
TRANSCRIPT OF PROCEEDINGS

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2009 VICTORIAN BUSHFIRES ROYAL COMMISSION

MELBOURNE

WEDNESDAY 10 JUNE 2009

(20th day of hearing)

BEFORE:

THE HONOURABLE B. TEAGUE AO - Chairman

MR R. MCLEOD AM - Commissioner

MS S. PASCOE AM - Commissioner

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1 CHAIRMAN: Yes, Mr Rees.

2 <RUSSELL REES, recalled:

3 CHAIRMAN: Take a seat while we wait for Mr Rush to tell me
4 what we are about.

5 MR RUSH: I'm going to use those three or four minutes
6 I foreshadowed yesterday, and then I understand at
7 presently informed there are probably two to three hours
8 of examination of Mr Rees.

9 CHAIRMAN: Yes.

10 MR RUSH: Mr Rees, yesterday before lunch you referred to notes
11 which you provided a copy of over the luncheon break which
12 are entitled "Actions of Russell Rees on 7 February 2009
13 taken from the draft statement of 23 April 2009". Do you
14 have that in front of you?---Yes, I do.

15 It is at (WIT.004.004.0001). At paragraph 16 on page 3 you
16 have set out a chart of the number of incidents reported
17 and the major fires that developed?---Yes.

18 Just in relation to clarification, the number of incidents
19 reported there are incidents coming through the 000 number
20 that required attendance at fires by CFA units?---Correct.
21 It proceeds through 000 through to ESTA and ESTA has
22 determined that they are an event for which a response is
23 required and therefore it is transferred to CFA.

24 So when we look at incidents reported, they are not necessarily
25 fire incidents, they are incidents that required the
26 attendance of CFA to determine whether it was a false
27 alarm or a fire or whatever?---Everything, Mr Rush, from a
28 motor vehicle accident through to, and it is important
29 some of them would be multiple calls to the same fire, but
30 the call taker could not determine that they were in fact
31 the same incident, and therefore they were passed on.

1 Then in the third column you set out the major fires that
2 developed over the course of the day?---Yes, that's right,
3 remembering that Bunyip is in fact a fire the day before
4 or the days before.

5 In paragraph 17 you refer to the major fires and in essence
6 they became the focus of your attention as they occurred
7 during the course of the day?---Yes, along with that issue
8 that's mentioned in that dot point 4, which is the state
9 reserve capacity. So given the major fires and given the
10 resource deployment, the reserve capacity that we would
11 have to deal with a new fire was also a focus.

12 So you set out the dot points and you say that your aim was to
13 ensure the key strategic decisions occurred relating to
14 effective incident management arrangements, effective
15 regional coordination, effective strategic resource
16 deployment, effective state reserve capacity and liaison
17 and briefing of key personnel from other agencies?---Yes.

18 I just raise it, but nowhere there is about the key role of the
19 IECC in relation to providing information to
20 communities?---Mr Rush, I'm setting out my role,
21 I appreciate not the role of the IECC, and also I see the
22 effective incident management arrangements include in part
23 the issue of warning and community information.

24 So while you weren't to ensure key strategic decisions relating
25 to those matters, did it involve ensuring that those
26 strategic decisions included proper warning to communities
27 in relation to the fires?---My answer to that is I include
28 that in the general view of things including the
29 development and strategies for containment of the fire.

30 I see my role as not being involved in determining the
31 strategies, but ensuring that the structures and systems

1 are in place to make that happen.

2 I need to understand just what that involves, that answer. Did
3 it involve an oversight as one of the key strategic
4 matters that you had in consideration to ensure that
5 warnings were properly given to communities?---Not
6 directly. It is part of the overall view.

7 At paragraph 19 you refer to a map that you had on the wall in
8 your office and you progressively hand drew the location
9 of fires as they developed on that map?---Yes.

10 So I take it what you are referring to there is the major
11 fires?---Yes. Quite simply I would just mark on the map
12 where the fires were so I had a geographical perspective
13 across the state as to where events were, and they were no
14 more than circles or rough drawings.

15 You referred yesterday to your prediction of the Kilmore fire.
16 Did that go on to the map that was in your office?---Not
17 really in any great detail, Mr Rush. It is a map of
18 Victoria like that, and quite clearly I would not be able
19 to draw a predictive map at that size. However, I was
20 able to see in my mind and work through my view about
21 that, what I would call a rough prediction about where
22 I thought that fire might go.

23 Where is that map now?---I don't know. I say that not from the
24 perspective that I came into the office some days after
25 the fires and it was not there. I inquired where it had
26 gone and I didn't know. No one has been able to find that
27 map. I am not sure whether it got handed up with the lot
28 of maps that were drawn, that were provided as part of the
29 evidence, but I can't find it. All I can assume is that
30 someone has cleaned the office and either it has fallen
31 off and they got rid of it, but I was personally quite

1 concerned that that map disappeared. It was a frame of
2 reference for me on the day.

3 I just formally make a call for the map produced over the
4 course of 7 February by the chief fire officer in the
5 IECC?---Could I make the point, Mr Rush, I am quite
6 deliberately not saying to you - I was very concerned that
7 that map - - -

8 You indicated that it may have been bundled up into a whole lot
9 of other things?---I don't know where it is. I have been
10 unable to find it.

11 Mr Rees, one of the reasons you give in that paragraph for the
12 map was being able to quickly brief people as to strategic
13 deployment?---Yes.

14 Critical to strategic deployment would be prediction of where
15 the fire was going to go?---Yes, but also the issues of
16 the relationship of each of the fires to each other, in a
17 geographical sense the physical layout of the State of
18 Victoria, where our bulk of our resources were available
19 were already deployed relative to those fires. So not so
20 much the prediction of the actual size or extent of the
21 fire, but more about the physical presence of those fires,
22 and to some extent the degree to which the fire would
23 continue into ensuing days.

24 But surely if you are having a responsibility to deploy
25 resources across the state, critical to that deployment is
26 going to be a prediction as to the fires, the major fires
27 that you know about and have a responsibility to attempt
28 to control or suppress?---Yes.

29 And therefore the predictive nature or the prediction of that
30 fire surely becomes a critical issue in relation to that
31 deployment?---Yes, it does, but it is a general

1 prediction, a general realisation of how big or how long
2 that event is likely to run.

3 How long the event is going to run is part and parcel of the
4 prediction for the fire, is it not?---Yes, and predictive
5 mapping is largely about the geography that the land is
6 going to cover, but for me it was also about a
7 determination of, if the fire was going to be likely to be
8 contained into the evening, what our resources were
9 thinking about the following days and the days on, because
10 part of my role is not just about the day, it is also
11 about thinking into the future and the concern about which
12 fires were going to need a long-term campaign effort
13 versus those that were, by the cooler weather of the 8th,
14 those that were really going to be in what I might call
15 clean up mode, you know, split fires stopped and really
16 blacking out.

17 But the 7th of February, as you have continually described it,
18 was a day that was expected to and became one of the worst
19 fire days in a generation?---Yes.

20 Surely the prediction of fire and the deployment of resources
21 for that fire on that day - I withdraw that. Surely the
22 prediction of the fire was essential in relation to
23 deployment of resources on the day?---To the degree that
24 I needed a prediction to determine those factors, I felt
25 I had enough knowledge to do that, yes.

26 As you told us yesterday in relation to that deployment of
27 those resources you did not use a prediction map?---No.

28 We heard yesterday about the Kinglake tanker fighting its way
29 back to Kinglake well into the evening. That tanker, for
30 example, had been put as a resource to fight the southern
31 spread of the fire. You may or may not be aware of

1 that?---When we realised that - I'm not responsible for
2 deploying every single tanker, you would well understand.
3 We are putting literally thousands of vehicles into the
4 field and it is the responsibility of the local
5 arrangements, the local incident management arrangements
6 to determine where vehicles go and what they do.

7 When we come to examine, as we will, in the next block of
8 hearings, the deployment that took place in relation to
9 the fires, and here I'm asking again specifically about
10 the Kilmore East fire, will we find that there was
11 deployment having regard to the anticipation of the front
12 and what the front would do in relation to the Kilmore
13 East fire?---I can't answer you that question right now.

14 From your perspective on a general basis did you deploy
15 strategically as you have identified here, units,
16 resources in anticipation of what would happen when the
17 front hit the existing fire?---Mr Rush, I'm not operating
18 at that level. I'm operating at a state strategic level.
19 It is an incident management and a regional coordination
20 responsibility to determine those factors in relation to
21 the individual fires.

22 But how can you operate at all on that basis if you are not
23 aware of what is required on an hour by hour basis to
24 fight the fires?---Because that information comes as part
25 of the deployment of resources through regions and their
26 requirements, and I am simply concerned to provide in an
27 overall state wide sense where resources - I'm not talking
28 one or two vehicles; I'm talking how our entire fleet is
29 being used. That's the level I'm operating at. I'm not
30 operating at individual fleets or individual vehicles or
31 individual strike teams. I don't operate at that level.

1 That's the responsibility of the incident controller, the
2 regional coordinator and where we want to move resources
3 around we have a process of doing that on request. To
4 give you an example - - -

5 I don't need an example. I will ask you another question on
6 this point. I'm not putting it to you on an individual
7 tanker basis or an incident control basis. I'm putting it
8 to you generally, and I'm putting it to you you cannot
9 organise around the state if you are not aware of what is
10 happening or going to happen with your major fires?---No,
11 I would agree with that point, Mr Rush. But what I'm
12 saying is that as far as I was concerned for the level
13 that I was working at I did know what was happening with
14 those major fires as much as the information systems were
15 giving me.

16 There are two other matters I wish to go to, Mr Rees. Can
17 I tender, Commissioners, the document headed "Action of
18 Russell Rees, 7 February 2009".

19 CHAIRMAN: Yes.

20 #EXHIBIT 75 - Document headed "Action of Russell Rees,
21 07/02/2009."

22 COMMISSIONER McLEOD: In respect of that exhibit, if I could,
23 Mr Rush; Mr Rees, you mentioned that the number of
24 incidents reported under the subheading of "Fires ignited
25 on 7 February" in that exhibit that the incidents referred
26 to the discrete number of incidents - separate incidents
27 that came out of 000 reporting, and that some of them
28 would have referred to fires, but others would have
29 referred to other non-related, other non-fire related
30 incidents?---Yes.

31 Is that correct?---Yes.

1 Would you mind providing us with a revised table which just
2 indicates the number of fire incidents reported as
3 distinct from all incidents?---We do have some
4 information. We can provide that.

5 I would have thought from the process you follow of discretely
6 identifying separate incidents it would be easy to go down
7 the list and identify those that referred to fire?---Yes.
8 That's correct. The other thing that's important is that
9 when 000 reports a call, gets taken up by the CAD centre
10 and a response occurs, what the response is not always
11 what's found.

12 I understand that?---So we will have details of what was found
13 for those responses.

14 To refine my request, if there are particular incidents that
15 are created on your list which on inspection turn out to
16 be false alarms, or perhaps a reference to another
17 incident such as smoke over the horizon that has already
18 been identified as an incident, a discrete incident
19 earlier, you know, some footnotes might help us to
20 understand how many discrete fires were reported on that
21 day?---Yes, we can provide that.

22 Thank you.

23 MR RUSH: One matter I meant to take you to yesterday, Mr Rees,
24 and I briefly do it now, is a paper that was prepared by
25 Mr Carson for the 2004 Australian Fire Authorities Council
26 conference. It is at (SUMM.036.002.0257). I think copies
27 were provided yesterday. Mr Carson was employed by the
28 Country Fire Authority, was he not?---Yes, he was.

29 What was his position?---I'm not sure his exact role, but he
30 was certainly involved - he had a variety of roles and he
31 was involved heavily in the community information and

1 development of the community information area in the
2 community safety directorate.

3 If we just look at the introduction to this paper, he points
4 out I suggest what was known, "A large proportion of
5 residents living in areas of high wildfire risk in
6 Victoria did not attend wildfire preparedness programs
7 offered to them annually by emergency services, land
8 managers and municipalities. These programs represent the
9 sole community intervention delivered by these agencies
10 aimed at encouraging development of higher preparedness
11 among members of the public, and although adoption of
12 preparedness measures varies across the community, in
13 realistic terms, there are only two interventions that
14 could assist the ill prepared in protecting their lives
15 and property during the onset of wildfire; most obviously,
16 the suppression activity of the wildfire combating
17 agencies; and most importantly, the flow of information,
18 warnings, and advice to those at risk. The former
19 represents the traditional role of fire agencies, the
20 latter an opportunity as yet poorly understood." Have you
21 seen this before?---It has been some time since I have
22 seen this paper. I'm just trying to recall whether I was
23 at the conference presentation that this was made. I just
24 can't recall it.

25 Over the page, and I don't intend to read them, but he sets out
26 the responses that - the various responses that could be
27 anticipated from the community in relation to the way in
28 which they will react to the message of stay, defend, go
29 and sets out from stay with the home and defend it to
30 leave, to wait for a fire, and comments again the
31 implication of this is vital. "Many of the people most at

1 risk, those least prepared, are waiting not for the smell
2 of smoke, but for cues such as local emergency service
3 activity, the arrival of embers, or even the site of
4 flames, and are therefore responding at the last possible
5 moment. This may occur in the path of the fire and at the
6 time of highest possible risk to their life. In this
7 context the objective and motivation for information flow
8 is clear." Is that a proposition that you would accept,
9 Mr Rees?---I would.

10 MR RUSH: I tender that document.

11 CHAIRMAN: That will be exhibit 76.

12 #EXHIBIT 76 - Paper prepared by Mr Carson for the 2004
13 Australian Fire Authorities Council conference, at
14 (SUMM.036.002.0257).

15 MR RUSH: At 0260 he refers to firstly the necessity of that
16 information being timely, referring as a marker to the
17 fire danger index, over 35. "Direct attack is unlikely to
18 succeed. There are residents or significant assets under
19 threat and the initial request for tanker exceeds 15", and
20 it speaks of that, concerning the escalation of the event.
21 Then under the next heading he makes again the point for
22 accurate and relevant information, noting, "The classic
23 advice that many emergency services issue at the time of
24 ignition of wildfire is to 'put your bushfire plan in
25 place' or to 'activate your bushfire safety plan', but
26 both these messages are inadequate if you accept that a
27 large portion of the population will either have no plan,
28 or will have a plan that we might consider ill-advised.
29 Advice issued needs to be specific for those hearing it."
30 Again, do you agree with that comment?---Yes.

31 Finally, in the conclusion at 0261, just prior to the paragraph

1 headed "Acknowledgments", it states, "There can be no
2 doubt that information flow is part of the fire services'
3 core business during a wildfire. Information flow to
4 those at risk is not a nice to do, nor is it an optional
5 extra, it is a vital and central part of the incident
6 action plan. Its objective is the protection of life and
7 property when suppression cannot achieve it." That comment
8 made in 2004 was equally relevant and valid in 2009, was
9 it not, Mr Rees?---And I would like to say it remains so,
10 yes.

11 Finally, Mr Rees, a document that came to the Royal Commission,
12 to the attention of the Royal Commission very, very
13 recently is a document entitled "Review of the integrated
14 emergency coordination centre and its functionality in
15 April 2009". Are you aware of that document?---I'm aware
16 of it, Mr Rush. Do you want me to talk about it?

17 Have you read it?---No, I haven't read the detail. I have been
18 briefed in summary about the report and I haven't read it
19 in enormous detail.

20 You were interviewed, were you not in relation - - -?---Yes,
21 I was.

22 And it is a debrief, is it not, adopted by an outside firm in
23 relation to the operation of the IECC?---No, what the
24 purpose was, was as you may - I think most people are
25 aware, in the "Living with fire" strategy that was
26 proposed it was proposed that we develop an IECC or we
27 fund the further development of an IECC. It had been
28 developed - that proposal had come as a secondary option
29 from the proposal that came out of the '02/'03 VBI report,
30 Victorian Bushfire Inquiry report, that then led to a
31 feasibility study which was also done by Sinclair Knight

1 Merz. That feasibility study came up with the proposal
2 that essentially was at enormous cost, and it looked like
3 it wasn't going anywhere because of the funding issue.
4 However, the fire services, particularly CFA and DSE, were
5 very concerned to try and make something happen. It was
6 our view that it was appropriate. So we proceeded down
7 this path of this trial. During the major fires I was
8 approached, along with others, by one of the deputy
9 Commissioners of OESC that it would be an ideal
10 opportunity to bring in the same people to look at how
11 this IECC was functioning in a trial sense, so while it
12 was set up and operating, and try and draw some outcomes
13 from both the operation and the physical limitation issues
14 that occurred in this facility, recognising we are in a
15 temporary environment. So OESC engaged these people,
16 brought them in. They went around and interviewed a
17 number of people, literally while we are on the floor,
18 looked at the operation, the issues, and prepared this
19 report. I haven't had time to go through this report in
20 detail. I know some officers in CFA have, but I haven't.

21 Mr Rees, all I asked was it takes and relies on the debriefing
22 method in relation to the conclusions and matters that are
23 raised; in essence a debrief of those interviewed as to
24 the functionality, to use a word, of the IECC?---It may be
25 the way you are using the word "debrief". I don't see it
26 as a debrief. I see it as an independent review.

27 In the same way as Mr Ross Smith did an independent review by
28 debriefing in relation to the 2006/2007 fire?---Yes,
29 I accept that, if you want to put it that way.

30 This document bears a date 27 April 2009; that's right, is it
31 not?---Yes.

1 You have referred in your statement to the IECC, the
2 functioning of the IECC?---Yes.

3 And how it functioned on the day. Did you not think it might
4 be an idea to refer to this review of its functioning or
5 bring it to the attention of people?---I can't recount why
6 I didn't do that.

7 So is the position that you haven't read it?---I admit to
8 having skimmed the report, having some discussions about
9 the report with a number of people, but that is all.

10 MR RUSH: Commissioners, I have only had this for 45 minutes.
11 I would seek to defer any examination until after the
12 examination of Mr Rees takes place, if it be necessary,
13 but I do want the opportunity of having a look at it.

14 CHAIRMAN: Yes.

15 MR RUSH: They are the matters.

16 CHAIRMAN: There are two matters that I would like to take up
17 with you, Mr Rees, at this stage. One concerns the
18 importance that the Country Fire Authority places upon the
19 saving of human lives, how important is that in the CFA's
20 scheme of things?---I first of all go to the CFA Act which
21 it talks about prevention and suppression of fire and
22 protection of life and property. So that's there. The
23 second point goes to what we call the state fire control
24 priorities. This year I have actually initiated a review
25 of those state fire control priorities, but if I deal with
26 them in the main. The first priority is firefighter
27 safety, and CFA and indeed all firefighting services don't
28 shy away from the fact that the first priority is to keep
29 our emergency services workers alive. The reason for that
30 is they can't save lives if they themselves are in a
31 situation of peril. And it is also to deal with this

1 issue that if we don't put that as the highest priority
2 you run the risk of the people themselves feeling they
3 have an obligation to put themselves at such risks for
4 others that they put themselves in peril. The second is
5 the protection of the community and the community's
6 assets. So it is the second priority, short of the
7 protection of firefighters themselves. The third is
8 critical infrastructure and critical assets. The fourth
9 is new starts. You deal with the fire you have got and
10 then you deal with any new starts to try and keep them
11 small. The fifth is environmental and cultural values.
12 So it is very clearly second priority, but second priority
13 only in the sense that firefighter priority comes first.

14 Can I just go back then to those first and second priorities.
15 Why would it not have been thought that the highest
16 priority should be given to the saving of human lives with
17 firefighters lives perhaps put above the lives of other
18 people?---That's one of the reasons why I initiated that
19 review because sometimes I think people start over
20 time - they were written in 2003, and I think over time
21 the language starts getting interpreted in different ways,
22 and in some respects needs to be thought about in a
23 different way. I think the review that has been
24 undertaken which I initiated this year inside CFA and has
25 been now working its way through in partnership with DSE,
26 is saying that we think it is sort of right but - when
27 I say it is sort of right, it is a language issue that we
28 have to look at and also our teaching. Clearly the issue
29 of keeping people alive is vital to our business. It
30 materialises itself in more ways than just bushfire in our
31 firefighting, or in the emergency services sector. The

1 difficulty of course is that can we save every life, and
2 I'm not sure of the answer to that.

3 Can I bring you back then, that what you are saying is you
4 would agree with the proposition that the highest priority
5 of the CFA should be the saving of human lives,
6 firefighters and others?---Yes.

7 And other matters, such as the suppression of fire, the
8 protection of property, the protection of infrastructure
9 all should be subservient or lesser priority than the
10 saving of human lives, firefighters and others?---The
11 dilemma with taking that approach and reading it totally
12 into strategy is that you come at firefighting then from a
13 totally defensive approach. So one of the ways to protect
14 human lives is to get in and put a fire out quickly so it
15 doesn't get big. So you have to balance that strategy or
16 that priority within a strategic approach that is done
17 with that in mind. I go back to the Barber report of '77
18 where Barber said too much time was spent by fire trucks
19 around houses and not enough putting the fire out, but if
20 they had actually got in and put the fire out, then less
21 houses would have been involved. And that is the
22 beginnings, or not so much the beginnings, but that is the
23 reinforcement of the community part in doing this and the
24 limitation. But I have no qualms with your approach.

25 It strikes me in reading the CFA materials and the AFAC
26 materials generally in relation to the prepare, stay and
27 defend or go early policy that almost nothing is put in
28 there about saving human lives. Would you agree with
29 that?---I would suspect explicitly, you are asking me to
30 memorise - - -

31 No, casting your mind back, I'm not going to take you to a

1 particular - but I have looked at the particular things
2 and what I find is that there is reference to keeping
3 people safe or risk to people or ensuring community
4 safety, but there's - - -?---That goes to the point that
5 I made some time earlier, I think our language has to get
6 somewhat - I use the term more brutal, but really quite
7 specific, and I think sometimes to the TAC type approach
8 where it is quite specific, however the dilemma you end up
9 with is you end up just getting more and more graphical,
10 more and more brutal: I think we have to get much
11 more - I will use a thing - hit the nail on the head quite
12 hard in some of our language to try and get that message
13 across.

14 The second one is also a matter of language, but it relates to
15 the way in which you describe fires or bushfires. You
16 routinely have used the word "bushfire". You don't use
17 the word "wildfire"?---I don't like the term wildfire. It
18 is actually halfway between bushfire and the American term
19 of wildland fire. Firstly, wildland fire does not
20 appropriately describe Victoria's environment because
21 Victoria, indeed most of Australia's environment, the,
22 what I will call the landscape fires, so I will use a
23 completely different term, those fires actually don't burn
24 in wildlands, they actually burn in populated areas as
25 well as the American term for wildland. I think wildland
26 fire is wrong. I think wildfire is a derivative of that.
27 I don't like it. Bushfires have a problem in that we tend
28 to have a notion of what the bush is. So I like the term
29 a grass fire or a bushfire. But what do you call
30 something that does both? So you will find some of our
31 training manuals talk about wildfire, the subject is

1 wildfire. I think the Australian term bushfire, whether
2 it is a grass fire or a bushfire or a scrub fire or a
3 heath land fire is probably a good enough description for
4 the public.

5 Okay, moving on from there to the question of how on the
6 website you describe fires, perhaps you could indicate
7 what you normally have as the shorthand description, small
8 going, contained, controlled, whatever, what are
9 they?---I will go by memory. A spot fire is a fire that
10 is literally a spot, usually less than one hectare. They
11 have classifications, and the classifications are relating
12 to size. Large is generally about - I don't want to be
13 caught out here, but it is somewhere from 50 to 100 and
14 above is a large fire. A small and medium fire is - a
15 small fire is up to about 10, 10 to 50 would be medium and
16 there above. It doesn't take much in these - the
17 conditions of 7 February, but even in this drought
18 environment for the fires to become large by definition.
19 This is one of the areas that I think bears thought in
20 terms of the transference of what I will call fire service
21 parlance, because that parlance is for the benefit of us,
22 into the public arena. I think it is very easy for the
23 public to understand spot. It sort of has a notion of a
24 little fire. It is probably easy for the public to
25 understand large. But what's in the middle. But I have
26 to also say that if you are sitting at your house and a
27 fire is coming, and for your entire horizon you see fire,
28 that's probably a large fire to you, and yet
29 geographically it may only be over 20 or 30 hectares.
30 In your statement you refer - you tend to have two words that
31 you use for fires, going is one?---Yes.

1 Why do you use "going" and why isn't that one that's used in
2 the public context?---Again, there's a definition of fires
3 that it relates to its status, and status is, "going"
4 means a fire not under control. "Contained" is the next
5 level. Contained means that the fire is not growing any
6 more on its perimeter, however there is fire inside. Then
7 it goes to "under control", which means the perimeter is
8 contained, and the fire is considered unlikely to hop out.
9 Even the term "hop out" sort of is a bit colloquial, if
10 you understand me, to "break out". And in the next level
11 - and DSE by the way split that into two standards, and
12 CFA tends not to, but the definitions are the same. Then
13 there is "safe", which means the fire is considered - in a
14 sense that it is not going to go anywhere into the future
15 and we are into patrol mode. So they are definitions in
16 the way we describe fires.

17 Going then to the next level you use the word in your statement
18 and you have referred to it this morning as "major fires".
19 What is it that takes something from being a large fire to
20 being a major fire?---Generally a large fire will be
21 treated as a major fire. However, you can have a large
22 fire that has very little impact on that second and third
23 priorities that I mentioned, community assets, community
24 lives, critical infrastructure. So it could be a large
25 fire, but it might not be major in terms of the effort
26 needed to suppress. You can also have some quite small
27 fires in that definition that may not even be 100 hectares
28 that could be major in their consequence. So I think the
29 major issue refers to its potential and consequence and
30 impact on community.

31 The situation report that you were taken to yesterday used not

1 the expression "major fire" but "significant fire".
2 What's the difference between a major fire and a
3 significant fire?---Probably not a lot, I would think.
4 Significant means issues brought to attention, need to be
5 noted, yes.

6 Mr Pearce a week or so ago was recommending in relation to
7 warnings that there be standard and - standard expressions
8 and that in relation to bushfires it should be "emergency
9 bushfire", or perhaps as a second bet, "severe bushfire".
10 Do either of those expressions find favour with you?---One
11 of the things I would hesitate in answering that question
12 is I think we need to ask the people. The reason I say
13 - I don't like those terms because we haven't used those
14 terms here in the State of Victoria. I personally think
15 major or, you know, a major fire is enough. A large fire
16 is enough. The use of terms however needs to be
17 standardised across Australia for the very simple reason
18 that we have a much more transient population now and if
19 we are going to use the CAP protocol and adopt it, and if
20 we are going to adopt a more electronic warning system,
21 then logic says that you have to get much more
22 standardised. The weakness I see in that is if I was in
23 the Northern Territory, the types of fires they have, and
24 believe it or not a lot of people don't realise that they
25 have as many fires as we have, they are just not in
26 populated areas, then their advice needs to be tailored to
27 their community. So I think the first thing you should be
28 asking is not us as the body of people who put this, but
29 we should try and get some community engagement in what
30 the words mean, and it is a valid question that I think we
31 ask ourselves, is from time to time we slip into jargon

1 and people say, "That's all very well. You gave me a
2 message, but I didn't understand it."

3 Would it be fair to say that 99.99 per cent of bushfires,
4 however described, cause no loss of life?---That's exactly
5 right, and the other thing is my greatest fear through
6 this whole period of drought and the attenuation of the
7 drought has been that our focus has not been on what
8 I call the killer fire. Our community has not been
9 attuned to that fact due to the circumstances that have
10 happened historically in that period of drought. The
11 majority of the fires we suppress. We have become very
12 good at it. We have invested enormously in suppression
13 equipment, whether it be aircraft or whatever. So we
14 build up by very fact of our ability to suppress fire and
15 increased vulnerability for the fire that we lose, and the
16 increased potential for catastrophic consequences.

17 You have used the expression "killer fire", should we not try
18 and develop that to mean something that has the capacity
19 to kill?---I hesitate to use that. I have used it here,
20 but I would hesitate to use that every time because I keep
21 going back to those fires in the Dandenongs where it
22 wasn't a terrible day when we lost people's lives on that
23 day, and I worry terribly that we are going to build some
24 sort of graduated mechanism that when we get to a point
25 people take some sort of more pre-emptive action that they
26 would take down here, and yet they might get a fire down
27 here that could kill people as well, and that's the
28 vagaries of this environment that we are in. I really
29 worry about that, about people have said to me, "Total
30 fire bans. You need something more than total fire bans."
31 And total fire ban is in effect a declaration made for the

1 purposes of limiting activity for fire causation, and it
2 serves in some respects as a warning. But it of itself
3 becomes unimportant when you actually look at the weather
4 conditions on the day. So it is that distinct combination
5 of weather, fuel and the environment, the physical
6 environment, topography, other matters that occur on a day
7 so localised that the approach that we have to take has
8 got to be down at the individual level rather than at the
9 broad brush level. How you do that is an enormous
10 challenge. We can give general warnings, do a whole lot
11 of things, but since the events of this day I have
12 struggled in my mind to try and find a way to get an
13 individual who wants to be fully informed to be able to
14 make those sort of decisions. I think that's vital, if we
15 can do that.

16 Does that mean that you come back by saying there's nothing
17 better than a large fire?---In terms of describing what a
18 fire is, I think you will end up with a large - yes.

19 There is no better way of describing a fire that is potentially
20 going to kill people than it is a different kind of large
21 fire?---I suspect you are right. We could use - often
22 these terms are used after the event, if you understand
23 me. So they are not much value in trying to prepare
24 people. We have used the term, the potential for
25 devastating fires. What does that mean? You know.
26 There's just a variety of language that gets used to try
27 and describe the sort of days.

28 You don't think there would be an advantage in picking upon a
29 term, and agreeing that a particular term really does go
30 beyond large?---I think it is worth looking at, our
31 terminology, and that needs to be factored into our

1 messaging for a day in general terms, that we have the
2 potential for large, devastating fires that will, you
3 know, have the potential to kill.

4 What about "fire storm"?---I have sort of been reluctant to use
5 the term "fire storm". I would suggest however that there
6 are some, and I would suspect over time the analysis of
7 these fires will present that in a couple of locations
8 some of these fires exhibited phenomena that I could not
9 deny a language of the term fire storm could be used.
10 I don't like the term because everyone will latch on to it
11 and then try and describe everything else. But
12 I personally don't like the term, but I have come to a
13 view that in some respects some of the behaviour exhibits
14 storm like behaviour in a weather sense, and then you
15 attach the fire on to it, and the logic says, well, it
16 behaves like a storm, you know, just all over the page
17 graphic destruction, out of control, specifically located,
18 in an overall event, if you understand me, an overall
19 weather event and you have this one part that is doing
20 enormous damage. I go back and think about my readings of
21 Dresden during the war and fire storm through the town.
22 One would have to think that on some of the landscape in
23 Victoria there was behaviour that was somewhat similar to
24 that.

25 What about "megafire"?---Not my favourite term.

26 So in the end on present thinking you would prefer just to have
27 large used, but if you had to go one step further it would
28 be a "killer fire"?---Or a devastating fire or potential
29 for life loss, something. I think we have got to try and
30 explain to people, and the other dilemma with this which
31 we have discussed over and over again if you have five

1 days of total fire ban, and you keep saying that every day
2 and people take pre-emptive action every day and it
3 doesn't happen, human nature starts to decline the
4 warning. It is a little bit like repeatedly seeing
5 warnings for speeding and people do it and get away with
6 it and they still think it is okay. I don't know the
7 answer to that question.

8 COMMISSIONER McLEOD: Do you think, Mr Rees, there needs to be
9 a distinction between the nature of the fire itself as a
10 fire and the fire's potential to cause harm?---Yes.
11 Which is more a locational aspect. Because some fires of
12 similar intensity, if one occurs in a relatively
13 uninhabited area of the state as against one that is on an
14 urban fringe, the risk factors to life and property are
15 far more serious with the latter than the former, and yet
16 the nature of the fire may well be exactly the same. So
17 the message the community needs is some sense of the scale
18 of the fire, whether it is under control or out of control
19 clearly adds a dimension to a message and some set of
20 words that expresses the degree of risk to life and to
21 property, but particularly to life, it is really a
22 combination of those things that the community perhaps
23 desires to really understand their own personal
24 circumstances better, and that one can't operate in
25 isolation from the other?---There are examples of many
26 large fires that don't impact on communities at all, and
27 very quite significantly small fires that impact very
28 heavily on communities, so I think you need a description
29 that says this is a fire of this type and its potential or
30 its impact, rather than just the description of the fire.
31 I think there is a very distinct difference between those

1 two areas of information you are trying to give.
2 For example, a term that you touched on or we have touched on,
3 the "fire is going", I can understand the meaning of that
4 to a firefighter, that the fire is not under control, but
5 to say to the community the fire is going, its status is
6 that it is going is meaningless?---Yes.

7 But to say what that really means, the fire is out of control
8 at this point?---Yes.

9 The fire is out of control clearly has a meaning to the
10 community, and yet the term that is used for the fire at
11 that stage is that it is going. Now, I think that is
12 perhaps to me anyway an example of what might be a
13 technical term that has a special meaning to a
14 firefighter, has absolutely no meaning, or it certainly
15 doesn't convey the sense of that fire as accurately as to
16 say the fire is out of control, which in itself is a
17 warning?---Yes. I wouldn't say anything against what you
18 are offering.

19 CHAIRMAN: Yes, Mr Beach.

20 MR BEACH: Commissioners, I have about half an hour of
21 questioning, if I may proceed.

22 CHAIRMAN: Thank you.

23 <CROSS-EXAMINED BY MR BEACH>

24 Mr Rees, I would like to begin with the issue of spotting.

25 I think your evidence has indicated that you saw some
26 unique features of the Kilmore East fire in terms of its
27 prolific spotting and I think you described the spotting
28 as heavy, heavy spotting a long way ahead. That was your
29 understanding of the fire on the afternoon of
30 7 February?---If I can just stop for a second and just
31 pull up my second statement. In respect of this fire

1 there was some knowledge that we had during the day of the
2 fire spotting, and they were anecdotal reports through
3 IMS, and then there was a report of a spot fire in the
4 Strathewen area by memory around 1530 time which I think
5 was in Captain McGahy's report. He talked about going and
6 dealing with that fire. Then there was another report
7 of - this is spots a long way ahead. There was another
8 report of a spot fire down at the top of the Plenty Gorge
9 at South Morang, and I'm still not 100 percent convinced
10 that it is actually a spot off that fire because it is
11 well off the line. Then later in the afternoon there was
12 significant reports of spotting a long way ahead down in
13 the Steels Creek, Yarra Glen and even on into the
14 Healesville area.

15 When did you first form the view that afternoon that there was
16 prolific and very heavy spotting produced by the Kilmore
17 East fire that was, say, spotting distances up to, say, 10
18 kilometres ahead of the firefront?---Probably when I heard
19 that report in respect of the Strathewen type area. That
20 to me started to signal in my head that this is a long,
21 long way ahead of where the head of the fire was reported
22 as being.

23 So by about 3.30 in the afternoon of 7 February you formed the
24 view then that there was very heavy spotting quite a long
25 way in front of the firefront through to Strathewen at
26 least.

27 MR CLELLAND: Mr Chairman, I don't think Mr Rees has used the
28 expression prolific or heavy. I think that is Mr Beach's
29 choice of words.

30 MR BEACH: I think you did use in your evidence yesterday
31 heavy, heavy spotting, did you not?---Yes, but at the time

1 there was only the knowledge - I knew there was spotting
2 ahead of the fire, not that far ahead, and the only
3 reports I knew of at that point in time in the afternoon
4 were those two or three single points.

5 So if you had received a report or something came to your
6 attention around 3.30 that afternoon that there had been
7 spotting sighted or apparent in Strathewen, did that
8 indicate to you at that time of the afternoon that there
9 was spotting at least 10 kilometres in front of the main
10 Kilmore East firefront?---It indicated that there was
11 spotting a long way ahead of the fire. At that point in
12 time I was relying on reports indicating where the head of
13 the fire was, and we knew that the head of the fire was
14 somewhere into the Mount Disappointment forest area.

15 Did you expect that once it got into the Mount Disappointment
16 forest area that the prolific nature of spotting would be
17 apparent or increased once it got into those forested
18 areas?---There would be potential for it to increase, yes.
19 That's been your experience in the past, has it not, that once
20 a fire gets into forested areas that the incidence of
21 spotting would increase?---Yes, and there is then a factor
22 of fuel, weather, wind, upper winds, a whole lot of other
23 factors to determine its actual behaviour.

24 When did you first become aware that the actual firefront
25 itself had reached the Mount Disappointment area?---If you
26 just give me a moment, I will try to recall that. I can't
27 recall the actual time, but there was an entry into IMS
28 that talked about the fire entering the Mount
29 Disappointment area, and I haven't got the IMS entry in
30 front of me so I can't say.

31 Let's take 3.30 that afternoon where you have received a report

1 that there's spotting in the Strathewen area. You are
2 also aware that the fire at that stage, the firefront is
3 at Mount Disappointment or even further progressed than
4 that. Did that heighten in your mind the dangers of
5 spotting in a 10 to 15 kilometre radius ahead of the
6 firefront at that point in time?---I would have to say no
7 more than - in one sense it just heightened the fact that
8 the fire was spotting.

9 You agree, do you not, that once a fire is showing signs of
10 spotting quite a way in advance of the firefront that is
11 going to increase the range of risk of communities that
12 may be within that potential spotting radius?---It is a
13 function of the volume, the degree to which it is prolific
14 and the degree of coverage, and also where the spots
15 actually occur, whether they are in grassland and able to
16 be cleaned up, our suppression capability in that type of
17 environment, it depends on a range of factors, but it
18 certainly is an issue of concern.

19 Did you consider that if there was spotting that was apparent
20 in Strathewen by 3.30 that afternoon that there was likely
21 to be spotting in the Kinglake area generally from the
22 Kilmore East fire around 3.30 that afternoon?---My line in
23 terms of travel was probably more south of Kinglake than
24 that area.

25 Did you turn your mind at all to the question if you had
26 spotting in Strathewen at that time of the day that there
27 would be a range of communities in that vicinity that
28 might also be the subject of potential spotting
29 activity?---There is always that potential. I can't say
30 that I turned my mind specifically to that.

31 You would agree that once the Kilmore East fire jumped the Hume

1 Highway and got into the forested areas south of the Hume
2 Highway that the Kilmore East fire became
3 uncontrollable?---The fire was already out of control.
4 The fire was not going to - the front of the fire or the
5 head of the fire was not going to be pulled up until it
6 exited the forest.

7 But you were aware that the fire went over the Hume Highway at
8 about I think 2 pm that afternoon, at that time, around
9 that time, did you become aware of that?---Yes.

10 And so that you knew certainly by 2.30 to 3 o'clock that you
11 had a fire that was going to go into a forested area and
12 was then going to be uncontrollable until it burnt through
13 all of that forested area?---Well, it was going to go into
14 that forest area and was either going to do one of two
15 things, it was going to either exit out on its continual
16 run, or if conditions were such that it didn't make it all
17 the way through and was then subject to the wind change,
18 it would then burn back in the other direction.

19 Just go back to 3.30 that afternoon and your awareness that
20 there was spotting at Strathewen. Did you contact either
21 the Kilmore ICC or the Kangaroo Ground division command to
22 ask them what information they had about the spotting
23 radius of the fire at that point in time?---No.

24 Did you ask anybody else within the IECC to make that inquiry
25 of the local ICC, the Kilmore East ICC or the Kangaroo
26 Ground division command?---No.

27 Did you consider at about 3.30 in the afternoon, given your
28 knowledge of the actual spotting that was then occurring
29 that it might be appropriate to consider the adequacies of
30 warnings that had been generated from the Kilmore East
31 ICC?---I did not look at specifically at the warnings.

1 Did you ask anybody else to look at whether the systems in the
2 Kilmore ICC were adequately producing timely and
3 meaningful warnings around that point in time during the
4 afternoon, given your knowledge of the spotting that was
5 occurring at that stage?---No.

6 I think you said in your evidence previously that the IECC's
7 role was to monitor the local ICCs; is that correct?---You
8 have used the term local ICCs, you are talking about
9 incident control centres.

10 Yes?---That is to work and liaise with those and monitor how -
11 their approach, what they are doing and that's generally
12 done through the RECCs or directly if necessary.

13 But given it is 3.30 in the afternoon you know that you have a
14 fire that's uncontrollable at that point in time, you know
15 there's spotting as far forward as Strathewen, you still
16 didn't take any active step to see whether the Kilmore ICC
17 or any other division command was adequately assimilating
18 information, making predictions and generating timely
19 warnings?---My approach was state wide. It was a
20 strategic approach. It was not specifically related to
21 one fire.

22 But at 3.30 in the afternoon your focus, was it not, was not so
23 much state wide, but the three fires at East Kilmore,
24 Bunyip and Churchill?---We had the fires in western
25 Victoria at the same time.

26 I know you have said, and I won't go over this, there are lots
27 of other fires. Your priorities at 3.30 that afternoon
28 were in respect of three fires, were they not, the East
29 Kilmore, Bunyip and Churchill fires?---No, my priority was
30 the whole state, and it included those fires, yes.

31 I'm just looking at your note actions, Exhibit 75, and

1 paragraph 33 and 34?---Yes.

2 So you are saying that around 3.30 that afternoon your
3 priorities were not specifically the East Kilmore, Bunyip
4 and Churchill fires?---Yes, we particularly discussed
5 those, but it was particularly in relation to how we would
6 manage the whole of the state given those fires.

7 You have referred to the IECC's monitoring role in terms of the
8 local ICCs, and we will talk about Kilmore East and
9 Kangaroo Ground. Did you personally have any contact with
10 either of those units in the afternoon of
11 7 February?---No.

12 Did you direct anybody underneath your supervision at the IECC
13 to have any direct communication with either that Kilmore
14 ICC or the Kangaroo Ground division command?---Not
15 specifically, no, or not that I can recall.

16 I want to put it to you directly as a matter of fairness,
17 Mr Rees, that there was no proper monitoring at all by the
18 IECC on the afternoon of 7 February as to what was
19 happening either at the Kilmore ICC or the Kangaroo Ground
20 division command; do you agree with that?---No, I don't.

21 Are you aware that an identified cause of the Kinglake fire has
22 been not the main firefront coming from Kilmore East but
23 rather the spot fires produced by the Kilmore East
24 fire?---I am aware that a range of evidence has
25 progressively been collected that suggest that the primary
26 impact on the Kinglake area is in fact from fire from the
27 south, not main head fire. I'm of the view now, which
28 I didn't know at the time, that there was very significant
29 and prolific impact into an area that I would describe as
30 below the escarpment, east of Whittlesea, west of western
31 and near of St Andrews North, which includes the Arthurs

1 Creek and Strathewen area, I think there is significant
2 evidence to suggest that that area was very prolifically
3 impacted over time, and that major fire developed there
4 and as a consequence of the terrain and the conditions
5 that it burnt back towards the Kinglake area.

6 You are talking about spot fires that occurred in those
7 regions?---No, I'm suggesting that whilst they may have
8 been originally spot fires they developed into a major
9 fire of their own.

10 What time did you first become aware of that on the afternoon
11 of the 7th or didn't you - - -?---We weren't really aware
12 of that 100 per cent. We were aware, over time we were
13 aware that there were - I discussed that initial spot fire
14 and then we became aware much, much later that there was
15 fire down what I would call below the Kinglake area and
16 then progressively spot fires occurring much further to
17 the east, you know, Steels Creek, Yarra Glen, into
18 Healesville.

19 I think you have previously given evidence that you became
20 aware from about 5 o'clock that afternoon of actual
21 spotting at St Andrews and also at the bottom end of Yarra
22 Glen and Healesville; is that correct?---Yes. That's to
23 the best of my recollection, that this fire was
24 progressively moving further south-east. Sorry, I won't
25 say the fire itself, but progressively reports of fire.

26 Now, do you agree then that by no later than 5 o'clock that
27 afternoon you yourself had personal knowledge, or at least
28 a belief that there was heavy, heavy spotting a long way
29 ahead of the main Kilmore East firefront?---One of the
30 difficulties I have, Mr Beach, is my personal
31 recollections are then getting mirrored with what I know

1 now. My belief was as best as I can recall, we knew that,
2 and the exact time I can't be 100 per cent certain, but
3 there was fire progressing down into that area.

4 You have been taken to the Tolhurst map, for want of a better
5 expression, and I think you indicated that you thought
6 that it wasn't displaying accurate information because it
7 was showing the main firefront going through Kinglake
8 I think by about 9 pm. But if you had that map in front
9 of you around 5 o'clock with the line which had the
10 firefront position as at 5 o'clock, that together with
11 your knowledge of the prolific spot fires that were
12 occurring well in front of the firefront would have told
13 you, would it not, if you had that map, that the Kinglake
14 area was at very serious risk?---I think it is reasonable
15 to assume that our knowledge was incomplete on that
16 afternoon, and if I had all of the information, or put it
17 this way, it is not a matter of me having that
18 information, even if others had had all that information,
19 that could have been a reasonable conclusion.

20 But you with your experience and your knowledge, Mr Rees, would
21 have drawn those threads together very easily at around
22 the 5 o'clock time that afternoon, would you not, that
23 Kinglake was at very serious risk with where the firefront
24 was together with where the spotting was occurring - - -

25 MR CLELLAND: Just before Mr Rees answers that, I wonder if
26 Mr Beach could clarify which of the predictive maps he is
27 referring to as being available at 5 o'clock.

28 MR BEACH: I wonder whether the witness, and perhaps we could
29 bring this up on the screen, could be shown
30 (WIT.004.002.0410). This is part of volume 7 of Mr Rees's
31 material. The evidence that the Commission has heard to

1 date seems to be first that this was available within the
2 IECC, and secondly, that it was actually faxed from the
3 IECC to two locations, one, the police SERCC and also it
4 was faxed through to the Kangaroo Ground then division
5 command. Do you recall seeing a handwritten map of this
6 type around 5 o'clock?---No, I did not see that map.

7 If you had seen it though, just take the marking for the
8 5 o'clock radius which encompasses positions including
9 east of Whittlesea, if you had seen the map with that
10 location for the firefront together with your knowledge of
11 the prolific spotting that was occurring at that time, you
12 would have drawn the threads together and concluded that
13 the Kinglake area, Kinglake West, Kinglake was at very
14 critical risk in terms of that fire?---Yes.

15 So the fact that the map might have also shown the firefront
16 itself moving through Kinglake as late as 9 o'clock would
17 not have detracted at all from your critical conclusion
18 that at 5 o'clock that fire was impacting on the Kinglake
19 area ?---No. You are saying the fire was impacting on the
20 Kinglake area. The potential for spotting, if you look at
21 the line on that map and where the fire was going, in
22 terms of this and recognising that this map shows the fire
23 going more south than what it is - what it actually was,
24 it was actually more east, but even looking at that, the
25 spotting ahead of the fire would not generally have been
26 carrying into the Kinglake area at that point in time, if
27 you went only on that map.

28 But you had knowledge of the topographical aspects of that
29 area, did you not?---Yes.

30 So you would know, would you not, that it wouldn't be just a
31 simple geometric exercise and saying, well, the spotting

1 was only going to occur south, that is with the local
2 topography the spotting was likely to fan out rather than
3 just proceed in a south-easterly direction?---We are
4 talking about spotting at this point in time, and spotting
5 would generally follow the line of the fire, and the line
6 of the wind, and the line of prediction would put it down
7 more south of there. However, once the fire develops and
8 then subject to the wind change you are in completely
9 different environment.

10 But you know that spotting is a pyroclastic phenomena that is
11 very unpredictable in terms of its geographic
12 spread?---When you say geographic spread, where it might
13 land.

14 Yes?---Yes. Generally speaking it can be predicted to some
15 extent, but sometimes it lands in other places. The
16 example I used which I still doubt is the one at Plenty
17 Gorge, whether it was in fact of that type.

18 You said that by about 3.30 that afternoon you had knowledge of
19 spot fires impacting on Strathewen. Where did you
20 actually receive that knowledge from?---First of all, a
21 spot fire. It came up on IMS that there was a spot fire
22 in Strathewen. There was an IMS report of a fire in
23 Strathewen.

24 Did that ring alarm bells with you that you had to closely
25 follow what was happening there to see whether if you had
26 one spot fire, that there were likely to be other spot
27 fires?---It was of concern to me, but it was equally of
28 concern of a whole range of other issues across the state
29 at that time.

30 Did you tell anybody within the IECC either directly or
31 indirectly through the local ICC to keep constant

1 communication with the CFA brigade that was dealing with
2 Arthurs Creek and Strathewen?---Not that I can recall.

3 So the evidence appears to be then that not only did the
4 captain of the Arthurs Creek, Strathewen brigade not have
5 information coming through from any ICC about warnings of
6 spot fires coming into his area, but there was no
7 information flow back the other way from the local
8 brigades back to the ICC, and then up through to the
9 IECC?---I would have - I can't say in terms of your second
10 position whether that was absolutely correct because
11 I wasn't there in respect of what was being communicated
12 from the brigades through to the local division command or
13 whoever, and then up to the ICC about the situation.

14 Can I just take you back to your notes, this is Exhibit 75, the
15 actions of yourself on 7 February, and ask you about
16 paragraph 33. You say there you spoke with a Craig
17 Lapsley, the Director, Emergency Management branch of the
18 Department of Human Service, and we discussed potential
19 issues and areas likely to be under threat. What issues
20 did you specifically discuss with Craig Lapsley as early
21 as 2 o'clock that afternoon in terms of areas that were
22 under threat?---I cannot recall the exact locations.
23 I honestly cannot recall, and I didn't record them about
24 which locations I discussed with him.

25 To work out what areas were likely to be under threat you
26 yourself, if you were to have a meaningful conversation
27 with Lapsley, would have had to either have made your own
28 predictions or informed yourself from other people's
29 predictions at 2 o'clock that afternoon; is that
30 right?---That's reasonable, yes.

31 What was your knowledge or belief as at 2 o'clock that

1 afternoon in terms of the areas likely to be under threat
2 from the Kilmore East fire to your knowledge and belief as
3 at 2 o'clock?---To the best of my recollection, that the
4 fire was going to impact clearly into the Wandong
5 Heathcote junction area, I mean, that's fairly obvious
6 ,and that it over time would enter the forest and impact
7 into the Whittlesea area. That's the best of my
8 recollection, I can't say whether I said Whittlesea,
9 Kinglake or whatever. I cannot recall that.

10 But it is likely that you would have made reference to the
11 Whittlesea and/or Kinglake area as early as 2 o'clock that
12 afternoon?---Potentially I would have talked about, if the
13 fire continued to run where it was likely to go. I can't
14 recall whether I talked in terms of municipalities or
15 specific locations.

16 You say you had one conversation with Craig Lapsley at
17 2 o'clock. Did you have any other later conversations
18 with Craig Lapsley that afternoon?---No, the conversations
19 that would have been ongoing with other departments like
20 DHS would have been through the state emergency strategy
21 team meetings.

22 You mentioned the strategy team meetings. Are there any
23 documents that record what strategies were first discussed
24 and, secondly, actually agreed upon?---Not that I have
25 seen. There is usually records of notes that happened in
26 those meetings, and I'm not sure - when I say it is a
27 developing area, if you read the emergency management
28 manual it is not even in there, the notion of these
29 meetings. And for a number of events we have developed
30 the need for these state strategy meetings as a process of
31 informing, and not so much agreeing on strategies, but

1 agreeing where whoever is the controlling agency talks
2 about their strategies and agrees the linkages in terms of
3 a whole of government response.

4 These strategy team meetings were as frequent as one an hour,
5 is that right, on the afternoon of 7 February?---I knew
6 that they were regularly happening. I didn't attend them.
7 One of the deputy chiefs was assigned to attend those
8 meetings.

9 Did you speak with the deputy chief before he attended such a
10 meeting in terms of the strategy you thought was
11 appropriate during the course of the afternoon to deal
12 with the Kilmore East fire?---Well, we talked generally
13 about the whole of the state quite regularly, yes.

14 I want to focus on Kilmore East if I may. Do you recall
15 speaking with the deputy chief about strategies that you
16 thought the CFA should adopt on an hourly basis during the
17 course of that afternoon to deal with the Kilmore East
18 fire?---We discussed regularly the strategies which were
19 largely about our efforts to deploy, resource, impacts.
20 I couldn't say that we would have discussed specific
21 details.

22 Just in terms of strategies, are you aware that your standard
23 operating procedures refers to what is known as an
24 incident action plan?---Yes.

25 And that such action plans are required to be produced within
26 four hours of the start of a fire?---That generally would
27 be the objective, but it would be, in such dynamic fires
28 in this instance, and it relies on information coming in
29 to produce an action plan, and a written action plan is
30 what you are probably talking about. An action plan can
31 take a variety of forms, including just a verbal plan,

1 "this is what we are going to do." But I think that
2 returns to the objective of producing a written action
3 plan as a function of the planning unit.

4 I want to show you a part of a document, if I may. Perhaps if
5 the screen could bring up (WIT.002.001.0931). This is a
6 page from the DSE fire management manual which refers to
7 incident action plans, and the only reason I'm showing you
8 this, Mr Rees, is I haven't found a document of the CFA's
9 yet which is of a similar scope as the DSE's document.
10 But just in terms of what is under the heading "Incident
11 action plans", I just want you to read there what's set
12 out and tell me whether or not that is also the CFA's
13 procedure in relation to incident action plans, that "a
14 documented incident action plan must be submitted four
15 hours after detection if the fire is not expected to be
16 controlled", and those other criteria being satisfied. Is
17 that also the CFA's procedure?---I'm trying to recall
18 where the planning, the information in CFA is. It is an
19 expectation that as soon as we have a planning unit in
20 place that their task would be to seek to prepare an
21 action plan as quickly as possible.

22 Did you ever see such a written incident action plan for the
23 Kilmore East fire at any time on the afternoon of
24 7 February?---No.

25 Did you or anybody in the IECC contact the Kilmore ICC or the
26 Kangaroo Ground division command or any other unit in the
27 field to see whether or not they had prepared any incident
28 action plan for the Kilmore East fire?---I can't answer
29 for other people in the IECC whether they made contact
30 directly or not.

31 As the chief fire officer of the CFA, and given your focus on

1 the Kilmore East fire by at least mid-afternoon on
2 7 February, would that not have been one of the most
3 important documents for you, the chief fire officer, to
4 obtain to see precisely what was being planned for dealing
5 with the Kilmore East fire?---If it was available to me,
6 yes.

7 If it wasn't available to you - sorry, go on?---But it is not
8 my primary responsibility to review the strategies or the
9 tactics on each individual fire. That is the
10 responsibility of the incident controller. My
11 responsibility is to see that there is an allocation of
12 incident control responsibility across the state, that
13 they know their job, that people review that and look at
14 that, and that's the responsibility of either the state
15 coordinator or the state duty officer, and the
16 responsibility of the regional coordination centre. One
17 of the risks is that if I bury myself down into one
18 particular fire, I run the risk of losing focus on another
19 fire. Recognising that as you quite rightly point out
20 there were three or four major fires that were my
21 priority, I did not look at on that day an incident action
22 plan for Kilmore East.

23 But did you at least monitor what was happening in terms of the
24 Kilmore ICC or any other unit in the field as to whether
25 or not they themselves had actually gone through the
26 process of preparing an incident action plan for the
27 Kilmore East fire?---The reality is I knew that that would
28 be a huge task for them to do under the dynamic
29 environment that they would have, that they would have an
30 incident action plan, and remembering the production of a
31 plan is a process and they would have been going through

1 that process of trying to plan for that fire in a very,
2 very severe dynamic environment.

3 So are you saying that you in the IECC decided you wouldn't put
4 pressure on them by asking for their incident action plan
5 because that was going to impose too much work for them to
6 do?---No, I did not say that.

7 In terms of resources allocated to a fire and potentially
8 needed to be allocated to a fire, wouldn't the incident
9 action plan be the document that would inform you, the
10 chief fire officer, of how you were then going to allocate
11 resources in terms of getting everybody's incident action
12 plan for however many fires there were, getting it
13 altogether, seeing what their plans were, what their needs
14 were and then prioritising and then allocating?---No.

15 So you are saying you never got an incident action plan from
16 any other unit in the state on that afternoon in terms of
17 any of the fires that were occurring?---No, but what I'm
18 saying is that's not the way that we determine the process
19 by which we determine resources.

20 I would like to move to another document. Are you aware that
21 before 7 February a state fire emergency coordination plan
22 was prepared jointly by the CFA and DSE?---I'm probably
23 aware of the document. So many documents have been put in
24 front of me. I would appreciate if - there was a lot of
25 planning done before the day, yes.

26 Perhaps I might get you to have a look at this. This is an
27 attachment to Mr Waller's statement. It is
28 (WIT.002.001.0813). It is annexure 35. Do you recall
29 seeing any document of that type before 7 February?---Yes,
30 I see those documents. They are regularly produced as
31 part of the planning in the IECC.

1 In fact they are actually forwarded to you for review, are they
2 not?---Generally speaking they will come in quite a final
3 form. There will be discussion with me usually by the
4 state coordinator about what our focus is and where our
5 direction is, and then that work is done and pulled
6 together. It is a method of bringing together so that as
7 much as possible our planning is consolidated between
8 specifically the CFA and DSE.

9 Can I just take you to page 0815, and under the second heading
10 "CFA and DSE will" there is point 2 "Provide integrated
11 fire safety messaging to the community". In terms of the
12 concept of integrated fire safety messaging what steps
13 were done to ensure that on 7 February that could
14 occur?---For the 7th?

15 Yes?---Well, that's fundamentally the fact that at the IECC
16 first of all will deal separately with media and then
17 community information, the two media units were working
18 together; the emergency management joint information
19 group, which is a group headed by police was operating to
20 as much as possible across the whole of the emergency
21 management fraternity deliver consistent messaging; in
22 terms of the community information messaging, the
23 provision of direct community information, the information
24 units at the IECC were together. So there was only one
25 information unit. So the whole objective was to provide a
26 consistent delivery of service.

27 In terms of the notion, though, of integrated warnings you
28 would agree with me that all that meant was the generation
29 of warnings coming out from the local ICCs being forwarded
30 up to the IECC and then put on to the CFA's
31 website?---CFA, DSE, off to VBIL, ABC.

1 And you saw that as your responsibility, that is the CFA's
2 responsibility, with the DSE?---It is a CFA, DSE
3 responsibility, objective, yes.

4 When the incident is controlled by the CFA as the control
5 agency, it is the CFA's responsibility?---Well, we keep
6 delineating very sharply on this, and the reality is that
7 as we have moved through an era of better cooperation we
8 work together in some respects so closely that, whilst we
9 designate a fire as being a CFA or a DSE fire for the
10 purposes of the control agency, the reality is that we
11 seek to message consistently together, and there may well
12 be people, for instance, in an information unit at an ICC
13 that would come from both agencies, regardless of the fact
14 that it would be a fire controlled by one of the other.

15 Can I take you to page 0817. There is a heading "Potential
16 loss and damage" and in the last bullet point it says,
17 "The areas of highest potential for property damage are
18 within an arc, across to Kinglake and Marysville"; do you
19 see that?---Yes.

20 What additional resources or steps taken prior to 7 February to
21 deal with those areas in the state as opposed to other
22 areas in the state were taken to deal with the high risk
23 in those areas?---Can I explain firstly, the area is, that
24 area that has been identified is populated quite
25 extensively and also subject to greater risk due to the
26 severe drought. We put a lot of effort into the increased
27 preparedness in respect of suppression capability and into
28 information describing those areas as much as possible,
29 you know, what we call that urban interface area in our
30 warnings. But secondly, we sought to bolster our heavy
31 hitting aircraft capability in and around that area by the

1 strategic placement of additional aircraft above and
2 beyond where our aircraft are, recognising that the bulk
3 of our heavy aircraft are actually in that basin.

4 This coordination plan suggests that an area of priority for
5 7 February was this arc. Do you agree that that was your
6 area of priority on the afternoon of 7 February?---Yes,
7 but still the rest of the state is still a priority.

8 I think it is an area of priority in terms of preparedness
9 and recognising risk, but it also - you can't ignore the
10 rest of the state. The other thing of course is, as we
11 know, the Otways on that day didn't get any fires at all,
12 and yet we well recognise the extreme risk of that
13 environment.

14 So the only major fire then within this area of prioritisation
15 as identified in the coordination plan that actually
16 occurred on 7 February was the Kilmore East fire and then
17 a bit later that afternoon the Murrindindi fire?---There
18 were other fires of very significant potential in that
19 arc, yes.

20 Can you go to page 0819. The second sentence says "The
21 integrated functions of those areas that can be shared
22 between agencies while sustaining line of command or
23 agency specific responsibilities", do you agree that so
24 far as this document is concerned it sees the IECC even in
25 terms of coordination functions as nevertheless sustaining
26 the line of command within the individual agencies
27 represented within the IECC?---The IECC is a facility.
28 Within that facility there are coordination functions and
29 command functions. For us to be effective you must carry
30 out both functions. So yes, there is line command
31 function in the IECC.

1 Even for coordination activities?---Well, that's when you are
2 coordinating your internal activity.

3 The only reason I'm raising this with you, Mr Rees, is
4 yesterday you were asked by Mr Rush at transcript page
5 2371, line 30, the question is, "What was in existence at
6 the IECC was integration insofar as it did not interfere
7 with the line of command of the CFA or the line of command
8 of the DSE". Your answer is, "No, I wouldn't agree with
9 that in the coordination area." What I'm putting to you is
10 that this coordination plan gives the air of
11 verisimilitude to Mr Rush's question rather than your
12 answer?---Within the IECC there are activities that
13 collect information. Those areas are as much as
14 possible - and carry out functions, those activities are
15 as much as possible integrated. There are functions that
16 happen in the IECC that are specifically about command.

17 COMMISSIONER PASCOE: Mr Beach, can I just explore that very
18 point a little more because it is one that interests me as
19 well, and I am now returning to the theme, Mr Rees,
20 because I have raised it before, and it is to me the
21 alignment between the statutory responsibilities and the
22 AIIMS structure. I think it is generally accepted that a
23 chief executive, chief officer may delegate but is
24 ultimately responsible?---In the end you are, yes.

25 If we look at the authorities that exist, they seem to be out
26 of alignment. If we look at paragraph 33 of your
27 statement it notes that "the chief officer is a statutory
28 position under the Act and brings with it responsibilities
29 of leadership and accountability as the senior operations
30 commander of the CFA. All firefighters and brigades are
31 under the general order and control of the chief officer

1 and the chief officer has the power to control and direct
2 them at fires and other emergency incidents." So this
3 could be described, I think, as a traditional top down
4 authority structure, but if we look at the AIIMS, which
5 was used for incident management during the February
6 bushfire, it operates on a principle of subsidiarity, in
7 other words, you locate the decision making as close as
8 possible to those directly impacted. Hence the ICC's are
9 responsible for the management of the local fires. So we
10 have our authorities out of alignment. We have a bottom
11 up approach with the ICCs having what appears to be a full
12 delegation, and we have our chief commander, for want of a
13 better word, coordinating on the day. I have probed this
14 with you a number of times because if we think about, to
15 return to what our chair raised with you earlier, the
16 priority for the protection of life and the primary role
17 in many ways of this Royal Commission, which is to find
18 ways of minimising the likelihood that we would ever have
19 a repeat of this scale of tragedy again, then I think we
20 need to rigorously examine all of our structures and our
21 authorities which sometimes requires us to stand right
22 back from them and look at them. And to me, looking at
23 them, and prompted in a way by the questioning of
24 Mr Beach, it just appears that we have this serious
25 misalignment that when the debriefs are under way really
26 needs to be looked at carefully. Can you comment on
27 that?---The first comment is that the chief officer does
28 have those powers. But if you read the CFA Act it talks
29 about those powers and where they are exercisable and who
30 they are exercisable by. It talks about the person in
31 charge of the fire. So where that incident controller

1 gets that power from is from a delegation in the Act. So
2 whilst the chief officer retains that overall overarching
3 responsibility, in my view there isn't that issue that you
4 talked about of, you know, it is out of alignment. It is
5 a case for each fire there is somebody who is responsible
6 for that fire. But overall the chief officer or his
7 delegate has the overall overarching responsibility to
8 manage that. So I don't see it as a case of subsidiarity
9 being a weakness. The reality is that it has to be a
10 strength because you can't do it any other way. Somebody
11 can't control every fire and make every decision about
12 every fire. So you have an Act that says the chief
13 officer is responsible ultimately, but then you have a
14 part of the Act that delegates it down and the mechanism
15 we use to do that is by the assignment of an incident
16 controller.

17 This is not necessarily a critique of subsidiarity, it is more
18 a reflection that maybe some of the issues that have been
19 discussed over the last few days need to be given real
20 prominence in the debriefs, such as the adequacy of the
21 systems that supported that. I won't delay the
22 proceedings any longer with what is a broader discussion
23 about structures, authorities and their alignment, but
24 I think it is an important part of the broader
25 consideration.

26 MR BEACH: Just taking that issue a little bit further, can you
27 name for me the one person in the IECC who is the leader
28 of the IECC?---There is a person who looks after the IECC
29 during the day, a coordinator, and that person is really
30 about making sure that people are in place to do the
31 functions. They are not the person who controls

1 everything that happens in the IECC.

2 Who is the person who is the leader who controls it? If

3 Mr Rees is over here looking at this, I understand that,

4 Mr Waller is over here, Superintendent Collins is down the

5 corridor here, but I'm the person in charge of this whole

6 show. This is what I think should happen. Who is that

7 one individual?---I was going to get to that, Mr Beach.

8 All right?---In effect it is a partnership between the two

9 state duty officers.

10 So it is a committee structure?---I think that's unfair. The

11 two state duty officers sit side by side and work

12 together, and we need to appreciate the developing regime

13 that we have here. The two state duty officers control

14 and direct how the IECC functions in terms of delivering

15 on priorities and matters.

16 But you also have Superintendent Collins in there as well,

17 don't you?---His role is only about collecting information

18 in terms of the role of police coordination. He does not

19 run the IECC.

20 One of the advantages of declaring a state of disaster under

21 section 23, I think it is of the Emergency Management Act

22 is that you bring the minister in, and he can actually

23 lead the IECC, if he wanted to, amongst his other

24 responsibilities; is that not so?---I think you

25 are - again, the IECC is being made to be something it is

26 not, it is literally a place where the two fire agencies

27 have come together to work together in the coordination of

28 fire as two agencies with like outcomes. Surrounding that

29 is a group of people who are people who get, for want of

30 purpose of liaison. It is not at this point in time a

31 state coordinative centre for the management of disasters.

1 You would agree with me, though, that the minister, if he
2 was - if a state of disaster was declared, could be the
3 person that could then coordinate everything, including
4 suppression efforts, information gathering, warnings,
5 perhaps even evacuations?---I would hate to think that the
6 minister will be directing which towns would be evacuated
7 or whatever. The minister would take advice and provide
8 direction in an overall situation if that was the case,
9 yes.

10 But until you had that person you are all in your own silos,
11 with respect, weren't you, in terms of CFA and DSE on
12 suppression, the police on warnings, and dare I say it ad
13 hoc information gathering techniques, whether at the local
14 ICC level or up the chain?---I don't see it as in silos to
15 the extent that you describe.

16 COMMISSIONER McLEOD: Would it be fair to say, Mr Rees, that
17 the two chief operating officers with the statutory
18 responsibilities for managing the fires, yourself and your
19 colleague from the DSE, ultimately are the two senior
20 people responsible for the operational response, and you
21 were both on hand at a common location receiving
22 information from a variety of sources during the day,
23 notwithstanding that the way you were both operating was
24 that there was in place a delegation of responsibility
25 chain that spread the responsibility for certain actions
26 down the line; is that a fair way to describe your role -
27 - -?---Yes, it is.

28 And your colleague's role?---Yes.

29 Does that help, Mr Beach?

30 MR BEACH: It does. But your focus is on firefighting and
31 suppression, and you are almost blind sided by the

1 separate function of obtaining relevant information,
2 disseminating it in a meaningful way both as to content
3 and as to time to members of the community?---No, that is
4 not correct.

5 It is only somebody that would be a true leader of the IECC
6 looking at all of these functions that could properly take
7 a holistic approach and then - - -?---No, I would
8 disagree.

9 COMMISSIONER McLEOD: Put another way, Mr Rees, do you agree
10 that it is your shared responsibility as part of your
11 operational role to be responsible for the provision of
12 information to the community?---We have discussed the
13 issue of statutory responsibility and we won't go there,
14 but we have made it very clear that CFA - two things,
15 first of all, we see it as fundamental to the way we need
16 to manage fire because we can't manage without the
17 community being engaged actively, and we see it as a
18 responsibility that if we are going to do that then we
19 have to inform. So that's the first part.

20 But it is part of the CFA's statutory role?---To protect
21 community, yes.

22 Through the provision of information to them to enable them to
23 be aware of the risk and to be able to take appropriate
24 action?---And as I have described through the last decade
25 we have been trying to develop that to a much more
26 sophisticated level, and one of the key reasons why we
27 came together in the IECC was because that information
28 area, we were doing it from two separate locations, and
29 our objective was to try and bring it together, albeit
30 that we didn't have the right mechanisms, we didn't have
31 the same website, you know, it wasn't as good as what we

1 would all dearly want it to be, but we see it as a
2 fundamental thing into the future that we have to take
3 statutory responsibility, if necessary, for that
4 information, for the provision of that information.

5 They are your future plans, but that's not a denial of the fact
6 that you already have that statutory obligation?---I see
7 it as an obligation in the sense of, if we look at our
8 primary responsibility, prevention and suppression of fire
9 and protection of the community, and we have the mantra
10 that we want the community to participate actively, then
11 it becomes a responsibility not by default but by
12 extension that we give information and we inform - - -

13 Or that it is an integral part of your responsibilities?---It
14 becomes fundamental, yes.

15 It is fundamental. Not becomes, is fundamental?---Yes.

16 MR BEACH: But your actions on the day within the IECC and the
17 local ICC units and the like would suggest that you saw
18 your primary role as fire suppression and resource
19 allocation, and only a secondary role in terms of content
20 and timing of adequate warnings?---I don't see it as a
21 secondary role like a subsidiary role, no, I don't see it
22 like that.

23 So you agree with the Commissioner's view that you saw that as
24 a fundamental part of the role?---I agree that it is a
25 principal responsibility and I go back to the thing
26 that - to the responsibility that we see information units
27 providing that information, gathering and providing
28 information to the community as much as possible.

29 Whilst we have got this document up on the screen that I was
30 taking you to, can you look at the second paragraph. It
31 says "Integration is highest for the following functions;

1 state mapping", am I right in saying that notwithstanding
2 that statement the only integration that was actually
3 achieved on the day for state mapping within the IECC at
4 least was you had the CFA mappers in the same location as
5 the DSE mappers and also Dr Tolhurst's analysts?---No,
6 I would not agree with those assertions.

7 Can I take you to another document - perhaps I can ask you
8 about this. Do you recall seeing at any stage the
9 two-page document produced late on the Friday afternoon
10 setting out the protocols for the IECC as to how it was to
11 operate on the Saturday?---Is this the document talking
12 about the - where some of the people who had planned to
13 be - wanted space in the IEC couldn't be and there was a
14 relationship and a document signed off in respect of that
15 relationship and relationship to the SERCC?

16 I will ask you to look at this document and then we might talk
17 about your document. This is at
18 (WIT.003.002.0061)?---Yes, this is the document that I'm
19 referring to.

20 When did you first see this document?---My memory was that it
21 was discussed with me on the Friday. There was discussion
22 that Geoff Conway had had with me about the fact
23 that - and I have to take you back a bit, Mr Beach, on the
24 week before during the heatwave environment there had been
25 progressive extension of the role of the IECC where many,
26 many agencies wanted to come to the IECC to get
27 information. The facility itself was incapable of doing
28 that, and we got to a point where we had to make some
29 decisions and meetings were discussed between the people
30 up the top of the list to try and come to an appropriate
31 arrangement given the physical limitations of the facility

1 and the need for various agencies to want to be in place
2 and that being unable to be achieved.

3 Which agencies wanted to get a seat at the table, so to speak,
4 but weren't able to?---I think most of them were the ones
5 on the right-hand side, that is Defence, VicRoads, Red
6 Cross, et cetera. We sought to accommodate the key ones
7 inside the IECC, and that we did.

8 When you say that there was a progression in the week prior, is
9 there documentation showing that debate?---Not really. It
10 was a natural thing that started to expose it. You need
11 to understand that we - and this is the real dilemma that
12 we have in this discussion about the IECC, is that
13 everyone thinks that it is all things to all people. It
14 was developed as a trial of the fire services coming
15 together, bringing together in a limited - sorry, not in a
16 limited way because it was total for CFA and DSE, that the
17 functionality that we'd - been separate, and to much as
18 possible accommodate the needs for liaison, and I will use
19 as an example of DPI, that DPI would have had demands to
20 put a liaison person at CFA and at DSE in the same,
21 ambulance being exactly the same. So the process was to
22 bring them together to do that. Now what happened was
23 that as we came together people across all government
24 departments saw it as being a place to get information,
25 and we had had a number of smaller events where we had
26 been able to service the demand, but as we got busier and
27 busier the facility couldn't do it. So when we went
28 through the heatwave period we were clearly struggling in
29 that respect, and there was a discussion that went about
30 "how are we going to manage ourselves on this day?"

31 Everybody recognising that it was a severe day, coming off

1 the heatwave, and the dilemma was that we had to make some
2 compromises, and that's where this information and
3 decision making came.

4 So it was a less than satisfactory position so far as you were
5 concerned to reach this compromise?---I use the term crawl
6 before we can walk. We were - we had set out to do things
7 between CFA and DSE that were unfunded in essence from
8 state government, that were we believed firmly was in the
9 best interests of the community of Victoria, bringing the
10 fire services together in '02/'03, it was identified as
11 being a weakness, and we had done the feasibility studies
12 and it was considered enormously expensive. The
13 recommendations of the Victorian Bushfire Inquiry was that
14 prior to forming a full state coordination centre we did a
15 - basically a fire and flood centre. So that's why SES
16 were engaged. We saw that if we sat around and continued
17 to sit around waiting for funding nothing would happen.
18 So we were trying our very best to work better and better
19 together. We had done a lot of planning. So we resolved
20 that the only way to do this was to bring ourselves
21 together. Having done that, everyone else thought, "This
22 is the resolution to the state emergency coordination
23 problem", and people sought to come with us when we in
24 fact weren't ready for that.

25 COMMISSIONER McLEOD: But I think yesterday, Mr Rees, to remind
26 you, you did indicate to me in response to a question that
27 you thought the trialling of those integrated functions
28 that formed the basis of a more cohesive approach between
29 your organisation and the DSE enabled you to manage the
30 occasion better than would have been possible
31 otherwise?---Absolutely. We need to appreciate that -

1 I think I used the term I hate to think what it would have
2 been like if we had still been separate. Despite all of
3 the weaknesses that the IECC has because it is - in effect
4 we are compromising a number of things to put ourselves in
5 place, from a strictly fire coordination point of view
6 across the fire agencies I believe it was of enormous
7 benefit.

8 MR BEACH: You are talking though in terms of coordination in
9 terms of firefighting or suppression activities, are you
10 not?---No, I'm talking of coordination between the fire
11 agencies.

12 There is a reference here to the role of SERCC. Do you agree
13 that this document didn't change whatever the role of
14 SERCC was under the emergency management manual?---No,
15 except for the fact that some of the coordination
16 arrangements would have been more directly being carried
17 out at the IECC between some of the more engaged players.

18 Why does this document refer to agencies should identify
19 appropriate liaison officers to be sent to SERCC? Why
20 would the CFA send a liaison officer to SERCC?---I don't
21 think we did.

22 You are aware that the SERCC under the emergency management
23 manual chapter, or part 3, refers to SERCC as having
24 responsibility for giving warnings to the
25 community?---Yes.

26 So whatever assumption of responsibility the CFA or the DSE
27 took on that you have been describing, that was an
28 addition to whatever SERCC's responsibilities were for
29 warnings under the emergency management manual?---I see it
30 as being over and above and as part of our obligation in
31 the response as a response agency.

1 Three more matters. When you first gave evidence you were
2 asked about a line scan for Kilmore East and you say that
3 it wasn't brought to your attention on that day?---Not
4 directly, no.

5 Not indirectly on that day either?---No. I didn't see it.

6 Just excuse me for a second.

7 So you have no personal knowledge then of whether line scans
8 were requested and whether they were available or
9 unavailable in terms of your position on 7 February for
10 the Kilmore East fire?---No direct knowledge, no.

11 The second matter is this, you were shown this morning a
12 document, the Carson paper, which is now Exhibit 76. That
13 is (SUMM.036.002.0258)?--- - - -?---I have it.

14 The second page under the heading "Information unit" it says
15 "In addressing these challenges CFA has redeveloped the
16 information unit as part of the planning section of an
17 incident management team." Are you aware that the Smith
18 report recommended that the information unit be created as
19 a separate section rather than within the planning unit so
20 that it could report directly to the incident controller
21 rather than through the planning unit?---Yes, this is the
22 matter that I discussed yesterday.

23 Yes?---I have raised this matter in a number of circles both as
24 part of my role in the AIIMS steering committee and as
25 part of my role in the CFA. I think this is a development
26 that needs to be taken. It is not universally supported,
27 but it is one that I support.

28 You support it because for any incident controller the
29 information is the incident controller's - - -?---We call
30 it the lifeblood.

31 Yes, I was going to use that expression?---Yes. The dilemma

1 that I see, Mr Beach, is the information unit in the
2 IT - in an incident control function functions within the
3 planning section, and the purpose, the reason it is there
4 is so that it gathers information for a variety of sources
5 but its main gathering purpose in the past was to provide
6 information so that the planning section could make a
7 plan. Over time the redevelopment of that information
8 unit has been such that the information unit has carried
9 this much more growing activity of providing information
10 to the community. My belief is that it has the risk of
11 overweighting so you give neither of those functions the
12 prominence that is necessary. I believe there is a good
13 argument to say that you take that information unit to the
14 community functioning and make it a separate primary
15 function of incident management.

16 Has this been discussed in any debriefs in relation to the
17 activities of the Kilmore ICC and the Kangaroo
18 Ground?---It has actually been discussed prior to that.

19 But as a result of any debrief in terms of the activities of
20 either that unit or that division command, did this issue
21 raise itself as a practical question?---I haven't seen
22 that it has been specifically raised, but I personally
23 hold that view.

24 Finally, you were asked some questions about the
25 controllability of the Kilmore East fire and you have
26 given evidence that if it had got across the Hume Highway
27 it would have been uncontrollable. Do I infer from that
28 that your view was that before the Kilmore East fire
29 crossed the Hume Highway that it was potentially
30 controllable?---The countryside and the lay of the land
31 would suggest that the only opportunity that would present

1 for that fire was in that area of land around the Hume
2 Highway. It would not be - once it got across and into
3 the forest, it would be gone. But also on the western
4 side it was proceeding through some plantation and until
5 it came out of that into the more open area in and around
6 the Hume Highway was the only real potential.

7 The documentation showing the resources placed at the Hume
8 Highway were the CFA, DSE or MFB, where are those?---We
9 don't really have precise documentation at this time.

10 I have asked what was the equipment on the fire at that
11 time, and I do have that information.

12 Is that going to be the subject of separate evidence, is
13 it?---No. All we did was, considering the issues and the
14 discussion I asked through the regional coordination
15 centre to tell me the amount of equipment that was on the
16 fire at the time. The difficulty of course is, was it
17 actively engaged, where was it physically, et cetera,
18 I couldn't tell you.

19 I might take that up with counsel assisting. Thank you.

20 CHAIRMAN: We will take a break at this stage.

21 (Short adjournment.)

22 <CROSS-EXAMINED BY MR CLELLAND:

23 MR CLELLAND: If the Commission pleases, Mr Rees, during
24 cross-examination by counsel assisting it was suggested to
25 you that there had been a failure on behalf of the CFA,
26 and I think it was intended to also include the other fire
27 agencies, to warn people in the Victorian community of the
28 nature of the fire risk in the sense of the types of fires
29 that might be experienced as opposed to the fact that
30 fires might actually ignite. In broad terms, do you
31 recall that line of questioning?---Yes, generally.

1 In particular it was suggested that many people in the
2 community think that extreme fire danger warnings relate
3 to ignition rather than a capacity to suppress the
4 fire?---Yes.

5 Firstly, do you accept that proposition or not?---My view is
6 that in all of the warnings that we were giving we were
7 aiming to describe not only the risk of the day, but also
8 the risk that surrounded our ability to control and
9 suppress fires and the chances of fires getting large and
10 being dangerous and doing damage.

11 One of the pieces of evidence that was put to you in support of
12 that proposition was a document that Mr Rush has referred
13 to on a number of occasions. It is headed "Memorandum to
14 all Yarra area staff, brigades and groups". Mr Chairman,
15 it is Exhibit 25. Do you have a copy of that with
16 you?---I'm just trying to locate it now.

17 It has just been brought up on your monitor. Can you see
18 that?---Yes.

19 That is a memorandum that was apparently distributed to staff,
20 brigade captains and others in the Yarra area from the
21 operations manager of the Yarra area?---Yes.

22 Is that a memorandum that was distributed beyond the Yarra
23 area, to your knowledge?---I know that there were a number
24 of other regions, CFA regions, that distributed a similar
25 style of memorandum to their brigades.

26 I think you have explained that the head fire rate of speed,
27 flame heights, spotting and grass fire rate of
28 spread - sorry, I said, speed, grass fire rate of spread
29 were derived from a calculation using the forest fire
30 danger meter?---Yes, and it is my understanding that they
31 were derived from the figures used on the Thursday, the

1 forecast that came, which, on the Thursday, which
2 potentially could have in fact been figures developed from
3 Wednesday's assessment. So into Thursday anyway.

4 Under the heading of "Tactics" and you were taken to this by
5 Mr Rush, the first proposition is this, "Crews should
6 expect first attack to be ineffective unless the fire is
7 small", what does that mean?---What it means is that once
8 the fire has developed, apart from beyond the small stage,
9 then the ability to do a direct attack on that fire will
10 be limited. However, it doesn't mean that you cannot make
11 a first attack, and it doesn't mean that it would not
12 necessarily be successful.

13 What does it mean that crews should expect the first attack to
14 be ineffective?---It means in suppressing the fire,
15 putting it out, totally containing it.

16 Is that typically, though, in your understanding how the first
17 suppression attempts would be carried out on a fire?---As
18 long as it was safe to get access on to the edge of the
19 fire, that is physically safe, as long as it was
20 physically possible to get to the edge of the fire, then
21 first attack would almost certainly be a direct attack of
22 some sort.

23 COMMISSIONER McLEOD: Could I just ask for a bit of elaboration
24 there, Mr Clelland? Would it be fair to suggest that
25 whoever wrote that took into account that there would be
26 some time that would necessarily have to elapse before the
27 first crews arrived on the scene, so that in saying that
28 first attack is likely to be infective unless the fire is
29 very small, would imply to me that, because the time it
30 would take to get there may have meant that the fire could
31 be burning for 15, 20 minutes, half an hour in some

1 situations?---Yes. If the fire had got beyond that
2 initial stage into the second phase which we call there is
3 the initial, and then the developing phase of the fire, if
4 it had got into that phase, and the time and space from
5 getting alert to getting an attendance, again a technical
6 term but I apologise for that, is such that it had
7 developed in that time, which could be, say, 40-minutes,
8 and/or the fact that although they got there the fire was
9 inaccessible so that the fire developed over that time,
10 was the point I was trying to make about the physical
11 aspect.

12 I understand that.

13 MR CLELLAND: So the proposition is, or what is being proposed
14 is, that whilst first attack might be infective unless the
15 fire is small, it is not proposing that first attack would
16 not be undertaken?---Indeed that's exactly correct. Part
17 of our approach in preparation for this day, and indeed
18 that we had done in the heatwave the week before as
19 I previously explained was to try and mount a very heavy
20 first attack so that you increased your odds of keeping
21 fires small, but also to deal with what I described the
22 firefighter safety aspect which was dehydration under
23 extreme conditions.

24 As I understand it, there were some hundreds of fires ignited
25 in Victoria on 7 February 2009?---Yes.

26 We will come to this in a little more detail later, but of
27 those I think you say something like 46 had the potential
28 to become - these are my words - major
29 conflagrations?---I used a number. It is 47, and it
30 depends on whether you count the Bunyip fire in or out
31 being a fire of the day before, but, yes, we roughly

1 assessed the fires that we had on that day as to their
2 geographical location, their potential, the sort of weight
3 of attack that was needed to suppress, and realistically
4 there were around 47 fires on that day that were fires
5 that, without the effort that was put into them, could
6 have ended up into very severe fires. Again, Mr Chairman,
7 I'm now into that language area that I feel uncomfortable
8 with, but you understand the tone of my reference.

9 CHAIRMAN: Major and very severe, I think you used on that
10 occasion?---You understand what I'm trying to say.

11 I apologise for the fact that I am now in a language area
12 that - well, I will just stop there.

13 MR CLELLAND: Sometimes language fails all of us, Mr Rees. Can
14 I ask you this: is it accurate to say that of those fires,
15 not the 46 alone but of the hundreds of fires, most would
16 have been suppressed by first attack directly on the
17 fire?---Absolutely.

18 Indeed, when Mr Beach was asking you some questions earlier on
19 this morning you gave some answers that suggested that at
20 least at some geographical point it may have been possible
21 to suppress the Kilmore East fire when it came through the
22 plantations but before it had crossed the Hume
23 Freeway?---I would suggest in reality it was a slim
24 chance, but it was certainly something that I'm aware now.
25 Just my viewing of the type of fire and where it was, it
26 was a view that that slim chance was an opportunity that,
27 if it had occurred, it was only going to occur in that
28 patch of land.

29 That's not to say that CFA and indeed DSE didn't throw
30 everything they had at it. I think Seymour RECC has
31 advised you that there were 32 tankers, seven slip-ons,

1 eight dozers and nine support vehicles on the fire ground
2 at the time it crossed the Hume at approximately
3 2 o'clock?---That's their advice.

4 Again, like a lot of the information about these fires, these
5 are matters that you have learnt subsequent to
6 7 February?---Yes, I was aware of the very rapid
7 escalation of CFA equipment. I wasn't aware of the
8 precise aircraft that responded, but I knew aircraft had
9 been responded. Two helicopters had been responded to
10 that fire. Significantly, the two helicopters that were
11 responded were two of the additional helicopters that we
12 had put into the fleet for that day. There were three
13 what commonly gets called the air crane helicopters in
14 Melbourne. Two of those had previously been deployed to
15 Bunyip. The other one went to Kilmore. Another
16 helicopter that had been put on what we call the "call
17 when needed" availability came out of Mangalore to the
18 fire at Kilmore. At a later period of time another
19 helicopter came as well.

20 Just confining it for the moment to that period of time before
21 the fire crossed the Hume, and as I say I will come back
22 to this in detail, in addition to the vehicles that I have
23 already mentioned, what do you say in terms of aircraft
24 that were deployed?---At that point in time when it was
25 there there would have been at least two helicopters on
26 the fire.

27 The opening of the 2008/2009 fire season coincided, did it not,
28 with the launch of the so-called "Living with fire"
29 strategy?---Yes.

30 I want to pick up from some of the discussion that has been had
31 with the Commissioners this morning about warnings and

1 have a look at how CFA and indeed DSE and the other
2 agencies went about it in the period from the commencement
3 of the fire season and leading up to 7 February, and then
4 I'm going to take you to 7 February. Mr Corbett is in the
5 hearing room, Mr Chairman, and he has some of this
6 material loaded up on his computer and I'm going to ask
7 for some of that to be shown, if that's convenient. Could
8 we first of all be shown the launch of the fire season on
9 26 October 2008 and indeed the opening of the IECC, seeing
10 that's become topical.

11 (A DVD was played to the Commission.)

12 MR CLELLAND: Thank you, Mr Corbett. It can stop there. Your
13 words were sadly prophetic, Mr Rees. Why did you feel the
14 need to make the plea in the terms that you did to
15 Victorians in October 2008?---Firstly, recognising that
16 the focus of this was about the launch of "Living with
17 fire", which was not only the strategy but the community
18 engagement part of that strategy, the reason for that is
19 that if we look through the last period of fires they have
20 generally been in remote areas, they have generally been
21 slow burns in the sense that we have had plenty of time
22 and we have been able to hold community meetings and get
23 the communities ready, and they have impacted on
24 communities not in a manner of the type that I was most
25 fearful about. The other example, and specifically with
26 reference to Kinglake, there was a fire at Kinglake in
27 2006, which I think I have referred to in evidence
28 yesterday, where, even though it was close to communities,
29 there was still time to do preparation. My real fear, and
30 when I hear that I actually - one of the few times I feel
31 quite cold, in the sense that I was so concerned that we

1 had in our psyche in Victoria that we were able to manage
2 these fires because of what we had learned in '02/'03 and
3 '05/'06, that is those campaign fires of long duration of
4 remote environments, and that we as a community had
5 developed a sense of denial of the other type of fire that
6 could well get us; this thing of a fire a long way away,
7 plenty of time, plenty of warning. It's been my fear for
8 a number of years and I keep saying it, and I tried to get
9 everybody to understand what it is in that environment.

10 At the heart of the message - apart from a heartfelt thanks to
11 the government for showing enormous commitment to the fire
12 services through funding and support, which will gladden
13 hearts in some quarters - was, as you put it, the worst
14 situation being the fast, rapidly-developing fire on the
15 interface area. Is that what you were just referring
16 to?---Yes, that type of fire where every bit of capability
17 is challenged in the extreme.

18 You mentioned the new "Living with fire" strategy. What was
19 different about that strategy coming into the fire season
20 2008/2009 from that which had gone before?---In terms of
21 the "Living with fire" strategy, it was focused across the
22 broader spectrum incorporating CFA, MFB, DSE and DHS. It
23 was focused in a community education and enhancement
24 arrangement. It included new television commercials, a
25 number of strategies working towards the communities at
26 most risk in the state, and enhanced community engagement
27 both at the local level through community meetings and
28 whatever and through the distribution of information.

29 As part of that strategy was there a booklet published, "Living
30 with fire: Victoria's bushfire strategy"? Commissioners,
31 that is (WIT.005.001.1776). I wonder if that could be

1 brought up at 1782 headed "Context". Is that the
2 document? Do you recognise that, Mr Rees?---Yes. What
3 happened was through the year of and probably beginning
4 the year before between CFA and DSE, so we are talking
5 through the year 2008, CFA and DSE had reached the view
6 that a new approach was needed given the climate change
7 environment that was existing in the State of Victoria,
8 the prolonged drought, that we couldn't just keep on going
9 the way we were going. So the approach was that we had
10 been to cabinet to discuss this issue, that is a joint
11 approach gone to cabinet through both departments, and
12 then the development of this document which became in
13 effect a government strategic document but it had a number
14 of key principles and frameworks in it for development.
15 So this document is in effect the publication of that
16 overarching strategy.

17 The page that I have asked to be brought up is headed
18 "Context". Can I just read this to you, "Fire is a
19 natural part of the Victorian environment. The Victorian
20 environment is one of the most bushfire-prone areas in the
21 world. Natural ignition, lightning and indigenous burning
22 practices have shaped our ecosystems over tens of
23 thousands of years. Many ecosystems are reliant on
24 bushfire to regenerate and maintain health. Natural fire
25 regimes vary widely across the state. Drier areas, such
26 as the Mallee and coastal heath may burn each year, while
27 wetter forests, including the Central Highlands and the
28 Otway Ranges burn less frequently and often only following
29 period of extended drought. Successful first attack and
30 suppression efforts have removed much of the natural fire
31 from the Victorian landscape and have unnaturally

1 increased the length of time between fire episodes across
2 large tracts of forested areas. As a consequence fuel
3 loads are at an unprecedented high level. The number and
4 severity of bushfires has increased. The last decade has
5 seen a significant and measurable increase in the number,
6 intensity and area burnt by bushfires. In 2006/07 a
7 record number of fires occurred. There were 1,083
8 ignitions on public land alone - 45% above the thirty year
9 average. In excess of 1 million hectares were burnt.
10 Projections suggest that this will continue to escalate.
11 The 2002/03 season was of a similar scale. There is a
12 direct link between drought, increased fire activity and
13 more intense fire behaviour. Over the last century, major
14 fire events, including 1939 Black Friday, 1983 Ash
15 Wednesday, 2003 Alpine fires and the recent 2006/07 Great
16 Divide fires have occurred during extended periods of
17 drought. Drought compounded by climate change. Victoria
18 historically experiences a 10 to 15 year dry-wet cycle.
19 The severity and longevity of the current drought,
20 however, with record low rainfall and high temperatures,
21 is unprecedented. Climate change will mean longer, more
22 intense drought periods, lower average rainfall and
23 increased temperatures. The number of very high or
24 extreme forest fire danger days are projected to increase
25 by up to 20% by 2020 and up to 60% by 2050". There is
26 reference to the work of Hennessy in 2006. "Storm events
27 are also projected to increase in severity. This is
28 significant as lightning is a major source of ignition for
29 bushfires. Historically, severe bushfire events, while
30 relatively rare, (less than 5 per cent of recorded fires)
31 caused 95% of life and property loss." Again Cheney is

1 referred to in an earlier work. "The projected increases
2 in severe fire conditions will lead to a likely rise in
3 the occurrence of damaging bushfires. This means that a
4 minor increase in occurrence will have major
5 consequences." I won't read the rest of it, but what is
6 then set out is a graph showing, I would suggest
7 graphically, the number and severity of bushfires and that
8 there is a clear upward trend in the number and severity
9 of bushfires over the last 70 years. Does that
10 information contextualise the reasons why the new strategy
11 "Living with fire" was developed?---Yes. The concern was
12 that we were on a pathway that we believed if we
13 maintained our current approach was not sustainable for
14 the State of Victoria.

15 Again, was the emphasis on the possibility, if not likelihood,
16 of severe bushfire events causing loss of life and
17 property?---Yes.

18 Not simply the possibility of ignition?---And not only just a
19 possibility of ignition but more ignition and more severe
20 fires.

21 In the booklet entitled "Living with fire: A community
22 engagement framework 2008-2012", which is
23 (WIT.005.001.1949), I won't take you to it, but within
24 that booklet was there a statement of the challenges being
25 confronted by the community which in effect reiterated
26 that statement about Victoria being one of the most
27 bushfire-prone areas in the world and importantly that the
28 threat of losing life and property from bushfire is ever
29 present, and further that there is a very real risk of
30 more frequent and larger uncontrolled bushfires and that
31 that needed to be understood?---Yes, that's correct.

1 Again, in your mind was that more than simply telling the
2 community that there might be a risk of fires starting but
3 rather was an attempt to convey to the Victorian community
4 what the nature of such fires might be?---It is very much
5 about the fact that, whilst we have developed our
6 suppression capability, if we got a fire that we were
7 unable to suppress or multiple fires or a scenario, that
8 those fires would be very, very damaging given the
9 drought, given the fuel loads and given the propensity
10 that we have had in the State of Victoria over the last
11 probably generation to urbanise our country environment.

12 In a booklet distributed through the Herald-Sun on Sunday
13 entitled "Living with fire" was there an attempt to again
14 emphasise for the Victorian community and particularly
15 those in bushfire-prone areas the type of fire that might
16 be experienced where I think you, Mr Waller, Mr Esplin and
17 indeed Mr Murphy from the MFB were all quoted in effect in
18 an attempt to try and again drive that message home just
19 as to the risk faced by Victoria and in particular the
20 risk on the urban fringe?---That's correct, and the
21 emphasis has been very much about the risk of rapid onset
22 fires doing significant damage very quickly in places that
23 people would normally not think fire would occur because
24 of a number of reasons, including that it was generally
25 regarded as wet or that the fuel was generally regarded as
26 not being available, however the drought had made enormous
27 amounts of fuel available that previously was not and
28 people would simply not be aware of that fact.

29 At pages 4 and 5 of that document, this is an exhibit or an
30 annexure to Mr Esplin's statement, annexure 35, but it is
31 (WIT.005.001.2274), and at 2278 Mr Waller is quoted as

1 saying this, "The worry is that fire that gets up on that
2 bad day with a hot northerly, everything in front of it is
3 available so it can do a lot of damage in a very short
4 period of time. Everything is so dry." You were then
5 quoted, Mr Rees, as saying this, and the article says that
6 you took up the outer suburban theme, "'The last lot of
7 fires, 2006/2007, were remote. They were bloody miles
8 away,' he says. 'People saw this tremendous effort and
9 all these helicopters flying around. Those fires burnt
10 about 1 million hectares and we lost less than 50 houses,
11 and yet in one afternoon in the Dandenong Ranges in 1997
12 fire burnt 600 hectares and we lost three lives and 37
13 houses. That's the stark reminder we have to come back
14 to.' Rees says, 'People who have moved from the city to
15 the fringes or beyond had to consciously change their mind
16 set.'" You went on to explain how those people may not
17 necessarily be linked into the risk. Again, was that an
18 attempt by the fire services to try and convey this
19 apparently difficult message that these are not bushfires
20 that will take place in some remote place that you can
21 watch on TV; these are bushfires that may be devastating
22 in their nature, fast moving and
23 destructive?---Absolutely, and we'd often used the phrase
24 "look over your back fence" because they were very much
25 about that sort of environment where people could be
26 blissfully unaware of the change in circumstances around
27 them due to the drought and due to the build-up in fuel.
28 Another publication that was a constituent part of the
29 strategy, the "Living with fire" strategy, was the "Living
30 in the bush: bush survival plan work book". I won't take
31 you to it. The Commission is familiar with it. But I do

1 want to read a couple of portions to you. At page 4, it
2 is (TEN.001.001.0002), and I'm reading from page 0007,
3 this explanation is given. Again, this is addressing the
4 suggestion that a total fire ban or a day of extreme fire
5 danger only conveys the idea that fires may ignite more
6 easily, "Days of high fire danger. During summer, there
7 are many days of high fire danger and several days of
8 extreme fire danger. Fire danger refers to how difficult
9 a fire will be to control, given certain weather and fuel
10 conditions. A total fire ban is declared on days of
11 extreme fire danger, with high temperatures, low relative
12 humidity and hot, gusty winds. On these days the risk of
13 bushfire is very high." Again, is that picking up and
14 attempting to convey that message you have spoken
15 about?---Yes.

16 Thereafter at page 5 in that same document there is a
17 discussion about vegetation, topography and fire behaviour
18 and the way that a fire or a bushfire spreads by burning
19 embers, radiant heat and direct flame contact?---Yes.

20 At page 6 there is there set out an attempt to convey what
21 people living in bushfire-prone areas or at least people
22 confronted by the possibility of a bushfire should expect,
23 and we have heard from Mr Esplin that that is a difficult
24 thing to convey, but this appears to be a best attempt,
25 "If a fire occurs in the local area, residents should
26 expect from the fire: spot fires moving ahead of the main
27 fire; lots of smoke and burning embers landing ahead of
28 the fire and for many hours afterwards, making it hard to
29 know where the firefront is; smoke, heat, noise and
30 possibly darkness - bushfires are very loud, threatening
31 and scary; disorientation and confusion from the wind,

1 smoke and heat; difficulty breathing particularly for
2 people with respiratory conditions; fear about what might
3 happen; thirst and hunger; fatigue and panic." It then
4 goes on to explain that power can be cut off, mains water
5 pressure can fail, telephone lines can be cut by falling
6 trees, mobile coverage can become congested, road travel
7 can become dangerous. "Fire services will be
8 concentrating on the firefight. Do not assume there will
9 be an official warning of the fire and do not expect a
10 fire truck." Thereafter in the following pages of the
11 document again are these explicit attempts, I suggest, to
12 try to convey just what threat bushfires pose to people
13 and how they might be experienced and then, arriving at
14 page 9, the concept of the stay and defend or leave early,
15 "It is your decision"?---Yes.

16 There set out are the sorts of considerations that it is hoped
17 people might weigh up in determining whether their plan
18 will be to prepare to stay and defend or to leave
19 early?---Yes.

20 Again, this is, if you like, the flagship of the policy, the
21 "Living with fire" policy or strategy, an attempt to
22 convey to people the reality of this phenomena of the
23 bushfires that you have already described?---That's
24 correct, and trying to convey what has clearly been
25 discussed here, the complexity of that policy and the
26 decision-making process that people need to go through.

27 One of the target groups were those people who it was feared
28 wouldn't even perceive themselves to be living in a
29 bushfire-prone area?---That's correct. The issues that
30 have been presenting over a number of years is that, with
31 the increasing drought and the fact that people can't

1 water their gardens and parklands are becoming less looked
2 after in terms of kept green, in fact the fire risk has
3 been progressing to the urbanised area as well as people
4 building in the rural areas. So there has actually been
5 an increased risk pushing back into the urbanised areas of
6 major cities.

7 In order to address that situation, was there a DVD
8 distributed - I think there were in excess of 60,000
9 copies distributed - to targetted interface areas on the
10 outskirts of Melbourne, and the DVD was called "Living on
11 the edge"?---Yes.

12 Is it convenient to show that now?

13 (A DVD was played to the Commission.)

14 MR CLELLAND: Is that a convenient time?

15 CHAIRMAN: Yes. Resume at 2 o'clock.

16 <(THE WITNESS WITHDREW)

17 LUNCHEON ADJOURNMENT

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1 UPON RESUMING AT 2.00 PM:

2 MS RICHARDS: Commissioners, I call Douglas Walter.

3 <DOUGLAS ELLIOT WALTER, sworn and examined:

4 MS RICHARDS: Mr Walter, your full name is Douglas Elliot

5 Walter?---It is.

6 You live in Knafl Road in Taggerty?---Indeed.

7 With the assistance of the lawyers for the Commission, have you

8 prepared a statement?---Yes, I have.

9 For the reference of the Commissioners, this statement is to be

10 found in volume 34 at tab 17, and there are four

11 attachments from tabs 18 through to tab 21, and the

12 document number is (WIT.041.001.0001). Mr Walter, do you

13 have a copy of that statement there with you?---Yes, I do.

14 Have you had a chance to re-read it recently?---I have.

15 Are there any corrections you wish to make?---No, there are

16 none.

17 And you adopt your statement?---I do.

18 MS RICHARDS: I tender that, Commissioners.

19 CHAIRMAN: Yes, that will be exhibit 77.

20 #EXHIBIT 77 - Witness statement of Douglas Elliot Walter.

21 MS RICHARDS: Mr Walter, how long have you lived in

22 Taggerty?---We have actually lived there for about five

23 years.

24 Were you new to the area at that time?---We owned a property

25 there for three years prior to that.

26 And you describe yourself in your statement as now

27 retired?---Yes, I do describe myself as retired.

28 But looking at your statement you are clearly very active in

29 the local community. You hold a number of

30 positions?---Much to my wife's chagrin.

31 And those include newly this year after the fires being

1 chairman of the Marysville and Triangle Development
2 Group?---That's correct.

3 And you are also involved in the Marysville Community Golf and
4 Bowls Club?---Yes.

5 As Vice President. Treasurer of the Acheron Valley Watch and a
6 member of the Taggerty Progress Group and the Marysville
7 RSL?---That's correct.

8 You live at your property in Knafl Road, if we could perhaps
9 have a look at a map that will orientate us to where your
10 property is. You will see there that there is a balloon
11 with an A on it. Does that indicate the location of your
12 property, if you just look at the screen there, on Knafl
13 Road in Taggerty?---Yes, it does.

14 We see there that it is part of a square formed by Knafl Road
15 to the south, Cathedral Lane to the north, the Maroondah
16 Highway on the western side, and I think it is Acacia Lane
17 that is not marked, but that is on the eastern
18 side?---Acacia Lane is in fact marked there where you have
19 the cursor.

20 Yes. I will ask you some questions about that square of land
21 in a moment, but can you describe for us, please, the home
22 that you live in in Taggerty?---It's a substantial brick
23 dwelling with a corrugated iron roof, surrounded by a
24 circular drive and a native garden which is my wife's
25 pride and joy.

26 Is the garden close to the house?---The garden is relatively
27 close to the house, however there are no big trees or
28 anything of the sort close to the house at all.

29 In your statement, Mr Walter, you describe the formation of a
30 group known as the Taggerty Heights Dads Army. Could you
31 outline for us the genesis of that group, please?---About

1 two years ago a group of all of our neighbours got
2 together, and we met at one of our numbers home and we
3 began planning for exactly the sort of event that happened
4 on 7 February. At the time we were hoping of course that
5 it wouldn't happen, but living in the country I think it
6 is the responsible thing to prepare. So we met and we
7 developed our own fire plans based on the CFA model. We
8 organised an emergency phone tree so that we could contact
9 one another not only in the event of a fire, but in the
10 case of wandering stock or any other emergency. But we
11 also, and probably most importantly, established ourselves
12 a UHF radio network within our own group so that we could
13 communicate with one another in the event of an emergency,
14 because unfortunately regularly, many times a year our
15 phone and power fail us so that we had to have a reliable
16 means of communication. And small UHF radios proved to be
17 a reliable means of communication in the event. We also
18 undertook - we also participated in all of the CFA
19 training programs and community workshops that they ran in
20 the Taggerty hall. We participated in all of them.

21 With which CFA brigade were they conducted?---It was actually
22 done by I imagine CFA head office, but it was organised by
23 the Taggerty CFA. But I have to say that we took that
24 very seriously. Maybe - I don't know, but we took it very
25 seriously and we prepared and planned accordingly. The
26 other thing that we all did was we equipped ourselves
27 really well. We equipped ourselves with helmets, goggles,
28 visors, face masks, heavy duty overalls, leather gloves,
29 leather boots and firefighting pumps and hoses and so on.

30 About how many households are there in the Taggerty Heights
31 neighbourhood group, if I can call it that?---I worked all

1 that out in the event, and according to my notes there are
2 about 15 I think.

3 15 households in that square of land that we looked at?---Yes,
4 on the night, as I have noted here, and I worked this out
5 meticulously, there were six dwellings occupied and
6 defended including my own, four properties unoccupied.

7 This is in paragraph 13 of your statement?---Yes, in total nine
8 undefended.

9 You mention in paragraph 14 your individual fire plan, did you
10 work that out jointly with other members of the
11 group?---Yes. As I said, we used - unashamedly used the
12 CFA model as a base for this, but we jointly worked this
13 up together and then modified it to suit our own personal
14 circumstances.

15 And you have provided us with a copy of your fire plan at
16 attachment DEW1 to your statement. I won't go to it, but
17 it's a very detailed plan?---Suffice to say that on the
18 week probably preceding 7 February and on 7 February we
19 followed this to the letter.

20 Do you also have an emergency contact list that you keep
21 together with the plan?---Yes, we do. I haven't attached
22 that as part of the documentation, but as I said before
23 this is just an emergency phone and email contact for all
24 of our little neighbourhood, and it serves purposes beyond
25 bushfires.

26 It also has contact numbers for the local emergency services
27 and hospital?---Yes, it does, the local emergency
28 services, the Taggerty store, which is the heart of the
29 district, the Alexandra Hospital, fire, police and
30 ambulance.

31 You say in your statement that you were aware prior to

1 7 February of the warnings about the weather on that day,
2 that it would be a big fire danger day, you say in
3 paragraph 15. What preparations did you put in place as a
4 result of receiving those warnings?---I guess all of the
5 stuff that's identified in the bushfire survival plan, but
6 we cleared debris from around our house and from around
7 our shedding. We removed all inflammable material from
8 around the house and put it in a steel shed. I slashed
9 the grass on the entire property, and with a ride on mower
10 cut all of the grass around the perimeter of my home very
11 short, very short. But in the event, if I can digress for
12 a second, it didn't stop the fire. The grass fire
13 actually skipped across even the grass that I shaved down
14 low, with the wind driving it the fire skipped across
15 that. But these are the preparations we went through, we
16 put all of the inflammable materials away in a shed, we
17 got rid of all of the door mats and all of the usual
18 stuff. We raked up debris and cleared that away, did all
19 the usual fire preparations and we did them very, very
20 carefully.

21 On 7 February what was the first indication that you had that
22 there was a fire in your area?---The first indication we
23 saw was a huge mushroom shaped cloud in the - I guess
24 looking down the Acheron Valley, we were looking towards
25 Marysville and Narbethong. That was the first thing we
26 saw, a huge mushroom shaped cloud. The only warnings we
27 had had prior to that, we listened to the ABC or 774 and
28 they had said that there was a big fire in Kilmore and
29 that it was moving fast. Now we had no idea that it was
30 moving fast in our direction because the wind direction
31 where we were didn't appear to - that that would pose a

1 threat to us. But when we saw that big mushroom cloud and
2 the wind was from the south, south-west, we had a pretty
3 fair idea that we were going to be in strife.

4 At about what time of day did you notice that big mushroom
5 cloud?---It would have been, I would think, between 4 and
6 4.30. I would say 4.30. I'm sure the Commission has been
7 told this many times, but one of the side effects of what
8 we went through has been great difficulty in recalling the
9 chronology of events and the timing of when things
10 happened. We have all compared notes and we have sort of
11 come upon something of a chronology from looking at photos
12 and timings from others, but my own recollection would be
13 this was in the order of 4 to 4.30.

14 At around that time did you also lose power and your telephone
15 landline connection?---Yes. At that time we lost not
16 only - I think we lost power first, electricity first.
17 One of our last phone calls was my wife received a phone
18 call from a friend in Marysville to talk about a fashion
19 parade that they were jointly organising, and my wife said
20 to her, because we could see what was coming, and my wife
21 said to her, "Where are you?" And she said, "We are home,
22 we are sitting in the lounge room with the blinds drawn,
23 the air-conditioning on, and we are reading." My wife
24 said, "I think you better get out of there." And she
25 pulled the blind up and said "The sky has gone orange",
26 and then they bolted, but they only just bolted. And then
27 our phone went dead. So whatever time the fire started to
28 move down past Allison Crescent in Marysville was the time
29 that our phone went out. We lost not only our power, we
30 lost the phone and we lost our mobile phone too. So we
31 were utterly cut off.

1 Having seen the mushroom cloud of smoke, what did you then do
2 to implement your fire plan?---We then communicated with
3 our neighbours using our UHF radios. We started to
4 compare notes and it became apparent that the thing was
5 heading for us. We then got into our final preparations
6 which was checking for the 100th time that the fire pump
7 was full of fuel, checking for the 100th time that the
8 water head was getting into the pump, running out the
9 hoses, getting into our firefighting gear and then waiting
10 interminably.

11 After you had on your gear and you were prepared, as you
12 outlined, did you get a call on your UHF radio from one of
13 your neighbours?---Yes, it was just on dusk, whatever time
14 dusk was, and one of my neighbours, David Buchanan just
15 down the road from me, rang me, or got on the UHF radio to
16 say that the fire had hit their place, it had come along
17 Maroondah Highway, and was coming at us as a grass fire.
18 So he was able to forewarn me about that. Another one of
19 our neighbours who was an ex-fire captain, also on the UHF
20 radio, advised me not to go out and try and fight it as a
21 grass fire, to let it come to me, and then hit it with our
22 heavy duty equipment as it got close, just to let it come
23 to us, let it come to us, and in the event that was very
24 sound advice. So we just had to stand there and watch our
25 neighbours' properties burn, and the thing come, and
26 subsequently burned the full length of our place and come
27 towards us. And then as I have also said in my
28 submission, then we got the firefighting pumps going and
29 created a barrier around our home, and the grass fire then
30 proceeded past us. But that's a subsequent part of the
31 story, I suppose.

1 So you had the grass fire coming at you from one direction.

2 Did you then receive another call on the radio to let you
3 know that a plantation very close to you had caught
4 fire?---Yes, it had always been our nightmare that the
5 blue gum plantation, which is in very close proximity to
6 our dwelling, might burn. We had always - I have to
7 say - expected a fire to come at us from the north, strong
8 north wind, fire danger day. Speaking subsequently to the
9 locals, they all say the real danger is when the wind is
10 in the south-west, and they were absolutely right. So
11 again David Buchanan got on the UHF radio and said to me
12 the blue gums have gone up and it is heading your way. At
13 that point we started to hear the characteristic roar of a
14 massive fire, and the thing came at us enormously quickly.
15 Just enormously quickly.

16 If we can just stop at that point and have a look at some
17 photographs that you have taken showing the location of
18 the plantation. If we could move, please, to page
19 (WIT.041.001.0026). Mr Walter, the house in that
20 photograph is yours?---Yes, it is, and you can see from
21 that first photograph how we have kept the paddock area to
22 the north and predominantly to the west of us clear of any
23 major plantings.

24 And the blue gum plantation are the trees that we can
25 see?---Yes, they are hard behind there. They are just the
26 other side of Knafl Road.

27 So to the south of your property?---To the south and to the
28 west, yes.

29 If we could have a look at the next photograph on the bottom of
30 that page?---Yes, that's a closer view of the same thing.

31 You said you had heard the fire. When did you see the fire

1 coming from the plantation?---There was an enormous amount
2 of smoke, but I guess the fire would have been 200,
3 300 yards away, and we could see the orange ball, the
4 orange glow reflected in the smoke, and I have to say at
5 that time I have never been so frightened in my whole
6 life. But it came at us in a massive rush, as I'm sure
7 you have heard before. It just travelled at massive
8 speed. In an instant we were engulfed in an orange fire
9 ball, and at that point we felt nothing, we felt no fear,
10 I guess it was the adrenaline kicking in, but time stood
11 still, our emotions stood still, we felt nothing. We just
12 went about and did what needed to be done, keeping our
13 perimeter as wet as possible to create a barrier for us to
14 stop our home burning. We had previously plugged all the
15 down pipes and fill the spouts with water and all that
16 stuff. The thing we weren't prepared for was the size of
17 the incendiary material that was raining on us. The wind
18 was so great and the fire so big that the flames were
19 actually bending over the top of our whole home and over
20 the top of us. We were in a sort of - encapsulated in
21 this mad - you know, it was a swirling world of embers and
22 burning material, and we were just hosing the house and
23 the surrounds constantly, and every now and then having to
24 turn on the fogger to cool the air around us. But again
25 we didn't feel that a lot because I guess again it was the
26 adrenaline. We didn't feel the heat. I during the night
27 burnt myself on the left wrist because of a stupid mistake
28 I made, but I felt nothing at the time when I burnt
29 myself. Part of that was a third degree burn. I didn't
30 feel it. So this went on for what seemed like hours, but
31 God only knows how long it was.

1 At any point did you retreat inside the house?---We did. We
2 did retreat inside the house, and immediately came back
3 out again. A friend who had evacuated from Marysville was
4 sitting in our passage, the passage of our home calming
5 our dog, and she stuck her head out at one stage and said
6 "the flames are getting too big, you've got to come
7 inside." We did that and regretted doing it. So we
8 immediately went back out again and continued the fight.
9 The reason we did that, I think, was as much as anything
10 else because we weren't feeling the radiant heat that
11 would have normally caused us to retreat indoors. Again
12 I'm an amateur, but I suspect that the radiant heat, we
13 were spared that, and this is part of the luck that we
14 experienced, but we were spared the massive radiant heat
15 I suspect because the flames were so big and because it
16 was travelling so fast, it was just like a tsunami, it
17 just went right over the top of us and just I think
18 blasted upwards and away from us.

19 This patrolling around outside your home went on for some
20 hours?---Yes, it went on until - some of our neighbours
21 thought that we must have died because the fire was so
22 big. Two of our neighbours tried to come down to see how
23 we were going some time during the night, but were driven
24 back by the heat. Later on in the evening they sent their
25 son down on a quad bike and he managed to get through and
26 he came and first thing I knew he was at my left elbow
27 saying, we were in strife, we had a few crises at this
28 point, and he was at my left elbow, and he said "Can
29 I help?" And I said, "Boy can you help." So I sent him
30 off to save my shed which has got all my tractors and
31 implements in it. In the morning we found that the fire

1 had actually burnt to about an inch from the side of that
2 shed. He had got there just in time. Then I sent him off
3 to protect my household water tanks, and subsequently a
4 firefighting tank, which is sited at the top of the block.
5 So I sent him off killing spot fires that I couldn't get
6 at with my firefighting hoses. I learnt a lot from that.
7 Just in relation to your water tank, what is your water tank
8 made of?---It is a poly tank. After Josh had come back
9 from that, I put a back pack on. He held my fire hose and
10 kept spraying the water around our dwelling and around our
11 surrounds. While he did that I put a back pack on and
12 went up to have a look at that firefighting tank because
13 that was obviously fairly important to our survival and
14 found that the poly had in fact started to change
15 character, it had started to glaze, it had started to go
16 shiny and was starting to slump. So I sprayed it and the
17 surrounds with my back pack to cool it down. It survived
18 as a result of that. But I have learnt a big lesson from
19 that. I'm going to encase my poly tank in a fire proof
20 surround and clear any foliage from around it.
21 Then at about 4.30 in the morning did a fire truck come
22 by?---Oh, the best thing I have ever seen in my life.
23 Through the smoke up Knafl Road we saw the red and blue
24 flashing lights of what was obviously a CFA unit. I ran
25 up to the front gate. They stopped and I was ever so glad
26 to see them. It turned out, on talking to the fire
27 captain, that they were a New South Wales unit that was
28 lost.
29 Did he tell you what they were - what they had been sent there
30 to do?---They had been sent, according to the fire
31 captain, up to the base of the Cathedral. I think in fact

1 they were looking for the Clearview Court which was the
2 next street further up which goes up into the base of the
3 Cathedral by accident, and his exact words to me were the
4 first casualty in this crisis has been communication, that
5 they had no map and that they had no briefing, and they
6 didn't know what to expect. So I actually climbed into
7 the command vehicle with him at that point knowing that my
8 wife and Josh were still at the home and showed them where
9 they were trying to go.

10 Mr Walter, after 7 February were there fires that continued to
11 threaten your house for some weeks?---We had our last spot
12 fire three weeks to the day after the firefront had gone
13 through. I was at a meeting and my wife was home alone
14 and one of our neighbours contacted her again on the radio
15 and said, "Are you aware you've got a fire", and so our
16 dad's army descended on it and managed to kill it, but that
17 was three weeks after the firefront.

18 In the days after the 7th February, how did your Taggerty
19 Heights neighbourhood group work together?---In the
20 subsequent weeks we were all, as you can imagine, we were
21 all exhausted. We took it in turns to keep watch and took
22 it in turns to I guess call the crises as they occurred.
23 If we received a call from one of our neighbours to the
24 effect that there was a fire on Peter's place, we all jump
25 in our vehicles, we have all got 4-wheel Drives, we would
26 jump in our vehicles with all our firefighting equipment
27 in the back of them and we would descend on the outbreak.
28 We got very good at assessing how difficult a fire might
29 be to put out and we had two fallback positions. We would
30 attack the thing ourselves first. If we didn't manage to
31 put the fire out ourselves, or it looked as though it was

1 beyond us, we would give one of our other neighbours, Ray
2 Goss, a call. He had a 4-wheel Drive with a 1,000-litre
3 slip-on tank on the back and fairly heavy duty fire
4 equipment. We could call him and he'd come and put it
5 out. But it was still too big for us. In the weeks that
6 followed the 7th and 8th February the CFA units that were
7 allocated to our area were monitoring our channel 13 and
8 we could either call them, take the initiative and call
9 them and say we have got one that's a bit too big for us,
10 we need you to come and give us a hand or alternatively
11 they would listen to our chatter and if they assumed it
12 was too big they would ring us and make an offer to come
13 and help us. We had the situation on more than one
14 occasion where we had two tankers come and submerge fires
15 that in the next two or three days came back, flared up
16 again.

17 During that period when the CFA were monitoring your radio
18 communications did they coin a name for themselves?---The
19 CFA units?

20 Yes?---Called themselves our guardian angel.

21 Was that a fair description?---It was actually. We were very
22 happy to see them. Very sadly I can't remember the names
23 of the units because I would love to be able to write to
24 the captains of the New South Wales unit and the central
25 Victorian units that were allocated to our area. I would
26 like to be able to get in touch with the fire captains and
27 tell them how very grateful we were.

28 You say in paragraph 43 of your statement that over that period
29 you developed a very strong bond and trust with the CFA
30 teams?---Yes, we certainly did.

31 Mr Walter, looking at the way you and your neighbourhood group

1 handled the fires on 7 February, were there any losses of
2 houses in your area that were defended?---No. Our little
3 team and our preparation managed to save all of our own
4 dwellings. All of the houses in our area were saved by
5 our little collection of neighbours.

6 Does that include the houses that were not defended?---Yes,
7 including the houses that were unoccupied or where people
8 had evacuated. All the houses in our little area were
9 saved. We lost one shed in an unoccupied property because
10 we just weren't quick enough to get there.

11 How important was the cooperative relationship that you had
12 developed with your neighbours and your ability to
13 communicate by radio in that successful defence of all of
14 those households?---Crucial. If it didn't actually save
15 our lives, it certainly kept us sane-ish. It certainly
16 kept us sane because the sense of isolation, being utterly
17 cut off, is a terrible thing. To be able just to talk to
18 another human being on these things was just a fantastic
19 thing for us. Subsequently it enabled us to target
20 exactly where fire outbreaks were occurring because we
21 were able to keep watch across our whole neighbourhood,
22 and enabled us to act very much as a spotting team for the
23 CFA, not only in being sort of a first strike unit, but
24 also being able to assess the fire and work out how big it
25 was and what power was needed to try and kill it.

26 In the months since Black Saturday have you given some
27 consideration to expanding your neighbourhood group
28 model?---Well, we have, but only as much as anything else
29 because others have come to us, hearing what we had done,
30 other locals have wanted to form their own, what we are
31 now calling cells, so that they too can have the same

1 cooperative arrangement that we had, and in the
2 realisation that we just can't rely on power, landline
3 phone or our mobile phones, where these things, provided
4 you keep the battery charged up, unstoppable. On the
5 night by the way I used a half watt unit and it lasted me
6 for about a week before I got a generator and was able to
7 recharge it. This is actually a three watt unit.

8 You have upgraded that since 7 February?---I have upgraded it,
9 as much as anything else because I just want to be able to
10 receive from a greater distance when my wife goes
11 shopping.

12 Have you actually developed a proposal that you have put to the
13 local council?---Yes, we have developed a little proposal
14 with the intention of setting up cells all around our own
15 neighbourhood. This was our original intention. We also
16 wanted to establish a repeater station on a hill located
17 directly opposite us in the Black Range so that we could
18 get up into all the little valleys where people live
19 around our neighbourhood. We have received some support,
20 some financial support to make that happen. We have had
21 donations of these handsets from some of the
22 manufacturers, and we have also had a donation from a
23 Melbourne public girls school to help us buy a repeater
24 station and put that in place so that we can set up a
25 series of these cells and then a network overall. So what
26 can happen is that from, say, halfway up Cathedral Lane
27 somebody who can see a crisis that can't be seen up
28 Glendale Lane, which is on the other side of Maroondah
29 Highway and some distance away and outside the range of
30 these things, will by using that repeater station be able
31 to talk to people in the far extremes of our network. Our

1 contention is that this could be very readily and very
2 cheaply replicated right across fire prone Murrindindi and
3 fire prone Victoria, probably.

4 Have you had any discussion with the Murrindindi shire council
5 or with the state government about implementing your
6 plan?---Yes, we have mentioned it. We have mentioned it
7 in passing, but haven't yet firmed up to get serious about
8 trying to make it happen. I have got all winter, I guess,
9 to work on that. But it is certainly our intention to
10 approach the state government and the local shire to try
11 and make this happen.

12 Have you had any preliminary response?---Yes. Nobody has yet
13 said to us this is a bad idea. In fact the opposite has
14 been the case. We have received a lot of support for the
15 idea because it is a fail safe, cheap way of keeping
16 people in touch with one another locally and across a
17 broader area.

18 If I can just move to one last topic, Mr Walter. You showed us
19 some photographs earlier of the proximity of the blue gum
20 plantation to your home. What particular issues did that
21 plantation pose for you on Black Saturday?---Apart from
22 anything else it was severely life threatening. I think
23 had we not been a bit lucky - had we not been there we
24 would have lost our entire property. But it was a very
25 dangerous thing to have right beside our home. There are
26 a number of issues involved in that. One, its proximity
27 to residential development, and not just this plantation,
28 the pine plantation at the top of Cathedral Lane burnt for
29 many days after the event and caused a major peril to
30 people who lived up there. But the issues about it are
31 not just its proximity to our residential dwelling and

1 others, but also the fact that the plantation was totally
2 unmaintained.

3 Do you have any contact with the owners or the managers of that
4 plantation?---I believe - I know the owners of the land
5 and they are neighbours and friends, but the plantation
6 itself is actually owned by a Japanese consortium,
7 I believe.

8 Do you have contact with - - -?---No.

9 What was your observation of the management and maintenance of
10 that plantation?---There was none. We have two major blue
11 gum plantations in our area and they are like chalk and
12 cheese. One of them is the litter underneath is removed,
13 the trees are properly pruned and the area is made safe.
14 The one that was next door to us, the litter was in some
15 places six to eight inches deep, there was scrub and bush
16 right through the plantation. There was no pruning done,
17 and the CFA and an Agra-forester said to me that this was
18 the cause of our problem, that the litter on the ground
19 burnt, the unpruned branches allowed the fire a ladder up
20 into the upper canopy and once it got in the upper canopy
21 it burnt fiercely.

22 How would you like to see that risk managed in
23 future?---I think one of two things should probably
24 happen. I think that either major commercial plantations
25 should not be allowed to be established within, probably
26 800 metres I have said in my submission, 800 metres of a
27 residential dwelling, or alternatively if the plantation
28 preexists the dwelling, then maybe a building permit
29 shouldn't be allowed.

30 MS RICHARDS: Mr Walter, thank you for your evidence. I think
31 Mr Livermore for the State of Victoria may have some

1 questions for you, unless the Commissioners do first.

2 COMMISSIONER McLEOD: Just a couple of quick questions,

3 Mr Walter. You mentioned at the outset there were 15
4 households in your area. I think you have mentioned six
5 occupied, four unoccupied and you referred to a figure of
6 nine undefended. Now, I couldn't quite reconcile those
7 figures?---My sums off the top of my head weren't so
8 flash. So it looks like there were 10 - 19.

9 Sorry, it would be 15 households?---I think it is six dwellings
10 were occupied, four unoccupied and - - -

11 I have assumed the six occupied were defended?---The six
12 occupied were defended, yes.

13 But 9 and 6, 15, okay, but in effect the nine vacant ones were
14 defended by the rest of you who were there?---That's
15 correct.

16 The second question is, could you just describe how you would
17 typify the people who live in your surrounding area. Are
18 they farmers, are they hobbyists, are they - and also do
19 you all live on acreage, if I can use that term, rather
20 than live close together?---My property is 25 acres and
21 that would be fairly characteristic. There are some
22 bigger and some about that. Mine is, I suppose about as
23 small - they range from about 60 acres to 15 acres, so
24 they are predominantly lifestyle hobby farms. We are
25 actually apiarists so it doesn't matter how big a block of
26 land we have. But the people are just normal people.
27 There are a number of retirees such as myself, a number of
28 people actually commute back and forwards to jobs either
29 at Lake Mountain or in Melbourne. Some work for the local
30 council. I don't know whether that answers your question.

31 As a group would you regard them as well informed in terms of

1 the needs for their own protection?---Absolutely. Yes,
2 they are. I guess it is that sense of responsibility and
3 being well informed that brought us altogether to that
4 initial meeting and the subsequent meetings to plan to
5 make this happen.

6 Would you have felt the same level of confidence in being able
7 to defend your own property if you had been much closer
8 together such as, to take an example, in the middle of
9 Marysville where people are living in a kind of suburban
10 kind of environment, if you like, in the middle of the
11 bush?---I'm not suggesting that what we did could be
12 applied to a suburban situation. I think this is
13 something that is peculiarly rural. No, the situation in
14 Marysville was very different from the situation that we
15 faced, but I think we probably would have defended and
16 survived had it not been for our neighbours, but the
17 neighbours gave us comfort to know that they were there,
18 and that was tremendously important, the neighbours gave
19 us a lot of information that went into our fire plan and
20 helped us in our preparation and planning, and I think the
21 main thing was we were supporting one another and knew we
22 were supporting one another, and in the subsequent weeks
23 that proved to be like gold, enormously valuable. But we
24 probably would have, my wife and I probably would have
25 survived had it not been for our neighbours, with one
26 small exception, I suppose, as that grass fire was coming
27 across at us from the west I was tempted to go out and try
28 and stop it before it got to our property. Had I done
29 that it would have been disastrous, because the blue gums
30 would have gone up and that happened so quickly I would
31 have found myself stranded down in the paddock trying to

1 stop the grass fire with the blue gums exploding behind me
2 and I wouldn't have been able to get back home which would
3 have left my wife there alone. So my neighbour in saying
4 to me, don't go out and fight it, let it come towards you,
5 probably saved us. So in that context maybe it did make a
6 difference.

7 COMMISSIONER PASCOE: Just a follow up question on the nature
8 of the neighbourhood group. Do you have any familiarity
9 with the Community Fireguard groups?--Not in great
10 detail. However, in going through my papers prior to
11 coming here, which talks about fireguard, and I have to
12 confess that the word "fireguard" hadn't struck a cord
13 with me until I re-read it just then.

14 So would you see similarities then between the Taggerty Heights
15 dads army and the Community Fireguard groups?---Probably.
16 What I/we have in mind probably extends that a bit. If
17 I can expand on that a little, what I would like to think
18 might happen is that farmers are given some sort of
19 financial incentive to buy slip-on tanks and fire
20 equipment and maybe register with the CFA to become a
21 small unit very locally. One of the reasons I think from
22 my own point of view that I would be happier about that
23 situation than being a part of the hardcore or the main
24 CFA is the concern that if I were to join the CFA I could
25 find myself on a fire tank in Tangambalanga with a fire
26 burning at home, and there are a lot of us who feel the
27 same way. However, if we were equipped, and I have
28 already done this by the way so I'm not looking at
29 anything personally, but if our local farmers were to be
30 given an inducement to equip themselves with serious
31 firefighting gear and mobility, then I think locally they

1 could really have a major effect and be an enormous
2 resource that could be used by the CFA, and part of that
3 would have to be some training with the CFA. But I think
4 it could have a major impact on future fire and
5 preparation and our capacity to respond.

6 MS RICHARDS: Mr Walter, that publication that you just held
7 up, could you hold it up again and just read the name for
8 us, please?---Read the name? It says "Your house survival
9 kit".

10 And it is a CFA publication, is it?---It is.

11 <CROSS-EXAMINED BY MR LIVERMORE:

12 Mr Walter, just a couple of questions about the characteristics
13 of your group. It seems clear from your evidence that you
14 and the rest of your group living in a fire-prone area - -
15 -?---Sorry, may I ask who you are?

16 Yes, my name is Livermore, and I act for the State of
17 Victoria?---Thank you.

18 One of the characteristics of your group is that because you
19 live in the area that you live in you feel an obligation
20 to make some sort of effort to protect yourself from
21 fire?---Absolutely.

22 And working with your neighbours has been a good way of doing
23 that?---Absolutely.

24 You say in your statement that you attended all the CFA
25 community training and information sessions that were held
26 in Taggerty?---Yes.

27 And you participated in briefings and you make a point of
28 saying in your statement that you took them very seriously
29 and planned and took action accordingly?---Yes, we did.

30 Would that sort of effort and commitment be a prerequisite in
31 your view before people started getting radios to be able

1 to communicate with each other?---I think it is
2 actually - it works in at the same time. It needs to be
3 done at the same time. The radios are just invaluable for
4 keeping in touch with the rest of the world and also to
5 provide the responsiveness that we needed in the days
6 following the fire. But as I also mentioned just a moment
7 ago it probably saved my life.

8 You would see it as being part of the one
9 package?---I definitely would. Communication, as I'm sure
10 you are all aware, communication is just so important.

11 Did all your neighbours in your group either attend those
12 formal CFA community training and information sessions as
13 well?---Yes.

14 You were all equally well informed and trained?---Yes. Can
15 I just say that when I say that we took it seriously, you
16 see photos on the front of the paper of people fighting
17 fires in shorts and thongs. None of our group would have
18 done that because we knew the perils of radiant heat as a
19 consequence of our listening to the CFA.

20 And the importance of having water available too in relation to
21 radiant heat?---Yes.

22 MS RICHARDS: Nothing further.

23 CHAIRMAN: Thank you very much indeed for giving evidence,

24 Mr Walter. Thank you.

25 <(THE WITNESS WITHDREW).

26 <RUSSELL REES, recalled:

27 <CROSS-EXAMINED BY MR CLELLAND, continued:

28 Mr Rees, before lunch the Commission had been shown a DVD which
29 was titled "Living on the edge". I think I suggested to
30 you that something in excess of 60,000 copies had been
31 distributed to targetted interface areas. That may need

1 correction. I'm instructed that in fact there were over
2 100,000 copies distributed, is that your
3 understanding?---That's correct. The initial run was
4 60,000 and a further 40-odd afterwards.

5 And that was, as you have explained, designed to address a
6 perceived lack of understanding on the part of those who
7 lived in what they might have regarded as urban areas, but
8 were on the assessment of the CFA and other fire agencies
9 nonetheless fire-prone areas?---Yes, and becoming more
10 vulnerable so as change in vegetation due to prolonged
11 drought.

12 In part that decision to supply the DVD to those targetted
13 areas was informed by, amongst other things, the bushfires
14 in Canberra?---That's right. This is what you might call
15 people living in suburban blocks right on the very
16 boundary and thinking they were in suburbia.

17 There were a number of messages, if you like, submessages given
18 throughout that presentation, apart from the broader based
19 message that we have spoken about, particularly post
20 7 February, are you happy with the content of that DVD and
21 the messages that it was conveying?---I think there is
22 some language in that DVD that needs to be thought again,
23 and it particularly goes to the notion that got mentioned
24 in there about houses and how houses protect people. Very
25 clearly the real question that gets asked post 7 February
26 is that all the statistics in past wildfire were about -
27 the majority of deaths being sustained were in fact in the
28 open and it calls that up in that DVD, yet we know that
29 the deaths - very significant number of deaths on
30 7 February had people in their houses. So that DVD
31 mentions about houses making, you know, being a safer

1 place and that you can be protected, and yet we have to
2 call - not so much call into question, we have to review
3 the message that comes from that DVD. It uses language
4 like, I think, "can survive". Well, this 7 February
5 raises the issue of what makes survivability in a house
6 and requires a more definitive approach to that.

7 Just before you move on from that - - -

8 CHAIRMAN: I would just like to ask a couple of questions. The
9 final message seemed to be totally appropriate and in line
10 with what you were saying in all this, your lives and the
11 lives of others may depend upon it?---Yes.

12 It seemed to me that that message was a very good final
13 message. Do you want to comment further?---Yes, on the
14 other hand, Mr Chairman, the final message was very much
15 on the discussion that we had this morning that this is
16 not so much about, you are preparing your home to save
17 your home, you are preparing your home to stay alive, that
18 your family and your life depends on you doing something.
19 So whilst - when I look at that I think that DVD at a
20 point in time was entirely appropriate, I would not have
21 all of the messages in exactly the same way today
22 following 7 February. I think we need to acknowledge
23 that. But that last message is as appropriate today as
24 ever.

25 It seems for example where you do have a family sitting down to
26 work out a plan where the contemplation of that plan is
27 that they will together, including the small children,
28 stay and defend their house, that's the sort of thing that
29 I see that concerns me. Would you agree?---I would agree,
30 except that it talks about - and we can interrogate these
31 to the enth degree, but it also talks about your options.

1 So there could be options that appear along the way. And
2 this is this notion that we talked about once before about
3 the prepare, stay and defend argument is not (a) or (b),
4 it is actually a range of things in between depending on
5 your circumstance. So I believe in that part it is all
6 right. However, I'm concerned now with the evidence we
7 have, prima facie evidence, that a lot of people died in
8 their houses, that we have to relook at that whole notion
9 of what makes a house safer, rather than the circumstances
10 that that almost - you could almost argue it presented it
11 as a very best option, if I make sense.

12 Can I qualify that, or ask you to comment, it seems to me that
13 the DVD was appropriate for the 99.99 per cent of fires,
14 but that when you do have, as you have used the expression
15 I think on a number of occasions, you called it a fast,
16 rapidly developing fire, in other words, one that
17 potentially will take lives, that that's the sort of fire
18 which, however you describe it, is ultimately one for
19 which the messages need to be changed?---Potentially yes.
20 I would agree. But if you are in suburbia, like that was
21 targetted at, the impact is going to be embers or as
22 I describe it a fire over your back fence, it is not the
23 same as right beside a forest where you are going to have
24 that very intense and direct flame impact or radiant heat
25 impact of just enormous intensity. I think the DVD is
26 okay for the period of time that it was made and for the
27 type of environment, but I think we need to qualify it in
28 those ways that I have.

29 MR CLELLAND: I think you were ticking off some comments that
30 you wanted to make about the DVD. Is that the extent of
31 them?---Yes, thank you.

1 In addition to the material that we have already reviewed prior
2 to lunch, there is I think as is well understood or was a
3 campaign that was run in the form of both TV and other
4 media advertising which was called the "fire ready"
5 campaign or "are you fire ready". I think amongst other
6 things that campaign dealt with or tried to again sheet
7 home the potential intensity of fires that might have been
8 or was perceived to have been underestimated by members of
9 the community and aspects of house survival,
10 correct?---Yes.

11 And indeed, as I understand it, as part of that there were also
12 these fire ready street meetings?---Yes, part of a
13 coordinated approach.

14 Captured the same message, same sorts of messages that we have
15 seen in some of the hard copy publications we have looked
16 at this morning?---Yes.

17 And, as I understand it, the fire ready street meetings also
18 provided similar materials as have been described as being
19 provided at the Community Fireguard meetings?---That's
20 right.

21 Just before I go to Community Fireguard meetings, which again
22 is part of this fire ready campaign, the Commission
23 I think has now received but may not have had an
24 opportunity to read a statement from a Mr Rhodes which
25 deals in large part with the prepare to stay and defend,
26 or leave early policy. In that statement, Commissioners,
27 at paragraphs 172-9 there are statistics in there or
28 records which show the number of Fire Ready Victoria
29 meetings and the Community Fireguard meetings which were
30 conducted at relevant times in what came to be the fire
31 affected areas on 7 February 2009. They show, amongst

1 other things, at table 4 that there were - - -

2 COMMISSIONER PASCOE: Is there a reference number for that one?

3 MR CLELLAND: I'm not sure that it has been given a reference
4 number yet. It was mentioned briefly yesterday by Mr Rush
5 because it had been served on the Commission and counsel
6 assisting, but I can't tell you, Commissioner Pascoe, that
7 it actually has a reference number yet. Mr Rush would
8 probably know, but I don't.

9 MR RUSH: It does.

10 MR CLELLAND: There you are.

11 MR RUSH: It is an enormous document that recently arrived.

12 The reference number - we can get it on the screen. It is
13 (CFA.300.031.0001). That will bring up the first page.

14 MR CLELLAND: I wasn't intending to take the Commission to it
15 in detail, unless the Commission would wish me to. I was
16 simply going to relate that according to Mr Rhodes, and we
17 think it is in table 4 at those paragraphs, there were
18 seven Fire Ready Victoria meetings in 2008/2009 in
19 Kinglake and seven at Kinglake West. Again from that same
20 statement and those same paragraphs, Commissioners, there
21 were apparently 18 active Community Fireguard groups in
22 Kinglake and seven in Kinglake West. Mr Rees, if I can
23 just pick up the Community Fireguard meetings. Again it
24 is part of this strategy. The Commission has received the
25 facilitator's manual, which is Exhibit 28, that was the
26 manual exhibited during Mr Hendrie's evidence. Amongst
27 other things, the facilitator's manual - I wonder if
28 Mr Rees might be handed that. I'm told Exhibit 26.
29 I apologise. (TEN.007.001.0013). Mr Rees, do you have a
30 copy of it?---I don't have it here right in front of me.
31 I have a copy somewhere in my paperwork.

1 In any event, without necessarily taking you to it, the manual
2 itself is made up of several sections. I'm only
3 interested in really confirming the content of that part
4 of section 2, which is the program content, which is
5 divided into four core sessions: introduction to risk and
6 Community Fireguard, personal survival, house survival and
7 bushfire survival plans. I understand that you are at
8 least passingly familiar with the document and the
9 program?---Yes.

10 It deals with, amongst other things, weather, days of high fire
11 danger and under days of high fire danger which is at
12 2.1.3, and this is material that is to be conveyed to
13 members of the Community Fireguard groups, there is an
14 explanation of the fire danger index. Then the fire
15 danger index is explained as being used as a basis for
16 imposing days of total fire ban, warnings to the public
17 about the bushfire risk and preparing firefighters to be
18 on high alert, and information about predicted fire danger
19 ratings is available from the weather forecast for
20 different districts provided by the Bureau of Meteorology
21 during the fire danger period, and the website is then
22 given for the Bureau of Meteorology. In addition to that
23 there are descriptions of what are described as wildfires
24 in forests as having typically very high intensities,
25 relatively low rates of spread, generally less than five
26 kilometres per hour, a long residual burning time and
27 possibly extensive long distance spotting. There are
28 descriptions of the manner in which fire will spread by
29 embers, direct flame contact, radiant heat. There are
30 discussions about both radiant heat and direct flame
31 contact, and extensive descriptions of fire movement,

1 the effect of wind changes and what to expect in a fire.
2 These are all matters which it is intended are to be the
3 subject of discussion and indeed information provided to
4 those who participate in the Community Fireguard
5 program?---That's correct. It hasn't been up on the
6 screen, but I have been listening and trying to follow
7 you.

8 That's all right. As I said, my understanding is, without
9 knowing it off by heart, you are familiar with
10 the document and its content?---Yes.

11 And that's your understanding of the program and the thrust of
12 the program?---It is about giving people education in fire
13 behaviour and what to expect.

14 I won't go through these in detail, but under personal
15 survival, again there are fairly extensive explanations of
16 the risk, the concept of stay or go, radiant heat,
17 sheltering in a building and so on, and indeed the effect
18 of sudden onset fires. At 2.2.6 it is described thus, "It
19 is well known that sudden onset fires can affect parts of
20 the community before there is time to send out an official
21 warning. Wildfires are dynamic events and it can be hard
22 to provide accurate and timely information at times. CFA
23 cannot guarantee the community will receive any official
24 warning in the event of a wildfire." Notwithstanding the
25 figures of Mr Rhodes regarding the number of Community
26 Fireguard groups in Kinglake and indeed in Kinglake West,
27 is it also the experience of CFA that both those sorts of
28 meetings and indeed the Fire Ready Victoria meetings are
29 often very poorly attended?---Probably less so with
30 Community Fireguard. Some of the Community Fireguard
31 meetings - sorry, some of the Community Fireguard groups

1 are quite strong and very well attended. Others have
2 periods where they aren't as well. The ultimate aim in
3 Community Fireguard is for groups to become self managing
4 and to need less facilitator intervention. However, what
5 we would call street meetings, the Fire Ready Victoria
6 meetings, attendance can vary dramatically. I know of
7 examples of friends of mine and relatives who have
8 attended street meetings where there have been five people
9 there, and other meetings where there have been 50 people
10 there. So it is quite variable. Sometimes it depends on
11 recency of fire events. Other times an event depends on
12 publication, creation of a need or a feeling of need in
13 the community. But they are quite variable in attendance.

14 In addition to that, attachment 6 to your statement, I won't
15 take you to it, contains the advice for CFA volunteers,
16 and that in turn is styled as advice to the community
17 before and during a wildfire. It reads, "Thus not all
18 people have a desire or capacity to stay with their home.
19 It is a sensible option for residents to leave the area
20 well before fire threatens if they do not have the
21 physical capacity or psychological readiness to actively
22 defend their house, and will not be supported by others in
23 the household, and the house is likely to be subject to
24 excessive amounts of radiant heat and direct flame contact
25 due to heavy fuel loads very close to the house." That is
26 information, as I understand it, provided to CFA
27 volunteers to enable a consistent response to be given to
28 what are typical inquiries from members of their
29 community?---Yes, that's correct.

30 Again much if not all of the information that we have been
31 rehearsing today is available on line, or is referred to

1 on line?---Yes.

2 Now, if we could move from the general messages and the fire
3 season of 2008 and 2009, coming up to what was predicted
4 to be one of, if not the worst fire days in history, there
5 was a significant media campaign undertaken by the various
6 fire agencies, including CFA, is that correct?---Yes,
7 there was.

8 If you just look at your monitor and I will ask Mr Corbett to
9 play a montage of some of those messages.

10 (A DVD was played to the Commission.)

11 MR CLELLAND: Mr Rees, those and messages like those were
12 repeated on both TV and radio in the week leading up to
13 7 February?---Particularly beginning Wednesday, very
14 strong focus Thursday and then Friday in respect of where
15 you saw the Premier there and other announcements.

16 In terms of the content of the various media releases, it
17 wasn't simply, can I suggest, a message that there was a
18 fire danger, but as this information reflects, it was to
19 the effect that the fires could be of a most devastating
20 kind. The DSE state duty officer Caroline Douglas in a
21 media release said this on 5 February, "That forecasted
22 conditions meant that any fire that starts is extremely
23 challenging for firefighters to tackle, especially those
24 that are in remote areas." On 6 February a further media
25 release, Mr Waller said, "After enduring more than four
26 days of above 40 degree temperatures last week, Victoria
27 is experiencing unprecedented dryness. In these extreme
28 conditions an accidental spark or careless mistake can
29 easily transform into a fire that threatens communities,
30 homes and the bush, Mr Waller explained." As a result
31 of your conference on 5 February it was determined that

1 the message could be even better driven home by asking the
2 Premier rather than one of the fire chiefs to make a
3 public statement, and on 7 February the Premier was
4 reported as saying this, "It is the sort of day when a
5 fire that gets away won't just damage property, it may
6 well cost lives as Black Friday and Ash Wednesday have
7 done before". Mr Rees, can I suggest to you that the
8 messages that were being given to the community of that
9 kind and the kind we have seen on the screen were about as
10 explicit as anybody could possibly make them?---We were
11 very determined to give an absolute descriptor as best we
12 could of the fire danger and the potential for damaging
13 fires, and I chose deliberately to use the Ash Wednesday
14 benchmark, and to say that it was worse than Ash
15 Wednesday, realising that anyone who is 25 years old or
16 younger wasn't alive on Ash Wednesday, but anyone who
17 let's say 35 years or younger, was 10 year old or younger,
18 probably doesn't have a memory, but certainly it is
19 in - I won't call it folklore because that is putting a
20 light tone on it, it is etched in everybody's memory that
21 Ash Wednesday was as bad as what people could remember.

22 The suggestion has been made by counsel assisting that in some
23 way the community was not informed of the potential
24 intensity or ferocity of these fires. I wonder if we
25 might just go to perhaps the final word on the subject,
26 Deputy Chief Esnouf.

27 (A DVD was played to the Commission.)

28 MR CLELLAND: The chairman asked you a question this morning,
29 Mr Rees, directed towards the issue of CFA prioritising
30 the saving of lives. Both the general campaign and the
31 specific messages that we have seen on TV and I have read

1 from the media releases, what was that directed
2 towards?---It was very much directed towards the fact that
3 we could have fires that were so devastating that they
4 would kill, and the Ash Wednesday example was brought up
5 because, as we know, that was the highest life loss that
6 we had had for a generation, and we were trying to get the
7 message across from the week before where we had had these
8 very high temperatures and the heatwave conditions, that
9 not only was this worse than Ash Wednesday but it was
10 worse than the previous half dozen days that we had had in
11 the week before, which had been high and extreme fire
12 danger on those days.

13 Was there a fear, not only on your own part but held by the
14 fire agencies, that people might have become desensitised
15 to the message or alternatively just failed to appreciate
16 the very real risk that Saturday, 7 February,
17 presented?---The week before had put Victoria under
18 enormous pressure in a whole raft of ways, including fire
19 danger. The week before had been a significant community
20 health problem for Victoria. It had posed significant
21 issues in relation to transport and energy. We had had one
22 quite significant fire which was in fact multiple fires
23 that had joined together at Darlimurla. In that
24 particular fire we had lost quite a number of houses in an
25 afternoon of extreme fire behaviour and people were saying
26 to me, "Oh, we lost these houses", and I was quite in one
27 sense not comfortable but I was reassured that people had
28 chosen to leave and that that was an appropriate decision
29 in respect of that fire. But there was a clear view that
30 I had developed during the early part of that week that
31 people were quite significantly stressed as a result of

1 the heatwave, and that the Saturday was the end of the
2 heatwave, that we had gone through a period of very hot
3 weather, it had moderated a little bit during the Sunday,
4 Monday, Tuesday, started to build again in southern
5 Victoria, but in northern Victoria it had not got below
6 I think 40 degrees the entire time, and so I had this view
7 that there was a fair degree of desensitisation to the
8 risk of high temperatures and bad days, and I was very
9 concerned that we highlight this day as being a very
10 significant day, and I was worried that people were only
11 thinking of it being similar to the week before.

12 The message, perhaps as it was encapsulated by Deputy Chief
13 Fire Officer Esnouf was not just that there was the risk
14 of fires but that fires that started would be difficult,
15 if not impossible, to control?---Yes.

16 MR CLELLAND: Mr Chairman, can I tender the footage that we
17 have played during the day. It is on different mediums at
18 the moment, but what we will undertake to do if it is
19 convenient is to put it all on one DVD and then tender it
20 in that form.

21 CHAIRMAN: Yes, that will be exhibit 78.

22 #EXHIBIT 78 - DVD footage.

23 MR CLELLAND: If the Commission pleases. During the course of
24 the Commission hearings in the past three weeks or so
25 there has been evidence, Mr Rees, from people including a
26 Mr Olorenshaw, did you hear or read his
27 evidence?---I heard the last part of Mr Olorenshaw's
28 evidence.

29 Did you hear his description almost of cyclonic behaviour of
30 the fires?---Yes.

31 There has also been evidence from Mr David Brown. Mr Brown

1 described the paddocks behind his house in Strathewen as
2 bursting into a bank of flame about 40 metres wide. Did
3 you hear that evidence?---Yes.

4 We have also heard from Mr McGahy from the CFA, and Mr McGahy
5 described the fire that he saw in these terms, "The fire
6 was rapidly advancing" - this is at 2250 of the
7 transcript, Mr Chairman - "The fire was rapidly advancing.
8 At one stage it was difficult to differentiate where the
9 fire was and where the spots were because it would spot in
10 the mountains maybe five, six, eight, ten spots, a couple
11 of minutes they would be the size of a tennis court,
12 within four or five minutes they were the size of a
13 football ground. Then the country in between would
14 explode. The country in between would explode and that's
15 the only way I can describe it." The Commission has
16 also received, but not heard from a witness Colleen
17 Keating which is a statement made by a volunteer of the
18 CFA. Ms Keating is a volunteer. She was a fire tower
19 operator on 7 February. She described at page 7 - she
20 describes at page 7 of her statement this, and again it is
21 in this Strathewen St Andrews area, "It was at that time
22 that the fire hit St Andrews. I couldn't see flames in
23 the area. There was only a lot of black smoke sitting low
24 to the ground and I concluded from this that there was a
25 grass fire that was moving at an incredible speed. This
26 did not behave like a grass fire in that it did not run. I
27 observed smoke in the Hildebrand Road, St Andrews area,
28 which extended from the point of origin of fire which was
29 Hewitts Road and Hildebrand Road and it extended in a west
30 to east direction for 10 to 15 kilometres to the eastern
31 end of Wild Dog Road. It looked like it hit the area in

1 one go rather than a run of fire. I can only describe it
2 as being like a bomb had just been dropped." Another
3 description has been given of fires spotting, of fire
4 balls of atomic force coming before the fire. It has also
5 been said that the FFDI predicted a fire of such intensity
6 it couldn't be imagined by our generation. I take it you
7 would consider yourself part of Mr Rush's generation,
8 wouldn't you?---I think this generational issue is
9 actually very important, and that is, I go back to Judge
10 Leonard Stretton who said they had not lived long enough.
11 Part of this issue is this is, in terms of the way we are
12 is a generational issue in terms of how we live and how we
13 survive, but I also said at one stage that a lot of people
14 only ever experience fire in their property once in their
15 life, but for firefighters I think these fires are for my
16 generation, and you heard Greg Esnouf there, he is a very
17 experienced forest fire firefighter, history, these fires
18 are, we talked about unprecedented, probably exhibiting
19 fire behaviour that the experienced firefighters have
20 struggled to comprehend.

21 You have been a volunteer with the CFA since you were 11, and
22 again on the assumption that you are of Mr Rush's
23 generation, have you ever seen or experienced fires of the
24 kind that have been described or indeed of which you have
25 seen images which occurred on 7 February?---No. When
26 I see and hear those words and try and picture in my mind,
27 I find it just a phenomenal type of description. I have
28 seen the fire whirl winds as described, I have seen those,
29 but I haven't seen this sort of total sudden impact on an
30 area that all these fires, this convergence and this very
31 rapid take up across a large geographical area that gets

1 described.

2 So it is being described by experienced people like bombs going
3 off?---Just this rapid take up of fire which I can only
4 describe as being a function of fuel, weather and
5 topography, the atmospheric instability of the day.

6 Had you prior to 7 February imagined fires with the travel and
7 the destructive force that hit Strathewen, Kinglake and
8 Marysville?---I'm not experienced enough to
9 suggest - first of all, the Marysville example is I think
10 a little bit different to the example of the East Kilmore
11 fire. I believe the Churchill fire in terms of spotting
12 and travelling and some of its erratic fire behaviour in
13 some respects mirrors East Kilmore in terms of what it
14 did. However it was travelling through different fuels at
15 different times. But certainly the spotting and load
16 throws and we talk about the notion of prolific spotting,
17 but the way I am trying to picture it in my head is that
18 in some fires you get short distance spotting that is just
19 prolific volume. This appears to be long distance
20 relative spotting of enormous prolific fire brands, heavy
21 spotting to the extent that multiple ignitions, very quick
22 convergence which gives that fire storm descriptor that
23 people come up with, the interplay that - areas of
24 convergence that give this fire moving around in between,
25 and I remember driving up a road in the Strathewen
26 St Andrews area and seeing trees at 10 metres being
27 snapped off at the top, and I came back and asked some
28 people what is that an indicator of, and they said it's
29 this indicator of these interzones of fire coming together
30 and the wind forces in them and literally snapping the
31 trees not at the ground being blown over but snapping them

1 at elevated levels. You can see that in certain parts.
2 It was actually documented as occurring in part of the
3 Canberra fires as well.

4 Mr Rees, is it your belief that prior to or in the lead up to
5 7 February the CFA had done what it could to inform the
6 people of Victoria about the potential for fires and the
7 kinds of fires that you could anticipate and others could
8 anticipate might occur on that day?---On the Friday
9 afternoon I tried to reflect on whether we had done
10 enough, and I always worry that have we done enough, have
11 we done everything we possibly could, and I came to the
12 conclusion we had. People in hindsight, they can suggest
13 we could have done more. I thought that at the state
14 level we had done everything we possibly could. We sought
15 to harness government. We sought to harness the media.
16 We sought to harness additional resources in readiness.
17 I had a feel of foreboding about the day, and I felt that
18 we had done everything we could, and there will be always
19 those who say we could do more. But at that point in time
20 I wasn't comfortable because I had this foreboding. But
21 I certainly thought that we had done a huge amount to get
22 the state ready.

23 What was predicted and what Victoria got was, as we have heard
24 from various witnesses, and we don't need to go through it
25 again, an unprecedented day in terms of conditions, the
26 number of fires that ignited. Prior to - - -

27 COMMISSIONER McLEOD: Mr Clelland, I don't want to interrupt
28 your flow, but I had a question of Mr Rees.

29 MR CLELLAND: Please, Commissioner.

30 COMMISSIONER McLEOD: If, as you have suggested, Mr Rees, that
31 everything had been done to provide the best possible

1 advice to the community about the conditions to expect on
2 7 February, and we have seen some impressive evidence of
3 that today, would you agree that for people who hadn't
4 seriously taken concerns about the need to prepare for an
5 event like this, and who were unprepared, that it was too
6 late to start preparing at that stage if a fire were to
7 break out the following day? So really what were you
8 telling those sort of people to do by emphasising the
9 concerns that were felt about the likely conditions that
10 might be experienced the following day and the high risk
11 that fires might break out the following day? What kind of
12 expectation did you have about the way unprepared people
13 would be expected to act in the light of the dramatic
14 warnings that you were giving about the nature of the day?
15 Perhaps without wanting to lead you, was the expectation
16 that those people who were not prepared would have
17 understood your stay and go policy, if I could summarise
18 it shortly, and would see the wisdom of leaving an area if
19 they felt they were living in a bushfire-prone
20 area?---That is certainly what we would have hoped.

21 Could that have been made clearer on the day?---It could have.

22 We made very clear messages on the Friday about not
23 travelling on the Saturday and not going to fire-prone
24 areas.

25 But in a sense that's contradicting - - -?---That's actually a
26 different issue.

27 The advice that might have been inferred, that if you are not
28 prepared you should be considering leaving early?---That
29 was more about people from the city travelling into a
30 fire-prone area. So we were concerned about people being
31 on the move on that day.

1 That was made clear, was it?---Yes, that was done. There was a
2 special press release on the Friday about people
3 travelling, but I understand your point, Commissioner,
4 which goes to the - - -

5 MR CLELLAND: Sorry, Mr Rees, can I interrupt you for a moment.
6 I'm not sure that I made it clear but the February 6th
7 media release, Commissioner McLeod, was primarily directed
8 towards avoiding all unnecessary travel tomorrow, and then
9 it went on into the more generalised statements of the
10 threat. I think that is what Mr Rees is referring to.

11 COMMISSIONER McLEOD: I understand that. But I guess the point
12 I'm making is if there had been heavy emphasis on the very
13 high risk that was expected over the weekend, the people
14 who were living in bushfire-prone areas, what was that
15 message really telling them that they should
16 do?---I understand your initial comment was about for
17 those who were literally not prepared.

18 Yes?---The hope would be that they would take action and
19 whether they were unprepared on that day or the week
20 before for that matter, whether that action would be that
21 they would leave, I'm not sure whether there was total
22 clarity in that message, because that would be the most
23 logical decision that they could make in that environment.

24 I guess that's what I'm seeking to hear from you?---Yes, that's
25 the point, I understand that.

26 So there was a kind of inference that people who were
27 unprepared should be leaving, and yet I think as counsel
28 has just advised me the message was about don't
29 travel?---That's one of the messages.

30 MR CLELLAND: That was just trying to clarify - I think what
31 Mr Rees was saying there was a message that was telling

1 people not to go into bushfire prone areas and I think the
2 other side of the message is, or the question is, what was
3 being directed towards those who lived in bushfire prone
4 areas and how they might ready themselves for the day or
5 how might they respond, I think that's what Mr Rees has
6 just answered. Mr Rees, was the message for those living
7 in bushfire prone areas repeatedly during that week to
8 activate their bushfire plans?

9 COMMISSIONER McLEOD: If they had one?

10 MR CLELLAND: I'm not sure the message said if you have one - -
11 -

12 COMMISSIONER McLEOD: I guess it only applies for those who
13 have one.

14 MR CLELLAND: I think that must follow, with respect. But the
15 messaging, and one can see that all the ABC announcements
16 on the 7th are replete with the statement, activate your
17 bushfire plan now ,is that so, Mr Rees?---Yes.

18 And I think Commissioner McLeod's point is that is obviously
19 predicated on the assumption that people have a bushfire
20 plan. Can I ask you this: the longer term messaging, as
21 part of the campaign that I have been taking you through
22 this morning and this afternoon, that is the "Living with
23 fire" strategy, at the heart of that, was it intended and
24 sought to be emphasised that all people living in bushfire
25 prone areas should have a bushfire plan?---I believe
26 that's so. Without looking at the, are you fire ready TV
27 ads, I think it says you need a bushfire plan in that ad.
28 My memory of it was that those ads actually went to the
29 point of emphasising over and over again this need about
30 needing a plan.

31 The "Living with fire" documents, the "Living in the bush"

1 brochure that we are all familiar with, and indeed the
2 "Living with fire" publication that was distributed
3 through the Herald-Sun, can I suggest all of those
4 emphasised the need to have a bushfire plan?---Yes.

5 I suppose the logical question after that is what do you do
6 when, notwithstanding those messages, that campaign, the
7 saturation coverage, what do you do for people who
8 nonetheless live in a bushfire prone area and don't have a
9 plan?

10 COMMISSIONER McLEOD: A very crucial question?---They are
11 incredibly vulnerable. That's the harsh reality of what
12 we are dealing with.

13 MR CLELLAND: I suppose this might broaden out into a
14 discussion about refuges and other matters of that kind,
15 but perhaps if I can just come back to the question of
16 7 February itself and what was put in place by the CFA.
17 As I understand it, as a result of the conditions that
18 were predicted for 7 February, amongst other things, there
19 was a conference which took place on 5 February and is
20 referred to in paragraph 303 of your statement?---Yes.

21 Do you have that in front of you?---Yes.

22 That details, amongst other things, a series of meetings and
23 teleconferences. Who was present at the meetings or the
24 meeting with the key CFA staff on 5 February?---The
25 teleconference, realising this was state wide, was held
26 with all of the key operations people at head office, so
27 deputy chiefs, operations managers and people who fill
28 roles inside the state functioning, operations managers
29 and regional duty officers, realising that they may be of
30 subordinate ranks, across the state in teleconference.

31 The main focus of that teleconference was to prepare

1 ourselves for the Saturday and the plan was not so much
2 just for Saturday, but to prepare from Friday through
3 Saturday into the following days, both day and night, and
4 to test and make ready all our systems. I asked them to
5 do what we used to call in old parlance and is called in
6 military parlance, do an operational appreciation, which
7 is in modern day parlance, scenario planning. I asked
8 them to do that scenario planning based on two scenarios,
9 first where they had plenty of support resources coming
10 into the area and second where they had limited or no
11 resources coming to support them for a scenario. The
12 reason I did that was because in recent fires many of the
13 people who are in the field had become used to the fact
14 that we were resource rich. For some of them I don't
15 think they had been in an environment where they were what
16 I would call resource poor. I wanted them to do scenario
17 planning based on that, which was really built around my
18 fear that we would get multiple scenarios which limited
19 our capability to resource across the state and that they
20 would need to stand relatively strongly on their own. So
21 I wanted them to do that planning. I also requested, like
22 we had done the week before, that we up our automatic
23 response to fire, to hit fires hard and to deal with the
24 matters of safety of firefighters. So there were some
25 fundamental things that we talked about, and there was a
26 range of other things that we talked about on that - in
27 that teleconference in terms of preparation. I then met
28 with a range of other people, including the executive
29 management team led by the chief executive officer to
30 ensure that the other support parts of the organisations
31 were ready, was readied.

1 At that meeting, amongst other things, were obviously the
2 forecast weather conditions discussed, the advantage of
3 increased numbers of volunteers being available because it
4 was a weekend, there was a review of preparations
5 currently being undertaken, there was a consideration of
6 staffing levels at ICCs and RECCs and what you describe as
7 wholesale organisation support, particularly for effective
8 field operations and operational support activity; it was
9 emphasised that the aim was to keep any fires small, the
10 need to support all staff, especially providing emotional
11 support, the need for appropriate information flow and
12 communications to the community. Robert Hogan, manager of
13 CFA public affairs unit, was tasked with liaising with ABC
14 to ensure clear lines of communication and readiness for
15 the weekend and a number of other matters that are set
16 out at 303.3 of your statement?---Yes, that's correct.

17 As I understand it, there was also a state fire emergency
18 coordination plan which was referred to by Mr Beach this
19 morning. It is (WIT.002.001.0813). I don't need you to
20 go to it at the moment, but can I just ask you firstly
21 what is the status of a state fire emergency coordination
22 plan?---It is really a planning document between CFA and
23 DSE and where necessary the other fire agencies. It
24 really sets out our forward look planning for the next
25 short period, three or four days.

26 The one that I have referred to and indeed the one that
27 Mr Beach took you to is for the period 4 February 2009 to
28 7 February?---Yes.

29 Amongst other things, it identified at 0817 key risks relating
30 to existing fires, new fires, potential loss and damage
31 and identified the areas of highest potential for property

1 damage as falling within an arc from the Otways to Macedon
2 across to Kinglake and Marysville and through to Dandenong
3 Ranges. What is the significance of that arc,
4 Mr Rees?---That's an arc that has been most subject to
5 extreme drought. It is an area that is most subject to
6 heavy rural population. Most subject to movement of
7 people, both for purposes of recreation and for business,
8 employment. The transient population, the commuting
9 population are all within that area. It is an area that
10 traditionally is most vulnerable to fire. It is also in
11 one sense providentially where our biggest capacity in
12 terms of firefighting resources happens to be, realising
13 as a volunteer based fire service that's a heavy populated
14 area. So we do have significant resources there, but it
15 is really about where we considered fires could begin that
16 would do the - of the type we have been describing do the
17 most damage.

18 Amongst other things, on 5 February was a joint press
19 conference held where - this is referred to at 303.5,
20 Commissioners - in that briefing you presented the message
21 on behalf of the CFA that, "Firstly, we were facing a
22 period of unprecedented weather for the state and the
23 forecast was worse than the forecast of 1983 for Ash
24 Wednesday. Secondly, that fire services were well
25 prepared and thirdly, the need to plan to be ready", just
26 to pick up Commissioner McLeod's point?---Yes.

27 The need to plan to be ready, was that elaborated at all or put
28 in terms of prepare to stay and defend or leave
29 early?---I'm going from memory. One of the discussions
30 that people have asked me from time to time, and I think
31 I got asked on this day is, "What's in a plan?" And the

1 first thing that has to go in anybody's plan is they have
2 got to think about the scenario. They have got to
3 actually go through a thought process of what is it that
4 they are facing, what is the risk. So at the very basis
5 we were asking people to start thinking about the risk
6 that we are talking about.

7 That was two days out on 5 February?---Yes. Just one of the
8 risks that we have in releasing press conferences and
9 holding press conferences is what actually gets reported.
10 Even though it is recognised as a very good medium for
11 communicating, sometimes when we go over the detail the
12 message it doesn't always get reported exactly what we
13 want - sorry, all the detail doesn't get reported.

14 Again, if I might pick up one of Commissioner McLeod's
15 questions from this morning, on 7 February, as
16 I understand it, there were 1,386 incidents reported, and
17 I think you were asked whether it was possible to extract
18 from that the numbers of fires or at least reports of
19 fires. Can I suggest these figures to you and you can
20 tell me if it is accurate. Of those incidents there were
21 592 grass and bushfires and 263 structure fires reported
22 on that day?---That's correct.

23 By comparison with a normal day, an average summer day might be
24 90 to 150 incidents, and I take it that's incidents across
25 the board, not just fires?---Overall. On any one day
26 within CFA on a routine summer period, even potentially on
27 a day like today, we would run somewhere between 90 and
28 150.

29 And to make the comparison a little more meaningful then, a
30 busy day, that is a high fire danger day which is
31 conducive to the spread of fire, a figure of 250 to 300

1 incidents being reported?---That's correct.

2 COMMISSIONER McLEOD: That figure of 592 included or excluded

3 the false alarms?---I can probably answer that.

4 MR CLELLAND: I'm instructed excluded, but it is really a

5 matter for Mr Rees. Are you able to answer it?---As

6 I have said before, an incident that is responded to isn't

7 a false alarm until you arrive and call it a false alarm.

8 So you can respond to any sort of event and it ends up

9 being a false alarm. These actually list false alarms.

10 There are 156 false alarms listed in there.

11 COMMISSIONER McLEOD: Listed in there?---No, listed separately,

12 I'm sorry. It gets a little bit, statistically a little

13 bit of splicing and dicing, but I think you need to take

14 it in the quantum, not in the strict numerical sense of

15 the sheer volume of work and people don't - I think we

16 underestimate that volume on that day to think that in

17 '02/'03 that campaign fire, we put across the State of

18 Victoria through that whole campaign fire less people than

19 what we did on this actual day in the one day event and

20 then the subsequent days of this event. An enormous

21 volume.

22 MR CLELLAND: Let me pick up that point. Let me put some

23 figures to you. As I understand it there were hundreds of

24 fires, not just reports, but hundreds of fires and of

25 those you have told the Commission, if you include Bunyip,

26 that there were 47 fires of significant potential, that is

27 fires in areas with high fire risk and human habitation

28 which had potential to become a conflagration?---Yes.

29 Across the entire state, 14 of those 47 became major fires,

30 including Coleraine, Horsham, Weerite, Redesdale, Maiden

31 Gully, Harkaway, Upper Ferntree Gully, Lynbrook,

1 Churchill, Kilmore East, Murrindindi and
2 Beechworth?---Correct.

3 You have described the workload of both volunteer and career
4 firefighters, including DSE as being immense. Again, can
5 I suggest these figures to you. Approximately 12,000 CFA
6 firefighters were involved on the day and in ICCs; over
7 1,000 operational vehicles and more than either 30 or 50
8 aircraft; you might be able to help us with that
9 figure?---It would be closer to 50. However, some of
10 those aircraft, because they were of a type, would have
11 had periods of time when they were unable to fly, but our
12 base load was well above the 30 and a variety of aircraft
13 on that day.

14 That was one of the problems for the CFA and the DSE on the
15 day, was it not, that as the day wore on less and less
16 aircraft were able to become airborne?---Yes, the risk
17 is - we have already heard, I think, that the line scan
18 aircraft became unsafe to operate in the middle of the
19 afternoon from about 1430 on until later. The heavy
20 helicopters tend to operate later into the deteriorating
21 weather. However, the helicopter issue is one of start up
22 and landing as a risk, not actually flying around. So
23 they can fly around until they need fuel and they land and
24 then they can't take off again. However, the heavier
25 helicopters maintain their operating window well beyond
26 there. That's why for some of these fires some
27 helicopters were able to operate throughout, whereas
28 others they weren't.

29 If I could, just to complete this statistical exercise,
30 notwithstanding that you still bear the name the Country
31 Fire Authority, the CFA's geographic area of

1 responsibility covers more than 150,000 square kilometres
2 in which 2.5 million people live in more than 980,000
3 homes; is that right?---Yes. It is a huge and growing
4 population. Virtually all of the growth in the State of
5 Victoria in the last period has been in what we call
6 country area Victoria.

7 And that area includes a large proportion now of outer
8 metropolitan Melbourne, including Frankston and
9 Dandenong?---Yes.

10 And key growth suburbs such as Cranbourne, Melton and
11 Werribee?---Yes.

12 And all provincial cities and towns?---Yes.

13 COMMISSIONER McLEOD: Thank you for that.

14 MR CLELLAND: In answer to some questions from the chairman,
15 I think you have confirmed your view and indeed the
16 charter of CFA that provision of information to the
17 community is fundamental; it is one of your core
18 obligations?---Correct.

19 The preference that I think you have expressed is for that
20 information to come from a or be at a local level?---The
21 evidence that we have gathered over time is the more that
22 information can come from people locally, realising that
23 in respect of a fire it's coming off the fire somewhere,
24 and if it is able to be gathered locally, and then
25 disseminated locally, there is a range of benefits,
26 including moving through less steps, and we all know that
27 the more you move a message through numbers of steps the
28 more it is likely to get varied or altered or missed, and
29 I think there is some evidence of that in this process.
30 But the second is the ability for someone to communicate
31 who has very good and thorough local knowledge becomes

1 vital.

2 Are you talking about in an information campaign such as we
3 have been considering leading up to a day or leading up to
4 7 February, or are you talking about during a fire
5 event?---In some respects both. That's why Community
6 Fireguard and community street meetings are so important.
7 Mass information will only go so far, in my view, leading
8 up to an event in terms of raising awareness. The real
9 activity that gets behaviour change has got to occur at
10 the lower levels. Then on the day the more you can get
11 information to people from a source that is recognised and
12 has legitimacy at the local level the better. We have
13 found this at meetings, community meetings during fires
14 where we have had the opportunity to hold them. But the
15 other place where we have found it significant is where
16 the incident controller or a responsible person has been
17 able to talk on local radio and/or communicate in other
18 ways with the community about the fire situation where
19 they are able to use local knowledge. There has been
20 discussion we have had about ICCs and their location and
21 geographical positioning away from an event. I believe
22 that if we can get - whether the incident controller is
23 too busy is another matter, but if you can get local
24 people talking to local people about their fire, you have
25 got a much better chance of, in my view, giving better
26 information.

27 I suppose it is self-evident, Mr Rees, but the capacity to
28 inform - and I will talk about informing the
29 community - must depend upon having information to give in
30 the first place?---Yes, I think I mention this in my
31 statement. If I could have a few moments I will find it

1 in my statement where I say that the success of
2 information passing is actually dependent in the primary
3 instance of being able to gather information to give.

4 Take a moment and find that portion of your statement, if you
5 would?---Paragraph 169 where I say, the dissemination of
6 warnings involve three distinct aspects which need to be
7 developed and implemented in an integrated and coordinated
8 fashion, the capacity of fire service to collate and
9 interpret threat data and identify risks, then the
10 capacity to disseminate that, and then the capacity of the
11 community to prepare and to respond.

12 Let's deal with 1 and 2. In a typical fire event information
13 comes primarily from ground observers, does it not?---We
14 will have aircraft as long as they are able to fly, and
15 the limitations of certain aircraft are, we have the
16 technologically advanced aircraft, line scan, and in
17 effect also the availability of satellite imagery on
18 certain limited occasions.

19 Can the Commission take it that in the conditions which
20 prevailed on the afternoon of 7 February that aircraft
21 surveillance was limited, if not non-existent?---Yes.
22 I was going to go to the non-technical way that aircraft
23 can work, and that is literally people flying around
24 observing and then making notations and transmitting that
25 in a variety of ways to ground. Conditions would have
26 been so extreme to make that almost untenable, and/or the
27 visibility would have been such to be quite limited.

28 Does that also apply, that is the unavailability also apply to
29 satellite imaging on the, at least Kilmore East
30 fire?---I'm not exactly sure of the way that satellite
31 imagery works in the sense of its limitations. But

1 satellite imagery is limited passes, quite limited
2 detailing, you get a whole pile of points at a point in
3 time. For rapidly moving fires at this point in time
4 satellite imagery doesn't deliver the sort of outcome that
5 we would be looking for.

6 The Commission has seen a line scan which was apparently the
7 result of fly overs prior to 1 o'clock on the 7th when the
8 Kilmore East fire was still burning to the west of the
9 Hume Freeway. To your knowledge is there any other line
10 scan of that fire subsequent to that time?---No, my
11 understanding is the aircraft went back and did some runs
12 on Bunyip, and I think in between it did a run up on the
13 Dargo fire and came back to Bunyip, and did Bunyip and
14 then it landed at about I think 1430, and it was that
15 point in time that the pilots and the operators resolved
16 that it was unsafe to fly.

17 If we take out of the equation aerial surveillance, we take out
18 of the occasion satellite imaging, is it essentially a
19 case of ground observers being able to give descriptions
20 to somebody else, perhaps at an ICC or an RECC, of the
21 location and description of the fire?---Yes, you are back
22 to people observing on the ground.

23 In a fire - let's not take Kilmore East for the moment, but
24 let's take one of the fires in the western district, would
25 information go back to the controlling ICC?---Normally the
26 information would be provided in the form of situation
27 reports.

28 Are they verbal?---They may be verbal. We have some limited
29 capacity using field kits to produce basic mud maps for
30 some of the ground observer people. If that was available
31 there would be some capacity to do that. It was

1 relatively limited. For fires of the type of the western
2 district, because of the lay of the land it is often
3 possible to get at an elevated point and physically
4 observe some points of the fire, if visibility is such to
5 do that. Whereas a fire in undulating terrain or a fire
6 that's in forested terrain, you will have difficulty doing
7 that.

8 Are there standard operating procedures which govern how
9 information is to be relayed from a field observer to a
10 control centre, whether it be an ICC or an RECC?---Yes,
11 generally the expectation is that command people will
12 provide situation reports from time to time of the status
13 of both their firefighting and the fire. That can be very
14 difficult, especially if they are under extreme pressure
15 to fight the fire and the risks that they are undertaking.
16 That can be very hard. We try to deploy what we call
17 ground observer people who are out of the firefighting
18 tactical activities whose sole purpose is to do that, but
19 they become a single point of reference. So they will
20 give some information, but for a rapidly moving fire that
21 is often very difficult to give a complete picture.

22 Do you know whether any observers of that description were
23 allocated to any of the fires that I have just
24 listed?---My understanding is ground observers were
25 allocated to the Kilmore fire. Where they were and how
26 they performed, I don't have the precise detail.

27 That is information to an ICC. You have been asked a number of
28 questions about your ability to judge what was happening
29 out on the fire grounds whilst you were located in at the
30 IECC here in Nicholson Street in Melbourne on 7 February.
31 What information do you have or did you have, I should put

1 it more accurately, on the afternoon in particular of
2 7 February which enabled you to judge the spread of any of
3 the fires, the location of any of the fire perimeters and
4 indeed to determine what warnings might have been given or
5 what information might have been given to communities
6 likely to be impacted by those fires?---As indicated
7 previously, I would be looking at IMS.

8 Which stands for what?---The Incident Management System, which
9 is CFA's in-house management system, information system
10 for incidents, and it has information largely entered
11 either at the incident control centre level and/or the
12 RECC level. I would be getting advice from the state
13 coordinator in the main and sometimes the state duty
14 officer on information they had got either from the
15 situation unit of the IECC. I also liaised regularly with
16 Ewan Waller to compare information that he may have coming
17 out of the DSE system or any other way that we might have
18 information. One of the ways that IMS gives information
19 is that it doesn't just get information out of
20 the - entered directly at RECC level, it also gets
21 information that comes via the CAD system. So when
22 someone enters a fire report - sorry, go back, when
23 somebody makes a 000 call that results in a fire response,
24 there is some data that appears on there in relation to
25 that. And there is an area in there called CAD comments
26 which is entered in by the CAD operator, and this is
27 particularly relevant for new starts or small fires where
28 you can read the conversation that goes back and forward
29 between the CAD operator and the responding appliances.

30 Can I just stop you for a moment. From what you have just
31 said, it seems that the primary source of information for

1 you is this IMS system?---Yes.

2 So what you know about, for example, the Kilmore East fire when
3 it is running, is it primarily taken from the IMS?---Yes,
4 and any information given to me verbally.

5 We will put that to one side because I will ask you about that
6 later. The IMS data in turn is coming from the relevant
7 ICC or ICCs?---Or RECC.

8 Or RECC?---Yes.

9 You are not getting information direct from the fire ground
10 into the IECC?---No. Well, I certainly wouldn't be.
11 I'm going to show you probably tomorrow what information
12 actually came to you on the IMS about the Kilmore East
13 fire, but for the moment I'm going to ask you about the
14 other fires or some of the other fires that you have
15 described as major fires that were burning in the State of
16 Victoria on 7 February. You were asked by Mr Rush very
17 early on in these proceedings whether in effect you had
18 reviewed warnings given in relation to the Victorian
19 bushfires on 7 February as chief fire officer in order to
20 make an assessment of their adequacy or otherwise. Do you
21 recall that?---Yes.

22 Prior to your giving evidence you had conducted a partial
23 review, if I can put it that way?---The majority of the
24 review was in respect of web based messaging and not a
25 review of - extensive review of radio or other messaging.

26 Can I suggest to you that your statement was significantly
27 deficient in terms of the actual warnings given because it
28 omitted in large part warnings given by the ABC 774
29 emergency broadcaster and also local radio ABC and also
30 3AW?---Correct.

31 I want to ask you whether you have since being asked those

1 questions now reviewed the warnings in relation to what
2 you describe as the major fires and summarised the
3 warnings that were given to the communities in the region
4 of those fires on 7 February?---Yes, that's right.

5 I'm going to start, if I might, with Coleraine. Just pardon me
6 for a moment. The Coleraine fire, I wonder if that could
7 be brought up, Mr Corbett, if we could just see the fire
8 ground. This is from the STAR Tool that has been compiled
9 by Mr Corbett, Commissioners. You have given a little bit
10 of a description about this fire, what we have learned is
11 that the ignition time was 12.36, and it was a grass fire
12 that started west of the township of Coleraine in what's
13 been described as undulating grazing land; is that
14 correct?---Yes. In my supplementary statement I talk
15 about it at paragraph 53.

16 If I could just for the assistance of the Commission indicate
17 that Coleraine is dealt with in Mr Rees' first statement
18 at page 100, in his second statement at paragraphs 53 to
19 64 and in his transcript of evidence at pages 46 to 53.
20 It developed into a large grass and scrub fire which burnt
21 out 775 hectares, 55 appliances attended and approximately
22 280 personnel, including 35 DSE personnel; correct?---Yes,
23 that's right.

24 The fire did in fact directly threaten the township to the
25 point where planning was activated for the Coleraine
26 District Health Service to be evacuated?---Yes, it burnt
27 south-easterly, and if the wind change hadn't occurred at
28 the time it did it would have been south of the town.

29 If we just have a look at the image that Mr Corbett has brought
30 up, you can see the ignition point for the fire and as
31 I understand your earlier evidence it burnt in a

1 south-easterly direction towards the township and then
2 when the wind change came through it was taken in a
3 north-easterly direction away from the town?---That's
4 correct.

5 As I understand it, the efforts at suppression actually
6 assisted in preventing it from coming further south-east
7 which would have had the effect, if it had gone further
8 south-east, when the wind change came, it would have come
9 back on to the township itself?---Yes, I doubt whether
10 they would have had an effective head attack on this fire.
11 Where would they have been - --?---Well, they would have been
12 attacking the flanks, which is both flank attack before
13 the fire and after the fire. So the important flank
14 attack that would have occurred - sorry, after the wind
15 change, the important flank attack after the wind change
16 was roughly described as the south-eastern flank, this new
17 flank along here to stop any progression under any
18 westerly stream at all towards the town. So in one sense
19 it is providential that this fire suffered the wind change
20 at the time it did, otherwise it would have been much
21 further south and the wind change would have pushed it on
22 to the town and township protection would have been a
23 critical factor to the extent that flank attack would have
24 been a lower priority, and the fact is that this fire was
25 pulled up by direct attack, by a range of means into the
26 afternoon, and by 1521 was at that point at the far end
27 and essentially stopped.

28 I think it was stopped at 1521. Was the relevant ICC for that
29 fire Heywood?---Yes, it was.

30 Was the incident controller a Mr Bill Spiers,

31 S-P-I-E-R-S?---Yes. I think it could be E-I-R-S, I am not

1 sure.

2 What you did not include in your original description of the
3 warnings was a significant radio coverage both on 774 and
4 thereafter on ABC 594, which is the western district
5 radio?---Yes.

6 I'm just going to put some times to you from the investigations
7 you have conducted since you were asked by Mr Rush whether
8 you had in fact reviewed the warnings. Can I suggest this
9 to you, the ignition time as we have said was, or at least
10 the first call CFA received was 12.36?---Yes.

11 Urgent threat messages were then given on the CFA website at
12 1330 for Coleraine, Hilgay and Muntham. 1340 for
13 Coleraine, Hilgay and Muntham which are areas surrounding,
14 or between the point of ignition and the town of
15 Coleraine. Urgent threat message at 1350 that the fire
16 had crossed the Coleraine Balmoral Road?---Yes.

17 Urgent threat message at 1355. Urgent threat message at 1406,
18 and finally on the website, a message at 1816 that the
19 fire was contained. Do they accord with your review,
20 Mr Rees?---Yes, that's correct.

21 But perhaps more importantly there was a description of those
22 fires at 1316 on 774 provided by Mr Spiers, the incident
23 controller?---Correct.

24 And he in fact gave a description of where the fire was and
25 what areas of Coleraine might be at risk?---Yes.

26 And thereafter messages were given at 1336, 1351, at 1406 John
27 Haynes was on the radio indicating that the fire was
28 threatening Coleraine from the west. There were further
29 messages at 1409, 1423. At 1433 John Haynes came on to
30 774 again advising communities in the Douglas Road,
31 Coleraine, the Balmoral Road, Cavendish Coleraine Road and

1 the Highlands Road and the Melville Forest Road may be
2 under direct threat from the firefront?---Yes.

3 And thereafter 594 conducted what it described as a "rolling
4 coverage of both this fire and the Horsham fire" and at
5 1505 delivered an urgent threat message for Douglas Road,
6 Coleraine, Balmoral Road, Cavendish Coleraine Road,
7 Highlands Road, Melville Forest Road and an urgent threat
8 for Muntham, Coleraine and Hilgay and travel to Coleraine
9 was discouraged and there were interviews with both John
10 Haynes and Bill Spiers. There were then further messages
11 at 1513, 1531, 1538 and these are on 774 and 3AW, 1539,
12 1605 when it was downgraded to an alert message, and then
13 some interviews with Mr Haynes and Mr Ord and Mr Esnouf on
14 3AW. Does that accord with your review now of the
15 warnings that were provided to Coleraine and district in
16 relation to that fire?---Yes, it does.

17 Am I correct in saying there were no fatalities in that fire
18 and one home was lost?---I think that's - that's the
19 information I previously provided, yes.

20 Do those warnings now having reviewed them and reviewed the
21 transcript of them satisfy you as to whether in relation
22 to the Coleraine fire the CFA met its fundamental
23 responsibility to inform the community?---Given where we
24 were just discussing web warnings, it is very clear to me
25 that the information provided on the radio was far more
26 extensive, and it is an example of the local information
27 on the local radio giving far more detail than the web
28 information, and to me that's a good example of where we
29 are, and I'm probably as satisfied as what I could be that
30 that information was where we would want to be in those
31 sort of circumstances.

1 MR CLELLAND: Mr Chairman, I note the time. I propose to go
2 through the warnings in relation to a number of the fires
3 that I have mentioned. I won't finish this evening.

4 CHAIRMAN: I think if we are finished with Coleraine, if we are
5 moving on to the others it may well be it would be helpful
6 if - there may not be enough time overnight, but the
7 information you have got, if it could be put into
8 something in writing would save some time other than
9 having you ask questions which Mr Rees is simply going to
10 say yes to.

11 MR CLELLAND: Mr Chairman, given the way these proceedings have
12 unfolded since Mr Rees first gave evidence - - -

13 CHAIRMAN: I think we need it. There is no doubt about needing
14 it. The only question is what is the most manageable way
15 of having it before us.

16 MR CLELLAND: There is a lot of manageable ways to get
17 information before this Commission and there are of course
18 other ways where certain information needs to be
19 ventilated for the public.

20 CHAIRMAN: Exactly.

21 MR CLELLAND: Given what has been suggested to Mr Rees about
22 his own conduct, and indeed the conduct of the CFA in
23 regards to these fires, we are anxious to at some stage
24 make the submission to this Commission that whilst it is
25 obviously a matter of concern for the Commission, those
26 fires where there were significant fatalities, there were
27 also very many fires where the system worked fantastically
28 and the people of Victoria should understand just what
29 fantastic efforts were made on their behalf and how close
30 some of these communities such as Coleraine, Horsham and
31 others came to disaster. We want to put before the

1 Commission information about not only the fire suppression
2 effort, but also the warnings that we have been able to
3 now discern were actually given on the day. So, whilst we
4 are happy to oblige and provide in some sort of written
5 form, and I think we can do it, Mr Chairman, I am anxious
6 to at least be able to do it in a summary way through the
7 witness as well.

8 CHAIRMAN: I think that it is appropriate to look for a middle
9 course.

10 MR CLELLAND: If the Commission pleases.

11 CHAIRMAN: Yes.

12 MR RUSH: We have fairly tight time constraints.

13 CHAIRMAN: I understand that.

14 MR RUSH: For the first time we are running behind. We would
15 ask that tomorrow we could start at 9 o'clock in the
16 morning, if possible, and maybe conclude at - if necessary
17 at 5 o'clock. There are interstate witnesses who have
18 come through the Australian Fire Authorities Council and
19 they hold senior interstate positions and we need to get
20 through them tomorrow.

21 CHAIRMAN: We may have more than one break for the day if we
22 are going to have that situation, but I think the
23 indications are that we will sit 9 to 5: if that's the
24 case, we can perhaps get through Horsham.

25 MR CLELLAND: Can I just ask you, picking up the chairman's
26 point, that summary in relation to Coleraine, is that in a
27 form that can be provided to the Commission?---I would
28 have thought so. There is no reason why not.

29 CHAIRMAN: I think a substantial amount of it is here and as I
30 said we have got 774, but we don't have 594, for example.

31 MR CLELLAND: No.

1 CHAIRMAN: We do have the IMS material and we do have some
2 other things including the sheet that I think was annexure
3 31 to Mr Rees's statement. So there are bits and pieces.
4 But what you are doing is bringing it together.

5 MR CLELLAND: Yes. I'm told that we are also in a position to
6 tender the transcript of ABC western district and also ABC
7 central. Now that ABC central will pick up Redesdale and
8 I think Maiden Gully.

9 CHAIRMAN: Has it got an index with it?

10 MR CLELLAND: No, I'm told not.

11 CHAIRMAN: I might say the advantage of the 774 one was it had
12 an index that made it relatively much easier to go to
13 particular - - -

14 MR CLELLAND: Perhaps by virtue of the document that I'm hoping
15 we are going to be able to provide the Commission which
16 has specific times by reading of the transcript actually
17 shows a time when it is announced - - -

18 CHAIRMAN: It will obviate the need for an index.

19 MR CLELLAND: Yes, and we think we might be able to provide the
20 ABC Gippsland transcript as well, which will be the
21 Churchill fire.

22 CHAIRMAN: Yes.

23 MR CLELLAND: And 3AW. Can I take you, Mr Rees, to Horsham,
24 figuratively. That's also known as the Vectis or the
25 Remlaw Road fire?---Yes.

26 That was first advised I think to CFA at 1226?---Yes.

27 And it was a fire of moderate to high intensity, and it started
28 in the crops and grazing land and then moved into heavier
29 fuels around the river flats, broadly speaking, is that
30 correct?---Yes.

31 I think 41 appliances and 253 personnel attended?---Yes.

1 Mr Corbett has just brought up the map that the Commission saw
2 in the first week of the hearings in relation to this
3 fire. The ICC at Horsham was the relevant ICC?---Yes,
4 that's correct.

5 And was the incident controller Mr Graham Parkes?---My
6 understanding is it was Dale Russell, and Graham Parkes
7 was someone working in the IECC.

8 He is somebody who seems to feature throughout this, as
9 I described it, rolling coverage that was undertaken by
10 ABC 594, but in any event he seems to have been a
11 spokesperson?---There is a Graeme Parkes who works for DSE
12 and it is not spelt that way. It may very well be that
13 person. But he would have been in the ICC.

14 CFA was the control agency, was it not, at Horsham?---Yes.

15 Just very quickly, the fire, as can be seen I think from the
16 STAR Tool image, was directly threatening Horsham?---This
17 is an example, I think I have described it before, about
18 the urbanisation of country around a city where the city
19 of Horsham, a city of approximately 13,000 people, has
20 grown outwards but not grown outwards in an urbanised
21 environment. It has grown out in a whole variety of ways.
22 It burnt down to the south-western side of the city, which
23 obviously is most dangerous, firstly, for those houses
24 around and in the fire area but, secondly, in respect of
25 the wind change pushing it back into the township.

26 I think in your original statement you had referred to urgent
27 threat messages on the CFA website at 1320 and
28 1456?---That's correct.

29 And then there was a wind change at 1635 notified on the
30 website?---Yes.

31 But what you did not make reference to, and I will summarise

1 them very quickly, was again, as I suggest, a very
2 detailed coverage on ABC 774 radio commencing with urgent
3 threat messages at 1256, so that's some 25 minutes or
4 thereabouts before the urgent threat message on the
5 website, which informed of a fire burning west of Horsham
6 along the Remlaw Road in a southerly direction?---That's
7 correct. If one thinks of the fire commencing at 1226, it
8 is roughly in 30 minutes there is an urgent threat message
9 on the radio.

10 Thereafter there was coverage of that fire by description or by
11 reference to an urgent threat message at 1323, 1335, 1351,
12 1406, 1409, and at 1429 Mr Graham Parkes was interviewed
13 about that fire on Radio 594?---That's correct.

14 And thereafter throughout the afternoon, 1449, 1433, 1505 and
15 at 1513 there were constant updates about the exact
16 locality of that fire, including even nominating
17 particular streets and districts around Horsham?---That's
18 correct.

19 And then continued at 1538, 1539, 1618, 1651, 1700, 1702, 1703,
20 1710, 1740, 1825. Do those times accord with the review
21 that you conducted, Mr Rees?---That's correct. That's my
22 understanding of the information on the multiple radio
23 stations.

24 When you came along to give your evidence in the first week of
25 the hearings of this Commission, you weren't in a position
26 to provide any of that information about the warnings that
27 had been given?---The information we had had at that time
28 was about web warnings and very limited 774 info.

29 Although there were 68 houses lost, there were no fatalities in
30 that fire?---No, there was not.

31 Was the suppression effort significant in terms of avoiding

1 loss of life and loss of more houses than that, given the
2 locality of the fire?---Clearly the effort on what we
3 would call the eastern flank was significant to limit the
4 breakaway, and indeed the fire was stopped in its forward
5 run and then lost a section of it on the wind change. But
6 it was clearly a significant suppression effort to hold
7 that fire in the shape and the way it was.

8 As a result of your review, are you able to say or are you
9 satisfied as to whether CFA met its responsibilities to
10 inform the communities that could have been impacted by
11 that fire?---Given the early warning and given the breadth
12 of the warnings, particularly on the radio, and the
13 description of the locations, it would be the sort of
14 information that I think meets the arrangements or the
15 aims that we are setting out to give in terms of community
16 information and warning.

17 COMMISSIONER McLEOD: Mr Rees, in terms of where the fires
18 impacted in Horsham, how would you describe the
19 environment? Was it semi-rural or was it suburban
20 essentially in character?---There is a real mixture,
21 Commissioner. If we go back and look at the map - I'm
22 pointing at this screen, which is not much value - the
23 area before the golf course, which you can see here, is
24 cropping and grazing land. Then after the golf course
25 there is a little patch of houses on the golf course road.
26 I don't know what it is called. Then it gets down into
27 this Haven area on the other side. That area there is
28 part of the Wimmera River area. Then in Haven and through
29 there there are some small allotments, hobby farmer type
30 rural-residential. So it has gone through that area.
31 Then, when you look at it, it starts to get back out into

1 the grazing country again, the grazing and cropping
2 country. Some of this country is country that would have
3 been irrigated if the Horsham River and, what's it called,
4 the Wimmera Catchment had water to irrigate. Then in the
5 breakaway it has gone back through some residential type -
6 rural-residential area, some light industrial area, back
7 out into again grazing area. I indicated previously the
8 odd shape of it is because the fire was suppressed along,
9 particularly in that breakaway, roads and opportunistic
10 suppression along areas like irrigation ditches and the
11 like. So it is an odd shape as a result of that.

12 Can I ask the same question also in relation to
13 Coleraine?---Coleraine is almost exclusively undulating
14 grazing country. There would have been some cropping
15 there, but it is not in any real shape rural-residential
16 that I would call.

17 MR CLELLAND: That is Horsham, Mr Chairman.

18 CHAIRMAN: Do you have another one that you can get through
19 equally quickly?

20 MR CLELLAND: I can indeed. Can we do Weerite, because Weerite
21 was another western district fire, was it not, Mr Rees?
22 Just before you answer that, Commissioners, can I just
23 give you these references for Mr Rees's statements and
24 evidence in relation to Horsham: statement 1 at page 98 to
25 99; statement 2 at paragraphs 39 to 52; and transcript
26 references 56 to 59. Now, Weerite, that was a fire in the
27 western district, as I suggested?---That's correct.

28 There were, as I understand it, communities which were
29 threatened by the fire, including residents of Scollers
30 Road, Caters Roads Settlement and Swan Marsh?---Yes, Swan
31 Marsh is down to the south, in effect off the map.

1 You have described the fire previously as fast running,
2 difficult to control due to flame heights and
3 intensity?---Yes.
4 No houses were lost. There were no fatalities?---Correct.
5 There were warnings which you referred to in your statements
6 and evidence on the CFA website, but in addition to those
7 there are - as a result of your review, it is obvious that
8 there were urgent threat messages over the ABC at 1423 and
9 thereafter?---Yes.

10 And through the afternoon I think until the fire was
11 controlled?---That's correct.

12 Again, from your review of that material, are you satisfied
13 that CFA met its fundamental responsibility to inform the
14 community?---Yes. I'm also of the view that, although we
15 have been unable to get the information at this point in
16 time, a commercial radio station at Colac, 3CS, was - in
17 that part of the world it is generally used as well as the
18 ABC. I have asked if it is possible to source that
19 information. I haven't got feedback yet as to whether
20 that is possible or whether they keep the records. Some
21 commercial stations keep records and keep transcripts.
22 There is a statutory period, I understand, in which that
23 information must be kept. I think we are outside that.
24 So I don't know the answer. There could in fact be much
25 more information given on that fire than what we have
26 available to us.

27 COMMISSIONER McLEOD: Mr Clelland, appliances, personnel,
28 hectares, start, finish; maybe if you haven't got that -
29 sorry, I understand they are in the document, which
30 I don't have open in front of me.

31 MR CLELLAND: I think you will find that information at 102 to

1 103 of Mr Rees's first statement.

2 COMMISSIONER McLEOD: Thank you.

3 MR CLELLAND: Could Mr Corbett bring up the STAR Tool images
4 for the Redesdale fire, please. I should also have
5 indicated, Commissioner McLeod, in relation to Weerite,
6 I think it burnt out 1,300 hectares.

7 COMMISSIONER McLEOD: Thank you.

8 MR CLELLAND: Where is Redesdale, Mr Rees?---Sorry, I'm trying
9 to keep up with you.

10 I'm moving fairly swiftly, but just geographically, where is
11 Redesdale?---Redesdale is roughly north of Kyneton. If
12 you were driving to Bendigo on the Calder Highway and went
13 right, it is between - in an area Bendigo, Kyneton,
14 Heathcote; in the centre of that area would be my best
15 description. A particular map that I have that was
16 submitted, you can just see the Calder Highway on the
17 south. Critically to the far south-east is the Cobaw
18 Ranges, which show up on the screen there in that area
19 there which is quite a difficult part of the countryside.
20 It is undulating grassland with very steep gullies, quite
21 difficult country to control a fire because of that
22 undulation, and the steep gullies break up the firefight.
23 Were there concerns that this fire might reach not only the
24 Cobaw Ranges but the communities of Lancefield and
25 Carlsruhe?---If the fire had got into the Cobaws, the
26 chances of it spotting and carrying far further were
27 significant, but also then the potential to run back
28 towards the Heathcote-Mia Mia area, which is this area to
29 the north, understanding that's the McIvor Highway, what
30 I used to know as the McIvor Highway. I think it might be
31 called something else now. But the other point that we

1 described today is its relationship to the - that it is
2 actually quite geographically close in one sense to the
3 East Kilmore fire, even though we think of it as being
4 adjacent to Bendigo.

5 That fire started at 1511. The area it burnt out was
6 9,500 hectares. As I understand it, CFA was the control
7 agency and then DSE. Something in the order of 73
8 appliances and 400 personnel attended?---Yes.

9 It would appear that it started at 1511, as I say, and on the
10 website there were urgent threat messages for the
11 communities of Barfold, Langley and Metcalfe East at 1613.
12 At 1647 there were awareness messages added to that urgent
13 threat messages for Sidonia and Pastoria east of
14 Kyneton?---Yes.

15 And later at 1757 awareness messages added to the urgent threat
16 message for Pipers Creek, Carlsruhe, Woodend North,
17 Newham, Cadello and the Cobaw areas, and then at 1800
18 urgent threat warning of the threat after the wind change.
19 In addition to those matters, some or all of which you may
20 have referred to when you first gave evidence, and I will
21 just run through these, as you have now revealed that both
22 on 774 and also at 91.1 FM Victoria Central, there were
23 discussions about those fires and urgent threat messages
24 and indeed CFA officers interviewed about them from 1538
25 and thereafter, 1550, 1605, 1618, 1639, 1646, 1658, 1647 -
26 that's on 3AW - 1651, 1704, 1710, 1724, 1725, 1733, 1740,
27 1804, 1810, 1827, 1841, 1850, 1903, 1916, 1944, 2015,
28 2041, 2048, 2110. Does your review confirm those times
29 generally, Mr Rees?---That's correct.

30 On both those radio stations?---Yes.

31 And you have read transcript of both the warnings that were

1 given and the descriptions being given not just in that
2 formulaic way but actually people such as John Haynes,
3 Greg Esnouf coming on the radio and describing the travel
4 and the nature of the fire?---Correct.

5 There were no fatalities as a result of that fire and no houses
6 lost?---No.

7 CHAIRMAN: I take it there is nothing from 3AW or from 91.1 FM?

8 MR CLELLAND: Sorry?

9 CHAIRMAN: No transcripts?

10 MR CLELLAND: No, you are going to receive 91.1 FM and I'm told
11 we can provide the relevant transcript from 3AW as well,
12 Mr Chairman. What do you say about the suppression
13 efforts of the fire agencies in relation to that fire,
14 Mr Rees?---It was a difficult fire to suppress. As
15 I think we indicated in my second statement that, although
16 the fire was stopped, we didn't call it contained until
17 quite later in the period of time. I'm just trying to
18 find that. It wasn't listed as contained until
19 10 February, and that was largely because of unburnt areas
20 and difficult terrain in the valleys. However, the fire
21 was substantially stopped long before then. As a fire, it
22 had potential to do enormous damage on a day like that,
23 and clearly the suppression efforts both through direct
24 attack on the flanks and then after the wind change when
25 conditions allowed to pull the head up was an enormous
26 effort. When one considers that this fire ended up being
27 between the Kilmore fire and the developing Maiden Gully
28 fire, resources would have been at a premium in central
29 Victoria at that time.

30 As a result of your review, are you satisfied in relation to
31 this fire that CFA met its responsibilities to inform the

1 relevant communities?---Yes, I am. As previously
2 discussed, the effort to warn throughout the day varied
3 quite significantly with the information that was
4 available and the upcoming wind change for that fire.

5 MR CLELLAND: Is that a convenient time?

6 COMMISSIONER McLEOD: One quick question. Was it essentially a
7 grassfire or mixed country?---That country is essentially
8 grazing land. I haven't had a really close look at it.
9 It's got a bit of scrubby block in it. But it's mainly
10 grazing land country. It used to be very, very good sheep
11 country.

12 Of all of those fires we have dealt with so far, perhaps with
13 the exception of Horsham to some degree, they have been
14 mostly in grazing country, have they?---Yes, and accepting
15 that Horsham burnt through some what you would call
16 rural-residential, but the potential of Coleraine was
17 profound in terms of its proximity to that town.

18 Of course, yes. But just to get an idea of the vegetation that
19 had burnt through?---Yes.

20 CHAIRMAN: We will resume tomorrow at 9 o'clock.

21 <(THE WITNESS WITHDREW)

22 ADJOURNED UNTIL THURSDAY, 11 JUNE 2009 AT 9.00 AM

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