility?---Yes, that's correct.

12 With the assistance of solicitors for the Royal Commission,
13 have you prepared a witness statement for us?---Yes,
14 I have.

15 Have you had an opportunity to read through the witness
16 statement and the three attachments to the statement
17 before giving evidence today?---Yes, I have.

18 Are the contents of the statement true and correct?---Yes, they
19 are.

20 Are there any changes that you wish to make to the
21 statement?---No.

22 I tender the statement, Mr Chairman.

23 #EXHIBIT 596 - Witness statement of Frank Jacob Hoff dated
24 1 November 2009 and attachments (WIT.125.001.0001).

25 MR ROZEN: Mr Hoff, if I can start by asking a little bit about
26 your background. You have held your present position as
27 CEO of the hospital and the Hillview facility for a period
28 of two years, and prior to that you had 19 years of
29 experience in the community, not-for-profit and health
30 sectors. Could you just detail that experience for us
31 briefly, please?---I've worked in a variety of settings.

1 Prior to working at Neerim South and Bunyip I was employed
2 by South Gippsland Hospital. I have also worked for
3 community health services and prior to that fairly
4 extensive timeframes with large not-for-profit
5 organisations, being the MS Society and Vision Australia.

6 Prior to 7 February 2009 had you had any experience of
7 evacuating any of the facilities that you worked
8 for?---The only experience I had ever had was through mock
9 evacuations and trials that we conducted at facilities
10 I had worked at.

11 Just a little bit about the structure. Neerim and Bunyip are
12 of course some distance apart. What is the arrangement
13 whereby you are the CEO of these two facilities? How does
14 that work?---Approximately about eight years, eight to
15 nine years ago, both organisations signed a memorandum of
16 understanding whereby they would share senior management
17 responsibilities across two sites, both being relatively
18 small in nature and financially stretched to some extent,
19 so the decision was made that they would share senior
20 resources. That position was created, as I said,
21 approximately nine years ago. I took on that position
22 over two years ago and since then we have increased the
23 management resources to include the director of nursing
24 across both sites and some senior staff as well.

25 You do actually explain that history and that arrangement in
26 paragraph 7 of your statement. You have made reference to
27 the director of nursing, who is part of the joint
28 management team. That's Jacqui Brown?---That's correct.

29 You have worked with Ms Brown for the two years that you have
30 been the CEO?---Yes. That's correct.

31 You explain in your statement that you are reliant on her for

1 the account that you give in the statement, particularly
2 in relation to the evacuation of the hospital in Neerim
3 South?---Yes. That's correct.

4 I ask you to explain to us a little bit about the two
5 facilities. If we could start with the hospital in Neerim
6 South. You explain in your statement that the Neerim
7 Hospital is a bush hospital, is that right?---It is
8 classified as a bush nursing hospital, yes.

9 Do you want to explain to us briefly what that means, what you
10 mean by that term?---A small bush hospital, there are 10
11 acute beds, so 10 general beds, there is a 30 bed high
12 care nursing home facility and also a small theatre
13 facility.

14 That expression "high care", what does that mean?---High care
15 nursing home care essentially means that the majority of
16 physical assistance that needs to be offered by nursing
17 staff, so in effect to feeding, dressing, showering,
18 toileting, all those things need assistance by staff
19 members.

20 And also crucially movement of the patients?---Yes.

21 Getting around?---Yes, absolutely.

22 The structure at Bunyip, the Hillview aged care facility, you
23 explain in your statement that it was previously a
24 hospital?---Yes, a small regional hospital.

25 And became a nursing home about 19 years ago?---That's correct.

26 There was always an aged care element to the facility and
27 when it was decided the hospital would close it became an
28 incorporated organisation and a board was formed with the
29 intent of continuing the aged care facility and growing it
30 within the area.

31 As you explain in paragraph 6 of your statement, the

1 arrangements at Hillview are that there are 48 beds there,
2 of which 15 are dementia-specific beds?---That's correct.

3 And you estimate that approximately 70 per cent of the
4 residents at the Hillview facility are high care, with the
5 remaining 30 per cent or so being classified as low
6 care?---Yes, requiring some form of assistance.

7 Can we assume that all of those in the dementia-specific unit
8 would fall into the high care category?---That's correct.

9 Attached to your statement at attachment 2, if it could be
10 brought up on the screen, please, (WIT.125.001.0020), you
11 have attached there the bushfire threat evacuation
12 procedure which was in operation as at 7 February
13 2009?---That's correct.

14 It is headed "Neerim district health service". Was it
15 applicable to both facilities?---Yes.

16 I take it that this document was prepared before you took up
17 your position as CEO?---That's correct.

18 You explain in your statement that the events of 7 February
19 2009 have brought home to you that, although the
20 information contained in the document was of some
21 assistance to you on the day, and we will get to how that
22 worked in a moment, that this was not an adequate
23 evacuation procedure for what you had to do on
24 7 February?---That's correct.

25 In what ways was it deficient, as it turned out?---It basically
26 formed a list of external agencies, being government,
27 non-government, shire resources who needed to be
28 contacted, but it didn't run through the procedures as in
29 the internal procedures that needed to be put into effect
30 to ensure I suppose a safe and timely evacuation.

31 We will come presently to what you have done since 7 February

1 2009 to rectify those deficiencies, but if we could just
2 focus briefly on the document itself. If that could be
3 brought back up, please, at 0020. The first thing I would
4 like to draw your attention to is the second part of the
5 paragraph under the heading "Policy" where it says, "to
6 allow this plan to be efficiently implemented the decision
7 to evacuate should ideally be taken 24 hours before danger
8 becomes imminent." That is a self-explanatory statement.
9 Would you agree the more time you have to plan an
10 evacuation, the more likely it is to be successful?---Yes,
11 knowing what I know now, absolutely.

12 In particular, concerning those high care residents it is very
13 important, I think you would agree, not to underestimate
14 the time that will be involved in the basics of getting
15 them into an ambulance or onto a bus and so on. I think
16 you would agree that the events of 7 February very much
17 brought that home to you?---Yes.

18 Having said that, it is the case certainly from the work that
19 the Royal Commission has done that 24 hours notice of a
20 bushfire is often a luxury. You do understand that,
21 I would assume?---Yes.

22 The other thing I want to draw your attention to is under the
23 heading "Procedure" it says, "When the decision is made to
24 evacuate, the following contacts should be made." The
25 third of those contacts is the Hillview Bunyip Aged Care.
26 I take it what is intended there is that, in the event of
27 an evacuation of the hospital at Neerim, it was envisaged
28 that some of the residents and patients at Neerim could in
29 fact be relocated at Bunyip?---Yes, that's correct.

30 And was the converse the case; that is, in the event of an
31 evacuation of Bunyip, was it assumed by you that it may be

1 possible to relocate some or all of the residents at
2 Neerim, at least temporarily?---The reverse is probably
3 not the case purely because of the size of the facility, a
4 much smaller facility, and also the fact you could
5 potentially be moving low care residents into a high care
6 facility. The physical space wasn't available.

7 Sticking then with the potential for those at Neerim to be
8 relocated at Bunyip, is it fair to say that your thinking
9 at least up until 7 February was that you were not
10 contemplating having to evacuate both premises at the same
11 time?---No, never. There actually was a conversation on
12 the day that I had with Jacqui Brown, that how many
13 residents we could relocate should Neerim South need to be
14 relocated, and we had that conversation probably once or
15 twice, but as the situation worsened it became evident
16 that both facilities would have to relocate. It was off
17 the table.

18 The only other point I want to draw your attention to in the
19 evacuation plan is on the second page, which is 0021, if
20 that could be brought up on the screen. In the second
21 paragraph on that page we see it says, "It is recognised
22 that some residents may be able to be transferred to their
23 families for short-term care, provided that the family
24 home is not also under bushfire threat. These families
25 will be immediately contacted if evacuation is to occur."
26 Leaving the document for a moment, as events turned out on
27 7 February you were able to take advantage in a limited
28 number of cases of evacuating residents back to live with
29 their families?---Yes. We took into account the level of
30 nursing care that needed to be given; that is, were they
31 able to be transferred appropriately, did they need

1 additional nursing care and also the physical location of
2 where they were being relocated to. That was all taken
3 into account.

4 And presumably the willingness of the families to have their
5 family members back with them in light of other issues,
6 such as the potential threat that their house might be
7 facing?---Yes.

8 If we could turn to the events of 6 February 2009. Before
9 looking at the detail of that, Mr Hoff, is it fair to
10 summarise that prior to 6 February both you, Jacqui Brown
11 and other staff members were aware of a fire burning in
12 the Bunyip state forest?---Yes, I became
13 aware - physically travelling between the two sites,
14 travelling along the Princes Freeway, there is actually a
15 fairly high vantage point. I was able to ascertain that
16 there was a fire burning from the Wednesday prior to Black
17 Saturday.

18 I neglected to ask for the map that's attached to your
19 statement to be brought up. It might be an opportune time
20 to do that. It is at (WIT.125.001.0017), attachment 1 to
21 your statement. Perhaps if we could just orientate
22 ourselves, we can see in the top left-hand corner the
23 Bunyip State Park where fires were burning and in
24 particular the fire that ultimately escaped was burning.
25 We can see marked with the balloon "A" the location of the
26 hospital at Neerim South; is that right?---That's correct.

27 And then we can see marked - in fact it is not marked - but the
28 town of Bunyip. Perhaps if we can go to the next page,
29 which is 0018, we can see marked with a balloon there the
30 town of Bunyip and the location of Hillview. Is that
31 right?---That's correct.

1 Broadly speaking, Bunyip is due south of the park?---Yes,
2 that's right.

3 Whereas Neerim South is more east of the location of the
4 park?---That's right, to the east.

5 As the crow flies, Bunyip is closer to the park than
6 Neerim?---Yes, I would say so.

7 Was that part of the reason why as of 6 February your concern
8 was more that Bunyip would be in danger from the fire than
9 Neerim?---That was the general consensus, yes.

10 Amongst yourself and your other members of staff?---Yes, and
11 senior staff, yes.

12 You told us there was a general level of awareness by you and
13 your staff members of the fire burning in the park, but
14 was it only on 6 February that it started to crystallise
15 for you what that meant in terms of risk to the
16 facilities?---Yes. I think as the fire continued to burn
17 and also with the forecasts of deteriorating weather
18 conditions, our level of concern grew.

19 As at 6 February 2009 you detail in your statement that both
20 the facilities were pretty well full, all the beds were
21 occupied?---Yes.

22 Or close to?---Yes, close to.

23 If we could just detail that. At the Neerim Hospital you had
24 four patients in the acute section of the hospital?---Yes,
25 that's correct.

26 And all 30 aged care beds were occupied?---Yes, at Neerim
27 South.

28 And there were seven nursing staff on duty?---Yes.

29 Altogether. At Hillview, there were 48 residents. All the
30 beds were occupied?---Correct.

31 Including 15 out of the 15 beds in the dementia-specific

1 unit?---Yes, that includes the 15 beds.
2 Included in the 48?---Yes, that's correct.
3 There were eight nurses and you say that there were three to
4 four other staff that were working?---Ancillary staff in
5 the kitchen and cleaning staff, yes.
6 How does that work, the three to four? Was one of them
7 part-time?---They do short shifts. Some staff are only in
8 for three hours on a weekend.
9 You explain in your statement that the beginning of the
10 awareness of the risk on 6 February was staff members
11 overhearing some of the visitors to the facility talking
12 about the fire and talking about their plans of
13 evacuating; is that right?---Yes, that's right.
14 Was that at both the facilities or one of them in
15 particular?---I think there was a general level of
16 awareness at both facilities, yes.
17 As it turns out, your director of nursing, Jacqui Brown, wasn't
18 working on 6 February and the acting director of nursing
19 was Ms Day?---That's correct.
20 As you explain in your statement, she made contact with a DHS
21 representative, Jacqui Hickey, to first discuss the issue
22 of relocation or evacuation of the residents?---I think
23 the discussion was more around what plans were in place
24 should an evacuation need to take place.
25 Was that contact with DHS made at your direction?---No, that
26 was Anne Maree made that decision herself.
27 Ms Hickey was one of those contact people that was actually
28 included on the evacuation procedure that I took you to a
29 moment ago?---Yes.
30 What is her role with DHS, as you understand it?---Her role is
31 regarding health controller role for Department of Human

1 Services within the Gippsland region.

2 The response back from Ms Hickey is described by you in
3 paragraph 21 of your statement. You say that Ms Hickey
4 inquired of Ms Day of your facility as to what plans were
5 in place should the facility be required to evacuate. She
6 also told Ms Day that she would make some inquiries of
7 other health and aged care facilities in your area to see
8 whether they would be able to take or look after the
9 patients in the event that they were evacuated?---Yes.

10 Was that information communicated back to you?---Yes, it was.

11 You detail in paragraph 23 of your statement that the next key
12 event on 6 February was a staff member, Cassie Pronk, who
13 is one of the nurses at Hillview, attending at an
14 information session that was being conducted by the fire
15 agencies in Labertouche?---That's correct.

16 How did that come about, that she attended that information
17 session?---She is a resident of Bunyip, so she had a
18 vested interest in attending, but she also informed me
19 that she would be attending being a local resident,
20 because there was some talk that, even though Bunyip was
21 at risk, it appeared that Neerim South could also
22 potentially be at risk. So she advised me that she would
23 be attending and then she would give me some feedback that
24 evening as to what the meeting held.

25 Do you know how she became aware that the meeting was being
26 conducted?---I am not 100 per cent sure, but I would
27 assume it was just through community newsletters or just
28 being a local town resident she became aware.

29 We have had some evidence of newsletters being delivered. Was
30 any newsletter or any other information provided to either
31 the Neerim South location or the Bunyip location as far as

1 you know?---I don't believe we received any written
2 communication. I think it was either via phone calls or
3 via other community members contacting us.

4 Just if I can press you on that momentarily. Was there a
5 specific phone call made to you in your capacity as CEO
6 from anyone on Friday 6 February either alerting you to
7 the potential danger of a breakout of the fire or advising
8 you that these information sessions were being
9 conducted?---No, not to my knowledge.

10 Ms Pronk attended the information session which was conducted
11 at 7.30 on the night of 6 February at Labertouche. She
12 rang you after she had been at the information
13 session?---Yes.

14 She also spoke to Ms Brown. Confining yourself to the
15 conversation that you had with Ms Pronk, what was the
16 message that she delivered to you based on what she had
17 heard at the information meeting?---We discussed the
18 potential impact on the Bunyip facility and she relayed
19 that it was considered that Bunyip would possibly come
20 under some ember attack and also could be impacted by
21 smoke. She was rostered to work the following day and
22 I had already made the decision that I would be on site,
23 so I reassured her that I would be there, because that was
24 a conversation we had, who else will be at the facility
25 and should we roster additional staff on for that day.

26 You say in paragraph 25 that one of the things she told you was
27 that, "The authorities said that the fire was not yet
28 contained but they reassured people that it would be
29 contained that evening," that evening being on 6 February
30 2009?---That's correct.

31 When Ms Pronk said that to you, did she use the word

1 "contained"?---I believe that's correct, yes.

2 What then was your understanding of what that meant in terms of

3 the potential for the fire to escape?---I suppose just

4 from my general knowledge that fires can become

5 unpredictable and also given the forecast of extremely

6 high temperatures, low humidity and strong northerly

7 winds, I probably took that with a grain of salt because

8 knowing how unpredictable fires can be and also given the

9 close proximity of that fire.

10 You didn't understand the word "contained" to mean that there

11 was therefore no risk of the fire escaping on

12 7 February?---That's correct.

13 You say that Ms Brown was able to tell you that she had been

14 given a map whilst she was at the information

15 session?---I believe Cassie Pronk was given a map.

16 I'm sorry, Ms Pronk told you that she received a map. You

17 attach the map that she received in your statement. That

18 is annexure 3, which is (DSE.HDD.005.0942), if that could

19 be brought up on the screen. That's the map that Ms Pronk

20 obtained from the meeting?---That's correct.

21 You understood from that that the orange line circled area that

22 was potentially at risk in the event of the fire breaking

23 out from the park on 7 February?---Yes, that's correct.

24 And almost in the middle of that at risk area is Neerim

25 South?---That's correct.

26 Bunyip, on the other hand, is just outside the at risk area

27 towards the left-hand side of the document?---Yes.

28 Perhaps if Bunyip could be indicated. It is just on the left

29 there?---Yes.

30 Did you actually see that map on the night of the 6th or did

31 you not see that until some later time?---I saw that at a

1 later stage, yes.

2 But nonetheless Ms Pronk was able to convey to you what she
3 understood from being given the map and the information
4 that she had heard?---Yes.

5 And it left you clear that there was a serious potential for
6 risk to both the facilities on 7 February?---Yes, that's
7 correct.

8 And crystallised in your mind the need to, at the very least,
9 on the night of 6 February put in place some arrangements
10 to ensure that appropriate decisions could be made on the
11 7th?---Yes. After speaking with Cassie I then had a
12 telephone conversation with Jacqui Brown along the lines
13 of who would be present. I would be present at Bunyip and
14 Jacqui would be present at Neerim South, given the
15 physical locations of where we both live, and also Jacqui
16 was also putting in place to cancel some surgery that was
17 scheduled for that Saturday.

18 Was another part of the arrangements on 6 February that Jacqui
19 contacted the Neerim South CFA fire captain?---Yes.

20 And was that someone that she knew?---Yes, she was aware of who
21 that was.

22 What did she discuss with the fire captain?---She discussed
23 what support would be given to the facility. It was
24 always, I suppose, both of our understanding that Neerim
25 South in the event of a potential threat would be
26 protected in some way, shape or form, and I think that was
27 still the understanding on the night before the fires.

28 If I can just ask you about that. You explain in paragraph 30
29 of your statement the shared understanding you had of the
30 Neerim Hospital being used as a staging point and
31 therefore your understanding that it would be protected.

1 What do you mean by "a staging point"?---Both Jacqui and
2 I were under the understanding that that could possibly be
3 used as a location where, should the event occur, that
4 casualties would be brought to, but also could be a
5 staging point from which to deploy other resources such as
6 CFA or police.

7 You do say, though, in paragraph 30 that, 'Despite these
8 assurances from the CFA that the hospital would not need
9 to be evacuated, Jacqui still decided to put in place some
10 preparations in case evacuation did become necessary."

11 Can I clarify that you are not there saying that Jacqui
12 was assured on the night of 6 February that the hospital
13 would not need to be evacuated, or are you?---She was
14 under the impression that it would not need to be
15 evacuated.

16 Based on what exactly?---History and communications with the
17 CFA captain.

18 Just to clarify that, in the communications she had with
19 the CFA captain on the night of 6 February, you are not
20 saying that she was told that there would be no need to
21 evacuate the hospital on the 7th, or are you?---I can't
22 say for sure because I don't know whether I've had that
23 exact conversation with her, but it was my understanding
24 and I think it was her understanding that there would be
25 no need for the hospital to be evacuated, despite the
26 potential threat.

27 However, despite that, you still both agreed that it would be
28 necessary to put in place some contingency plans at that
29 point and you have explained what they were; that is, that
30 you would be located at Bunyip, Ms Brown would stay at
31 Neerim South and she cancelled the surgery that was

1 scheduled for 7 February at the hospital?---That's
2 correct, and we also put in place - we were
3 double-checking phone numbers and contact numbers for
4 residents and their families and also ensuring that,
5 should staff not be able to come in, we had staff who were
6 on standby who could be called upon.

7 One further bit of the planning that was put in place on the
8 night of the 6th was an arrangement was made for the CFA
9 captain from Neerim South to attend at the hospital on the
10 morning of the 7th to look at the premises and give
11 Ms Brown some general advice about preparation?---Yes,
12 that's correct, and Ms Brown also contacted the
13 maintenance officer who was rostered off on that day but
14 he was called into work to start preparing the building,
15 particularly from after the phone call with Cassie Pronk,
16 to prepare the facility by plugging gutters and taking
17 similar precautions.

18 Commissioners, I'm about to move on to a new topic. It might
19 be an appropriate time to have a break at this time.

20 CHAIRMAN: Yes.

21 (Short adjournment.)

22 MR ROZEN: Thank you, Commissioners. Mr Hoff, I think we had
23 reached the point where plans had been put in place on the
24 night of 6 February 2009. If we could turn our attention
25 then to the events of 7 February. Firstly, in accordance
26 with the agreement you reached with Jacqui Brown on the
27 night of the 6th, she was to be in charge at Neerim and
28 you were going to be in charge of the Hillview facility at
29 Bunyip, is that right?---Yes, that's correct.

30 In your statement you deal with the story of the evacuation of
31 the two facilities, firstly by focusing on what happened

1 at Neerim and secondly by focusing on what happened at
2 Bunyip. If I may, I will deal with them in the same
3 order. So far as what you have to tell us about what
4 happened at Neerim, you are almost entirely reliant on
5 what Ms Brown has told you took place?---Yes.

6 Don't take this question the wrong way, but neither of you were
7 able to keep a log of the events of the day, I take
8 it?---No.

9 You had plenty of other things to occupy your time beyond
10 keeping a log. But were you able in subsequent days to
11 record the events of the day or how were you able to
12 provide us with such a detailed account of what
13 occurred?---There was a log that was required by the
14 Department of Human Services but also the Department of
15 Health and Ageing. We put in a claim for compensation for
16 wages that were expended over that timeframe and
17 additional expenditure and that required us to provide a
18 fairly detailed log similar to the witness statements.

19 Sorry, I may have confused you by using the word "log". Do you
20 mean you had to provide them with a report?---Yes, a
21 written account of what took place.

22 You were able to refer back to that, were you, in preparation
23 of the witness statement that you provided to us?---Yes,
24 and I also think your memory serves you quite well on that
25 day considering the events that took place.

26 Because of the extraordinary nature of the events, they stay in
27 your mind; is that what you mean?---Yes.

28 If we could start by looking at the events at Neerim. It is
29 not the position, is it, Mr Hoff, that both you and
30 Ms Brown had agreed as at the night of 6 February that you
31 were definitely going to evacuate the premises on the 7th.

1 It was more, "Let's keep an open mind and play it by ear,
2 but ensure that we are able to evacuate if circumstances
3 indicate that we need to"?---Yes, that's correct.

4 Had you agreed on a trigger point, something that would trigger
5 your decisions?---We didn't formally discuss that, but in
6 my mind I was always going to be guided by the authorities
7 and what they informed us.

8 In relation to the authorities, you were relying firstly on
9 Ms Brown's contact with the Neerim South CFA fire
10 captain?---Yes, and I also had some contact with a local
11 CFA officer whom I knew and also Stuart Halligan at the
12 incident control centre.

13 Although, it is the case, and we will come to your contact with
14 Mr Halligan, he was not someone who was known to you
15 before 7 February, was he?---No.

16 And, as it turns out, it was quite fortuitous that you came
17 into contact with him, as we will see. Focusing then on
18 the situation at Neerim, you explain in your statement
19 that at about 10.30 in the morning Ms Brown was notified
20 by the DHS officer, Ms Hickey, that there were potentially
21 beds available in the event of there being a
22 relocation?---Yes.

23 That's at paragraph 32 of your statement. I take it, as you
24 say, "As Jacqui Hickey found free beds, Jacqui Brown
25 contacted the managers of those facilities to determine
26 which patients would be suitable to which beds." So,
27 obviously enough, people who are being treated as acute
28 patients in a hospital have different needs potentially to
29 those who are being managed in the nursing home in
30 Neerim?---Yes, that's correct.

31 Therefore, it is not just a matter of finding a bed in a

1 suitable location, but it has to be a suitable bed with
2 suitable facilities and staff as well?---Yes, exactly,
3 because it wouldn't be appropriate to transfer a high care
4 resident to a low care facility.

5 Of course, this was all being done essentially on the run.

6 That is, you were relying on Ms Hickey's ability to find
7 places. There was no preplanning where there was a list
8 of suitable beds for the sort of patients and residents
9 that you had, or was there? Are you aware what Ms Hickey
10 was working from to do her work?---She was aware that, if
11 there wasn't any preplanning, that potentially we could
12 all end up at West Gippsland Hospital, which would strain
13 their resources and all Victorian hospitals were on a code
14 brown, so they were on a heightened level of awareness for
15 the potential impact of the fires. So I think she was
16 trying to avoid the fact that potentially there could have
17 been an additional 80 people fronting up at emergency
18 which they would have had to deal with.

19 At paragraph 33 of your statement you paint a bit of a picture
20 for us of what preparing a nursing home and a hospital for
21 evacuation involves. You there explain that two of the
22 staff members, Anne Maree Day and Gayle Fisher, were
23 working with Ms Brown throughout the morning to prepare
24 the patients for a possible evacuation. You go on and
25 say, "All the nursing home residents were moved into the
26 day room and made as mobile as possible - in chairs with
27 wheels etc - so that they could be moved outside quickly
28 if necessary. With the assistance of the nursing staff,
29 Jacqui made a list of the most critical patients, those
30 who would need ambulance transport in the event of an
31 evacuation. The nurses put together an overnight bag for

1 each patient, with a nightdress or pair of pyjamas and
2 basic necessities such as incontinence aids. They also
3 ensured that the residents' folders had all necessary
4 information, such as lists of the patients' medications,
5 in case we should need to evacuate." Those are the sorts
6 of steps which I take it you have now incorporated into
7 the plans that you have refined since 7 February 2009 to
8 assist you in the event of any future similar event; is
9 that right?---Yes, that's correct.

10 You say that the staff have learnt a lot about what is needed
11 to ensure an appropriate evacuation. I take it it is
12 those sorts of experiences that you describe there in your
13 statement that have provided the basis for the lessons
14 that the staff members have learnt?---Yes. We have also
15 conducted a full mock evacuation at Neerim South whereby
16 we have gone to the extent where we have literally
17 contacted DHS, contacted hospitals, contacted Ambulance
18 Victoria, notified them that it is a drill, but we have
19 gone through the entire process.

20 I might perhaps come back to that in detail in a moment, if
21 I can, Mr Hoff. At paragraph 34 of your statement you
22 refer to a visit to the Neerim South Hospital premises by
23 the CFA captain that Ms Brown had been in contact with
24 earlier. He was her main source of information about the
25 progress of the fire and what was necessary for her to do
26 at Neerim South?---Yes, I believe that's correct.

27 He told her at about 1 o'clock that the fire was burning in the
28 Labertouche area and he also gave her the news that fire
29 trucks were going to be needed elsewhere and that he was
30 not in a position to guarantee to her that crews would be
31 available to defend the hospital and that he told her she

1 would need to make other arrangements for the patients'
2 safety?---Yes. Earlier that morning there was a
3 conversation that she'd had with him. He was attempting
4 to deploy two tankers to the hospital grounds, or two
5 pumpers as he called them, but somewhere through the
6 morning, through a phone conversation or a physical
7 contact, he said that that wasn't able to happen any more
8 due to stretched resources and thought needed to be given
9 towards an evacuation.

10 It was that, combined with information about roads in the area
11 being closed, that was really the trigger point for
12 Ms Brown to call the staff together and discuss seriously
13 the need to evacuate the premises; is that correct?---Yes,
14 that's correct.

15 She did that and together they decided that it would be
16 appropriate to evacuate the Neerim South Hospital at that
17 point?---Yes.

18 Did she discuss that decision with you at that time or were
19 your arrangements such that you were quite content for her
20 to make the decision for Neerim and that you would be
21 making the decision at Bunyip?---Yes, I was quite content
22 with Jacqui making the decision. At the time, after
23 I spoke with Stuart Halligan at Pakenham, about the same
24 time, following a briefing at the ICC, I phoned to advise
25 them that we would be evacuating, only to be told they
26 were evacuating as well.

27 When you say you phoned to advise them, that is to tell those
28 at Neerim that you would be evacuating?---That's correct.

29 It was then that they said, "Well, we're also leaving this
30 time"?---Yes.

31 You were, as we will see, assisted in the logistical aspects of

1 the evacuation by a contact that you had in the incident
2 control centre at Pakenham, that's Mr Halligan. He is a
3 police officer that was assisting, the evidence indicates,
4 was assisting the municipal emergency response
5 coordinator, someone we call the MERC in these
6 proceedings. What role did you think Mr Halligan was
7 fulfilling?---I assumed - I think at the time I knew that
8 he was part of the ICC. I assumed he was the incident
9 controller at the time, only because he was the only one
10 I had contact with at Pakenham.

11 It would appear that he was not in contact with Ms Brown at
12 Neerim South?---No.

13 As it turns out, you are probably not aware of this, Mr Hoff,
14 but Mr Halligan, who will be giving evidence later this
15 morning, indicates that the Neerim South facility was
16 outside his police service area, whereas the facility
17 where you were in Bunyip was within his police service
18 area and that's the explanation for his role in relation
19 to your facility, the facility where you were, but not the
20 one at Neerim?---Yes.

21 You give a detailed description of what evacuation from the
22 Neerim South facility involved. It is fair to say, isn't
23 it, Mr Hoff, that on a day where the temperature was
24 hovering around 45 degrees and there was a fire burning at
25 Bunyip and serious smoke in the vicinity of both the
26 facilities and so on, that the evacuation could not have
27 occurred in more difficult circumstances?---That's
28 correct.

29 The patients that were evacuated from Neerim South were
30 evacuated in ambulances and also in a bus?---Yes.

31 Do you know how it was organised that the ambulances would

1 attend at Neerim South, who was responsible for arranging
2 that?---That responsibility was undertaken by Jacqui
3 Brown.

4 We know from other evidence that she was in contact with
5 the Traralgon ICC in respect of the organisation of those
6 ambulances and that she was dealing with the health
7 commander at the Traralgon ICC. Did you have any dealings
8 with a health commander at the Pakenham ICC or was
9 Mr Halligan your only contact there?---Mr Halligan was the
10 only contact.

11 You refer in your statement to a frustration that Ms Brown felt
12 as a result of the ambulances only being prepared to take
13 one patient at a time in each vehicle. This is in
14 paragraph 42 of your statement. You say, "the vehicles
15 have the capacity to take more but the ambulance officers
16 told Jacqui and the nurses that their protocol was to only
17 take one at a time." How do you know that the ambulances
18 that attended had the capacity to take more than one
19 patient?---I didn't have that conversation. I'm relying
20 on what I have been informed that was a conversation held
21 between the ambulance officers and Jacqui Brown.

22 Is it what Ms Brown has told you that leads you to the view
23 that the ambulances had the physical capacity to take more
24 than one patient?---Yes.

25 You say that what seems odd about that from your perspective is
26 that on other occasions you have had the experience of
27 ambulances transporting more than one patient at a
28 time?---Yes, in the past.

29 But I take it that is only in a vehicle that is appropriately
30 designed to be able to accommodate the two
31 patients?---That's correct.

1 It is the case, is it not that, there are some vehicles that
2 just physically can't do it if the patients are on
3 stretchers?---Yes, that's right.

4 You also make the point that the ambulance officers that
5 attended at the Neerim facility were content to load the
6 patients in the order that had been determined by Ms Brown
7 together with her staff, whereas your experience at
8 Hillview was somewhat different?---Yes, that's correct.
9 My experience at Bunyip was that Ambulance Victoria went
10 through a process of re-triaging or reassessing those
11 transfers, not in accordance to our list, but in
12 accordance to their own priorities.

13 How did that affect the process of evacuation?---To where I was
14 at at that time, it seemed to slow the process down.

15 Did you discuss that with the ambulance officers?---Yes, I did.

16 What was their response to that?---That they needed to follow
17 their own protocol as determined by Ambulance Victoria.

18 It seems that Ms Brown knew personally the ambulance
19 coordinator, Mr James, that she was dealing with. I take
20 it that you had no personal contact previously with
21 the coordinator at your end?---That's correct, yes.

22 Do you think that previous personal contact might be part of
23 the explanation for why the ambulance officers were
24 prepared to accept the triaging that had been done at
25 Neerim but not at Bunyip?---Yes, I think so.

26 You explain that the process of evacuating all of the patients
27 took three and a half hours altogether, that is loading
28 patients into ambulances and also getting the patients
29 onto the bus. There was a difficulty, was there not, with
30 the bus that had been sent to pick up the patients,
31 particularly in relation to loading wheelchair

1 patients?---Yes. Our experience at both locations was
2 entirely different in that the bus at Neerim South had
3 been provided by the local bus service, which was
4 organised through our maintenance officer. He was aware
5 that there was a school bus that was housed in Neerim
6 South over the weekend, so that made it easy for a bus to
7 be deployed to the hospital. However, it wasn't suitable
8 to transfer residents from the nursing home and the
9 hospital to the bus, purely because they needed to be
10 lifted, whereas the bus that was provided to us through
11 the ICC in Pakenham at Bunyip was able to be brought down
12 to street level, so it meant just wheelchairs and
13 residents could walk directly onto the bus, so a different
14 experience at both locations.

15 You explain at paragraph 43 what that meant in practice at
16 Neerim was that the staff had to physically lift many of
17 the patients on and of course off the bus at the other end
18 and it was only because one of your staff members'
19 husbands and the son of one of the nurses came to assist
20 in that exercise that that was able to be done in the time
21 that it was done?---Yes. We were fortunate that it was a
22 weekend because there were a lot of partners that were
23 available to assist at both locations.

24 Of course, all this is happening in the context, as you have
25 already told us, of an incredibly hot day with smoke and
26 presumably by this time were there also embers in the
27 vicinity of the Neerim facility, do you know?---There
28 would have been ash. I think there was ash and smoke at
29 both locations, yes.

30 At paragraph 45 you say that it was 5 o'clock and Ms Brown went
31 outside for the first time since the evacuation had

1 commenced earlier that afternoon. She saw that "the sky
2 was bright red and the temperature was searingly hot. She
3 felt that they had got the patients out just in time."
4 What makes you say that, Mr Hoff?---She was notified that
5 around about the time of the last ambulance leaving Neerim
6 South, that the roads were about to be closed and that the
7 ambulance would have to stay there with the patient on
8 board. After some quick phone calls it was decided that
9 that would be one of the last vehicles that would be
10 allowed through to Warragul before the roads were closed
11 because the fire was approaching from a southerly
12 direction at that stage after the wind change.

13 At paragraph 44 you explain that Ms Brown had to make one
14 particularly difficult decision concerning a resident who
15 was so ill he was not expected to survive the
16 night?---Mmm.

17 What were her concerns in relation to that man?---Requiring
18 palliative care, not speaking on her behalf, but knowing
19 the patient, the concern of whether that move would
20 exacerbate his condition, whether it would lead to him
21 passing away sooner rather than later.

22 Her preference was for him not to be moved?---I believe it was
23 also the family's preference at some stage throughout the
24 day not for him to be moved. But as the situation
25 worsened, it became necessary to relocate him to West
26 Gippsland Hospital.

27 She in fact spoke to the CFA captain, as you explain in
28 paragraph 44 of your statement, to see whether it would be
29 possible for him to stay behind and his recommendation,
30 the CFA captain's recommendation, was that this gentleman
31 ought to be moved because they were not in a position to

1 be able to protect the hospital?---That's correct.
2 He was taken to Warragul and as it turned out he did in fact
3 die on 8 February, did he not?---Yes, that's correct.
4 You say in paragraph 47 that fortunately the fire never
5 actually reached the hospital, but what impact was there
6 on the hospital of the fire, and I mean by that the smoke
7 and other effects of the fire?---There was smoke, embers.
8 There was also the physical building was blackened by just
9 the amount of smoke and ash that was in the air. It took
10 us some weeks to clean the facility down.
11 In light of that, you are of no doubt, are you, that the right
12 decision was made to evacuate the Neerim South
13 facility?---Yes, I am.
14 The patients were, as you explain in paragraph 48 of your
15 statement, taken firstly to the Warragul staging post.
16 What was the facility at Warragul where they were
17 taken?---I believe they were taken to the West Gippsland
18 Hospital as a staging point and some residents were placed
19 into the accident/emergency area and others were placed in
20 the aged care facility at West Gippsland. From there as
21 transport became available they were then billeted out to
22 the other locations which were other aged care facilities
23 throughout West Gippsland and also South Gippsland.
24 You list in paragraph 49 the locations where they were taken.
25 You say that the residents were not finally located until
26 about midnight on 7 February 2009?---That's correct.
27 How did the patients cope with the move or is it not possible
28 to generalise?---I wouldn't want to generalise, but some
29 residents obviously coped very well with it. Being a high
30 care facility, the majority of residents have some form of
31 dementia, so for them being relocated to an unfamiliar

1 surrounding was distressing. We ensured that staff were
2 deployed with most of our residents, so, despite the fact
3 that they were in unfamiliar surroundings, there was at
4 least a staff member on the majority of shifts with them
5 throughout the time that they were at the other facility,
6 so at least there was someone who was aware of how to
7 communicate appropriately with them, their likes, dislikes
8 and also to reassure them that things were okay.

9 It is the case, isn't it, in relation to the operation of a
10 nursing home that those personal links between staff
11 members and residents are crucial in ensuring that the
12 particular needs of those residents are met?---Yes, they
13 are very important.

14 How difficult was that for you as the CEO ensuring that your
15 staff members could get to the locations where the
16 residents had gone in the days after 7 February 2009,
17 bearing in mind firstly that there were continuing fire
18 threats in the region and also numerous roadblocks? How
19 did you go about dealing with that?---It was very hard to
20 communicate with all of the facilities that residents had
21 been sent to. I know that some staff were unable to
22 return back to their homes that evening. Again, it was
23 difficult for them to communicate because they'd arrived
24 for work at Neerim South and by the end of their shift
25 they'd either ended up at Wonthaggi or Traralgon or
26 Morwell or Moe without any form of contacting and I think
27 in some instances without even having a contact list for
28 myself or for Jacqui Brown. That was difficult for them
29 because they had no idea of whether they needed to stay at
30 the facility. They had travelled by bus or with the
31 residents in ambulances, so it was a difficult situation

1 to try and coordinate all that communication with them and
2 some of them opted to stay in motels overnight purely
3 because they knew that they couldn't get back to Neerim
4 South because the roads had been closed. The nursing unit
5 manager the day after on the Sunday, she physically drove
6 to each facility and ensured that staff were available at
7 the majority of shifts just to make sure that the
8 residents would settle as best they could under the
9 circumstances. So it was fairly arduous process over the
10 next fortnight.

11 I asked you a moment ago about how the residents responded to
12 the evacuation. At paragraph 56 of your statement you
13 refer to a number of residents finding it extremely
14 difficult to be away from the Neerim Hospital. I take it
15 that in relation to some of the nursing home residents
16 they had been resident at Neerim South for a considerable
17 period?---Yes, that's correct. Not all the residents are
18 verbal, which adds to the nursing care of them, or they
19 have very little verbal ability left, so it makes it very
20 difficult to provide care for them as well.

21 Presumably there you are referring in particular to the
22 dementia patients?---Yes, that's correct.

23 You refer to one particular resident who you described as being
24 very pedantic about her belongings and she kept screaming
25 "Where are my things" to the staff members?---That's
26 correct.

27 Then you add in paragraph 56 that there were other residents
28 who, when they were brought back to Neerim, said that if
29 the hospital had to evacuate again they would rather stay
30 and burn?---That's right.

31 At paragraph 55 you convey the tragic reality that, in the

1 course of the evacuation or shortly after, four of the
2 residents from Neerim Hospital in fact passed
3 away?---That's correct.

4 One of them is the gentleman that you have already referred to
5 who was the palliative care resident, but there were three
6 others that, as you say in paragraph 55, "died shortly
7 after the evacuation and we believe that their deaths can
8 be attributed to the disruption and shock of the
9 evacuation. For example, one of our residents simply
10 stopped eating as a result of the trauma." So, I take it
11 these are residents, unlike the gentleman that we have
12 already referred to, these are residents who albeit in a
13 nursing home were generally in reasonable health but their
14 health deteriorated very soon after the evacuation?---Yes.
15 I wouldn't say they were in reasonable health. They are
16 in fairly poor health. However, their health status did
17 deteriorate shortly after being relocated, yes.

18 Just to complete the picture as far as Neerim is concerned, you
19 explain in paragraph 57 of your statement that further
20 work was done by your staff members to ensure that
21 clothing and other necessities were taken to the locations
22 where the residents were located?---Yes, that's correct.

23 When were they able to return to Neerim?---The ambulant
24 residents returned on the following Tuesday. It wasn't in
25 some instances up to 10 days to two weeks that the
26 non-ambulant residents returned.

27 It was the case, was it not, that the hospital was placed on
28 alert again on 12 February and on 16 February?---That's
29 correct.

30 When you say they were placed on alert, was that something
31 formal that was conveyed to the hospital by emergency

1 authorities or how did that come about?---We continued to
2 be impacted by smoke for a number of weeks after the
3 initial Saturday. They were days that were declared as
4 total fire ban days. They were also days where we
5 received notification, I think it would have been through
6 DHS, of what our plans would be should we need to relocate
7 residents should we be directly impacted by fire.

8 The Commission has heard a number of witnesses who have
9 criticised the decision to move the incident control
10 centre from Pakenham to Noojee, but as it turns out one of
11 the benefits of moving the control centre from Pakenham to
12 Noojee was that the firefighters that had to drive past
13 the Neerim South Hospital every day were able to keep your
14 staff informed about the dangers from the fire; is that
15 right?---Yes, that's correct.

16 You explain that in paragraph 52 of your statement. If I can
17 leave then the evacuation of the facility at Neerim and
18 turn to the evacuation of the Hillview premises. You
19 personally spent the day at the Hillview premises
20 overseeing the evacuation of the residents there?---Yes.

21 You explain that you arrived at Hillview at about 8 am on
22 7 February and that you learnt from listening to the radio
23 that there had been a flare-up of the Bunyip fire?---Yes,
24 that's correct.

25 Of the 48 residents, seven were able to go home with family
26 members, leaving you with 41 to evacuate for the remainder
27 of the day; is that right?---Correct.

28 Once again, that was part of the plan that you had in place
29 which was to see, if there were some residents who could
30 go home, then at least those could be dealt with by their
31 family members?---Yes. Some family members offered early

1 throughout the day. Others, as a result of us contacting
2 them, then offered to take the resident home.

3 The first step that you took towards the decision to evacuate
4 the residents from Hillview was communication with the CEO
5 of the Koo Wee Rup regional health service. You spoke to
6 the CEO at about 10 o'clock. What is the name of the CEO
7 at Koo Wee Rup?---Terrona Ramsay.

8 What made you contact Ms Ramsay?---I think by knowing the local
9 geography and knowing where Koo Wee Rup is located, it is
10 on the Koo Wee Rup swamp, and knowing that even in the
11 event of Bunyip being directly impacted there would be,
12 from my own personal assessment, little impact on the Koo
13 Wee Rup health service. So, being the next closest health
14 service, I contacted Terrona, knowing her personally as
15 well, and asked her about the possibility of relocating
16 our residents. She immediately said that wouldn't be an
17 issue. It was from that point that she said, "Have you
18 made contact with the incident control centre in
19 Pakenham?" I said "no". It was from that stage that she
20 gave me Stuart Halligan's mobile phone number and I made
21 contact with him directly thereafter.

22 Were you aware that the incident control centre for the Bunyip
23 fire was located at Pakenham?---Yes.

24 But it was only on the basis of the discussion that you had
25 with the CEO at Koo Wee Rup that you made contact with
26 the ICC. Was there any reason why you hadn't done that
27 previously?---No, there was no reason why I hadn't.

28 I probably hadn't thought to contact them.

29 In fairness to you, Mr Hoff, did you have a contact number
30 before you were given one by Ms Ramsay?---I had the
31 contact number for the ICC, but I didn't have an

1 individual contact number.

2 How did you come to have the contact number for the ICC?---That
3 was provided to us by the local shire as part of their
4 emergency planning.

5 Now she put you onto Mr Halligan. You have already told us
6 that you had a lot of contact with Mr Halligan during
7 7 February and it is fair to say, isn't it, that he was of
8 enormous assistance to you in arranging for the evacuation
9 of the residents at Hillview?---Yes, he was the prime
10 contact on the day.

11 As we will see, he was able to arrange for you labour in the
12 form of SES volunteers as well as facilities such as the
13 transport arrangements that were necessary to move the
14 residents?---And also the ambulances as well, yes.

15 So that was all coordinated for you through the ICC by
16 Mr Halligan?---Correct.

17 You explain that you spoke to Mr Halligan probably every half
18 an hour during the course of the day after your initial
19 contact at 10 o'clock?---I think that's correct, yes.

20 Around about 12 o'clock the weather was changing and the wind
21 picked up and this caused you some concerns, did it
22 not?---Yes. We could see the smoke, but the smoke was
23 directly to our east and wasn't having a direct impact on
24 the facility, but we were keeping a close eye on it. Also
25 the wind speed, it had been picking up throughout the
26 morning. Also the fact that we maintained power; we don't
27 have any back-up power at Hillview. So, given that the
28 temperature was increasing as well, that was also a
29 critical factor in whether we stayed or whether we went.

30 You decided to give the residents lunch earlier than usual as
31 part of your preparations, and you received a telephone

1 call from Mr Halligan at about 12.45. What did
2 Mr Halligan say to you when he rang you?---The previous
3 conversation was, "We are about to have a briefing and,
4 depending on how that briefing goes, I will talk to you
5 regarding whether you evacuate or not." Then the
6 discussion was, "I can provide the resources. It is my
7 advice that you evacuate, given that if things deteriorate
8 any more I may not be able to arrange for those resources
9 for you to evacuate."

10 So two bits of information: "I recommend you evacuate and
11 I also recommend that you do it now because I'm better
12 able to assist you with resources the sooner you make the
13 decision"?---Correct.

14 It was on that basis that you made the decision to evacuate
15 Hillview?---Yes, that's right.

16 And you then set about evacuating the residents. You have
17 already told us that Mr Halligan was able to arrange for
18 15 SES volunteers to come and assist you with the physical
19 work of evacuation?---Yes.

20 You also make reference to making use of an emergency tree,
21 which was part of your internal emergency
22 procedure?---That's right.

23 Would you just like to explain to us what the emergency tree
24 was?---The emergency tree is basically a list of board
25 members, senior staff and community members who volunteer
26 to be contacted in the case of an emergency so they can
27 offer some assistance.

28 As a result, you were in the fortunate position of having quite
29 a lot of people to assist you with the work of evacuating
30 the residents?---Yes.

31 You explain in paragraph 80 that the ambulance crews arrived at

1 about 2 o'clock, and you have already given evidence to us
2 about the insistence by them of doing their own triage
3 process. You say, "This was very frustrating as we were
4 by now being quite heavily impacted by smoke and it was
5 getting hotter all the time." So as the process of
6 evacuation was taking place the conditions were becoming
7 more and more unbearable, I take it?---Yes, the
8 temperature was increasing and we were also being directly
9 impacted by smoke and ash.

10 Even though the bus that was provided to you was a better bus
11 than the one they got at Neerim because you didn't have to
12 lift the wheelchairs to get the residents onto the bus,
13 there was another problem, wasn't there, and that is that
14 the airconditioning on the bus wasn't working?---Yes,
15 I was only informed prior to the bus leaving that the
16 airconditioning had failed and could we provide some
17 face-washers for the residents during their journey.

18 Between the needs of the residents and also the SES and
19 ambulance crews, they ran you out of bottled water, I
20 think, didn't they?---I think, apart from tap water, we
21 ran out of every other form of refreshment.

22 You refer in paragraph 84 to getting a visit from a police crew
23 at about 3 o'clock. What did they say to
24 you?---I informed them of the decision of us to evacuate.
25 They offered any other form of assistance. I basically
26 said that I would contact the local Bunyip police station
27 once we had left the building.

28 You go on in paragraph 84 to say, "Apart from my early morning
29 phone call to the local CFA captain, we had no contact
30 with the CFA during the day. No crews attended the
31 facility and we did not receive any information or

1 warnings from them. I was taking all of my direction from
2 Stuart Halligan at the ICC." Do I detect a degree of
3 disappointment in the absence of any formal communication
4 from the CFA or any other emergency organisation?---No.
5 I don't know what my expectation was on the day. As
6 I said, I spoke to one of the local CFA brigade members
7 early in the day and he basically informed me that the
8 fire was contained but there were trigger points and,
9 should things deteriorate, he would be in contact. I'm
10 very aware of how the situation changed. But, no, I don't
11 share any disappointment for not having had any direct
12 contact by any of the emergency services.

13 Just in relation to that, all of your needs in terms of the
14 facilities you needed, the information you needed, were
15 able to be provided to you by Mr Halligan?---Yes. I did
16 attempt to contact the 1800 bushfire emergency line but
17 couldn't get through. We were also relying on the DSE and
18 CFA websites for our information, as well as 774.

19 COMMISSIONER PASCOE: I'm just interested to elaborate that
20 point a little because I'm not sure if you were here this
21 morning, Mr Hoff, when Trevor Owen talked about some of
22 the congestion problems on the fireground, but you would
23 have heard I'm sure of some of the other congestion
24 problems on the day, people trying to get through to Vic
25 Fire, 000 and so on. It does strike me that if there were
26 protocols where facilities such as yours were
27 automatically contacted or you could receive credible up
28 to date information, it might stop people such as you and
29 others in your circumstances ringing through to the ICC
30 and thereby having multiple exterior communications when
31 one communication out from the ICC might serve a number of

1 people in critical circumstances such as your
2 own?---I agree.

3 Are you aware if there has been any discussion about improving
4 communications should there be any subsequent
5 emergency?---Not locally, only through the media and
6 statewide resources, but not in our direct area, no.

7 I note that you said you had a phone number from the municipal
8 emergency response plan, and it strikes me that that's
9 perhaps one area where these arrangements can be tightened
10 up and improved?---Mm-hm.

11 MR ROZEN: At paragraph 96 you say that it took you until about
12 5 o'clock to evacuate all of the residents from Hillview,
13 and at one point you explain that just the process of
14 getting the residents on the bus took about half an
15 hour?---That's correct.

16 When were the residents able to return to Hillview?---It was
17 not until the Sunday afternoon. The roads from Koo Wee
18 Rup northwards and eastwards had police roadblocks on
19 them. It was probably about 4 o'clock on that Sunday that
20 we were given the all clear. Despite the fact that there
21 were still roadblocks, we were given clearance to go
22 through. So approximately arrived back anywhere between
23 5.30 and 6 o'clock the following day.

24 At paragraph 96 you explain that, just as had been the case at
25 Neerim, there was one resident who was considered to be a
26 terminal patient at Hillview?---That's correct.

27 You decided it would be better for her to remain at Hillview
28 rather than be evacuated along with the other
29 residents?---At Koo Wee Rup.

30 I'm sorry; she stayed at Koo Wee Rup rather than being moved
31 again to a further location?---Yes.

1 And she died on Sunday, 8 February?---That's correct.

2 Other than that, I assume that the response of the residents at
3 Hillview was similar to the response of the residents at
4 Neerim; that is, there was a range of experiences, with
5 some residents finding it extremely difficult but, as you
6 point out in paragraph 97, others were actually quite
7 resilient and proved to be surprisingly adaptable to the
8 circumstances?---As long as we kept them informed as to
9 what we were doing, the timeframes, they seemed to be very
10 compliant. It was more our dementia-specific residents
11 who struggled with the move to Koo Wee Rup and then back
12 to Bunyip.

13 In the 10 days or so after 7 February, with the return of the
14 residents, Hillview was placed on high alert for
15 evacuation on about three occasions?---(Witness nods.)

16 You were able to get good information from your local CFA
17 captain about the progress of the fire?---Yes.

18 At paragraph 100 you describe a difficult position that you
19 found yourself in on those days of high alert. Would you
20 like to tell us about those, please, Mr Hoff?---I suppose
21 the level of anxiety not only amongst the staff but family
22 members, volunteers, trying to resume a degree of
23 normality but also knowing that we could be given the
24 notification to evacuate at any time, and also given the
25 fact of what had happened throughout the rest of the
26 state.

27 Can you expand on that, please? What happened and how were you
28 able to respond to the expressions of concern by local
29 elderly and vulnerable residents?---We wrote to all the
30 family members and also to all our residents advising them
31 of the decisions that had been taken and that would be

1 taken should we be notified by the authorities. Having
2 had direct contact with the CFA, they were more than
3 reassuring in giving me the reassurance that they had
4 certain trigger factors in place that, should the fire
5 change direction or look like it was going to have a
6 direct impact on us, we would be notified immediately. So
7 we would be given priority.

8 It was also the case, though, wasn't it, Mr Hoff, that on those
9 days of high alert you were fielding calls from elderly
10 and immobile people in the area who were asking you if you
11 would be able to assist them to evacuate; these are people
12 who are not residents of your facility but contacted you
13 to see if they could get some assistance from you?---Yes.
14 They were local community members who either through lack
15 of transport or immobility themselves were querying
16 whether in the event of an evacuation that we would be
17 able to assist them as well.

18 I take it that word had spread, as is often the case in a small
19 community, about the events of the 7th and the evacuation
20 of the nursing home?---Yes, that's correct.

21 That's what led to these inquiries coming in from other members
22 of the community?---That's correct. The inquiries seemed
23 to grow with each event. We seemed to go from three calls
24 to eight calls to 13 calls, which was putting a strain on
25 the staff but also the reality that, should that occur,
26 whether we needed to give priority to our own residents or
27 not.

28 You say that your position unfortunately changed. When the
29 first few calls came in you agreed that you would be able
30 to help people. But eventually the numbers got to such a
31 point that you felt, as you say in your statement, quite

1 dreadful, but you had to say no to people because your
2 primary concern had to be the residents that you were
3 responsible for?---That's correct.

4 As you are aware, Mr Hoff, the Royal Commission is charged with
5 making recommendations about a range of issues concerning
6 the response to bushfires. One of the things that I would
7 like to now explore with you is the lessons that you have
8 learned from your experience on 7 February 2009 and the
9 days after and any assistance you can provide to the
10 Commission in identifying what areas we should be looking
11 at in relation to this matter. Firstly, you have already
12 told us that you have been in the process of developing a
13 complete rewrite of your emergency management plan. This
14 is in paragraph 101 of your statement. You say, "The new
15 policy is still in draft stage as we are waiting on the
16 completion of a number of parallel processes before we
17 finalise it." What are those parallel processes?---Both
18 the Department of Human Services and the Department of
19 Health and Ageing were in the process of drafting some
20 guidelines. So we wanted to ensure that we didn't have to
21 issue a procedure and then have to reissue it, given that
22 there might have been some additional directions. Both of
23 those directions have come through and we have since then
24 finalised the procedures and they have been distributed to
25 staff, and some residents' families have also requested
26 those as well.

27 What have been the processes engaged in by the department, in
28 your experience, the Department of Human Services? What
29 have they been doing?---They have been very proactive. We
30 have attended a number of seminars, both at a metropolitan
31 level but at a regional level, and even a shire based

1 level as well to inform us of their processes,
2 distribution of telephone numbers, emergency contacts,
3 I suppose a comprehensive approach to an emergency
4 response in the future.

5 You also refer in your statement to the mock evacuation that
6 was carried out in early October. I take it that that
7 helped you to iron out problem areas in relation to your
8 evacuation?---Yes, that was incredibly useful. Both
9 Jacqui Brown and myself had a discussion beforehand and we
10 basically oversaw the mock evacuation rather than being
11 part of it because we are not always on site and we felt
12 that some of the senior staff needed to step up and take
13 that responsibility. The feedback that we got was they
14 learnt an incredible amount. As much as we were guiding
15 them, we basically left them up to their own devices to
16 follow the new procedures to make sure that they followed
17 them. We have taken away some of the learnings of that as
18 well.

19 You were assisted by the CFA, the police and the ambulance
20 service in relation to carrying out that mock
21 evacuation?---Yes, we went through the process as if we
22 were evacuating again.

23 I take it that the assistance of those agencies would have been
24 very helpful to you?---Yes, it was.

25 Were they also able to give you some pointers about things that
26 you might consider in developing your evacuation
27 plans?---Yes, there was some feedback regarding
28 after-hours numbers, making sure that we had pager
29 numbers, making sure that we had the right contacts.

30 When do you anticipate finalising your evacuation policy?---It
31 has been finalised within the last week.

1 Would the Commission be able to have a copy of that?---Yes,
2 certainly.

3 You refer to discussions that you have had with industry
4 bodies, and you make reference to one in particular,
5 Dutchcare, who operate a number of aged care homes
6 throughout Victoria. What assistance have you been able
7 to glean from that organisation?---That's an organisation
8 that has a large aged care facility in the foothills of
9 the Dandenongs. We have been able to share some of our
10 policies and procedures with them. Their processes are
11 slightly different from the view of it is independent
12 living rather than high and low aged care. Also knowing
13 who to contact in an emergency as well, we were of great
14 assistance to them, because they were obviously on high
15 alert as we were in the weeks preceding and just some of
16 the processes that they undertook, just sharing the
17 learnings.

18 The final matter that you refer to in your statement is in
19 paragraph 109. You give an example of some practical
20 arrangements that have been put in place, I take it based
21 on the experience of the events of 7 February and also the
22 discussions you have had with other agencies since then;
23 is that right?---That's correct.

24 The practical arrangements that you describe are that each
25 resident will have a bag hanging on the back of their door
26 containing toiletries, water and enough clothes for a day
27 or two. You also explain you are in the process of
28 preparing laminated sheets to put in the bags with a list
29 of the resident's personal details, family contacts and
30 medication. You say the idea is that the bag will contain
31 everything that is necessary to continue the resident's

1 care for a few days. You say you have had offers from
2 local supermarkets to donate re-useable shopping bags and
3 toiletries to use for this project. Those sort of basic
4 practical steps presumably would be of great assistance to
5 any organisation, nursing home, hospital, private or
6 public, that is in a similar position to you facing the
7 prospect of an evacuation in a bushfire?---Yes,
8 absolutely, and also sharing the learnings and making sure
9 that where we can we adopt some universal approaches,
10 particularly around things such as treating a diabetic and
11 making sure we have enough long-life milk, things like
12 that so that, where we might have missed something, we can
13 pick up on what other organisations have done, which is
14 occurring.

15 Are there any protocols that have been prepared or are in
16 development as far as you know by the Department of Human
17 Services, or the health department as it is now called, in
18 relation to these matters?---There have been a number of
19 guidelines that have been issued. I suppose the most
20 critical factor is the fact that we need to be
21 self-reliant as much as we are relying on the emergency
22 services, but we need to make sure that we have carried
23 out enough internal processes so that we are not just
24 ringing up and saying, "We are ready to evacuate; come and
25 get us", that we have taken every possible precaution as
26 far as protecting our buildings but also as far as
27 preparing our residents should they need to evacuate in
28 the future.

29 One final matter, and it really harks back to something that
30 was in your emergency plan, and that is a recognition that
31 the more time you have to prepare an evacuation, despite

1 all the preplanning that you might have done, the better;
2 is that a fair general proposition?---That's correct.

3 I would never have anticipated the length of time that it
4 took from the initial phone call through to the last
5 ambulance or the last bus leaving the facility, how long
6 it took. That really at some times frustrated me but also
7 surprised me in how long it actually took us to evacuate
8 both facilities.

9 They are the questions that I have for Mr Hoff. Commissioners,
10 do you have any questions?

11 COMMISSIONER McLEOD: With this experience behind you, do you
12 have any thoughts about the circumstances surrounding the
13 two institutions we have been talking about in terms of
14 their defendability in a serious bushfire?---We have
15 actually had independent advice as to how to best prepare
16 the facility. Some of the advice that we have been
17 receiving from DSE and CFA about how defendable our
18 property would be and what steps we would need to take,
19 such as sprinklers overhead, water pumps, back-up
20 generators, all of those things have been put through to
21 both of the boards of both facilities.

22 One of the features of the Bunyip fire was that there was
23 warning in the sense that there had been fires burning for
24 several days before 7 February. Had the situation been
25 different and the Bunyip fire broke out unexpectedly on
26 the 7th, as did many of the other fires in Victoria, what
27 do you think would have been the circumstances facing you
28 without the same degree of warning that may have existed
29 with the Bunyip fire?---I gave consideration to the fact
30 on the day, should the situation deteriorate beyond a
31 level that we could expect any assistance from the

1 emergency services, what steps I would take to try to
2 ensure the safety of the staff and the residents.
3 Fortunately we are located on a hill and a degree of the
4 building is actually cut into the hill. So I did give
5 some thought, should we be unable to evacuate for whatever
6 reasons, to what steps we would take. That weighed fairly
7 heavily on me on that day. Also the physical layout of
8 the building is we have bushland at the front and we are
9 fairly clear at the back in that the site drops away to
10 grasslands in that we could evacuate a number of
11 people - being more of a low-care facility, we could quite
12 easily have moved people faster than what we did, and by
13 that I mean by utilising our own bus and our own vehicles,
14 and that was something that I already had in place
15 probably at another level, that there were vehicles on
16 standby to move people at relatively short notice. But it
17 did weigh very heavily on my mind should I not be able to
18 remove everyone from the facility should the situation
19 have deteriorated.

20 Does your new emergency plan make provision to use the building
21 itself as a last resort, a place of refuge?---It does now.
22 And does it also include some capability to be able to defend
23 that building against ember attack?---Yes, through the use
24 of tanks and a pump that we have purchased.
25 And the personnel to be able to operate the appliances?---Yes,
26 and that's a difficulty that we have in that the majority
27 of our staff are part-time, predominantly a female
28 workforce. What we found on that day is a number of staff
29 called in saying they were unable to attend work (a)
30 because of the fact that they were caring for their family
31 and (b) that potentially their properties may have been

1 impacted by the fire.

2 So how would that be resolved in your plan?---As part of our
3 plan we have a list now of the staff, particularly on days
4 of code red alert, who would be prepared to come to work
5 and those who we know we can't call upon for whatever
6 reason. We have already developed those lists.

7 MR ROZEN: There appears to be no cross-examination, but I do
8 want to ask you a question arising from the questions that
9 you have just received or heard from Commissioner McLeod.
10 Presumably your plan and any plan for the evacuation of a
11 similar facility must assume a worst case scenario; that
12 is, that you will get minimal notice if, for example, a
13 fire breaks out on a particular day? Is that part of your
14 planning?---It is now, yes, at both sites.

15 In relation to the new category of catastrophic code red where
16 the advice from the emergency authorities has now changed
17 in respect of those days, as you will be aware, what is
18 the intention of the facilities on such a day if, for
19 example, you are given notice that the following day was
20 to be a code red catastrophic day, how would that impact
21 on the operation of your facilities?---We would obviously
22 be on a heightened sense of alert. We would be checking
23 and rechecking both phone numbers, contact numbers,
24 utilising the emergency services as far as their advice as
25 to what action is to be taken on the day and also, now
26 having those emergency packs, ensuring that they are
27 available and that they are stocked and that, should we
28 need to leave, that we could leave; and very simple
29 precautions such as generators having enough fuel, all
30 those things which form part of our weekly tests anyway,
31 but making sure that we have the transport available in a

1 worst case scenario.

2 But you would not contemplate, presumably, evacuation the night
3 before a code red catastrophic day in the absence of some
4 specific risk?---Correct. Basically for us our decision
5 is based on where do we relocate to.

6 Because of course you might relocate to an area that is in
7 greater danger as it turns out than the one where you
8 presently are?---Correct.

9 They are the questions that I have for Mr Hoff. Could he
10 please be excused?

11 CHAIRMAN: Yes, indeed. Thank you.

12 <(THE WITNESS WITHDREW)

13 MR ROZEN: The next witness is Stuart Halligan. I call
14 Mr Halligan.

15 <STUART JAMES HALLIGAN, sworn and examined:

16 MR ROZEN: Sergeant, your full name is Stuart
17 Halligan?---That's correct.

18 And you are based at the Moe police station?---Yes.

19 You have been a member of the Victoria Police for
20 20 years?---Yes.

21 How long have you been based at Moe?---Since September.

22 Before that, you were the acting sergeant at Pakenham where you
23 had been for about 16 years or so?---That's correct.

24 For the purposes of the Royal Commission and with
25 the assistance of the Victorian Government Solicitors
26 Office have you prepared a witness statement for the
27 Commission?---Yes, I have.

28 Have you had an opportunity to look at that witness statement
29 before giving evidence today?---Yes, I have.

30 Are the contents of the statement true and correct?---Yes, they
31 are.

1 I tender the statement.

2 #EXHIBIT 597 - Witness statement of Stuart Halligan dated 13
3 October 2009 (WIT.3010.009.0371) to (WIT.3010.009.0376).

4 MR ROZEN: Although it is not attached to your statement,
5 Mr Halligan, you did keep a log on 7 February 2009?---Yes,
6 I did.

7 Were you assisted by the log in recalling the events that you
8 detail in your statement?---I didn't have that log with me
9 at the time of giving that statement.

10 You have subsequently seen a copy of the log?---Yes, I have.

11 Commissioners, as it turns out, the log that was maintained by
12 Mr Halligan is attached to the statement of Senior
13 Sergeant Teer, which was one of the statements that was
14 tendered by my learned friend Ms Doyle. I will take
15 Mr Halligan to his log in respect of one matter presently.
16 Sergeant, as well as being a member of the Victoria Police
17 you are also a member of the local council?---Yes, I am.

18 And in what capacity? As a councillor?---Yes, I am.

19 What is the council that you are a member of?---Cardinia shire.

20 How long have you held that position?---Since 1 December 2008.

21 Another hat that you wear is as a member of the Koo Wee Rup
22 regional health service board?---Yes, that's correct.

23 And how long have you sat on the board?---Approximately two
24 years.

25 As it turns out, Sergeant, both of those positions that you
26 held were of assistance to you in fulfilling your
27 functions on 7 February 2009?---Yes, they were.

28 You explain that by virtue of being located at Pakenham for
29 16 years you had a great deal of local know-how both in
30 terms of the geographical location and also people in
31 positions such as councils and other areas; is that

1 right?---That's correct, yes.

2 In fact you made it a practice of yours, didn't you, to arrange
3 for any new senior sergeant or inspector that was posted
4 to Pakenham to do a tour of the area in a
5 helicopter?---Yes, that's right.

6 What was your thinking there?---It has always been known that
7 Cardinia shire has a high fire risk in any year, and any
8 new senior sergeant or inspector in that management role
9 I believed should be fully aware of the area that they
10 were commanding.

11 You detail in your statement at paragraphs 5 through to 7 the
12 training opportunities that are available to the local
13 police officers both in terms of CFA training that you
14 have available to you and also personally you have done an
15 SES introduction to emergency management course; is that
16 right?---That's right, yes.

17 That background and training is presumably very useful to
18 someone who is located in a MECC such as you were located
19 on 7 February 2009?---That's right.

20 Do you think that the training that you had received was
21 adequate for you to perform your functions, and I'm
22 talking specifically about the training that you had
23 received in fire awareness and emergency management? Do
24 you think it was sufficient?---Yes, I do.

25 You detail in paragraph 7 various roles that you have performed
26 in relation to fires before this summer. You had
27 performed the function of a 251 supervisory shift. 251,
28 that's the call sign for sergeant?---Sergeant, that's
29 right.

30 And you had also done work as a traffic liaison officer and you
31 had worked inside an ICC as a police liaison officer as

1 well?---That's right, yes.

2 If I can turn to preparations that were in place for 7 February
3 2009. You explain in paragraph 8 of your statement that
4 you were aware of the dire forecast in terms of weather
5 and fire risk for 7 February, and that what had been
6 instituted in your area was a review of the list of
7 members who were on leave and a contingency plan to ensure
8 that members with local knowledge would be on
9 standby?---That's right.

10 If we can turn to the events of 7 February. You got an early
11 phone call from Senior Sergeant Teer?---Yes.

12 And he suggested that, given the likely events of the day, you
13 should attend for work earlier than the normal start time,
14 which I think was going to be 7 am. You actually got into
15 the station about 5.30?---That's right.

16 The police station is located close to the location of the
17 incident control centre in Pakenham; is that right?---Yes,
18 it is all under one roof. It is what they call an
19 emergency precinct centre containing police, fire and SES.

20 As we have already heard, the MECC and the ICC were located in
21 those premises and the ordinary police station is also in
22 the same facility; is that right?---That's correct, yes.

23 You explain in paragraph 11 that Senior Sergeant Teer and
24 yourself attended a briefing at the Pakenham ICC. Who
25 were you briefed by at the ICC?---The incident controller,
26 Ivan Smith.

27 Had you worked previously with Mr Smith?---No, I hadn't.

28 You say in your statement that you consider that he performed
29 very well as incident controller on the day and you were
30 impressed with his activities?---Yes, very much so.

31 I take it from that that in terms of the information that you

1 needed to perform your functions you were satisfied with
2 the information that you were getting from Mr Smith and
3 from others at the incident control centre?---That's
4 right.

5 We have heard of the benefits of co-location of the MECC and
6 the ICC. You would agree that there are benefits to that
7 co-location?---Most certainly. It just works very well.

8 Have you had previous experience of working in relation to an
9 emergency where the ICC and the MECC were not
10 co-located?---Yes, I have, in the old Pakenham police
11 station and the old Pakenham CFA building which was
12 located in the main part of Pakenham.

13 What are the benefits from your perspective of the two
14 facilities being co-located in a practical
15 sense?---Because you've got them under the one roof and
16 they are next door to each other, when there are briefings
17 it is easy for all parties, whether they be from the
18 police operations centre or the ICC liaison officer or the
19 MECC liaison officer, they can all go to the information
20 briefing and receive the information first hand.

21 If I could turn to your involvement in relation to the
22 evacuation of the two facilities that we have just heard
23 about. Have you been in the hearing room when Mr Hoff has
24 given evidence?---Yes.

25 You would have heard him give evidence that there were two
26 facilities evacuated, firstly, the nursing home at Bunyip,
27 which has been referred to as Hillview, and also the
28 hospital at Neerim South. It is the case, is it not, that
29 your involvement was limited to the facility at Bunyip,
30 where Mr Hoff was personally located?---That's right.

31 You had no dealings with anyone at the Neerim South

1 Hospital?---No.

2 You explain that the reason for that is that, even though both
3 facilities were being affected by the same fire, that is
4 the Bunyip state fire, and the fire was being run from the
5 incident control centre at Pakenham, the Neerim South
6 facility falls outside your police service area; is that
7 right?---That's correct, yes.

8 What does that mean in a practical sense; that you are
9 prevented from operating outside your area or why is it
10 that you are limited to your particular area?---What was
11 happening was, as the fire was moving eastward and
12 crossing the border into the Baw Baw police service area,
13 the logistics change. So, as a result of those logistics
14 changing, it is better operated from the Baw Baw police
15 operations centre so that they know or they have the
16 handle of their resources and what best suits the
17 situation.

18 So you knew that there was a Baw Baw MECC that had been set up
19 at Warragul?---Yes.

20 And a police operation centre was also present. Was that also
21 in Warragul, so far as the Baw Baw area was
22 concerned?---Yes.

23 So I think what you are saying to us is from a practical point
24 of view it is easier for the MECC that is geographically
25 closer to a particular area of need to address that area
26 of need?---Yes.

27 Your focus was therefore on the Bunyip facility?---Yes.

28 Before you started in the MECC on 7 February 2009 were you
29 aware of the existence of the facility at Bunyip?

30 Presumably you were?---Yes.

31 Had you given anyone else in the MECC, such as Senior Sergeant

1 Teer - had you given any particular thought to what
2 arrangements might be necessary in respect of the Bunyip
3 facility in the event that the fire broke out on the
4 7th?---Not at that time because we were waiting to see
5 what the characteristics of the fire situation was going
6 to be, as in what direction it might take would give rise
7 to concerns for those type of facilities.

8 The evidence that the Commission has heard is that as early as
9 the morning of 6 February, that is the Friday, there was a
10 serious concern amongst the fire agencies that it was
11 likely that the fire would break out given the conditions
12 on 7 February 2009. Was that part of the information you
13 gleaned from that briefing you received from Mr Smith
14 early on 7 February?---Yes. We had received that
15 information on the evening of the 6th, and that was one of
16 the reasons why a number of us were put on standby to be
17 called in early. They were expecting a wind change early
18 in the morning of the 7th and, because the Bunyip State
19 Park had already had the fire earlier in the week, that
20 that wind change may instigate things or trigger lines
21 having to be put in and extra work being put in to
22 fighting the fire.

23 Did you have any contact details, the telephone number for
24 example, for the Hillview facility?---No.

25 If you wanted to contact the Hillview facility was there a list
26 of such numbers available to you in the MECC as far as you
27 were aware?---Yes, I had access to the Cardinia website,
28 shire website. I was utilising that, the White Pages and
29 other such things. We didn't have an actual list with
30 that phone number on it, but I would have found it
31 quickly.

1 Would it be of advantage to you to have a list of those sorts
2 of key facilities - hospitals, nursing homes, child-care
3 centres and the like - that may potentially require your
4 assistance? Would that be of assistance to you in a
5 MECC?---Yes.

6 Do you know if such a list has been prepared for the
7 forthcoming summer? Have you had that drawn to your
8 attention at all?---No. As I'm not stationed there
9 anymore, I'm not aware of what they are putting in place.

10 The first you became aware of the potential for the need to
11 evacuate the Hillview facility was when Mr Hoff called you
12 at about 11.30 on the morning of 7 February?---Yes.

13 If I perhaps at this point could go to your log, which is at
14 (WIT.3010.005.0251). Firstly, do you recognise that as
15 being the log that you maintained on 7 February
16 2009?---Yes.

17 We see there is an entry at 11.40 there, the third time on the
18 page. Perhaps if we could go a little bit higher on the
19 page, please. Perhaps I should start at the 11.36 entry.
20 There is a tick in the left-hand column. Does that
21 indicate a contact coming in to you, a call
22 received?---That's right.

23 Can you read to us the note you have made there,
24 please?---"From Terrona Ramsay, CEO of the Koo Wee Rup
25 Hospital, informing of evacuation plan for Bunyip nursing
26 home. 48 high-care patients would be required to be
27 moved."

28 So I may have perhaps misled you there. Your first contact was
29 not so much from Mr Hoff but from Ms Ramsay, who is the
30 CEO at the Koo Wee Rup Hospital; is that right?---That's
31 correct, yes.

1 She contacted you presumably because you sit on the board that
2 oversees the management of the hospital; is that
3 right?---Yes.

4 She knew that you were located at the incident control centre,
5 I take it?---No, I don't think she did that day.

6 But she was aware that you in all likelihood were carrying out
7 your normal police duties?---Yes.

8 You then within four minutes, as is indicated in your log,
9 contacted Mr Hoff. What did you discuss with
10 Mr Hoff?---That I had been put in touch with him by
11 Terrona Ramsay and was getting a briefing from him as to
12 his thoughts of what he wanted to do with regard to
13 evacuation.

14 What did he tell you?---That he was concerned for his
15 establishment and that he asked me what sort of triggers
16 there may be to implement such an evacuation.

17 He was looking for some guidance from you about, firstly,
18 whether it would be appropriate to evacuate the premises
19 and, if so, when that decision ought to be made?---That's
20 correct.

21 You had already had the benefit, by virtue of the briefing you
22 received from Mr Smith earlier in the day, of knowing that
23 he had certain trigger points in his mind in which certain
24 responses would occur so far as the emergency authorities
25 were concerned?---That's right. He wasn't aware that this
26 was something that was put into the mix with regard to
27 this aged care facility showing interest of wanting to
28 evacuate. So he then put that into his trigger line
29 scenarios.

30 Mr Smith did?---Mr Smith did.

31 So is the position then that, after you had had this

1 conversation with Mr Hoff, you relayed the information to
2 Mr Smith?---Through Senior Sergeant Teer and Mr Smith
3 together, yes.

4 Did the three of you then have a discussion about the matter or
5 what occurred?---We had a discussion and we left it to
6 Mr Smith to decide on what triggers he wanted to put in
7 place for that evacuation situation to occur. I believe
8 they had an internal briefing and they discussed that
9 matter in that. Then he came and explained that there
10 would be a trigger point at which time they would
11 evacuate.

12 You explain what that trigger point was in paragraph 16 of your
13 statement. If we could please go back to that at page
14 0373. At the foot of the page, paragraph 16, third last
15 line, you say, "When the fire spotting got closer to the
16 aged care facilities and the incident controller deemed it
17 necessary, those facilities would be contacted and advised
18 of the dangers with a recommendation to evacuate." So that
19 was the guidance you got from Mr Smith when you raised
20 this question with him; is that right?---Yes.

21 The process was to be that he would make a decision, inform you
22 and then you in turn would communicate that decision to
23 Mr Hoff?---Yes.

24 At paragraph 17 of your statement you indicate that that point
25 was reached, and I take it Mr Smith then communicated to
26 you that he had formed the view that a recommendation
27 ought be made for the facility to be evacuated?---Yes.

28 And you communicated that information to Mr Hoff. Mr Hoff has
29 told us that that was at about 12.45 in the afternoon.

30 Does that accord with your recollection?---Yes.

31 I may be wrong, but I don't think there is any specific

1 reference in your log to making that contact to Mr Hoff.

2 But you are comfortable that his timing sounds about

3 right?---Yes.

4 What did you say to him?---That I would start planning the

5 evacuation. I wanted him or his representatives to be in

6 contact with Terrona Ramsay so that the passing of

7 information with regard to the type of patients and that

8 type of thing, dietary requirements and medication

9 requirements, would be done between them so that there was

10 no information loss and, if they were talking medical

11 jargon, that would be covered between them. With that

12 type of thing of high importance I believed that it was

13 necessary for them to converse between themselves.

14 You didn't want to be the go-between on that sort of

15 conversation?---No.

16 In addition to arranging for that direct liaison between

17 Mr Hoff and Ms Ramsay, you also took a number of steps as

18 detailed in your statement to facilitate the evacuation of

19 the Hillview premises?---Yes.

20 Was this the major or one of the major tasks that you were

21 engaged in on the afternoon of 7 February 2009?---Yes, it

22 was.

23 Was the arrangement as between you and Senior Sergeant Teer and

24 Mr Smith that it was your task to pursue this without

25 necessarily referring back to them in relation to

26 decisions that you made?---That's right. I would inform

27 them of decisions that I had made in continued briefings

28 with Senior Sergeant Teer.

29 In paragraph 19 of your statement you explain that you arranged

30 for a bus to be provided by Grenda's bus service to

31 transport the ambulatory patients and also to transport

1 bedding and equipment. We have heard that, as it turned
2 out, the bus that was provided was an appropriate bus in
3 terms of the wheelchairs being able to be placed onto the
4 bus relatively easily. Was that by design or by good
5 fortune?---No, that was by design. I had asked Mr Hoff
6 what type of patients he had, and a low-floor bus was
7 something that we requested. It was an articulated bus
8 which was somewhat bigger to be able to accommodate the
9 mattresses and bedding and that type of stuff as well.

10 You also made contact with the ambulance service liaison
11 officer and organised for ambulances to attend to
12 transport those patients that were unable to be
13 transported by bus?---Yes, I did.

14 Where was the ambulance service liaison officer located?---He
15 was sitting next to me in the MECC.

16 Was there a person with the title "health commander" at the
17 facility or is that the same person but with a different
18 title?---No, I think DHS did have somebody there with that
19 title.

20 The evidence of Mr Wright, who will be giving evidence after
21 you, is that he was a health commander located at the
22 Traralgon ICC who performed a function not that dissimilar
23 to yours in relation to the other facility at Neerim
24 South. But I take it that the health commander at
25 Pakenham doesn't seem to have been involved in relation to
26 the work that you did in evacuating Bunyip?---No.

27 But everything you needed in terms of arrangements for the
28 attendance of ambulances was able to be achieved through
29 the ambulance liaison officer?---That's correct.

30 Do you know where the ambulances came from that attended at
31 Bunyip? Where had they been located?---I'm not exactly

1 sure of exactly where they were located, but they were
2 sourced from the metropolitan area.

3 You were also able to arrange for some SES volunteers to attend
4 at Bunyip, and we have already heard from Mr Hoff that
5 they were a very valuable labour source to do quite a bit
6 of the heavy work in terms of arranging for the movement
7 of patients and transporting equipment and the like.

8 Where were they based? How were you able to get access to
9 the SES volunteers?---There was also a liaison officer at
10 the MECC, and through that liaison officer I engineered
11 their attendance to assist with that heavy work, knowing
12 that because there was going to be requirement to shift
13 mattresses and linen that the extra help would be needed.

14 At paragraph 21 of your statement you describe a bit of a
15 concern that was expressed to you that the SES personnel
16 were trying to get through the task quickly, no doubt so
17 that they could get to their next assignment. You make
18 the point that this is not an exercise that can be
19 undertaken rapidly. Would you like to expand on that,
20 please, Sergeant?---Yes, I had a bit of feedback that the
21 people at Hillview felt that they were being rushed, as in
22 the staff. Some of that feedback came back through the
23 Koo Wee Rup Hospital as well. Yes, I think it was them
24 not knowing the type of patients that they were assisting
25 with and also they may have been wanting to do things a
26 bit quicker because they probably thought the imminent
27 threat was close, of fire danger.

28 You also make the point in paragraph 22 that you consider that
29 there is an advantage in being able to keep the residents
30 together in a group rather than sending them perhaps
31 individually or in small groups to different facilities

1 once they have been evacuated. What's your thinking
2 there, Sergeant?---Just my experience through the hospital
3 at Koo Wee Rup that the dementia patients do become uneasy
4 and disorientated. The situation of them all going
5 together, it has been explained to me by the CEO from Koo
6 Wee Rup that it wouldn't destabilise them as much as if
7 they were fragmented and moved to different locations.
8 The fact also that all the staff from Hillview went with
9 them and stayed with them through the journey was of great
10 benefit to them as well.

11 If I can turn to your reflections on the events of 7 February
12 2009 and what you consider the lessons to be learnt from
13 your experience, you describe at paragraph 24
14 participating in a debrief at the Hillview Hostel. Were
15 you invited to such a debrief by Mr Hoff?---Yes, I was.

16 Who else was present at the debrief, do you recall? Were there
17 members of the CFA or any emergency organisations other
18 than the police there?---No, there were no other emergency
19 organisations. They were mainly management from the two
20 Hillview and Koo Wee Rup Hospitals there, and
21 Jacqui - I don't recall her surname - from DHS was there
22 to facilitate that briefing.

23 Jacqui Hickey?---That's right, sorry, yes.

24 You identify some practical outcomes from the debrief,
25 including the need to have wristbands for patients for
26 identification rather than stick-on badges which obviously
27 can fall off. You also identify that there was some
28 thought given to the transfer of information about
29 medication and dietary requirements to assist in the
30 process of evacuation?---Yes.

31 Did you have any involvement in the mock evacuation at Neerim

1 that Mr Hoff just told us about a few minutes ago?---No,
2 I haven't.

3 Finally, Sergeant, you repeat in paragraph 28 of your statement
4 that you were impressed with the job done by the CFA and
5 you make particular reference to the experience and
6 competence of the incident controller, Mr Smith. I take
7 it that that experience and competence was of assistance
8 to you in performing your role on the day of the
9 7th?---Yes, it was. I think that everybody worked as a
10 fantastic team. I think that everyone being under the
11 same roof was of enormous benefit. The information
12 passing to the different areas was I think better achieved
13 by everyone being under the same roof. As a result,
14 I think we suffered less than some of the other fire
15 areas.

16 They are the questions that I have for Sergeant Halligan.
17 Commissioners, any questions?

18 CHAIRMAN: No. Thank you, Mr Halligan. You are excused.

19 <(THE WITNESS WITHDREW)

20 MR ROZEN: The final witness in the examination of this topic
21 is Edward Wright. I call Mr Wright to the stand, please.

22 <EDWARD JOHN WRIGHT, sworn and examined:

23 MR ROZEN: Is your full name Edward John Wright?---That is
24 correct.

25 Your work address is at 2 Saskia Way, Morwell?---That's
26 correct.

27 And you are employed by Ambulance Victoria as a mobile
28 intensive care ambulance operator, a MICA
29 paramedic?---That's correct.

30 You also hold the position as acting group manager for the
31 south coast district in the Gippsland region?---That is

1 also correct.

2 For the assistance of the Royal Commission and with the help of
3 the Victorian Government Solicitors Office, have you
4 prepared a witness statement?---I have.

5 Have you had an opportunity to read through your witness
6 statement before giving evidence here today?---I have.

7 Are the contents of your statement true and correct?---They
8 are.

9 Are there any changes that you wish to make?---No.

10 I tender the statement.

11 #EXHIBIT 598 - Witness statement of Edward John Wright dated
12 16 November 2009 and attachments (WIT.3002.001.0001) to
13 (WIT.3002.001.0030).

14 MR ROZEN: A little bit about your background, please,
15 Mr Wright. You have been a MICA paramedic since
16 2003?---Correct.

17 You have also attached to your statement a profile which is at
18 attachment 1. Without taking you to that, I couldn't help
19 noticing that you have completed a course in emergency
20 preparedness and disaster health at the Alfred Hospital as
21 part of Monash University?---Correct.

22 And what's the nature of that course? How long does it take
23 and - - -?---It is a five-day course and it prepares you
24 for planning in emergency management with health needs
25 that may arise in the community.

26 Is it necessary to have completed such a course to perform the
27 role of a health commander or is it just of benefit to
28 you - - -?---It is of benefit.

29 It is not a compulsory obligation?---No.

30 You refer in paragraph 6 of your statement to having an
31 understanding of the state health emergency response plan,

1 the SHERP. I think it is a new acronym for the Royal
2 Commission, but I'll stand corrected if we have already
3 heard it before. How does the SHERP interact, if at all,
4 with the municipal emergency management plan, which is
5 something that we are a bit more familiar with?---It is a
6 document that sits to the side of it and it is referred to
7 in the shire planning because it covers the state health
8 response plan for an emergency.

9 On 7 February, in fact for several days beforehand, you were in
10 the role of the health commander as part of the incident
11 management team at the Traralgon incident control centre;
12 is that correct?---That's correct.

13 You explain the role of a health commander in paragraph 8 of
14 your statement as being a role of overseeing all health
15 services during an incident and it is normally filled by a
16 person who is a senior ambulance paramedic?---That's
17 correct.

18 Two key roles that you identify in relation to the function of
19 a health commander are, firstly, to be a member of the
20 incident management team as a representative of all health
21 agencies?---Yes.

22 And, secondly, to be the coordinator of the health incident
23 management team which oversees the health and medical
24 response to an emergency and is formed by representatives
25 from the responding health agencies such as Ambulance
26 Victoria, St John, Red Cross and DHS?---That's right.

27 Firstly, in relation to being a member of the incident
28 management team, you were a member of the incident
29 management team that was responding to the Delburn fires
30 at Traralgon?---Yes.

31 Then you were also a member of the incident management team

1 which became responsible for the Churchill fires on
2 7 February 2009?---That's correct.

3 You are here to give evidence today because you also exercised
4 a function in relation to the response to the Bunyip
5 fires, which is the evacuation of the Neerim South
6 Hospital?---That's correct. I appointed an ambulance
7 commander for that.

8 I will come to the detail of that in a moment. But, just
9 sticking with your role as a health commander, you were
10 first appointed health commander to the Delburn complex
11 fires on 28 January 2009?---Yes.

12 For how long were you located at Traralgon in relation to that
13 role?---From memory, it was a three-day event for me.

14 Yes?---But I appointed other health commanders, so we had a
15 presence 24 hours a day.

16 You explain that in addition to the role of health commander
17 you also filled the role of ambulance liaison officer. We
18 have just heard some evidence from the previous witness
19 about the difference between those two roles. Can you
20 assist us with that? What is the difference between those
21 two roles?---The ambulance liaison officer role is in the
22 MECC. The reason I filled that role was short-term until
23 the person I appointed to fill that role drove from Sale.
24 So he had a distance to travel. He is a resource that we
25 put in there so we can coordinate what resourcing we need
26 if we need outside assistance to meet the needs of the
27 ambulance.

28 So the ambulance liaison officer is a MECC role whereas the
29 health commander role is part of the incident management
30 team?---Correct.

31 If the two facilities, that is the incident control centre and

1 the MECC, are co-located then performing both those roles
2 presumably is not that difficult. But in Traralgon they
3 weren't co-located, so how did you go about performing
4 both of those roles?---In the initial set-up phase I went
5 down to the MECC, dropped off my mobile phone number so
6 they could contact me. I also made sure that they knew
7 where to locate me, and a back-up phone number once I had
8 a landline was passed to them. I regularly checked in
9 with them until Trevor arrived.

10 So you were principally located at the incident control centre,
11 but those at the MECC were able to contact you at pretty
12 short notice?---Yes.

13 If I can turn to the events of 7 February 2009. The Delburn
14 fire, as I think you have already told us, really wound
15 down in terms of the need for any full-time emergency
16 response on about 3 February 2009?---From memory, yes.

17 I think you say in your statement that your role in relation to
18 Delburn changed from that time on. It wasn't a permanent
19 presence, but you would visit as was
20 necessary?---I attended the IMT meetings still and they
21 had my mobile contact details so I was available 24/7.

22 The circumstances in which you came back to be there on
23 7 February are detailed in paragraph 19 of your statement.
24 Before getting to that, I should make reference to the
25 incident action plan that you had written in anticipation
26 of 7 February. That's referred to in paragraph 18 of your
27 statement. Perhaps if we could go to that. It is
28 attachment 2 and it appears at (WIT.3002.001.0012). Can
29 you explain to us the purpose behind this incident action
30 plan?---This incident action plan was written so Ambulance
31 Victoria in the Gippsland region would be prepared to

1 respond to a need if it arose on Saturday, 7 February,
2 with the information we were receiving from other
3 emergency service organisations.

4 As is clear from the document, it was written on the 5th to be
5 operational only on Saturday, 7 February; is that
6 correct?---That's correct.

7 Is part of the planning to ensure that you have got ambulances
8 physically located in appropriate places to respond to any
9 emergency that arises?---And also meet our general needs
10 of the community to maintain normal business.

11 We see about a quarter of the way down the page that you have
12 written, "The combination of hot temperatures and high
13 winds on Saturday presents an increased risk of bushfire."
14 You have then identified yourself as the health commander
15 with your contact and email details. The next dot point
16 deals with the duty group manager. Then we have three dot
17 points identifying crews and their location. Are they
18 ambulance crews?---The top two are ambulance crews. The
19 third one is employed by ambulance crews, but they are an
20 ambulance transport attendant and a patient transport
21 officer. So they are not emergency qualified responders.

22 Returning then to the events of the 7th, presumably the plan
23 that you had prepared was distributed to the crews that
24 had been located as set out in the plan; is that the
25 purpose of the plan?---The plan is for the management
26 team, and it is distributed also to the operation centre
27 so they know what resourcing is extra and the reason why
28 we have got them in.

29 The resources centre, you mean the Ambulance Victoria resources
30 centre in South Melbourne; is that right?---It is
31 distributed to them so they know. But it is to our

1 operations centre in Morwell, who control the cars in the
2 Gippsland region.

3 You explain that in relation to the events of 7 February 2009
4 you attended there in advance of the Churchill fire
5 commencing. You started at 1140 hours, you say in
6 paragraph 20. Why were you located at the Traralgon
7 incident control centre before the Churchill fire had
8 broken out? Was that part of your continuing role in
9 relation to the Delburn fires?---Correct. There was a
10 chance that Delburn was going to flare up and we geared up
11 early so that we would be ready if it did.

12 In addition to the prospect of the Delburn fire flaring up, you
13 of course would have been alive to the risk of further
14 fires breaking out that might have come under the
15 responsibility of the incident control centre?---Correct.

16 As it turned out, that's exactly what occurred shortly after
17 you arrived. You explain in paragraph 21 of your
18 statement that within 10 minutes of commencing your shift
19 you received a call from Geoff Houlihan of DHS. Who is
20 Mr Houlihan? What role was he performing?---I'm not sure
21 of his role. He rang me and informed me that this was
22 happening. From memory, he is an assistant to Jacqui
23 Hickey, who was the coordinator for it, because I met with
24 Jacqui later and found that out. But at the time he rang
25 me I wasn't sure who he was.

26 The contact from Mr Houlihan, was that the first you became
27 aware of the need for the evacuation of the facility at
28 Neerim South?---Correct.

29 So far as you were aware, had there been any preplanning at the
30 incident control centre in relation to the potential for
31 the evacuation of the Neerim South facility?---Not that

1 I'm aware of.

2 Were you aware that the fire that was threatening the Neerim
3 South facility was a fire that was being managed from the
4 Pakenham incident control centre?---I was aware of that.

5 Did that cause you any concerns in terms of your role? Did you
6 consider whether it would be more appropriate that your
7 counterpart at Pakenham respond to that concern or what
8 was your thinking in responding to that concern raised by
9 Mr Houlihan?---I had a concern that I didn't know what was
10 happening, and that's why I went looking for a phone
11 number to contact my counterpart on that, which is in
12 paragraph 22.

13 We will come to that in a moment. You make the point that,
14 even though you were aware that the fire was being managed
15 from Pakenham, you had no immediate ability to contact the
16 incident control centre at Pakenham?---At that point in
17 time I had no ability to contact them, no.

18 That's so despite the fact that the incident control centre at
19 Pakenham had been in operation in respect of the Bunyip
20 fire for several days and so had the Traralgon incident
21 control centre in relation to the Delburn fires? You
22 hadn't had any previous need to contact them?---No, I had
23 no previous need to.

24 In any event, you were able to make contact with the Pakenham
25 incident control centre; is that right?---Yes.

26 And you spoke to your counterpart there; is that
27 correct?---Correct.

28 Is that Mr Davis or was that Mr Davis on the day?---I don't
29 recall.

30 It is probably not important. What is important, though, is
31 what was the discussion that you had with him about who

1 would be responsible for what?---It actually came from
2 Neil Akers through emergency management.

3 He is based at head office for the ambulance?---In Brady Street
4 emergency management unit, and metro would look after the
5 Bunyip side of it and we would look after the Neerim South
6 Hospital due to the road being closed.

7 I understand. You explain in paragraph 25 that Mr Akers told
8 you that 13 of the residents couldn't walk and would
9 require ambulance transport and therefore you arranged for
10 an ambulance commander to be in charge of the evacuation
11 of those patients?---Correct.

12 And that was Mr James, Paul James?---Correct.

13 Attached to your statement is not only the log that you
14 maintained on the day but also the log that Mr James
15 maintained in relation to his role as ambulance
16 commander?---Correct.

17 I take it you have been assisted in preparing the statement by
18 being able to refer to the logs for times and other
19 details?---Correct.

20 There are two matters that I want to draw to your attention
21 that arise from the evidence that was given by Mr Hoff.
22 You didn't actually have any dealings with Mr Hoff, the
23 CEO of the facility, on the day, did you?---That's
24 correct. I had no dealings with him.

25 In fact you didn't deal with anyone from the facility, your
26 contact point was Mr James, who in turn was dealing with
27 the staff at the facility; is that correct?---That's
28 correct.

29 Your role after appointing Mr James was essentially one of
30 receiving feedback from him about the progress of the
31 evacuation?---Correct, and his resourcing needs, if he

1 needed any extra.

2 I understand that. Were you in the hearing room when Mr Hoff

3 gave evidence earlier?---I was.

4 One of the matters that he raised, as you will have heard, was

5 the different approach that was taken by the ambulance

6 crews at Neerim compared to the crews at Bunyip.

7 Specifically the crews at Neerim, as Mr Hoff explained it,

8 were quite content to load the ambulances in accordance

9 with the triaging plan that had been worked out by the

10 staff of the facility whereas a different approach seemed

11 to have been taken at Bunyip where the ambulance crews

12 sought to make their own judgments about the order in

13 which patients should be transported. Do you recall

14 hearing Mr Hoff give that evidence?---I do.

15 My question for you, Mr Wright, is what protocols apply to

16 ambulance officers in such situations?---Ambulance

17 paramedics will set up a triage and do a triage.

18 Yes?---The reason we triage is we need to know what we are

19 going to do with the resourcing model that we actually

20 have available to transport, so making sure we match the

21 right patient with the right level of care in the

22 ambulance, whether that be a MICA paramedic or suitable

23 for patient transport officer at the lower end of our

24 transport needs.

25 Presumably that's the protocol that applies in, if I can call

26 it, a normal emergency situation that ambulance officers

27 are attending to. Is there any flexibility in that

28 protocol as it applies, for example, to an evacuation in a

29 bushfire situation?---There is a slight change in triage.

30 We will remove the walking patients first and then the

31 stretcher patients we will sort of start to move in the

1 second phase of that. But we still try and match the
2 right person with the right level of care that they are
3 going to require during the transport. It is not the
4 right thing to do by the patient not to match that level
5 of care.

6 COMMISSIONER PASCOE: Can I just pursue that a bit further.

7 Let's say the flames were licking at the door. What would
8 happen then?---That would actually change the way you
9 triaged and you would load differently then. Again, you
10 would have to assess what resourcing you had as to how you
11 loaded it and also how defensible the property was,
12 whether you had time. That decision I would make at the
13 time on the ground when it happened with what resourcing
14 I had.

15 If you were the paramedic in attendance?---Yes, as would any
16 other paramedic.

17 Not as the health commander?---The health commander, I'm not
18 even located where the incident normally is occurring.

19 In relation to the issue, as it was put by Mr Hoff, that the
20 staff at Bunyip had done the triaging themselves, is there
21 any capacity for paramedics to accept the earlier work of
22 medicos in a situation like that?---Without actually
23 knowing what actually occurred and without being there
24 myself, it is very hard for me to say that because I don't
25 know what resourcing models they actually sent as far as
26 ambulance structure and vehicles went. So I couldn't
27 really saying.

28 MR ROZEN: The other matter that I want to draw to your
29 attention, Mr Wright, is in paragraph 42 of Mr Hoff's
30 statement. Perhaps if I can read that to you. Maybe for
31 assistance it could be brought up on the screen. It is

1 (WIT.125.001.0006). At paragraph 42, which you will see
2 in front of you, Mr Hoff says, "Jacqui Brown and the other
3 staff have expressed great frustration that the ambulances
4 would only take one patient at a time in each vehicle.
5 The vehicles have the capacity to take more but the
6 ambulance officers told Jacqui and the nurses that their
7 protocol was to only take one at a time. This meant that
8 the process took far longer than it otherwise would have.
9 It also seemed strange because on other occasions we have
10 transported two patients in a single ambulance." Can you
11 offer any explanation for the approach that seems to have
12 been taken there by the ambulance officers? Do you have
13 any familiarity with this issue?---This is the first
14 I knew of this issue. But the ambulances that were
15 actually dispatched to Neerim South - I can't talk about
16 Bunyip because I don't know what was used there - were
17 what we call emergency resources. They are a single
18 stretcher transport. I did send one two-bed stretcher
19 vehicle which was a patient transport vehicle, which is a
20 different model car, differently laid out. Our emergency
21 management vehicles are designed to look after one
22 high-care stretcher patient and one sitting patient. If
23 they were stretcher patients that were going into the
24 ambulances, the protocol would be to only load one because
25 to try to unload a stretcher patient to put them in the
26 chair and then load another stretcher patient would be
27 detrimental probably to the stretcher patient in trying to
28 sit them in a chair.

29 Were any of the ambulances that were sent ambulances that were
30 capable of transporting two patients?---One.

31 And did that one transport two patients?---It would have, yes,

1 and it is recorded in Paul's log as taking two patients.
2 You were ultimately advised by Mr James according to your log
3 at 2054, so just before 9 pm, that all 31 patients from
4 Neerim Hospital had been moved?---If that's what's
5 recorded in the log, yes.

6 Does that sound about right? There are two last matters I would
7 like to ask you about briefly, Mr Wright. The first
8 concerns a report that you wrote. You make reference to
9 it in paragraph 37 of your statement. I take it this is a
10 report that you wrote not just about this event that we
11 are asking you about today but a more general report about
12 your experience over the last summer; is that
13 right?---Correct.

14 Particularly the role that you played as health commander and
15 how it played out?---It looks at not only that role but it
16 also looked at how we actually managed in the whole
17 Gippsland region for the summer.

18 I want to ask you about one aspect in the report. For the
19 benefit of the parties the report was included behind tab
20 8 in the tender bundle. It starts at (AMB.001.001.0008).
21 I want to ask you something that appears on page 17. If
22 that could please be brought up on the screen. You have
23 there set out in the report, as we see, areas of
24 improvement from your perspective in relation to the
25 response by the Gippsland region. The point that I want
26 to ask you about is the fourth dot point that appears
27 there where you have said, "Local staff to support the
28 health commander when there is an overlapping of the
29 district boundaries, i.e. Pakenham incident control centre
30 not familiar with some of the areas that the fire was
31 moving in." What point are you making there? What is the

1 concern that you have raised?---Local knowledge from once
2 it crossed into our boundary line, just so that they know
3 how roads go, what the roads are like, whether they are
4 suitable for ambulance transports and just to assist that
5 person so they have local knowledge of travel times et
6 cetera and where our resourcing is actually based.

7 With the benefit of hindsight, Mr Wright, do you think it would
8 have been better for the evacuation of the Neerim South
9 Hospital to have been coordinated by your counterpart at
10 the Pakenham incident control centre given that he or she
11 would have been better placed to get information about the
12 fire and the progress of the fire by being there rather
13 than where you were at Traralgon?---His road had been
14 actually cut off with the Princes Highway being cut. So
15 his resourcing would have had to travel a distance around.
16 So we used my resourcing to do that.

17 So, all else being equal, the answer to my question might have
18 been "yes", but in the particular circumstances that
19 presented themselves it actually was more practical to run
20 the evacuation from where you were than from Pakenham; is
21 that right?---Correct.

22 The final matter I want to ask you about are your reflections.

23 If we can return to your statement at paragraph 40 on page
24 7, you say, "I think it would be useful for other agencies
25 to be better educated about the role of the health
26 commander under SHERP and AIIMS, as it is a relatively new
27 role." Which other agencies are you referring to
28 specifically there?---Where I'm talking about that, I'm
29 talking about the other agencies we will work with in an
30 incident control centre so they would have an
31 understanding of why I am there and what our role is.

1 You give an example of what your role wasn't, which was to
2 provide first aid within the ICC or to complete OHS
3 documentation of other agencies. I take it you were asked
4 to do both those things, were you, at Traralgon?---A
5 person in Traralgon thought that's what my role was, to be
6 there for.

7 I'm sure you've put them right in relation to that?---I have.

8 In respect of your ability to obtain information, focusing on
9 your responsibility at Traralgon for the moment, you make
10 reference to attending one of the incident management team
11 meetings, I think one that took place at 1700 hours, 5 pm.
12 It is also the case, isn't it, that you attended other
13 meetings of the incident management team? Your name seems
14 to appear in the minutes of a number of those
15 meetings?---Correct.

16 And that was of benefit to you no doubt in fulfilling your
17 function in relation to the Churchill fire?---That's
18 correct.

19 They are the questions that I have of Mr Wright.

20 <CROSS-EXAMINED BY MR LIVERMORE:

21 Mr Wright, just one short matter. The last sentence of
22 paragraph 40 that you were taken to, "We also need to
23 better educate our own people about the health commander
24 role", has anything been done about that since 7 February
25 going into this fire season?---There has been. We have
26 conducted health commander courses for staff members and
27 I have even done a refresher myself in March. There have
28 been three our courses that we have put staff members on.
29 We have a course running in the Gippsland region in
30 January where we have 16 people participating in that.

31 MR ROZEN: Could Mr Wright please be excused?

1 CHAIRMAN: Yes. Thank you, Mr Wright. You are excused. We
2 will resume at 2 o'clock.

3 MR ROZEN: With the evidence of Mr Linklater.

4 <(THE WITNESS WITHDREW)

5 LUNCHEON ADJOURNMENT

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1 UPON RESUMING AT 2 PM:

2 MR ROZEN: Commissioners, I call Graham Linklater.

3 <GRAHAM KENNETH LINKLATER, sworn and examined:

4 CHAIRMAN: Mr Linklater, if you sit roughly centrally to those
5 microphones, you can then ignore them.

6 MR ROZEN: Mr Linklater, is your full name Graham
7 Linklater?---Yes.

8 And they call you Sam?---That's exactly right.

9 You live in Drouin in West Gippsland with your wife,
10 Patricia?---That's right.

11 Do the children live at home or have they all moved out?---They
12 have moved out, yes.

13 Mr Linklater, have you with the assistance of solicitors for
14 the Royal Commission prepared a witness statement for
15 us?---I have, yes.

16 Have you had an opportunity to read through that statement
17 before giving your evidence today?---I have, yes.

18 Are the contents of the witness statement true and
19 correct?---They are true and correct.

20 I tender the statement.

21 #EXHIBIT 599 - Witness statement of Graham (Sam) Linklater
22 dated 1 December 2009 and attachments (WIT.126.001.0001)
23 to (WIT.126.001.0012).

24 MR ROZEN: Mr Linklater, on the screen in front of you and the
25 screens that we can see is a photograph that people may be
26 aware of from watching the news and other media accounts
27 of 7 February 2009. Can you tell us where it is taken
28 from?---That's our property at Labertouche there, yes.

29 That's one of the farms that you are a manager of?---Yes,
30 managing, yes. I'm managing that farm at Labertouche.

31 That's the top photograph there of the group of photos on that

1 slide?---Yes, that's right. Our property adjoins the
2 Bunyip forest there and it just jumped the river there,
3 then it reached our property.

4 The track that the fire truck is on, does that have a
5 name?---No, that's just a driveway through the centre of
6 the farm.

7 If we could bring your statement up on the screen, please, at
8 (WIT.126.001.0001). As you indicate in paragraph 2, you
9 are employed as a farm manager for JH Cuthbertson Pty Ltd.
10 How long have you worked for Cuthbertsons?---Thirty-eight
11 years.

12 What does being a farm manager for Cuthbertsons involve?---Just
13 overseeing day-to-day operations, employing sort of new
14 share farmers and just general OH&S issues and all other
15 types of things like that.

16 Any responsibility for fire preparation? Was that part of your
17 responsibility as a manager?---Not really, but we have
18 tanks and things like that for spraying weeds, 600 to 800
19 litre tanks, and all farms have firefighting pumps to
20 transfer water and things like that. Water is no problem.
21 We have plenty of water available to be pumped into tanks.

22 One of the benefits of living in Gippsland, I suppose, is
23 it?---That's right, yes.

24 They are all dairy farm, the farms that you manage?---They are
25 all dairy farms, yes.

26 Are they all operated by share farmers or does that vary a
27 bit?---In that area they are all operated by share
28 farmers, yes.

29 You explain in paragraph 3 that your farms are spread through
30 West Gippsland. Seven of them are in the
31 Jindivick/Labertouche area just east of Bunyip State Park

1 and they total some 5,000 acres, the area of those
2 farms?---That's right.

3 Attached to your statement at page 0011 is a map of the area.

4 We can see Jindivick and Labertouche indicated there to
5 the east of the Bunyip State Park. What's the location
6 that's identified by the little balloon with an "A" inside
7 it? Is that the location of one of the farms, is it?---No
8 that is actually Jindivick itself. We are a bit to the
9 left of that position.

10 Then there is a second map, if we can just go to page 12. This
11 would seem to be a map that shows a little bit more detail
12 in the vicinity of Jindivick. We can see Jacksons Track
13 is marked on that with another balloon with the letter A
14 inside it?---That's right, yes. Our farm is to the left
15 of that track and on the right-hand side of that track,
16 Jacksons Track.

17 That's one of the farms?---Basically all of them.

18 All of them are in that area, are they?---They go through to
19 another road called Telegraph Road. They all basically
20 adjoin each other on the Jacksons Track and Telegraph Road
21 area. The Labertouche farm is a lot closer to the forest.
22 It is probably 10 to 12 Ks away, the Labertouche farm.

23 The Labertouche farm is the one we saw indicated on the photo,
24 is it?---That's in the photograph, yes.

25 You say in paragraph 5 that you were aware of a fire in the
26 Bunyip State Park for about a week before Saturday,
27 7 February. How did you become aware of a fire burning in
28 the park?---I could see the smoke from Drouin, but I used
29 to frequent that farm, like every second day, and I could
30 see the smoke quite visible from there.

31 No doubt there was quite a bit of talk about the area, was

1 there, about the fire burning in the park?---Local people
2 have been talking for quite a while about it, saying, you
3 know, "Why isn't it put out," because it only has to wait
4 for the conditions to change.

5 That was the talk around, was it, during the week, "Why isn't
6 the fire being put out"?---Yes. Myself and the farmers
7 talking about that, yes.

8 You say in paragraph 6 that you had heard predictions about the
9 weather on the 7th and you were concerned, even though you
10 don't have any particular firefighting experience, you
11 were concerned that if the fire wasn't put out, then come
12 the conditions on the 7th there could be problems?---I
13 knew there would be. It wasn't I even thought there would
14 be; I knew.

15 You were sure about it. Presumably you would have known enough
16 about the prevailing winds on a day such as 7 February to
17 know that both the farms would be in danger and perhaps
18 also your home in Drouin?---That's right. I wasn't so
19 concerned for Drouin, but the farms, I knew they would be.
20 We shifted cattle a day and two days before that Saturday.

21 You do in fact set out in paragraphs 8 and 9 of your statement
22 the actions that you took to move cattle away from the
23 Jindivick properties in anticipation of there being a
24 problem on the 7th; is that right?---That's right.

25 You mentioned earlier that there is some firefighting equipment
26 on the farms and that's detailed in paragraph 11 of your
27 statement. You say that there's firefighting pumps and
28 hoses and there are also spray units which, although they
29 are used for spraying weeds, can also be used for
30 firefighting?---That's correct, yes.

31 You say in paragraph 12 that other than that equipment you

1 don't have a fire plan because you had never really
2 anticipated that Jindivick would be a high risk bushfire
3 area because it is normally so green?---That's right, yes.
4 Are you able to say from talking to other locals - I take it
5 you have lived in the area for a long time?---Yes,
6 40 years.
7 Was that a generally held view that you weren't in a high risk
8 bushfire area because of the general state of the grass
9 and so on in Gippsland, in that part of Gippsland?---Yes.
10 We sort of knew the conditions, though, coming up to
11 7 February, that it was extreme. There was still a lot of
12 green grass and crops growing still in the area, but it
13 was the roadways and things like that that concerned me,
14 plus the state park and that, because that goes right up
15 to Jindivick, Jacksons Track, and there is forest all the
16 way along there and that's where I knew it would travel
17 to, if the winds swung around to the west, anyhow.
18 You found out on 6 February through hearing some talk at work
19 in the office in Drouin that there was to be a community
20 meeting on the night of 6 February in which information
21 was to be given about the fire; is that right?---That's
22 right, yes. The office gave me that information.
23 You say in paragraph 13 you may also have heard that on the
24 radio?---I think I did hear it. I was listening to 3AW
25 and I think it was on the radio.
26 You decided to attend the meeting?---Yes.
27 And the meeting that you went to was a meeting in the evening
28 in Labertouche which we have heard evidence commenced at
29 about 7.30 in the evening. You got there a little bit
30 late, arriving at about 8 or so?---Around about 8 o'clock
31 or something.

1 You say that a significant number of people were there, about
2 200 to 300 people, you would estimate?---Two to 300 people
3 I would estimate, yes.

4 And the first speaker was a gentleman who you now know his name
5 is Mr David Nugent, the DSE incident controller?---That's
6 right, yes.

7 Have you since learnt that his name was Mr Nugent or did you
8 realise that on the night?---No, I didn't hear him
9 introduced and I found out later on.

10 Mr Nugent has given evidence in this hearing, and in his
11 witness statement he indicated that on the morning of
12 6 February he was of the view that it is likely that the
13 fire would escape the control lines, that is that the fire
14 would get out some time on 7 February. Was that a message
15 that he conveyed to you in the time that you heard
16 Mr Nugent talking on the night of 6 February?---No, not at
17 all.

18 What was the message that you got from Mr Nugent?---The message
19 I got when I got there, that they had a containment line
20 90 per cent around the fire and they said by the time this
21 meeting is over that it would be fully contained. A full
22 containment line, anyhow. I don't know about being fully
23 contained.

24 What did you understand by that description of the fire being
25 contained? What did that mean to you?---To me it would
26 mean that it was absolutely under control, anyhow, even if
27 it was burning. That is what I understood by that, the
28 meaning of his message.

29 You say that the next speaker was a gentleman from the CFA, a
30 Mr Brian Grist, and that his message was quite different
31 to the one that you had heard from Mr Nugent. In what way

1 did it differ?---He seemed to think the same way along my
2 lines, that there was going to be an outbreak the next
3 day, because if that fire wasn't out, you know, at the
4 time, it was never going to sort of be contained with the
5 weather conditions the next day. He said, "If you're
6 going to leave, leave early in the morning."

7 MR LIVERMORE: Could I also just interpose here that it is
8 apparent from the witness's statement that it was also
9 different in that the witness actually heard the whole
10 part of the CFA speech, whereas he says clearly in his
11 statement that he didn't hear the start of Mr Nugent's
12 presentation and that should be clear for the record, in
13 my submission.

14 MR ROZEN: I just led that from the witness. I don't know why
15 Mr Livermore felt the need to do that. In any event, that
16 is the case, isn't it, Mr Linklater, that you did miss the
17 start of Mr Nugent's presentation?---I did miss the start,
18 yes. That's correct.

19 In paragraph 20 of your statement you say that the message you
20 got from Mr Grist accorded more with your own thinking
21 before the meeting, and that is that there was indeed a
22 serious risk that the fire would escape from the park on
23 7 February. Is that right?---That's right, yes.

24 In fact, you go one step further and you say, "I was sure there
25 was going to be trouble the next day"?---That's right.
26 That's correct.

27 If I could take you to the events of 7 February now. You spent
28 the day at home in Drouin with your wife?---That's right.

29 Was anyone else at home with you, the children with you?---My
30 daughter came and my son came around about 12 o'clock,
31 1 o'clock, I think it was, yes.

1 Can you describe the conditions for us in Drouin as the day
2 proceeded throughout the afternoon?---You could see heavy
3 smoke very early in the morning, but it sort of never
4 approached Drouin until about 1 o'clock, I'd say, 1.30 in
5 the afternoon of the 7th, and it was quite dark but there
6 was no smoke down low, visibility was fine around you.

7 When you say smoke, can you describe it for us? What could you
8 see from Drouin?---It was black, grey, sort of outlines
9 into the sunshine, shining through the smoke and all that
10 sort of thing. There was a lot of smoke, anyhow, rising
11 very high in the sky and that sort of thing, plumes of
12 smoke.

13 At one point you experienced some embers falling in the garden;
14 is that right?---In the garden, that's correct, yes.

15 Can you describe them for us? Were they hot embers or cold
16 embers?---They were cold embers, probably 20 to
17 30 millimetres long, but they felt very cold, colder than
18 what the day was, actually . You could feel they were
19 cold.

20 You say in paragraph 29 that because of the roadblocks that had
21 been implemented around Drouin it was basically impossible
22 to get out of the town in the afternoon?---On the main
23 roads it was impossible to get out, yes.

24 Because you did go out at one stage to investigate what was
25 happening at the farm?---That's right, yes. I got a part
26 of the way on the little road that goes from Drouin under
27 the freeway called Higgs Road. Anyhow, there was fire on
28 both sides of the road then, so I had to turn back from
29 there.

30 Whilst you were at home you were listening to the radio. Were
31 you also listening to the radio while you were in the

1 car?---I was, yes.

2 You say in paragraph 29 that you were surprised that there were
3 no urgent threat messages issued in relation to
4 Drouin?---(Witness nods.)

5 Could I suggest to you, Mr Linklater, that there were in fact
6 urgent threat messages issued in relation to Drouin West
7 and one that also referred to the outskirts of Drouin. Do
8 you accept that that may be the case, that you might have
9 missed such messages?---I think I may have missed them,
10 yes.

11 At paragraph 30 you say that, "The threat to Drouin only
12 subsided with the wind change." How close did the fire
13 get to Drouin, as far as you were aware?---I think it was
14 around about two kilometres from Drouin itself.

15 If I can turn to ask you some questions about the aftermath of
16 the fires and the damage to the farms. When were you able
17 to get up and have a look at the farms to see what the
18 damage was?---On the Sunday I actually - it was such a
19 busy time, but we had electricity out on all the farms, so
20 I had to organise generators and that. There wasn't so
21 much roadblocks around on the Sunday, I could manage to
22 get around the farms. Then on the Monday I think it may
23 be because they were worried about trees falling over the
24 road, but they seemed to have roadblocks everywhere two
25 days after the fire, on the Monday anyhow. I had a bit of
26 difficulty getting out to the farms on the Monday.

27 You talked about the need to arrange for generators. How
28 important is it to have electricity on a dairy farm?
29 Presumably the cows need to be milked?---Twice a day, yes,
30 and we had to get the seven generators going all in the
31 one day, which Coates Hire we got three and then we got

1 four others from different places. We had a couple of our
2 own and all that sort of thing. The cows have to be
3 milked twice a day. I think we were out of power for over
4 30 hours on some of the farms.

5 Did that mean you had to do it the old fashioned way for the
6 cows?---Nearly had to.

7 You detail the damage to the farms in paragraph 35 of your
8 statement. You say that all seven of the
9 Jindivick/Labertouche farms were damaged and you detail
10 that damage. Two houses were burnt down. Were they
11 houses where the share farmers lived, were they?---One was
12 a share farmer and one was a rented out house. It was a
13 spare house we had on the farms. What we did a lot of is
14 put two farms into one, so we had certain houses that
15 weren't needed and we just leased them out.

16 Twenty sheds were burnt down, of which half were machinery and
17 the other half were hay sheds?---That's correct.

18 You lost tools and machinery, some of which belonged to the
19 company and some of which belonged to the share
20 farmers?---That's right, yes.

21 3,500 large bales of hay were burnt inside the hay
22 sheds?---That's right.

23 They are the cylindrical bales of hay that we see?---Yes, they
24 are. Five foot by four foot, yes.

25 You say that was part of your winter feed stock, although you
26 were lucky that some of it was out in paddocks rather than
27 in the sheds and fortuitously the hay in the paddocks was
28 not burnt?---It survived. That's right, yes.

29 And you lost 200 kilometres of fencing?---That's right, yes.

30 2,500 acres of pasture was burnt, 5,000 you describe as
31 "savagely burnt". What do you mean by that, completely

1 burnt?--500 savagely burnt, not 5,000. There was 500
2 acres savagely burnt.

3 What does that mean?---There was hay that - it was grass that
4 should have been cut for hay and it was long and therefore
5 there was a lot more fuel for the fire to burn and there
6 was like rows of cypress trees beside it and the fire
7 really got - it burnt very quickly. In a matter of
8 seconds it had travelled 200 to 300 metres, you know. The
9 fire was travelling very quick and very hot.

10 The worst damage was to the property on Jacksons Track in
11 Jindivick, as you explain in paragraph 38. That was the
12 one that bordered the forest and fortunately you'd removed
13 the livestock from that farm in advance of the
14 Saturday?---That's right, yes.

15 All up you lost 12 cows?---Yes, about 12 cows I think, yes.

16 At paragraph 40 you make reference to there being turnip and
17 millet crops on some of the properties. You found that
18 those crops actually protected the livestock from being
19 harmed ?---That's correct, yes. They did not burn at all.

20 Has that been the experience of other farmers that you are
21 aware of? We have had a little bit of evidence about what
22 crops burn and what don't. Have you had any cause to
23 discuss that with anyone else in the area?---No, there are
24 several farms that don't actually dairy farm and therefore
25 they don't have those crops in. I think they had quite a
26 lot of stock losses, you know. But, as I say, we've got
27 seven farms in that area and we only lost a few cows and
28 it was mainly because we sheltered them behind crops where
29 the fire wasn't going to burn through. We basically
30 milked the next morning, the cows were sort of up to it
31 and all that sort of thing. But a lot of the smoke was

1 very high in the air. The fire was there but the smoke
2 went up, so it didn't affect the animals' health and
3 things like that.

4 On page 7 of your statement under the heading "Rebuilding the
5 farms" you say that there has been a lot of work involved
6 in getting the farms up working again. Is that work all
7 complete or is there still some work to do to get you back
8 to your pre-7 February conditions?---There is a lot of
9 work to do still. We have perhaps hundreds of thousands
10 of trees that have to be dozed over and new shoulder
11 belts, wind breaks and things like that put in and they
12 are only temporarily fenced at the moment because we are
13 just seeing what will survive. We will leave the ones
14 that are going to survive there, but push the other ones
15 down and replace them. That could go on for another one
16 to two years.

17 You say insurance has covered a lot of the losses but a
18 business decision had been made by the company not to take
19 out extra fencing insurance?---Yes.

20 So therefore you have had to cover the cost of the
21 fencing?---All the fencing we've had to cover and there
22 has been a lot of assistance in the way of getting plants
23 offered to us for replanting and things like that.

24 I don't think that will be a major cost, the tree side of
25 things.

26 You have also received assistance through the Victorian Farmers
27 Federation with barbed wire and equipment for building
28 fences and so on; is that right?---That's correct, yes.

29 One of the difficulties there, though, was it came through a
30 bit late. You had actually rebuilt the fences by the time
31 it came?---I've got enough material for 20 years, I think,

1 but that's what we put in beforehand.

2 At paragraph 52 you say you are not entitled to receive money
3 through government assistance because you are a business,
4 but you understand that the share farmer and the renter
5 who lost their houses have been able to access those
6 funds?---Yes, that was for the loss of the houses and
7 that. Apparently I think there was a \$50,000 grant for
8 houses that were burned, but because we run as a business,
9 the share farmer was entitled to the 15,000 but we weren't
10 entitled to the other amount for the house.

11 Finally, Mr Linklater, you express the view that you believed
12 that if the CFA and presumably the DSE had resources
13 located in the vicinity of the Bunyip River, that they
14 might have been able to pull the fire up in the grassland
15 just to the east of the forest?---I believe that would be
16 the case, yes.

17 You express that view, though, without having any background
18 yourself in firefighting?---I do that, yes. But I know my
19 farmer stopped there, he was only approximately one and a
20 half ks from the Bunyip forest itself, and he felt
21 frightened on that day but he felt he was in no way in
22 danger where he was and he saved his house and numerous
23 other things.

24 Have you had an opportunity to raise with anyone from the
25 firefighting agencies those views?---No, I haven't done
26 that. I haven't followed up on any of that sort of stuff.

27 They are the questions that I have for Mr Linklater.

28 Commissioners.

29 COMMISSIONER McLEOD: Mr Linklater, we've had quite a bit of
30 evidence from other witnesses who have had animals and
31 they have commonly spoken of the dilemma they face when

1 they receive advice that, "Tomorrow might be a very bad
2 day. If your house isn't defensible, leave early."

3 That's the best advice, but of course there are concerns
4 about what they do with their animals?---Right.

5 And it is not an easy task to be able to ship your animals out
6 to a safe spot, so to speak?---No.

7 In your situation, as a commercial entity where you've got some
8 hundred of animals, would you like to just comment a bit
9 on what's involved in shifting a large flock of animals
10 like that quickly, how practicable is it and how do you go
11 about it?---You'd need a lot of trucks, you know, like
12 we'd probably need every truck that was up there to sort
13 of put ours into a truck and then we've got to find a
14 position to put them because we've got all different
15 herds. We might have, say, 3,000 head or something out
16 there, you know, and they're milking cows. To start with,
17 if you shifted them to another location you would have to
18 cease them for milking for the year, so you'd lose the
19 whole year's income out of cows. It would have been
20 disastrous if something like that had have happened. We
21 would have been better off possibly just to leave them
22 where they were and try and shelter them or drove them up
23 the road or something into a safe spot. But we were so
24 lucky that all the milking sheds we had there, not one of
25 them got burnt, yet we lost all the hay sheds nearly, a
26 couple of the houses and stuff like that. With us it's a
27 bit different because there's such a large amount of
28 stock, but it would have been impossible to do much.
29 I think it would just be a disaster if that fire came
30 through, that they'd be either on the roads or burnt in
31 the paddocks.

1 If a lot of your paddocks are for grazing purposes, they may
2 not have a lot of trees, for example, on them?---Yes.
3 How do the animals look after themselves if there hasn't been
4 the time to move them to a safer area?---We just sort
5 of - we were hands on all the time, while the people that
6 left the farm, some of our farmers left the farm, but they
7 waited until it nearly got up towards them and they just
8 looked at the safest area in the paddock where the
9 greenest grass was and all that sort of thing or where
10 there was a crop and they just blocked all their cattle
11 together in that one area, type of thing. They weren't
12 sure that those cattle were going to be all right, they
13 were just going to hope they'd be all right when they came
14 home, and contained. A lot of them weren't contained. We
15 had cattle from miles away coming to our place and they
16 had our cattle going to their place because the fences
17 were all damaged and things like that. There wouldn't
18 have been a fence hardly that would hold a cow in in the
19 whole area. We managed to get them all together again,
20 though, at the finish. But we are just so lucky we never
21 lost those livestock. As far as to get them into a safe
22 location, it would have just been impossible, because we
23 have seven farms there but there are probably another 50
24 or 60 farms in the same situation in that area. So it
25 could have been disastrous, you know, especially if there
26 had have been a lot more vegetation around, like trees.
27 There is a lot of vegetation as it is, but we were just a
28 bit lucky that we had good crops growing and we could
29 shelter the cattle behind them, but it was a very scary
30 day, sort of thing, and we were very lucky. Even though
31 we lost all those sheds and houses and fences and this and

1 that, the livestock and the people, that's the main thing,
2 you know, were fine at the end of the day and we just have
3 to work for a couple of years and get it back in shape
4 again. It will probably look better than ever when we're
5 finished because a lot of clearing up in the gullies.

6 MR ROZEN: Nothing arising. Could Mr Linklater please be
7 excused?

8 CHAIRMAN: Yes, you are excused.

9 <(THE WITNESS WITHDREW)

10 MS DOYLE: Commissioners, that concludes the Bunyip fire
11 evidence for the most part. We have one lay witness to
12 continue tomorrow, but to complete the main body of
13 evidence can I now tender the chronology which I handed
14 out in draft form yesterday. It has been corrected where
15 necessary and now carries the number (TEN.161.001.0001).

16 #EXHIBIT 600 - Bunyip Ridge Track fire chronology dated
17 9 December 2009 (TEN.161.001.0001) to (TEN.161.001.0039).

18 MS DOYLE: Save for the evidence of Mr Ahern tomorrow, that
19 completes the Bunyip evidence.

20 I now turn to dealing with a group of fires, the
21 Narre Warren, Cranbourne and Upper Ferntree Gully fires.
22 For the purposes of moving efficiently through this fire
23 I have also prepared a chronology document which is now
24 available. I think it has been served on the parties as
25 well. We have extra copies here for anyone who hasn't
26 received one. This document is at (TEN.160.001.0001).
27 I will just get that brought up on the screen.

28 The way this document works, if the Commission
29 pleases, is that it is a summary of the statements which
30 have been provided in relation to this group of fires. We
31 are going to hear from three of them very briefly this

1 afternoon, but there is not a great deal of controversy in
2 terms of the run of these fires and a number of the basic
3 circumstances in which they ignited. So, it seemed
4 prudent to put together a document that helps navigate us
5 through the witness statements and the other materials
6 that will be available.

7 CHAIRMAN: So the main benefit is in revealing how things were
8 done well.

9 MS DOYLE: For the most part, yes, and there are just a couple
10 of matters with witnesses that will be pursued in terms of
11 clarification. Otherwise, these documents, because they
12 simply pull together the evidence that for the most part
13 is not contested, stand as a record of the sequence of
14 events on the day. There are also some other documents
15 that I will tender in a moment that assist in
16 understanding these fires. Can I first tender this
17 chronology document.

18 #EXHIBIT 601 - Narre Warren, Cranbourne and Upper Ferntree
19 Gully chronologies (TEN.160.001.0001) to
20 (TEN.160.001.0010).

21 MS DOYLE: I will just indicate briefly the way the document
22 works and what it helps us to understand about this group
23 of fires. The document is ordered essentially in the
24 order in which these fires ignited. It doesn't cover
25 every fire which burned in the area on the day, but it
26 covers those significant ones in relation to which we are
27 going to adduce additional evidence.

28 First you will hear from Mr Brown about the Narre
29 Warren North fire. One of the difficulties with
30 the materials here is that each of these fires was known
31 by a number of names during the day and it has rendered

1 the documentation quite opaque. So, in order to pull that
2 together, one needs to bear in mind this fire is known
3 variously as the Narre Warren North fire, the Harkaway
4 fire and the Crawley Road fire. It started at about 11.30
5 on the morning of the 7th and you will hear from Mr Brown
6 in more detail about that. It appears the fire was
7 regarded as contained and then under control by 11 in the
8 morning. Sorry, it started at 11. It appears it was
9 regarded as contained by 11.41 and stopped at 12.23. In
10 circumstances which aren't yet clear, it seems to have
11 reignited or flared up at 3.30 in the afternoon.

12 The damage caused by this fire was reasonably
13 significant, 182 hectares and at least two residential
14 properties. One of the matters that's not entirely clear
15 on the face of the documents is how many houses were lost.
16 Some of the reports refer to two houses and others to five
17 being lost and two being damaged. There was also damage
18 to a number of sheds and garages in the relevant streets
19 affected by the fire.

20 You will hear from Mr Brown and others about the
21 brigades that attended, including the Dandenong and Hallam
22 appliances. When the fire reignited in the afternoon at
23 about 3.30, it reignited on the Robinson Road side of
24 Crawley Road and then took off and required attendances by
25 additional brigades.

26 A feature of this evidence is that a number of
27 the witnesses who are being called to give evidence about
28 a particular fire either had knowledge of the other fires
29 or travelled to them during the day or were involved in
30 suppressing them during the day because these fires are
31 relatively proximate. So you will note that

1 Mr Musselwhite, whose evidence is to be tendered, also had
2 some involvement in this fire.

3 There is material set out here in the chronology
4 about the strategies and the sectorising of the fire and
5 the roadblocks that were established during the fire.

6 In the afternoon at about 5 there were air
7 resources deployed to the scene of this fire. You have
8 already heard some evidence about this from other
9 witnesses, including Mr Owen, but this is the fire that
10 enjoyed the fortuitous circumstance that while en route
11 from Bunyip to the Quarry Road fire in Upper Ferntree
12 Gully a pilot diverted and engaged in aerial bombing of
13 the Harkaway fire which is credited with significantly
14 reducing its risk.

15 This fire was affected by a south-westerly change
16 at 5.45. The fire then began to head towards the Belgrave
17 ICC and the Dandenong Ranges. It also appears that the
18 way this fire was managed is that initially it was managed
19 at the scene, as one might expect, by the Narre Warren
20 fire station, but later escalated to being handled by the
21 Belgrave ICC. There will be some evidence about the
22 circumstances in which that occurred.

23 An alert message was issued in relation to this
24 fire at 6.30, warning the communities located around King
25 Road, A'Beckett Road, Harkaway Road and Narre Warren North
26 Road. The fire did eventually jump Harkaway Road and
27 there was a report of a house lost at that time. Aerial
28 bombing continued into the evening on this fire.
29 Downgrade messages ultimately came through during the
30 evening after 8 o'clock.

31 Now, the next fire in terms of the order in which

1 it was ignited was the Upper Ferntree Gully fire,
2 sometimes referred to as the Quarry Road fire. Mr Brown
3 will also attest to some of the circumstances pertaining
4 to this fire. It started near the Burwood Highway near
5 Quarry Road in Upper Ferntree Gully. Ultimately it
6 appears the damage here was five hectares in scrub land.
7 No houses were lost. Its cause is unknown.

8 I should have noted in relation to the previous
9 fire that the suspected cause is a person using a grinder
10 machine and in fact police have charged an individual with
11 the use of a power tool under regulations pertaining to
12 total fire ban days. In relation to this fire, however,
13 the cause is unknown. Scrub land was burnt but no houses
14 lost.

15 Under the heading "Run of the fire" I have
16 collected together the details from principally Mr Brown's
17 statement relating to the way in which this fire unfolded.
18 A number of resources were dispatched but from the
19 beginning resources it seems were stretched and when the
20 Ferntree Gully captain arrived there were no resources
21 available on the scene but he sought a strike team be
22 dispatched as soon as possible. The fire was also
23 sectorised and ultimately contained by 1700 but aerial
24 support continued into the evening.

25 A red flag warning was sent in relation to this
26 fire when it became clear a wind change was going to
27 affect the fireground. There were also warnings sent
28 during the evening to affected residents.

29 The next main fire to affect the area was the
30 Lynbrook fire. It also has a number of names; Lynbrook,
31 Coral Road, Ormond Road, Narre Warren South. They are all

1 the names that are given to it in the various documents
2 and witness statements. Mr Beards will give evidence
3 about some aspect of this fire. It appears to have
4 ignited at about 4.50 on the grassed road area on Coral
5 Drive in Narre Warren South. The fire ran along grass
6 reserves and then headed north, jumping Ormond Road near a
7 roundabout. We will see a STAR Tool presentation of some
8 of these fires and it will show the very urban setting in
9 which this fire progressed. The cause of this fire is
10 variously referred to as unknown or suspicious.

11 This fire took out six houses on Langbourne Drive
12 and we saw some pictures relating to that scene, I think
13 during the evidence of Mr Murphy, and it is clearly an
14 urban setting, houses with back fences abutting grassland.
15 Mr Beards will explain that he was dealing with assisting
16 crew who were attending the Harkaway fire when he saw
17 smoke in the location of the Lynbrook fire, attended, and
18 although unable to get through to 000, successfully
19 contacted the region and had resources dispatched to the
20 fire. Now, a number of resources attended, and again we
21 have already heard from Mr Murphy. It included MFB crew
22 who had stepped up to assist CFA stations in the area.

23 Mr Beards will explain that residents were
24 engaged in trying to defend their houses at the scene and
25 that many of them sought advice about whether they should
26 stay or go. Resources attended throughout the evening and
27 were ultimately successful in bringing it under control,
28 not before it had, as I say, taken out those six houses.

29 It is also of note that a strike team from
30 Ballarat attended this fire and we have heard from Mr Owen
31 this morning the circumstances in which he was able to

1 opportunistically divert that strike team towards this
2 fire.

3 There was another fire in quite close proximity,
4 the Lynbrook/Golf Club Road fire, sometimes referred to as
5 South Gippsland Highway or the Evans Road fire. This is a
6 fire that started just after 5 o'clock near Evans Road and
7 Golf Club Road. Its cause is unknown and it destroyed
8 four houses.

9 In relation to this fire, there is available and
10 we will tender in a tender bundle a police incident fact
11 sheet which suggests that the police officer who attended
12 this fire early on in the piece in the investigatory phase
13 suggested it may have been caused by powerlines arcing.

14 Now, I want to note for completeness there is no
15 wildfire investigation report to confirm that, nor are
16 there any other investigations that have been undertaken
17 in that regard, but we have taken the step of checking
18 with those representing the power interests, in this case
19 Freehills solicitors, whether they had any other
20 information pertaining to this fire and I will be in a
21 position in a moment to tender a letter which indicates
22 they have no record of any momentary or permanent
23 interruption to supply of power on its transmission and
24 subtransmission lines in the vicinity of this fire.
25 However, after the fire started there was some damage
26 caused to their assets which led to an interruption to
27 supply.

28 So, I will tender that as part of the materials
29 and note that, although a police officer may have
30 indicated that suspicion or suggestion early on, it seems
31 to have come to nothing and ultimately is not to be

1 recorded in any official way as the cause of the fire.

2 The run of this fire is relatively simple.

3 Mr Beards will explain appliances started arriving at just
4 after 5 o'clock. An MFB pumper also attended. A number
5 of other appliances came during the afternoon. Both
6 sectors of the fire were able to be brought under control
7 by just after 7 pm.

8 There were also two small fires in Cranbourne
9 which are addressed in the statement of Mr Musselwhite.
10 They were small, they burnt in grassland, no great area of
11 damage or housing damage was done, and Mr Musselwhite's
12 statement essentially speaks for itself. I note in
13 relation to the New Holland Drive fire in Cranbourne that
14 its cause however is suspicious, as Mr Musselwhite himself
15 found an incendiary device at the scene.

16 The last page of this document pulls together
17 some of the evidence which emerged from Mr Owen's
18 testimony this morning. I just want to note a couple of
19 typographical errors on page 10 of this document. The
20 fourth dot point where it says "Owen liaises with
21 personnel at scene of the fires," the second sentence
22 should read, "Owen prioritises the fires and forms view"
23 rather than "few", and a couple of dot points down it
24 should say, "When Owen hears of Lynbrook/Golf Club Road
25 fire is forced to draw on resources from Clyde and
26 Cranbourne, then the MFD due to the fact all other
27 resources tied up."

28 With those amendments, that constitutes exhibit
29 601. I have indicated at the outset and I indicate for
30 the benefit of the witnesses who will be called today that
31 all those facts are taken as given and are not contested

1 in terms of the material in the statements. All that is
2 sought to do today is gain a greater understanding of the
3 way these fires spread with the assistance of a short STAR
4 Tool presentation and to explore a couple of themes in the
5 evidence with the witnesses.

6 The other documents I want to tender are in a
7 tender bundle. For the assistance of the Commission there
8 is an incident shift plan which was prepared by Mr Brown
9 on the day behind tab 1. The fire incident sheet that
10 I have referred to and a couple of incident reports that
11 weren't otherwise attached to statements is behind tab 2.
12 We have also prepared a key events document which sets out
13 the IMS and other data relevant to this fire.

14 Behind tab 4, which I might take you to now, is a
15 handy map which shows where each of these fires started.
16 This is at page (TEN.157.001.0002). This map is helpful
17 because it shows where all of the fires, save for the
18 Upper Ferntree Gully fire, where their points of ignition
19 are to be found. First of all, we might look at it one by
20 one enlarged, starting with the top fire, Narre Warren
21 North fire. There is an indication of the point of
22 ignition of that fire.

23 If we move down the page you will see the Narre
24 Warren South fire and see how close it is to the
25 Lynbrook/Golf Club Road fire. You will now start to gain
26 the picture as to why some witnesses involved in one fire
27 could see the smoke from the other, why they were able to
28 quickly dispatch crew or redeploy crew to the other fires.

29 Moving further down the page are the two
30 Cranbourne fires on either side of the disused railway,
31 again as I have noted principally addressed in the

1 statement of Mr Musselwhite. Although each is a small
2 fire, this is a reasonable amount of fire activity to be
3 happening essentially on one Melways page of the map.

4 If we can go to the next page in this bundle,
5 (TEN.157.001.0001). We weren't able to fit this on the
6 same page, but there is an indication of the Quarry Road,
7 Upper Ferntree Gully point of ignition. One can see
8 there, as witness after witness has told us, about the
9 proximity of this fire and the great risk it posed to the
10 Dandenongs, just how close it is to the Dandenong Ranges
11 National Park.

12 Also in the tender bundle behind the next tab are
13 a selection of debriefs that are relevant to this fire and
14 the segment from the Bushfire CRC report. I tendered it
15 in full yesterday, but these are just the pages relating
16 to Narre Warren. In a similar vein to the exploration of
17 human behaviour in the Bunyip fire, the researchers have
18 undertaken interviews with residents, particularly on
19 Langbourne Drive, one of the most affected streets by this
20 group of fires. I reproduce that there for convenience.
21 I seek to tender the entire tender bundle.

22 CHAIRMAN: So that will be exhibit 602, which means it is
23 separate from the summary, or do you want them all
24 together with the summary?

25 MS DOYLE: Separate from the summary.

26 #EXHIBIT 602 - Tender bundle in regards to the following
27 fires: the Narre Warren, Cranbourne and Upper Ferntree
28 Gully fires (WIT.004.002.1046).

29 MS DOYLE: I should tender the letter from Freehills to which
30 I referred. It is not coded yet. I will just have copies
31 supplied to the parties, but perhaps that should be

1 exhibit 603 as it is in a different category.

2 #EXHIBIT 603 - Letter from Freehills Solicitors

3 (EXH.603.0001).

4 MS DOYLE: I call first of all Mr Colin Brown, who will confirm
5 the contents of his statement and give some brief
6 evidence, but also walk us through the relevant parts of
7 the STAR Tool presentation. I call Colin James Brown.

8 <COLIN JAMES BROWN, sworn and examined:

9 MS DOYLE: Thank you, Mr Brown. Your full name is Colin James
10 Brown?---That's correct.

11 And you are presently an employed CFA officer. You are the
12 operations officer for region 13?---I'm one of them, yes.
13 You have had a long history with the CFA including as a
14 volunteer, indeed beginning as a volunteer with The Basin
15 brigade in 1968?---That's correct.

16 Your statement sets out your experience both as a career
17 firefighter and a volunteer since that time, and you have
18 also undertaken numerous training courses which are set
19 out in detail in paragraph 6 of your statement?---That's
20 correct.

21 You have the level of qualification as a level 3 incident
22 controller?---Yes, I do.

23 You set out in paragraph 7 the fact that in 2008/2009 you were
24 endorsed as a level 3 incident controller, having had that
25 level of qualification since 2003?---That's correct.

26 You have prepared a statement and assisted in the production of
27 a STAR Tool presentation for the assistance of the
28 Commission. First of all, Mr Brown, are the contents of
29 your statement true and correct?---Yes, they are.

30 I tender that statement.

31 #EXHIBIT 604 - Witness statement of Colin James Brown dated

1 1 December 2009 and attachments (WIT.3004.029.0112) to
2 (WIT.3004.029.0291).

3 MS DOYLE: If it is suitable to you, Mr Brown, I think what we
4 might do, bearing in mind what I said at the outset that
5 the essential facts and circumstance of this fire are
6 accepted, is have you first of all speak to the STAR Tool
7 presentation and then I will just ask you to either
8 comment on or clarify a couple of matters?---That's
9 correct. Which fire do you want to look at first?

10 If we can start with the Narre Warren North/Harkaway
11 fire?---Based on the map that we have here that was drawn
12 by the observers on the day, the point of origin being in
13 the top left-hand corner being indicated in this view.

14 And that fire started at about 3.30?---No, the first fire, the
15 first point started at 11.30.

16 11.30, sorry?---That's correct, and that was the one that was
17 started by the angle grinder. That fire ran in a
18 south-east direction down and was pulled up by the
19 vehicles at the red line that crosses from the bottom to
20 the top.

21 Can I have you clarify, Mr Brown, the first point of ignition
22 is 11.30 in the morning?---That's correct.

23 That's the fire that, as you understand it, was commenced by an
24 angle grinder?---That's correct.

25 The run of that fire is the arrow shape that we see at the top
26 here. It was pulled up at about mid-morning at the first
27 red line that cuts across the shape?---That's correct. At
28 about 11.41 is the information I have. It was declared
29 contained at that stage. Then at 12.23 we put a stop
30 message in, which means it had sufficient vehicles there
31 and they then declared it safe after considerable mopping

1 up and they left the scene.

2 When you say "they", was it a particular group of brigades or
3 just a single brigade that was there?---No, there was a
4 selection of brigades there and I would have to refer back
5 to the incident management system.

6 After it was declared safe, they left the scene?---That's
7 correct. They went home.

8 What was the next word you got on this fire?---At 1532 there
9 was another report of the fire originating, as it said,
10 down in that general area on the bottom side there. The
11 cause of this was found out to be a resident had seen a
12 branch from a tree that was smoking and thought he was
13 doing the correct thing and cut the branch down thinking
14 to make it safe. When it hit the ground, burning embers
15 then went into the dried fuel on I suppose the south-east
16 side of that containment red line that we first saw across
17 the centre, and the fire then reignited and then it
18 continued to run down in a south-easterly direction. It
19 was still under the strong north-westerlies at that stage.

20 What is the source of the information about the resident and
21 the cut, smouldering branch?---I gained that by speaking
22 to the operations manager at region 8 who was able to
23 confirm that.

24 Is that something you have confirmed recently?---Yes, it was.
25 This week.

26 Go on?---Then, once the fire got down and it went over
27 Robinsons Road, as you can see it opened up and that's
28 when it was still under the north-westerly, but then when
29 the south-westerly change came through on the afternoon it
30 pushed the fire up into the north-easterly direction and
31 that's when it continued up. But then that wind started

1 to abate later in the afternoon and the trucks that were
2 working along the flanks in conjunction with the air-crane
3 that came over were able to pull up that fire on the
4 perimeter using the roads. As we can see on the eastern
5 side or the top north-east corner where the fire got over
6 the Harkaway Road, that was contained very quickly by the
7 trucks on scene and the aircraft. We took over - when
8 I say we, the Belgrave incident control centre, in
9 consultation with the operation managers of region 8 and
10 13, we were then asked to take over the management of this
11 fire and we worked in conjunction with the operations
12 people who were down at the Narre Warren North fire
13 station, which was then a staging area and an operations
14 point and we continued to work with them right through the
15 night until early the next morning in supplying crews,
16 getting extra resources and ensuring that the entire fire
17 had a containment line placed right around it.

18 When you refer to you taking it over, you were based at the
19 Belgrave ICC for the day on the 7th?---That's correct.

20 Was that in accordance with your usual rostering or usual
21 employment requirements or had you decided to work an
22 extra day in light of the forecast for the day?---No, I'm
23 actually based out of the Belgrave fire station and above
24 the Belgrave fire station is the incident control centre
25 to which I'm normally appointed to by the operations
26 manager.

27 You say in paragraph 14 of your statement that you got a call
28 on 5 February from Mr Armstrong, the operations manager,
29 who asked you to start planning for the 7th?---That's
30 correct.

31 And in the lead-up to the 7th did you put together an IMT who

1 could be available to work if necessary on the

2 7th?---That's correct.

3 You also say that you attended your Belgrave ICC on the 6th and

4 tested some of the IT structures and other resources

5 there?---That's correct.

6 You also monitored the weather in the week leading up to the

7 7th?---That's correct.

8 The ignition of this fire at 11.30, who was in charge of it

9 from 11.30 until the time that it was declared

10 safe?---I would have to check my records on that one.

11 Would it be someone who was at the scene?---Someone at the

12 scene from region 8. It could have been the local

13 captain, but I would have to have that confirmed.

14 Is it possible that it was the captain of the Narre Warren

15 South brigade?---Again, I would have to check my notes to

16 confirm that.

17 If you look at paragraph - I'm not sure if we are able to

18 switch between them easily or not at the moment - but look

19 at paragraph 37 of your statement. You do refer in

20 paragraphs 36 and 37 to Mr Haynes, operations officer

21 region 8, being the initial incident controller. Does

22 that refresh your memory?---Arthur Haynes from what I was

23 advised was at the Moorooduc ICC where he monitored the

24 call at 11.30 and continued to monitor that call.

25 So it may just have been he was in a position to monitor it,

26 not necessarily formally controlling it?---That's correct.

27 I was advised he took over the running of the fire when it

28 reignited later that afternoon.

29 After it reignited, what information was fed through to the

30 Belgrave ICC? What were you given to be kept up to date

31 with it?---We actually monitored it ourselves. We noticed

1 on what we call our incident management system that a fire
2 had been burning in that area, as well as we had the
3 Quarry Road fire, so we continued to monitor that fire
4 based upon the predicted weather change and that it may
5 impact into the Belgrave ICC area, and we just continued
6 to monitor that, and I spoke to my operations manager and
7 we just continued to monitor it.

8 Can we move forward to paragraph 55 of your statement, and you
9 are talking at this stage about the period of time at just
10 before 5 pm. At paragraph 55 you say, "I am informed that
11 Arthur Haynes" - so this is the gentleman who was at
12 Moorooduc, "drove to the control point and arrived at
13 approximately 1652. He was advised by Graham Kirk to
14 support the incident controller, Shaun Trotter." It
15 emerges from the witness statement of Ms Moore that Shaun
16 Trotter is - I think I said south - but the Narre Warren
17 North captain?---That's correct.

18 So is it the case, then, that the sequence of events on this
19 fire is that it was being monitored by Moorooduc ICC in
20 the morning but it would appear that after re-ignition the
21 incident controller at the scene was Mr Trotter?---That's
22 correct.

23 Ultimately its control was handed to Belgrave at about
24 6 pm?---At about 6.15.

25 Did this come about because of a suggestion you made that the
26 fire had significant potential, thus it should be
27 escalated to the Belgrave ICC?---In consultation with the
28 operations manager, yes, I spoke to him about that and
29 then he then in consultation with the region 8 operations
30 manager ultimately made that decision and we were advised
31 of their decision.

1 You say in paragraph 70 of your statement that you suggested to
2 Mr Graeme Armstrong that you thought Belgrave ICC should
3 take over because it had the potential to burn into the
4 Dandenong Ranges, which was obviously within your area of
5 operation, and at paragraph 71 you refer to him calling
6 you back and saying you will take over. In your opinion,
7 would it have been better or more efficient if Belgrave
8 had taken over this fire earlier?---Possibly not, because
9 the extent of the fire hadn't been determined and only
10 with the escalation of the day that it was probably a more
11 prudent decision to hand it over in the evening.

12 I just want to ask you another question relating to the
13 re-ignition of the fire. There is no reference in your
14 statement to the material you have just provided us this
15 afternoon about the resident and his cutting down of a
16 tree branch. Have you done any investigation or has
17 anyone in the region done any investigation of the
18 circumstances in which the fire reignited? What I'm
19 getting at is was it prudent for crew to leave the scene
20 given the weather and the circumstances such that the
21 situation emerged where the fire reignited?---Yes, it was.
22 That happens on many occasions and for that type of fire,
23 being in grasslands, it was blacked out and was considered
24 safe at that stage.

25 The matter that you have recently ascertained I suppose you are
26 suggesting couldn't have been foreseen in that the
27 resident acted of his own accord without advice from the
28 CFA?---That's correct.

29 The use of aerial resources on this fire, were aerial resources
30 involved before you formally took up the reins?---Yes, it
31 was. From what I believe, the Erickson air-crane was

1 diverted from the Bunyip fire, which was then rediverted
2 from the Upper Ferntree Gully fire to this fire.

3 When you took over the formal control, did you continue to ask
4 for and use aerial resources on the fire?---We didn't
5 request any further as we had the Erickson and it was
6 going to work to what we call last light and was doing,
7 from what I understand from the fireground, the adequate
8 task of it being deployed.

9 Did Belgrave ICC send any warnings to the community about this
10 fire or were they all handled by the region 8 RECC?---The
11 initial ones were handled by the region 8 RECC and then we
12 took over handing out different alerts at different levels
13 during the evening.

14 If I can just take you to the text of the first one to which
15 you refer in your statement, you refer to a warning not
16 sent by you but sent by region 8 RECC at paragraph 75.
17 "At 1844 region 8 RECC sent an email to the IECC and the
18 Victorian bushfire information line." If we look at the
19 text of this alert message, which is said to be alert
20 message number 1 at 1829, it says, "The fire in the
21 Harkaway area, burning between King Road and A'Beckett
22 Road, Harkaway Road and Narre Warren North is burning in a
23 north-easterly direction and is estimated to be 20
24 hectares in size. Even though the fire is not currently
25 posing a threat, the communities of Hyde Hill Road,
26 Chadwick Road and Boundary Road need to be aware of the
27 fire activity in the area." Mr Brown, by 1844 where had
28 this fire progressed to?---At 1844, I would have to go
29 back to the map, but I believed it was now burning out to
30 the Harkaway Road area and was being contained along those
31 edges.

1 The indication that this is alert message number 1, does that
2 suggest or confirm that this is the first warning message
3 that went out for this fire?---That's correct.

4 By this time, even on the basis of the description you have
5 just given, the residents of Harkaway Road and A'Beckett
6 Road would have been very much under the impact of the
7 fire, wouldn't they?---They would have been.

8 I think you have indicated that your Belgrave ICC was involved
9 in later messages. I just want to check with you which
10 was the first that you sent. Paragraph 90 of your
11 statement refers to an email at 2029, an email sent from
12 Ian Marshall, information unit. Was Mr Marshall in your
13 IMT?---That's correct.

14 Are you able to confirm whether that's the first warning that
15 your team was responsible for?---As far as I recall it is.
16 I would again have to check on my records.

17 Just in case this assists you, it does say it is urgent threat
18 message number 2. I'm not saying this is necessarily the
19 case, but it does tend to suggest it is the second in the
20 sequence of warnings for this fire?---That would be
21 correct.

22 That warning, if we just move down, "The grass and scrub fire
23 is burning in Crawley Road ... estimated to be 80 hectares
24 in size. The residents of Harkaway, Narre Warren North
25 and Beaconsfield Upper may be directly impacted." So this
26 is the first urgent threat message for the fire?---First
27 urgent threat - not for that particular fire.

28 The first one was alert?---The first one was alert. That was a
29 threat message because of the wind change that had come
30 through and was driving the fire in a north-easterly
31 direction and threatening these areas at that stage.

1 The south-westerly change began to affect this fire at about
2 5.45, though, didn't it, Mr Brown?---That's correct.
3 So the message that warned those communities that might be
4 affected after the wind change didn't come until at least
5 two and a half hours after the wind change started to
6 impact the fire?---No, I cannot answer all that until
7 I read all the documents, but as I said we were going
8 through a change of taking over the fire and some of the
9 messages were still being sent by region 8 at that stage
10 and there may have been others.

11 I understand that, but you agreed with me earlier that you took
12 over the formal handling of the fire at about
13 6.15?---That's correct, but with our incident management
14 system we weren't able to enter a lot of the stuff onto
15 the system as we were in region 13.

16 If we just look back at paragraph 66 of your statement just for
17 a moment, paragraph 66 indicates the south-west wind
18 change came through at 5.45. Now, I know you weren't
19 handling the Harkaway fire at that stage, but being at the
20 ICC and with everything going on that day, you would have
21 been aware of the timing of that wind change?---I was.

22 Really the matter I'm putting to you, Mr Brown, is in light of
23 the fact the wind change came through just before 6 and in
24 light of the fact that your IMT was handling the fire from
25 about 6.15, what's the reason for the two hours plus delay
26 on getting an urgent threat message out to Harkaway, Narre
27 Warren North and Beaconsfield Upper?---I can't answer that
28 at this stage.

29 No doubt, as you have explained, you were not just occupied
30 with this fire, you were occupied with other fires in the
31 region in the close vicinity to this fire?---That's

1 correct.

2 Even those you weren't handling you had a need to

3 monitor?---That's correct.

4 This fire was listed as contained at 2150, but you retained

5 strike teams on the fireground overnight. This is a

6 matter you refer to at paragraph 97 of your

7 statement?---That's correct.

8 In any event, later in the evening wind started to pick embers

9 up again on this fire. You mention that at paragraph

10 101?---That's correct.

11 In light of that, you sent a further strike team to manage

12 those hotspots overnight?---Yes. That was a request from

13 the fireground.

14 The final matter I wanted to ask you about in relation to this

15 fire is that Ms Moore, who was the municipal emergency

16 response coordinator from Victoria Police, will give

17 evidence this afternoon and she says that during the

18 afternoon it was difficult for her to get information in

19 relation to the location of these various fires and

20 difficult for her to obtain direction from the Belgrave

21 ICC about the management of traffic management points and

22 other matters in terms of the emergency response. Did you

23 have any dealings with the MERC, Ms Moore, on the

24 day?---Not personally, no.

25 Did you make any arrangements in relation to who was to deal

26 with the police in terms of their responsibilities on the

27 day?---We had a police liaison officer there and we were

28 handling it through them.

29 I understand. Mr Brown, you are also in a position to assist

30 us through a STAR Tool presentation of the Ferntree Gully

31 fire.

1 COMMISSIONER McLEOD: Just before we go on to that, just to get
2 an indication of the resources that were applied to that
3 fire, I think there is a reference in your statement to
4 around 150 people who were fighting the fire when it
5 reignited and with associated equipment and also some
6 aerial support. Is that reasonably accurate?---That would
7 be reasonably accurate, yes.

8 Do you have any indication of what was involved in the initial
9 attack when the fire first was started and almost
10 extinguished?---Based on that type of day, it would have
11 been at least a five vehicle response automatically and,
12 depending on what the first arriving officers would
13 surmise, that they may have asked for additional
14 appliances or believed they had sufficient to deal with it
15 with what they had.

16 MS DOYLE: There is one other matter I overlooked, Mr Brown.
17 You attach to your statement at annexure 4 a summary of
18 property losses, but then in the body of your statement
19 you also described the losses. They are a little
20 inconsistent. Are you able to recount the total number of
21 houses lost?---Unless I refer back to my statement, but
22 what I believe is there was one house lost and some of
23 this information that was coming through was based on some
24 ground observers, some partial information and wasn't
25 until later in the evening that we were able to confirm
26 the exact losses, which reduced it somewhat from what the
27 initial estimates were.

28 It reduced it?---Yes.

29 Because you have supplied as attachment 4 a document that seems
30 to be dated 8 February, that's just coming up on the
31 screen now, and it says "Aranmore Crescent lost, Aranmore

1 Crescent lost" et cetera and if you work your way through
2 this document it seems to indicate at least two houses but
3 a number of other buildings, whereas in your statement at
4 paragraphs 85, 87 and 88, if we can just go back to that
5 part of your statement, paragraph 85 refers to a report
6 that 9 to 11 Halleur Road had been destroyed, 5 to 7 had
7 been destroyed et cetera. Is the tenor of your evidence
8 that the blow-by-blow account you were getting on the day
9 appears to have been inflated and in fact we should have
10 regard to that annexure which seems to bring the loss of
11 houses down to two with a number of outbuildings?---That's
12 correct. Based on the night, they were probably
13 overestimating for whatever reason and it wasn't until the
14 daylight hours that we were able to confirm it.

15 You say the most reliable record is that sheet dated
16 8 February?---That's correct.

17 Now can we move to the presentation in relation to the Upper
18 Ferntree Gully fire?---This fire was ignited about 1542 up
19 on an area what we call adjacent to, as you can see where
20 is being indicated now, to the bike path between Quarry
21 Road and the railway line, there is a bike path there.
22 The fire then under a strong north-westerly wind spread
23 along Quarry Road, down onto the bike path, over the
24 railway line and down towards the edge of Burwood Highway.
25 This fire, as you will see later on with some video
26 footage, spread rapidly. It was in amongst residential
27 properties. It was difficult to gain access because of
28 the railway line, bike track in several areas. Under the
29 good guidance of the officers, they sent vehicles in on
30 several different approaches, which is what probably
31 brought the fire under control quickly using that

1 initiative. We will go to the next view. With the
2 arrival of the Helitack that came over, as we didn't get
3 the Erickson, this fire had started to spread across on
4 the north side of the Quarry Road and was heading up
5 towards some residential properties up through there and
6 the aircraft was able to do one single drop up there and
7 with that drop and in conjunction with the vehicles was
8 able to pull that forward head of the fire up, which was
9 then - we just had this fire right at the cusp of a wind
10 change from the south-west which gusted up to 90
11 kilometres an hour at times. By pulling that fire up they
12 prevented the fire possibly spreading, as we will see now,
13 heading from there, and if it hadn't have been pulled up
14 would have been into the Tremont/Ferny Creek area we
15 estimate probably within 10 to 15 minutes and would have
16 been impacting on those houses up there and this would
17 have been a significant event.

18 The Helitack you refer to, is it the same one that diverted to
19 Harkaway or was a different resource sent?---No, it was a
20 different resource sent. We were advised this aircraft
21 was on his way back to Moorabbin for fuel and he was able
22 to do some drops for us urgently and the timely arrival of
23 it assisted the crews to pull this fire up. We will now
24 watch the video from a passerby. The quality of it is not
25 all that great, it's done on a mobile phone, but you will
26 see the condition. That house there was one that they
27 thought had been damaged or lost when in actual fact it
28 was saved by the crews and you will see under extremely
29 hard situations.

30 (Video shown to the Royal Commission.)

31 WITNESS: For those who aren't sure of this area, this is on

1 the edge of Burwood Highway, which is a major traffic
2 route into the Dandenong Ranges, so we had to contend with
3 a large amount of traffic. The fire was spotting on
4 various places along the edge of the highway. It was
5 impacting as we can see on these homes on the edge. What
6 we don't see at this stage is the fire now has spread up
7 over the railway line, up onto Quarry Road and was
8 starting to impact on residential properties up on the
9 edge of Quarry Road, which is the edge to the national
10 park, Ferntree Gully. This fire is now being impacted at
11 this stage by the south-westerly change that had come
12 through. As I said before, they were experiencing gusts
13 up to 90 kilometres an hour driving it up towards the
14 national park.

15 COMMISSIONER PASCOE: Are there hydrants in this area they can
16 use?---Yes, there is, down on the side of the road.

17 So that would have assisted, I imagine, in terms of keeping a
18 water supply?---That's correct. That's why we had what we
19 call our pumpers, which are tankers, and they were called
20 in to actually supply water from those hydrants. The
21 other thing that was good for the Helitack was that what
22 we call Quarry Road is actually where an old quarry
23 existed which is full of water and the turnaround time for
24 the helicopter back onto the fire was about four and a
25 half minutes.

26 MS DOYLE: I think it has now been indicated the disused quarry
27 which was able to be used by the aerial resources is
28 marked there?---That's correct.

29 You just mentioned the wind change and it is the case, isn't
30 it, Mr Brown, that having received advice the wind change
31 had hit Moorabbin airport at about 5.15, you sent a red

1 flag warning to the firefighters who were working on the
2 Quarry Road fire?---That's correct.

3 I also just wanted to note in terms of the messaging by your
4 IMT about this fire you noted that the fire ignited at
5 1542. By 1555 an alert message was authorised at the RECC
6 for the community in Upper Ferntree Gully and by 4.30 Ian
7 Marshall, again from your information unit, had sent an
8 urgent threat message relating to a grass and scrub fire
9 affecting Quarry Road, Upper Ferntree Gully et cetera. So
10 in relation to that fire the information unit got out very
11 quickly an urgent threat message following upon the alert
12 that the RECC had already sent?---That's correct.

13 The time at which this fire was brought under control, it looks
14 from your statement as though by just after 5 there was a
15 feeling the fire was being downgraded but it was going
16 again by 5.30 and continued to burn towards Lady's Walk
17 and The Boulevard. The fire was then noted as contained
18 at 6 o'clock. This is something you say at paragraph 138
19 in your statement. You sent a situation report at
20 6 o'clock that the fire was contained. Then it was
21 formally under control at 7?---That's correct.

22 When you went into the evening of the 7th the two major fires
23 we have just talked about now were contained. Did you
24 continue to have responsibility for any of the mopping up
25 work on those two fires in the ensuing days?---Yes, we
26 did, although for the ensuing days the Harkaway fire, in
27 discussion with the region 8 RECC, we handed that fire
28 back over to their control. I would have to check my
29 statement, but it was early morning we handed that back.

30 In relation to both the fires we have just looked at, did you
31 experience any difficulties on the 7th in accessing

1 resources you felt were required to combat those two
2 fires?---Accessing resources, no.

3 Although it happened in a fortuitous way in some respects, did
4 you have all of the aerial support that you required on
5 both fires?---Yes, we did.

6 Commissioners, do you have any questions for Mr Brown? There
7 is no cross-examination, so I would ask that Mr Brown be
8 excused.

9 CHAIRMAN: Thank you, Mr Brown, you are excused.

10 <(THE WITNESS WITHDREW)

11 MS DOYLE: I now call Mr Beards, who will assist us in relation
12 to other fires. I call David Ronald Beards.

13 <DAVID RONALD BEARDS, affirmed and examined:

14 MS DOYLE: Mr Beards, your full name is David Ronald
15 Beards?---That's correct.

16 You are presently employed by the CFA as manager technical
17 services?---Correct.

18 You have a long history with the CFA. You started as a
19 volunteer firefighter, moving into a full-time role in
20 1994 as an information technology analyst?---Yes.

21 You have retained the volunteer part of your work in the CFA,
22 having been captain of the Narre Warren brigade, a
23 position you still hold?---That's correct.

24 You explain your training and qualifications in paragraph 9 of
25 your statement, and those are set out there. Your
26 qualifications include being endorsed to level 1 incident
27 controller, sector commander and strike team leader?---No,
28 that's not correct.

29 Can you just explain where that's gone wrong?---I am not
30 qualified as a sector commander. What was the other
31 qualification?

1 I'm just looking at paragraph 10 of your statement. Have some
2 of those qualifications lapsed?---No, it says that I have
3 experience, not qualified.

4 All right. So you don't have qualification as a sector
5 commander?---That's correct.

6 In the lead-up to the 6th you were notified by Mr Owen that
7 your services would be required on the 7th. I will ask
8 you to detail the steps that you took in a moment.

9 Perhaps before doing that I should tender your statement.

10 I understand you want to make some corrections to the
11 statement and you have actually prepared that in a table
12 form. That will probably be the quickest way to deal with
13 those corrections?---Yes, that's correct.

14 Do you have a copy of the table with you?---Yes, I do.

15 I will just provide to anyone who needs them a copy of the
16 corrections. While they are making their way around the
17 room, could you just confirm, Mr Beards, that you want to
18 make some changes to the paragraphs that are listed on the
19 left-hand column here. You have then indicated what is
20 presently in the statement and in the far right-hand
21 column you have indicated the changes that you want to
22 make?---Yes, that's correct.

23 If we make those amendments to the statement and that will be
24 done, are the contents of the statement true and
25 correct?---Yes, they are.

26 I tender that statement.

27 #EXHIBIT 605 - Witness statement of David Ronald Beards dated
28 1 December 2009 and attachments (WIT.3004.029.0056) to
29 (WIT.3004.029.0111).

30 In the body of your statement you explain what you did in your
31 capacity as incident controller of the Lynbrook fire.

1 This fire has a number of names in the documents;
2 sometimes Lynbrook, Coral Road, Ormond Road. We will
3 refer to it as the Lynbrook fire or the Narre Warren South
4 fire for the purposes of your evidence. You also explain
5 in your statement the fact that the running of this fire
6 was combined with the Golf Club Road fire later in the
7 day?---Yes, that's correct.

8 Just before we get to the STAR Tool and the events of the 7th,
9 I touched on the fact that you had obviously started
10 making some plans prior to the 7th. You say in paragraph
11 11 you got a pager message from Mr Owen, and he gave
12 evidence about that this morning, advising about the total
13 fire ban and the predictions for the day. You then asked
14 Mr Morgan, the communications officer, to page the
15 brigade, so that was the members of the Narre Warren
16 brigade?---That's correct.

17 Effectively to ensure that you knew who was available to form a
18 strike team on the day?---Yes.

19 You also became aware of a video briefing by the chief officer
20 on 6 February and did that give you further detail about
21 what might be expected on the day of the 7th?---Yes, it
22 did.

23 Leading up to the 7th you had been on sick leave but you were
24 effectively fielding this information and dealing with
25 these queries from home on leave?---That's correct.

26 You received word on the 7th via a pager message that there was
27 a need to attend the Narre Warren North fire?---Correct.

28 And you had some dealings with your crew ensuring that they got
29 out to that fire and liaising with them about that?---Yes,
30 I did.

31 But while doing that you physically saw the Lynbrook or Narre

1 Warren South fire or the smoke coming from that
2 fire?---Yes. That was later in the day.

3 So perhaps if we pause there in terms of the events of the day
4 and if you can talk us through the STAR Tool relating to
5 this Lynbrook/Narre Warren South fire?---As you can see on
6 the map that's showing, what's being indicated at the
7 moment is the point of origin of the fire which was
8 located on Coral Drive. What we will do is we will have a
9 quick look at a photo that was taken on the following day,
10 which is looking east towards the Langbourne Drive area,
11 so you can see there the area that was affected. You can
12 see that the fire occurred under transmission lines, which
13 you can see being pointed out there, and you can see the
14 distance that the fire actually travelled from, virtually
15 from the point of origin across to Langbourne Drive.

16 The cause of this fire just remains unknown?---As was reported
17 in the fire investigation, it has been deemed to be
18 suspicious. The fire, when it started, burnt south under
19 a fairly strong northerly and burnt down and jumped the
20 Ormond Road at one point. It continued to burn southerly
21 until the south-south-west change came through and then
22 proceeded to burn under the transmission lines across to
23 the Langbourne Drive area. It also under that
24 south-south-westerly burnt north and spotted back across
25 Ormond Road to the area that's being highlighted now.

26 Ormond Road is the major road running through the centre with
27 the roundabout?---That's correct, as being indicated
28 there.

29 The fire effectively jumped Ormond Road pretty much at the
30 point of the roundabout on its first run?---That was from
31 the point of origin, correct, yes.

1 It then, as you have just indicated, under the influence of the
2 wind change spotted back over the other side of Ormond
3 Road?---Correct.

4 The grassed area that we can see that really backs onto - or
5 the houses on Langbourne Drive that were affected back
6 onto the grassed area, is that right?---Yes, that's
7 correct.

8 And the way this perimeter has been drawn is so that it loops
9 in the houses that were affected by the fire on Langbourne
10 Drive?---Correct, it is.

11 That grassland there, is that private land, is it a paddock,
12 what is it?---The grassland there is reserve land,
13 I believe owned by the power companies.

14 Was there anything else you wanted to point out to us about the
15 presentation via the STAR Tool?---Yes. What you can see,
16 as you pointed out, the perimeter is actually showing the
17 houses that were affected. We have some photos of
18 the affected houses just to indicate the extent of damage
19 that can occur in the urban/rural interface. You can see
20 there that there are three houses that were very heavily
21 impacted by the fire. This is one house that was able to
22 be saved, mainly because of the type of vegetation they
23 have in their garden, but also because of the fact that
24 they do have the swimming pool there as well. So the
25 residents, who I believe were home on the day, were able
26 to utilise water from their pool to basically contain the
27 fire to their shed and were able to save their house
28 itself. Then the last photo we have which is of interest,
29 if we zoom in on the area of interest, you will notice the
30 garden is a fairly well manicured garden, lots of
31 vegetation, and unfortunately this is one of the houses

1 that was very heavily impacted. The houses either side
2 weren't impacted other than potentially fences and a
3 little bit of garden. If we just remove the photo again
4 you will notice in the front of the houses a fairly large
5 concrete area. So, because of the type of vegetation they
6 had in their gardens or, if you like, the lack of, there
7 wasn't a lot of damage to those houses.

8 During the time that crew were at the scene, including
9 yourself, was it the case that some of those residents
10 could clearly be seen, as you say, undertaking their own
11 defensive actions to save their homes?---Yes, that's one
12 of the highlights of this particular fire, that the
13 residents banded together to help protect their
14 properties. When we arrived there were many residents out
15 with buckets, hoses, anything that could carry water to
16 assist in the firefight.

17 You say in paragraph 38 of your statement that a number asked
18 you whether they should stay or go. Were you able to give
19 them any advice at the time, particularly in the
20 circumstances where you were working at the
21 scene?---I highlighted to the residents that approached me
22 that, based on where their properties were, it was their
23 call as to whether they stayed or whether they left.
24 However, because of their proximity to the fire it was
25 recommended they consider staying to protect their
26 properties from any potential ember attacks that may
27 occur.

28 At the time you were speaking to residents, were there also CFA
29 crews in attendance?---At that particular point in time
30 there was myself, firefighter Mike Casnji and firefighter
31 Phil Sandell.

1 Did you have appliances with you or did you travel there in
2 other vehicles?---I travelled there in my personal car.
3 So at the time some of these discussions were going on, the
4 pumpers and tankers had not yet arrived?---There were no
5 appliances on scene, no.

6 Is there anything else we should observe in terms of the STAR
7 Tool presentation? Perhaps you can indicate to us, when
8 the fire was pulled up, is there anything about the
9 landscape in the later run of the fire that assisted that
10 or was it simply the application of resources?---It was
11 essentially the application of resources, the fact that a
12 little bit later in the afternoon the wind died down,
13 basically stopping the spread of the fire. That's about
14 it for the Coral Drive fire itself. My apologies; the
15 following day we put in bulldozer containment lines just
16 around the outer edges. We were a little bit concerned
17 that, if a strong wind was to come up, the land there is
18 peat and as such would be smouldering potentially for
19 days, so we put in a containment line just to ensure that,
20 if it did decide to come up again, it would hopefully keep
21 it within that perimeter.

22 Now, are you in a position to assist us in terms of a brief
23 presentation on the Cranbourne fires?---Yes, I can.

24 COMMISSIONER PASCOE: Just before we leave that one, you have
25 mentioned in relation to two of the houses why one might
26 have been saved, the water from the swimming pool; why
27 another might have been lost, the amount of vegetation
28 around the house?---Yes.

29 You have also mentioned residents staying to defend?---Yes.

30 Of the houses that were lost, do you have any other
31 observations?---It's a bit hard to say whether there were

1 residents home or not. The Langbourne Drive road itself
2 was obviously fairly well packed with people, so it was
3 fairly difficult to tell who were the residents and who
4 were onlookers. There were a lot of cars in the area as
5 well. I can only assume the people that were in there
6 working were the residents themselves and their associated
7 neighbours.

8 Just looking at the image that you have here, there doesn't
9 appear to be a lot of vegetation on the perimeter of those
10 houses. Is it possible that's just where the run of the
11 fire was at the time?---Quite possibly, yes.

12 COMMISSIONER McLEOD: With the houses closely packed like that,
13 I presume if one catches alight significantly it puts the
14 others greatly at risk or the next door neighbour greatly
15 at risk?---That is a very high potential, yes, through
16 radiant and direct heat.

17 There are hydrants in that street, would there be?---Yes, there
18 are hydrants.

19 And there were some pumpers on the scene that could have
20 perhaps provided water from the street behind the
21 houses?---When appliances started to arrive, one of the
22 appliances was a pumper and one was a tanker. They both
23 connected into hydrants within the street to contain the
24 fires.

25 MS DOYLE: Rather than moving to Cranbourne, do you have a STAR
26 Tool presentation in relation to the Lynbrook/Golf Club
27 Road fire? That might be the more logical one to go to
28 next?---Yes, we do.

29 This is the fire that started closer to 5 o'clock near the
30 South Gippsland Highway?---This particular fire wasn't
31 investigated, so there isn't a lot of information on it.

1 What you will notice is as the symbols come up, these are
2 symbols that have been used previously within the
3 Commission to indicate spotfires. In this particular case
4 it is just being used to indicate a general area where the
5 fire was burning. So, the fire started up the top there
6 as being indicated there and burnt under a northerly wind
7 to the south, where it came to Golf Club Road. Now, I'm
8 assuming at that point the wind change came through and
9 directed the fire easterly along Golf Club Road. On its
10 travel you can see the yellow balloon. It impacted on a
11 garden supply business there and subsequently damaged a
12 shed at that point. So the fire continued to burn east
13 along Golf Club Road and then proceeded to burn north
14 under a southerly wind. At no point did either of these
15 two fires physically connect.

16 This fire, other than the damage to the shed you just referred
17 to, this fire was contained to the grassed
18 areas?---I believe it was, yes.

19 Does that complete the presentation in relation to
20 Lynbrook?---Yes, it does.

21 If we can just briefly turn to the events in
22 Cranbourne?---There is not a lot to show about the
23 Cranbourne fires, as was indicated earlier. They were
24 relatively small fires. These are those fires being
25 indicated on the map now.

26 They were similarly confined to grassed areas?---I believe so.

27 And Mr Musselwhite's statement records that, at least in
28 relation to the fire that was closer to New Holland Drive,
29 there are some suspicion but there has been no
30 developments in that investigation?---I'm not aware of
31 that other than what's been reported in this Commission

1 today.

2 Now if I can just ask you to confirm a couple of matters that
3 hark back to your witness statement. If we can go back to
4 your witness statement at paragraph 30. Paragraph 30
5 deals with the point in time in which you have been at the
6 Narre Warren North fire, you have seen the smoke of the
7 Narre Warren South fire and headed there. When you
8 arrived you try to call 000 and couldn't get through, so
9 you called the region directly because you could see there
10 were residential properties about to come under threat.
11 You then set out the various pages that were sent to
12 brigades and the brigades that attended. You recount at
13 paragraph 32 the residents that you encountered there with
14 buckets and wheelie bins, et cetera. I suppose having not
15 been able to get through on 000, because of your knowledge
16 of the region and the people in the region it was an easy
17 enough thing for you to get the dispatch of resources
18 occurring without going through the ESTA system?---No,
19 that's actually incorrect. I didn't call the region.
20 I actually called the dispatch.

21 You called the dispatch channel?---Yes. I used CFA channel 27
22 to call Vic Fire.

23 I understand. Other than that, the dispatch of crew occurred
24 in the ordinary way after that was done?---Correct, at
25 that point I believe Clyde tanker and Pakenham pumper were
26 responded to me.

27 There was a point of time in relation to this fire, if you just
28 look at paragraph 41, that at about 5.30 you were still on
29 the scene and you saw a strike team making its way along
30 Ormond Road. You attempted to effectively intercept that
31 strike team and see if they could assist, but they were

1 travelling through the area and you weren't able to speak
2 to the leader so that you could have them
3 diverted?---Correct. I received a phone call from
4 operations manager, Trevor Owen, I think it was
5 approximately 1710, indicating that there were no
6 resources available that he could send me. However, he
7 was looking at diverting a strike team from region 15 to
8 me. When I saw them coming down Ormond Road I recognised
9 some of the brigade names as being from region 15 and
10 immediately assumed that's what they were, that's what
11 they were there for, so I then approached the strike team
12 to start deploying them to the fire. However, when I got
13 to the strike team, the strike team leader's vehicle had
14 already passed. I managed to stop the first tanker within
15 the strike team and asked them to call the strike team
16 leader to try and ascertain where exactly they were going,
17 to find out that fire officer Glass had deployed them to
18 what I believed to be the Cranbourne Botanical Gardens.

19 I see, so you weren't able to get them to assist you. Were you
20 otherwise able to get adequate resources to the scene of
21 the Narre Warren South fire?---Not in the timeframes that
22 I would have liked.

23 You would have liked more and sooner, by the sounds of
24 it?---Yes, most definitely.

25 Nevertheless, crew were able to pull the fire up?---The
26 instructions given to the two appliances I did receive,
27 that was Pakenham and Clyde, was to perform asset
28 protection to ensure that we didn't lose any more assets
29 than what were already affected. Essentially the fire
30 within the grasslands was basically over at that point and
31 so it turned into a structural fire and that's where all

1 the work was being directed.

2 At about 6 o'clock the correction to your statement indicates
3 that Ian Glass - what position does he hold?---Ian Glass
4 is a fire officer.

5 He arrived at the Narre Warren South fire when you were
6 positioned at Langbourne Drive. He was doing
7 reconnaissance. You informed him you had been handling
8 the fire but you were suffering heat stress and
9 dehydration and you spoke with Ian about the prospect of
10 you taking over control of the sector, but was the idea
11 there that, if you could focus on the sector, he could
12 retain the overall control of the fire?---No. The
13 request, because I was suffering from heat I wasn't able
14 to continue, so I requested that Ian Glass take over
15 control of that particular sector and appoint a new sector
16 commander.

17 You also know from him some of the events relating to the other
18 fire, the Lynbrook/Golf Club Road fire, and you have set
19 those out in your statement. These are matters that
20 Mr Glass has reported to you or provided to you in the
21 form of logs and other documents?---Correct.

22 You set out there the resources that were deployed to that
23 fire. The resources to the Golf Club Road fire included
24 an MFB pumper tanker and also perhaps if we go to
25 paragraph 62 there is a list of resources including other
26 MFB pumpers that arrived in the evening to assist with
27 that fire?---Correct.

28 I just want to ask you whether you had any involvement during
29 the day with liaison with Victoria Police officers in
30 relation to traffic management points on either of the
31 fires that you had some knowledge of?---No, I didn't.

1 You I think mentioned this in your evidence. There has been a
2 wildfire investigation report prepared by Mr Booth which
3 relates to the Narre Warren South fire that affected
4 Langbourne Drive?---Correct.

5 You are obviously not the author of it, but you are familiar
6 with the conclusions and the material attached
7 there?---Correct. I spoke with Colin Booth after the
8 fact.

9 I have no further questions for Mr Beards. Are there any
10 questions, Commissioners?

11 CHAIRMAN: No.

12 MR LIVERMORE: No questions, sir.

13 MS DOYLE: I would ask that Mr Beards be excused.

14 CHAIRMAN: Thank you, Mr Beards. You are excused.

15 <(THE WITNESS WITHDREW)

16 MS DOYLE: I need to also tender the document I just raised
17 with Mr Beards. It is the fire investigation report which
18 is attached to the statement of Colin Robert Booth. His
19 statement is at (WIT.3004.029.0001). His statement
20 explains how he became involved in this Narre Warren South
21 fire investigation and attaches the report. I note for
22 the Commission's convenience that there are some very
23 similar photos of the affected properties in Langbourne
24 Drive attached to that report. I tender that statement
25 and report.

26 #EXHIBIT 606 - Witness statement of Colin Robert Booth dated
27 27 November 2009 and attachments (WIT.3004.029.0001) to
28 (WIT.3004.029.0033).

29 MS DOYLE: I seek also to tender the statement of
30 Mr Musselwhite, who it is not necessary to call, but
31 Mr Musselwhite is a fire service communications controller

1 also with a volunteer history in the brigade. His
2 statement attests to some of the sequence of events
3 relating to a number of these fires, but most particularly
4 the two small fires in Cranbourne that we have had a look
5 at. If I can tender the statement of Mr Musselwhite.

6 #EXHIBIT 607 - Witness statement of Craig Andrew Musselwhite
7 dated 27 November 2009 (WIT.3304.029.0041) to
8 (WIT.3304.029.0055).

9 MS DOYLE: Finally today, to complete the emergency management
10 picture, I call to give evidence Sergeant of Police
11 Ms Sheree Moore.

12 <SHEREE LORRAINE MOORE, sworn and examined:

13 MS DOYLE: I remembered as I was saying that, Ms Moore, you are
14 in fact now senior sergeant; is that correct?---No, I'm
15 still sergeant. I was upgraded at the time of this
16 incident.

17 You were upgraded prior to the incident?---Yes.

18 Thank you, Sergeant Moore. You have prepared with the
19 assistance of Victorian Government Solicitors a statement
20 detailing your events with the fires in the Narre Warren
21 area. Do you have a copy of that statement with
22 you?---Not with me, but I have refreshed my memory with
23 it.

24 We can make that available to you on the screen as
25 required?---Thank you.

26 Are the contents of that statement true and correct,
27 Sergeant?---Yes, they are, with a slight amendment to
28 paragraph 35.

29 Yes?---Just a typographical error. It refers to "Narre Warren
30 South" and it actually should read "Narre Warren North".

31 So in paragraph 35 it should say the Narre Warren North fire

1 had started up again?---That's correct.

2 With that correction, are the contents of the statement true

3 and correct?---Yes, they are.

4 I tender that statement.

5 #EXHIBIT 608 - Witness statement of Sheree Lorraine Moore

6 dated 26 September 2009 and attachments

7 (WIT.3010.007.0206) to (WIT.3010.007.0297).

8 Sergeant, you have been a member of the Victoria Police for

9 23 years and you are stationed at Narre Warren police

10 station performing the role of officer in charge of the

11 Casey-Cardinia crime desk. As you explain in your

12 statement in paragraph 3, prior to these fires you were

13 upgraded - I think there may be another typo we should

14 correct there. Were you upgraded on 28 December

15 2008?---That's correct.

16 Upgraded to the role of senior sergeant while the senior

17 sergeant in your area was on leave. During his absence

18 you were performing that role. On 7 February you took on

19 the role of MERC, but it is not something that you had

20 previously known you were going to do or been trained to

21 do?---No, that's correct.

22 In fact, you say in paragraph 7 of your statement you have no

23 formal emergency management training or training specific

24 to the role that you had undertaken because it is not your

25 normal role. As far as you understand it, the senior

26 sergeant who is usually allocated that role has of course

27 undertaken that training?---That's correct.

28 You were able, I assume, to draw on all your other ordinary

29 experience and your many years in the force but you had

30 not done the particular training that relates to the

31 management of an event like this?---Yes, that's right.

1 In paragraph 9 you refer to a coincidence in relation to the
2 fires in this area. Your husband, Mr Trotter, is the CFA
3 captain for Narre Warren North?---That's correct.
4 And he was involved particularly with the Narre Warren North or
5 otherwise known as the Harkaway fire on the day?---Yes.
6 On the 7th you weren't rostered to be on duty and I assume you
7 had had no particular notification about what you would
8 have to do on the day, but did it occur to you that if a
9 fire broke out you might have to take on the MERC
10 role?---Yes.
11 If we turn to paragraph 29 of your statement, you talk about
12 that morning. As I said, you were off duty, you were
13 watching the children play netball, but your husband,
14 Mr Trotter, had a radio scanner with him and he heard that
15 way about the fire that had broken out at Narre Warren
16 North?---That's correct.
17 That fire was close to your house, so you say in paragraph 30
18 you went home to check on animals and your husband had to
19 go and attend to his duties?---Yes.
20 In the morning did you call your husband to see what he could
21 tell you about the fire?---Not at that stage, no.
22 You were rostered to start work at 1 o'clock?---Yes.
23 And as far as you knew you were going to be working as sector
24 supervisor for the Casey police service area?---That's
25 correct.
26 By the time you began your shift at 1 o'clock, had you heard
27 from your husband about the progress of the Narre Warren
28 North fire?---Yes, I had spoken to him and he had
29 essentially told me that it had been extinguished.
30 You then received a message from region 5 requesting all
31 members on duty to remain on duty. Was that message

1 anything to do with any of the fire activity?---I don't
2 believe so. I think it was just a precautionary measure
3 just to keep members available just for the rest of the
4 day.

5 So you effectively started your shift in the window between
6 when the Narre Warren North fire was contained and safe
7 and when it reignited in the afternoon?---That's correct.

8 You were monitoring the radio at work and you heard, you say in
9 paragraph 35, that this Narre Warren North fire had
10 started up again and was heading along the creek. Now,
11 initially you worked in supporting Detective Senior
12 Sergeant Tyler to set up traffic management
13 points?---That's right.

14 Operating out of the Narre Warren CFA control centre. Up at
15 that stage had you had any information from the ICC about
16 this fire or what was required of you?---No.

17 You say you therefore sought some direction from your husband
18 and his knowledge about where the fires were. What sort
19 of information were you able to get from him in the early
20 part of your shift?---Just basically where the fire was
21 going, what the weather was doing with regard to the fire
22 and where it was expected to travel to, so that I could
23 implement appropriate management points to try and prevent
24 injury to people and keep them out of the area.

25 So the traffic management points you implemented in the first
26 part of the afternoon, were they solely based on the
27 intelligence you were able to get from your husband about
28 the path of the fire?---Yes, they were.

29 Did you or anyone else such as Detective Senior Sergeant Tyler
30 have any contacts at the ICC? Was there someone you knew
31 to call or were you having difficulty getting hold of a

1 particular person?---At that stage, no, I didn't have
2 anyone to contact down there.

3 At paragraph 39 onwards you list the traffic management points
4 that you established. You indicate that in the first hour
5 you had to move them a number of times because of the
6 speed of the encroaching fires?---That's correct.

7 So your statement explains the way that you moved them. What
8 sort of difficulties did this pose for you in terms of
9 ensuring your safety, the safety of other police officers,
10 but also safety of road users?---The biggest issue that we
11 had was that one of our traffic management points was in
12 direct line of fire and the problem was that that
13 particular point was an egress from Harkaway from a
14 cul-de-sac, so we had to essentially leave members in the
15 vicinity there because if people were then going to
16 self-evacuate we didn't want them going straight into the
17 firefront and we had to divert them away along the safest
18 route possible.

19 During these traffic management points that you refer to in
20 paragraph 39 and 40, were you still working on the basis
21 of the information solely coming from your husband?---Yes,
22 I was.

23 Was there a time during the day when you started to get
24 information from the ICC?---I had no communication
25 whatsoever during the day with the ICC.

26 Do you know whether any other officer either under your command
27 or superior to you obtained information from the
28 ICC?---I'm not sure. I can't answer that.

29 If we move over to paragraph 46 - - -

30 COMMISSIONER PASCOE: Just for clarification, was there a
31 police liaison officer at the ICC?---I believe at the

1 Pakenham ICC there was a liaison officer, but the problem
2 that we encountered was the fact that the Bunyip Ridge
3 fire was already an established fire and they were dealing
4 solely with that. Our issue with Harkaway was a matter of
5 resources and trying in the first hour to respond to that
6 and make it as safe as we possibly could before we then
7 moved on to that next planning stage.

8 It was really in relation to also the speed of the grass fire
9 and needing to move quickly. I'm just wondering if that
10 also meant that you used your wits, essentially, to - -
11 -?---Definitely had to think on our feet. Absolutely.
12 And we had to be fairly flexible with what we did because
13 it was very quickly changing.

14 CHAIRMAN: I have map 109 from Melway in front of me, and it
15 does look that on the eastern side of the Harkaway Road
16 there just are a series of in effect cul-de-sacs?---Yes,
17 there are.

18 Streets that just go off, and presumably you would have a great
19 concern about the capacity of people living on that road,
20 coming west and therefore having to come into the face of
21 the fire?---Absolutely.

22 So that's why your traffic management point dilemmas were
23 several and all coming together relatively at the one
24 time?---Absolutely.

25 MS DOYLE: I think that can be seen if we look at the first map
26 that was attached to Mr Brown's statement,
27 (WIT.3004.029.0140). I will just get that map. It is
28 actually part of a Melways page, but produced by the CFA.
29 This is a final perimeter map of the fire. It may not be
30 very easy for you to see, but are you able to indicate by
31 reference to that map the area which was causing you the

1 most concern in the early progress of the fire?---It was
2 the intersection of Harkaway Road and Robinson Road/King
3 Road that was the problem, because the fire was heading
4 directly up the hill and it actually reached that southern
5 boundary along King Road.

6 So we can see Robinson Road is the orange road that curves
7 around. Sorry, what was the other intersection?---King
8 Road and Harkaway Road.

9 That is the area where you are initially dealing with some of
10 these difficulties?---That's correct.

11 The cul-de-sacs that were concerning you?---King Road, Baker
12 Road and Noack and Rowallan.

13 During this sequence of events when you were establishing and
14 then moving traffic management points had anyone
15 officially or formally said to you, "You are now acting as
16 the MERC"?---No.

17 Was that information given to you any time during the day?---It
18 was between 7, 7.30 I received a telephone call from
19 Senior Sergeant Hengel advising me that the MECC was to be
20 opened. So then I left the Narre Warren North CFA and
21 went to the MECC.

22 We will just return to your statement then. At paragraph 45
23 onwards you recount there the word and the information
24 that was coming in about particular fires. At paragraph
25 46 you say, "For a while there was general confusion
26 regarding the fires and where they were. Initially
27 everyone believed that there was one fire in the area
28 however, it became clear there were many fires to deal
29 with." Again up to this stage, and this is after
30 6 o'clock in the evening, were you still dependent on the
31 information from your husband?---Pretty much, yes.

1 Did you know who the police liaison officer was at the

2 ICC?---No.

3 Did you hear from them during the day?---No.

4 You say in paragraph 48, "At this time there was no

5 demonstrated need for the MECC to be opened. The fire

6 that had started earlier in the day had been put out

7 quickly. In retrospect it appears the need was

8 established once the fire took the houses on Langbourne

9 Drive." Is this a view you have effectively formed in

10 hindsight; namely, given how serious the fire was and its

11 impact, opening the MECC earlier may have assisted?---Yes.

12 In any event, you didn't get any formal notification you should

13 open the MECC until 7 o'clock. This is something you

14 refer to in paragraph 52. That's the phone call you

15 referred to a moment ago?---Yes.

16 Just above that at paragraph 50 you indicate you found it

17 difficult to get information from the CFA. You did speak

18 to the deputy incident controller and you say he was

19 reluctant to give you information. Did you gain a feeling

20 as to the source of his reluctance? Was it a time

21 pressure or was there some issue about what he was able to

22 tell you?---Mr Keen was assisting Arthur Haynes, who was

23 the incident controller. Arthur was obviously looking at

24 prediction maps and other sources of information. We felt

25 that it was imperative that we be included in that

26 information sourcing so that we could safely assess where

27 our TMPs should be for our members and to find out what it

28 was that they were actually doing. Never received any

29 instruction from Arthur as to what he wanted us to do in

30 relation to assisting them with that aspect.

31 I take it from what you say you didn't get any predictive maps

1 during the day?---The only predictive map I saw during the
2 day was one that said the fire had reached Wellington
3 Road. That caused me a great deal of concern because
4 I had members down at the intersection of Harkaway Road
5 and Boundary Road, which meant the fire would have
6 essentially engulfed them. I quickly made a phone call to
7 them and ascertained that the fire hadn't reached that
8 far. So I brought that to Arthur's attention. At that
9 stage they then did an aerial fly-over to try and
10 establish where the fire in fact had reached.

11 We touched on the phone call you got from Senior Sergeant
12 Hengel. Senior Sergeant Hengel was on leave and called
13 you and requested that you open the MECC. Again this is
14 another matter of hindsight, but would it have been
15 preferable that in the senior sergeant's absence there
16 were formal arrangements in place about who would act as
17 the MERC and at what stage in a developing fire a MECC
18 would be activated?---Yes, that would have been helpful.

19 You refer in paragraph 56 to the events later in the evening.
20 You became aware that Senior Sergeant Spicer requested
21 Constable Finnerty and Senior Sergeant Stokes to attend
22 Langbourne Drive to see whether the members of that
23 community who had been affected needed accommodation.
24 They learnt from bystanders there that looting had already
25 taken place at that vicinity, and a crime scene was
26 established. Are you able to shed any more light on that?
27 Is there any information about the circumstances in which
28 looting occurred?---No, I have no further information in
29 relation to that. We did organise fencing through the
30 MERO to try and assist the members that were at the crime
31 scene, given the range of the scene.

1 Moving on to paragraph 60, you note there that there was some
2 confusion regarding the roles that each team should take.
3 You indicate that the MECC in a sense became a version of
4 a mini police operational command centre and also was
5 attempting to assume a welfare role for members. What are
6 the issues that emerged from that for you and how could
7 things have been done better in that regard?---One of the
8 issues was the fact that the MECC role was obviously
9 caught up with a POC so we couldn't concentrate on that
10 solely. It was a resourcing issue in that we didn't have
11 at Narre Warren the facility for our own POC and we didn't
12 have the staff to man it at that stage. All our planning
13 for 7 February was unfortunately geared towards the Bunyip
14 Ridge fire and the event of a fire up that way. We were
15 of the belief that Casey is a residential area and that we
16 would not be ensconced in a wildfire of the nature that we
17 actually were. So that is something that we have learnt
18 from and we identified that with a debrief. Lots of
19 things have been put into place to make sure that in the
20 event of a repeat that things would be done differently,
21 and there would be a POC and the MECC role would be
22 completely separate from that.

23 One of the other statements I have tendered in these
24 proceedings refers to the fact that there is now an
25 initiative to, for example, patrol high-risk areas within
26 the shire that may pose a greater arson risk at particular
27 times than others. That sounds like one initiative that
28 has emerged. You have just spoken of a debrief. Are
29 there any other particular steps or changes that are going
30 to be taken in order to ready your members for the event
31 of a fire in their area?---All our members have been

1 instructed to complete wildfire DSE training which is
2 on-line.

3 And you have done that since the fire?---I have done that since
4 then. I have also attended and completed an ICCS training
5 just to develop my ability now as a deputy MECC.

6 One other matter you note in your statement at paragraph 64 is
7 you also had no contact with the DERC, the divisional
8 emergency response coordinator, on the day. You didn't
9 know who was holding that role and you didn't have any
10 contact with him?---That's correct. I omitted to look at
11 the allocation sheet correctly.

12 The sorts of changes you have just referred to, is it your view
13 that they will assist you and others who take on emergency
14 response roles in dealing with any fire in the area in the
15 future?---Yes.

16 I have no further questions for Sergeant Moore. Are there any
17 questions arising?

18 COMMISSIONER McLEOD: Do you have any sense of the level of
19 awareness of residents in the area as to the possible
20 impact of bushfires?---I am aware that the residents of
21 Harkaway have formed a Harkaway action group. I have
22 actually been to a couple of meetings - - -

23 This is post the fires?---This is post fires.

24 What about pre the fires?---They did have briefings. I know
25 that my husband went to a couple of community safety
26 briefings up there. I am aware that they were impacted by
27 the Ash Wednesday fires. So a lot of the residents are
28 long-term residents and they have had experience with the
29 Ash Wednesday fires. But I think they have identified the
30 need to actually do a little bit more themselves with
31 regard to the fact that they do live in a cul-de-sac area

1 and there is only one way out for them. I believe they
2 have now got a communication evacuation tree. So that
3 will hopefully assist us if we ever find ourselves in the
4 same situation to actually evacuate quickly and safely.

5 <CROSS-EXAMINED BY MR LIVERMORE:

6 Sergeant, my name is Livermore and I represent the State of
7 Victoria, which includes Victoria Police and the CFA.
8 Just in relation to paragraph 50 of your statement where
9 you say you found it difficult to glean any information
10 from the CFA and you refer to speaking to Shayne Keen, you
11 are not suggesting in paragraph 50 that he had information
12 which he kept from you but rather he was not able to
13 provide you with the information you were
14 seeking?---That's correct.

15 And it was a very volatile and fast-moving situation on the
16 afternoon, wasn't it?---Absolutely.

17 MS DOYLE: There are no matters arising. I ask that Sergeant
18 Moore be excused.

19 CHAIRMAN: Yes. Thank you, Sergeant. You are excused.

20 <(THE WITNESS WITHDREW)

21 MS DOYLE: That then completes the evidence in relation to
22 Narre Warren. Before we rise for the day can I just
23 address one matter. Commissioners, late yesterday in
24 answer to a question from Commissioner Pascoe Mr Smith
25 made some observations about mentoring and training in the
26 CFA. In that context at transcript page 12885, when
27 Commissioner Pascoe asked him about the process of
28 mentoring, he said: "One of the things that really worries
29 me at the moment, I guess, with where the CFA is at, is of
30 course as an employer they have a formal enterprise
31 bargaining agreement with their union and part of that is

1 that volunteers are not in any way permitted to provide
2 operational training to career staff. That really means,
3 and in recent times I had an opportunity to go and do some
4 wildfire training for career staff, but I couldn't do that
5 because I'm a volunteer and I'm not a union member."

6 Now, I have had the opportunity overnight to
7 consider that response and to have recourse to the current
8 operational staff agreement or enterprise bargaining
9 agreement between the United Firefighters Union of
10 Australia and the CFA. I think it is incumbent on me just
11 to make a brief remark about that.

12 Enterprise bargaining agreements are of course
13 detailed and to a degree technical documents. The
14 operational staff agreement is an agreement between those
15 two entities but has been certified and is an industrial
16 instrument. It is publicly available in that context.

17 The document is obviously detailed. It is open
18 to interpretation. But it seems from Mr Smith's evidence
19 that he was suggesting the EBA poses a bar to both
20 volunteers and/or non-union members providing training.

21 I note that the EBA deals in detail with
22 the question of training and interestingly mentoring as
23 well. There are many provisions in relation to training
24 and a number of them proceed on the basis that training is
25 to be delivered in accordance with the Australian
26 qualifications training framework standards for registered
27 training organisations, of which the CFA is one.

28 It seems from my reading of the EBA that it
29 imposes certain minimum standards both in terms of the
30 content and quality of training but also the accreditation
31 of the trainers who provide it. It could not be said that

1 there is a bar in the enterprise bargaining agreement on
2 non-union members providing or engaging in training.
3 Indeed it would be arguable that that would constitute a
4 breach of our Workplace Relations Act if it did.

5 As to the other matter suggested by Mr Smith,
6 I should indicate that clauses 47 and 48 of the enterprise
7 bargaining agreement deal in detail with matters of
8 training and the provision of instructors. It is
9 indicated that the parties, that's a reference to the
10 union and the CFA, agree that a number of matters will be
11 the subject of consultation between them, and one of those
12 matters will be the number of paid employees who will be
13 required to deliver training to volunteer firefighters and
14 officers. Another is the provision of paid operational
15 training and assessment by other persons or organisations
16 with expertise not held by employees covered by this
17 agreement.

18 It then goes on to identify a number of issues in
19 terms of payment of trainers and the basic standards in
20 relation to trainers. There is a clause 48.2.2 which
21 says, "All instructor positions will be advertised
22 internally and filled by career firefighters and officers
23 who meet the agreed selection criteria for the position."
24 It is possible that Mr Smith had in mind a provision like
25 that which indicates that paid instructor positions are to
26 be advertised and filled by career firefighters. But that
27 other clause I just mentioned tends to suggest that the
28 parties are still discussing matters, including the
29 provision of training by people with expertise not held by
30 employees covered by the agreement.

31 This is the 2008 agreement. Its predecessor

1 I think made other provision in relation to training.
2 That is the current agreement in that form. As I say,
3 what ought to be noted is that Mr Smith was clearly giving
4 his genuine belief about the way the system operates, and
5 there may be many reasons for which he has gained that
6 impression. But what ought to be noted is the agreement
7 certainly contains no bar to non-union members engaging in
8 or providing the training.

9 Otherwise the document has a number of detailed
10 provisions which can be accessed in that enterprise
11 bargaining agreement for 2008 should anyone wish to have
12 recourse to it. I don't know if there is anything else
13 that Mr Livermore wanted to add.

14 MR LIVERMORE: Just briefly. We don't cavil generally with my
15 friend's analysis other than we think the most likely
16 explanation for Mr Smith's misunderstanding is that for
17 about six years prior to the new 2008 EBA the UFU needed
18 to agree on who could be a sessional instructor, and we
19 think that that's probably the reason why Mr Smith
20 misunderstood the current situation.

21 MS DOYLE: That was the only other matter that I wished to
22 address, and that therefore concludes the evidence in
23 relation to those two other strands of evidence.

24 CHAIRMAN: At the moment we are resuming at 9 am tomorrow with
25 a number of matters, including as to Delburn and systemic
26 issues.

27 MS DOYLE: Yes.

28 CHAIRMAN: We will adjourn now until 9 tomorrow.

29 ADJOURNED UNTIL FRIDAY, 11 DECEMBER 2009

30

31