



THE KILMORE EAST FIRE

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16.1 ARTHURS CREEK

JOSEF AND GLENYS MATHEIS

Josef and Glenys Matheis had lived all their married life—more than 40 years—in the Arthurs Creek area. For the past 26 years they had lived at 40 Matheis Road with their sons, Josef and Peter, on a 20-hectare property at the southernmost end of Sugarloaf Ridge. Josef, 68, and Glenys, 61, died in their cellar on 7 February 2009; they are survived by their sons and their extended family.

The Matheis house was on the slightly flat saddle of a spur in the south-eastern corner of the property, about 800 metres up a steep driveway from the road. A small cleared area for parking and turning extended about 50 metres in front of the brick house; less space was cleared at the back and sides of the house. The rest of the property was moderately thick eucalypt forest and was bordered to the west by Kinglake National Park. Josef and Glenys knew the property would be difficult to get to or leave in a fire and had a comprehensive fire plan that, among other things, involved them sheltering in the cellar under their house.

The Matheis' fire plan was based on their determination to stay and fight. They knew the CFA would find it difficult to get to their house and get out safely if there was a fire. The property had an adequate water supply—two concrete and two plastic water tanks, as well as a large dam about 40 to 50 metres from the house. The family was well equipped for firefighting, as their son Josef recounted:

Fire-resistant hoses for all taps; sprinklers to cover two points in the front and two points in the rear [of the house]; a tractor with a portable water tanker. The firefighting system was powerful enough to run all taps and hoses at full strength and the pressure from the nozzle would clear the roof. A Davey twin impeller firefighting pump which was approximately eight and a half horsepower. The pump was right beside the dam in a fire-resistant housing. All the water lines were approximately one foot underground. The clearing of trees was well enough away that if they fell they would not hit the house ... There were two exits from the property, one being the main drive and the second was an exit road through our neighbour's property.

Josef and Glenys had planned to use the cellar under the house as a bunker. They would ‘block off all the entrances, under the doors ... block the windows’. The captain of the Arthurs Creek CFA knew the Matheis’ and their fire plan well: ‘All the locals and I knew that their fire plan was to stay and fight, but in fairness there was nothing to prepare you for this [fire] ... [Josef] had an unrealistic approach that the cellar at his house ... will always be safe. In most fires he is probably right but this was not an ordinary fire’.

On 7 February Josef and Glenys were at home; both their sons were away. Between 1.00 pm and 3.00 pm they received numerous phone calls from family and friends, initially warning them of the fire threat and then updating them. During the first call, at 1.00 pm, Josef was outside preparing pumps and hoses. At some time in the afternoon Glenys told a family member they were planning to evacuate, Josef taking their car and Glenys taking Josef junior’s prized Mercedes coupé. It appears they changed their plan: Glenys also told Josef’s sister she was taking valuables, such as the boys’ hard drives, into the cellar.

At about 2.45 pm they were warned to expect an ember attack within two to three hours. At about 4.45 pm their neighbour Robyn Quinn called again to warn them of approaching fire. Glenys said, ‘No, we’ve put it out. Joe has put it out’. Robyn replied, ‘No, it’s coming up your driveway’—that is, from the south-west. (This suggests that Josef could have been attending to a spot fire ahead of the main front.)

It appears Josef and Glenys retreated to the cellar after this. Arthurs Creek CFA members found their bodies, and that of the family dog, the next morning.

A Victoria Police forensic scientist who examined the circumstances concluded, ‘The fire travelling up the valley would have led directly to the house’, which was destroyed along with the garage, outbuildings and three cars outside the garage. The cellar remained largely intact. On the basis of his observations at the property after the fire, Josef junior believes his parents retreated to the cellar with very little notice:

I don't think they had much time as they did not have the other portable pump on the water tanker. My father was also very particular about turning petrol engines [off]; the tractor and portable engines were left running, which shows to me that it was very quick. My mother also only had about one-eighth of [the] personal property and belongings that she planned to be taken into the cellar. This is another example [of] how quick it was.

The post-mortem reports record Josef and Glenys Matheis died as a result of carbon monoxide poisoning.¹

16.2 FLOWERDALE AND HAZELDENE

RONALD BARLING AND RICHARD HALL

Ron Barling was 71 and Richard Hall 52 when they died on 7 February 2009 at the property they shared and co-owned at 79 Silver Creek Road, Hazeldene, also known as 23 Silver Parrot Road. They are survived by their extended families.

Ron had owned the property since the early 1970s, when he and his then wife had bought it with another family. Together they cleared the land and built a conference centre in 1973: it was intended to be used for church groups. Some years later the other family sold out of the property, and Richard, by that time a family friend of the Barlings who had spent time living there, bought into it. The two men were also business partners.

Andrew, Ron's son, explained that the building was on the top of a ridge, with steep downward slopes in all directions. Close to the house the garden was mainly exotics and some lawn; there were native stringybarks on the slopes around the house. The building, between 40 and 50 squares and with a number of different self-contained living quarters, had a steel frame, modular cement sheet wall panels and a galvanised iron roof.

Ron and Richard were well aware of the risk of fire and had in fact fought fires together at the property in 1982. They had taken a number of steps to prepare the home for fire in the lead-up to the 2008–09 fire season, which they believed was going to be a bad one: they had installed two additional 22,000-litre water tanks and cleared around the property, and they regularly cleaned out the gutters. They also had a petrol firefighting pump and buckets and spades placed around the property.

Before 7 February Ron's plan had been to evacuate rather than fight any fire. Andrew explained, 'I think that this was predominantly because of his age, the size of the house, the location of the house in the forest, and because there were only two of them'.

The first warning Ron and Richard had about fires on 7 February was just before 2.00 pm, when Andrew, who lived in Whittlesea, called to tell his father about smoke he had seen coming from the direction of Kilmore. Andrew also told his father he should listen to 774 ABC radio, the emergency broadcaster. Before 2.30 pm Ron called Andrew to ask if he should pack the car, and Andrew said he should. Andrew also reminded Ron of the 1982 fires and the change of wind direction. There were further calls between Ron and Andrew throughout the afternoon as Andrew was evacuating to a friend's house.

At about 3.25 pm a neighbour, Patricia Cowman, made the first of a number of calls to discuss the fires. At that stage she and Richard both believed they were safe and agreed to stay in touch. Just after 4.40 pm there was further contact between the neighbours; there was no discussion of Richard or Ron leaving, although that had been their plan on previous occasions. Patricia assumed they had decided to stay and defend.

Between 4.45 pm and about 5.05 pm Andrew had a number of separate conversations with Ron and Richard, as he updated them about his knowledge of the progress of the fires. At Ron's request for advice, Andrew suggested he should drive north to Yea but first go to the Flowerdale CFA station and ask for directions. As he had done earlier with Ron, Andrew reminded Richard of the wind change. Andrew was left with the impression that Ron and Richard were monitoring the situation and had no immediate plans to leave. At 5.15 pm Patricia called again, and Ron told her he was staying to defend with Richard.

There were a number of additional calls with family members and Patricia until just before 7.30 pm. In one of the calls—with his sister Helen Drake at about 6.30 pm—Ron told her they had packed their car at lunchtime and were ready to leave if the fire came too close. Sounding concerned and apprehensive, he said if the wind changed they would leave, but there was no point in leaving if they did not know which direction the fire was coming from. Richard was on the roof filling the spouts with water at this stage.

By about 7.15 pm Ron told Andrew about the noise the wind was making, which he put down to the change, but he made no reference to smoke or fire. At about 7.25 pm, in the last phone contact, he asked Patricia if the terrible noise was the fire. She said, 'Yes, it will be'. She reported that the fire struck houses in this area at about 7.30 pm. It appears to have come from the south-west, after the wind change.

On 19 February the remains of Ron and Richard were found inside what had been a bathroom. The house had been completely destroyed.

Post-mortem reports record that the cause of death for Ronald Barling was the effects of fire; for Richard Hall it was consistent with the effects of fire.²

GAVIN DUNN

Gavin Dunn and his two dogs lived at 36 Long Gully Road, Hazeldene. Aged 39 when he died on 7 February 2009 as a result of the fires, Gavin is survived by three daughters and his extended family.

In 1992 Gavin had been involved in a car accident that left him with an acquired brain injury, affecting his speech and energy levels and resulting in his finances being managed by the courts.

Gavin's timber-framed house was built of particle board and had a corrugated iron roof. The property, covering just less than a hectare, was mostly bushland, with some cleared space around the house. The land was sloping, and the house was set back from the road and cut into the incline, above the level of the road.

There is no indication that Gavin planned to either fight a fire or evacuate. Rather, his fire plan was to take a blanket and to shelter in a small dam on his property. His friend Alex Jones said, 'Gavin had a small dam on his property about 40 metres south of the house. It was really a very steep hole. He dug it himself and it was about the size of a kitchen table. The water level would have been very low'.

Shortly before 4.00 pm on 7 February Gavin called his mother, June Dunn, and told her he had heard on the radio there was fire approaching Whittlesea, where June lived. She told him she had seen smoke from the Wandong fire.

At about 4.35 pm June rang Gavin and told him there was a lot of smoke in the direction of the hills and asked him what he was going to do. Gavin said he would be alright since there was no smoke at his place. He also said he had turned his radio off because he was sick of listening to it. This was consistent with Gavin's general 'she'll be right' outlook, as described by his former partner, Lynette Piltz: 'He was probably just too relaxed, too complacent. He wouldn't have believed it would ever happen'.

What Gavin did during the rest of the afternoon is not known. At about 8.30 pm a neighbour, Russell Willet, went to Gavin's house to tell him he was leaving. At that point the roar of the fire was becoming louder and the glow on the hill was becoming brighter, although there was no sign of flames. Russell suggested that Gavin also leave, but Gavin told him he was going to stay and would go to the dam with a blanket if necessary. Before he left, Russell suggested that Gavin at least turn his car around in case he had to leave in a hurry.

Fire struck the area at some time after 8.30 pm, destroying a number of homes in Long Gully Road, including Gavin's. On 8 February Gavin's remains were found just outside his house. The remains of one dog were found in the kitchen.

The post-mortem report records that Gavin Dunn died as a result of the effects of fire.³

ROBERT HARROP

Bob Harrop lived at 27 Forest Road, Flowerdale. He and his wife, Betty, spent the summer months in Flowerdale and the winter months in Queensland. Bob, aged 83, died on the night of 7 February 2009, having sustained injuries while fighting fires at his home. He is survived by his wife and other family members.

Bob and Betty's house was a timber-framed Hardiplank kit home with a corrugated iron roof. The house was surrounded by trees, but the land immediately around it was relatively clear. Bob's fire plan was not certain, although it seems that he planned to stay and defend the property in the event of fire. He had a generator and tank water, as well as access to a creek at the back of his property. He also had a petrol pump, hoses, and taps and fittings predominantly made of metal or brass. According to family members Bob was in good health, with no history of heart disease.

On 7 February Betty was in hospital in Melbourne. Bob spent most of the day with his immediate neighbour, Rick Denvil. Much of that time was spent at Rick's house, avoiding the heat. At about 3.00 pm Bob and Rick checked the hoses at Bob's house. One was defective, so they disconnected it, leaving one operational hose at the property. At about 4.00 pm they heard on the radio that there was a fire at Kilmore East. They could smell smoke and see a slight darkening and smoke in the sky to the west, in the Mt Disappointment area. Rick checked the CFA and Bureau of Meteorology websites to monitor the weather and the fire.

Just before 5.40 pm Bob's stepdaughter, Suzanne Ebacioni, called Bob to see if he was OK in the heat. He told her the power was out, which was not an uncommon occurrence, and he was going to start up the generator so he would have a fan and light. Bob said there was smoke in the distance, which he thought was coming from the Buxton area, but he was fine.

At about 7.00 pm Rick saw that the smoke was increasing and it was getting darker. He saw fire at his front gate and went outside to hose it down. Within minutes the vacant block next to Bob's place was burning, then the sheds on both of the men's properties were alight. Rick went to check on Bob:

I went through and checked on Bob who was purely putting out small blowing fires on the grassed area surrounding their house with a plastic knapsack firefighting pack (approximately 20 to 30 litres). Bob was okay, not stressed and seemed quite accepting of the situation. Neither of us felt threatened. We knew we couldn't do anything about our sheds, but both of our houses were still standing.

At about 7.40 pm Rick's house caught fire and he lost water pressure. He went looking for Bob but was unable to find him because of the thick, swirling smoke. He got into his car and drove back to Bob's, using the headlights as a light source. He found Bob lying at the north-eastern corner of the house, unconscious but breathing and with a strong pulse. Bob was heat stressed, non-responsive and had an abrasion on his lower outer calf. Rick found Bob's plastic firefighting knapsack melted at the southern end of the house.

Rick put Bob in the car and drove north, intending to take him to hospital. He could see a large fire front coming from the south. He then decided to stop in at the Flowerdale hotel, thinking there might be people there with first aid skills. When he arrived a psychiatric nurse helped the hotel owner, Steve Phelan, check on Bob: they applied basic first aid and tried to make him comfortable. By now Bob's pulse was weak, he was semi-conscious and he was having trouble breathing.

Steve described the hotel at this time as chaos. The fire was approaching and there were people sheltering at the hotel and others who had volunteered to help Steve protect it. Steve recalled that when Bob arrived 'it added another dimension to the gravity of the situation we were facing'.

By this time there were fires everywhere and Rick was told he would not be able to get to the hospital at Yea. At about 11.00 pm Steve decided that everyone at the hotel would be safer at a roadworks depot opposite the hotel. They initially placed Bob on the back of a ute but later put him inside Rick's car. They took shelter at the council gravel pit, where they fought the fire from midnight until daybreak. Meanwhile, Rick and others continued administering first aid to Bob. At about 11.40 pm, as he was sponging Bob, Rick noticed he had stopped breathing. In the early morning Rick took Bob's body north to the Yea hospital. Bob and Betty's house survived the fire; Rick's did not.

The post-mortem report records that Robert Harrop died as a result of exposure to the bushfire in association with coronary heart disease.⁴

DANIELA MARULLI, ALDO JUNIOR AND JESSE INZITARI

Daniela Marulli, aged 41, and her partner, Aldo Inzitari, lived with their three children—Jonathon, aged 14; Jesse, 11; and Aldo Junior ‘AJ’, 5—at 2323 Whittlesea–Yea Road, Hazeldene. On 7 February 2009 Daniela, Jesse and AJ died outside 2527 Whittlesea–Yea Road, Hazeldene, having fled their property by car and then fled the car on foot. Aldo and Jonathon survived after a harrowing escape.

The family had lived at 2323 Whittlesea–Yea Road for about four years. The property was a hobby farm of about 53 hectares and was at times used for hay cutting. The owners employed Aldo to maintain the house and property on their behalf.

The family’s fire plan was to stay and defend the property but to leave if the situation became too dangerous. There was no plan to go anywhere in particular. The property had some firefighting equipment, including electric pumps, fire hoses and sprinklers on the roof, and there were a number of water tanks. There was no home phone and mobile reception was poor. The owner of the property said she had instructed Aldo and Daniela ‘that their family came first, that the property was insured and that if there was any sign of fire they were to leave’.

The family were at home on 7 February. At about noon Jonathon saw smoke rising from behind the mountain at the rear of the property. The family decided the fire was too far away to cause much concern at that stage. At about 4.00 pm Aldo and Jonathon started to get the pumps ready, but low pressure meant the pumps would not start. The power was down for much of the afternoon, and the smoke and haze increased, making it difficult to breathe. At some stage in the late afternoon the power came on again briefly, and the family watched some television to find out where the fires were. With the power back on they were able to use the pumps to hose down the house and surroundings.

By that time it was evident there was fire close by: Jonathon had spotted orange glare at the rear of the house and told his parents. Daniela tried to call the fire brigade on her mobile phone but could not get through; Aldo’s mother tried to call his mobile just after 6.30 pm but could not get through. Aldo saw fires on the mountain at about 7.00 pm and then the paddocks and a shed on the property caught fire.

At about 7.30 pm the family packed the utility—the only registered vehicle on the property and the one nearest the house—and left. The bridge they drove over to get to Whittlesea–Yea Road was on fire. Aldo turned right towards Whittlesea, unaware that was the direction the fire was coming from. Forced by a fallen tree to do a U-turn, he headed north towards Yea. On arriving back near the house, Aldo and Jonathon left the others in the car and walked back to the house, noting that the bridge had been destroyed in the meantime. They collected further items and the family dog and returned to the car. Jonathon and the dog got into the tray of the ute.

Aldo drove north for about 2.5 kilometres before colliding with a large tree that had fallen onto the road. He and Jonathon ran from the car to a tree near the house at number 2527 Whittlesea–Yea Road. Jonathon realised his mother and brothers were still in the car and went back to drag them to where he and his father had sheltered. The dog, by this stage inside the cabin of the ute, died later when the fire hit the ute.

The family then sheltered in a number of places near the house until it too caught fire, at which point they moved to shelter near some cars at the northern boundary of the property. There was much smoke, and visibility was difficult. Aldo and Jonathon climbed a barbed-wire fence and then a gate to enter the adjoining property, 2529 Whittlesea–Yea Road. Daniela, Jesse and AJ, who had been following them, were not able to climb the fence and collapsed on the ground nearby, calling for help. When Jonathon realised they had not made it over the fence, he went back to try to help them, climbing the gate and then reaching over the fence, suffering burns to his arms in the process. He could hear but not see or find them because of the heavy smoke. Aldo called him back, knowing Jonathon could not save the others and not wanting Jonathon to die too.

Aldo and Jonathon fled on foot about a kilometre north along Whittlesea–Yea Road. They took refuge at number 2637, where they were given clothing and water by the owner, who was defending his property. They then headed for the Flowerdale CFA fire station, where they were assessed by an ambulance officer and taken to the Yea hospital for treatment. They arrived at the hospital soon after midnight.

The bodies of Daniela, Jesse and AJ were found by a passing motorcyclist at about 6.45 am on 8 February 2009, where they had been sheltering near the fence. The Inzitari/Marulli house was completely destroyed in the fire, as was the property at number 2527, near where the family had sheltered for a time. The neighbouring property, number 2525, survived the fire.

The post-mortem reports record that Daniela Marulli, Jesse Inzitari and Aldo Inzitari Junior died as a result of the effects of fire.⁵

DONALD, MINNIE, JOHN AND CHERI-LEE WALKER

Donald Walker and his wife Minnie, also known as Helen, aged 87 and 86 respectively on 7 February 2009, lived in the main house at 38 Long Gully Road, Hazeldene. Their son John, also known as Jack, Jay or Buck, aged 59, and his wife Cheri-Lee, aged 61, lived in a caravan on the property. All four died at that address; they are survived by extended family.

The hilly property of about 4 hectares supported the house, the caravan, a number of sheds, the five water tanks that constituted the water supply, and a dam. Behind the sheds and tanks was a steep incline leading to a heavily wooded area. There were also a number of trees close to the house.

Donald and Minnie had lived at the property since the late 1960s and had experienced a couple of fires. John and Cherie-Lee had lived there for about 20 years. The fire plan had traditionally been for Donald and John to stay and defend. Donald would open the tops of the tanks, turn on the taps and flood the property. John would fight the fire, and Helen and Cheri-Lee would move to an unknown evacuation point. The horse fence would be dropped to allow the horse to move around safely. Because both Donald and John were in poor health, neither was in a position to actively defend the property.

At about 12.30 pm on 7 February Cheri-Lee spoke to a neighbour, Donna Beattie, at the Hazeldene shop. Donna told Cheri-Lee to leave the area because a fire was heading their way. Cheri-Lee said she thought the fire would not affect Flowerdale because the wind was going towards St Andrews. She also said the family had experienced fires before and had plenty of water.

At about 3.00 pm another neighbour, Sharon Dunn, called the family and spoke to Cheri-Lee to warn her about the fire and tell her many people in the street were evacuating. Cheri-Lee asked Sharon to keep her informed. After losing power at about 4.30 pm, Donna Beattie and her family decided to evacuate. They stopped and spoke to John, who was in his driveway, and offered to drive his parents to Yea. John said they would be leaving and that he did not need any help with his parents. Donna gained the impression that, despite her urging, John was not going to leave.

Just before 5.30 pm Cheri-Lee sent a text message to her friend Elke Sill-Sikora, commenting on the wild winds, the heat and the power outage. Shortly after 6.00 pm Sharon Dunn rang again to encourage the Walkers to leave: the fire was coming up the hill. John responded with 'We'll be right'. About an hour later Elke and Cheri-Lee spoke. By that time Donald was having trouble breathing and seemed to be in need of an inhaler, which he did not have. Cheri-Lee told Elke the car was packed. Elke said of Cheri-Lee, 'She was determined to leave, but Jay [John] wouldn't leave his parents. Don wouldn't go, Helen wouldn't leave Don, Jay wouldn't leave his parents'.

Martin Walker (John and Cheri-Lee's nephew and Donald and Minnie's grandson) and his wife, Karen, spoke to the family three times between about 8.40 and 9.10 pm. Martin had initially called to check on their welfare. John said they were fine and the fire was not near them; he also said Don did not want to leave. But Martin was concerned, so he decided to go and collect them all himself. He left home at about 9.00 pm but was stopped at a roadblock in Whittlesea. The last contact with the family was a call from Karen at about 9.10 pm. During this call John sounded 'really puffed and down' and Donald was said to be having trouble breathing.

On 8 and 9 February the bodies of all four were found at various locations. John's body was found towards the rear of the property, near a water tank. The bodies of Cheri-Lee and Minnie were found apart from each other but both near one of the cars. Donald's body was found against the remains of a structure not far from some of the tanks and about 6 metres from Minnie. It is possible they were trying to implement their fire plan by opening the tank taps and dropping the fence to let the horse run free.

The post-mortem reports record the deaths of John and Cheri-Lee Walker as a result of the effects of fire and the deaths of Donald and Minnie Walker as consistent with the effects of fire.⁶

16.3 HUMEVALE

BARRY JOHNSTON

Barry Johnston began building his dream home, Waldene, in the forest of the Scrubby Creek valley, at 520 Humevale Road, Humevale, in the early 1980s. He loved the bush, and he built Waldene by hand, in stages over the years. Barry was aware of the fire risk, so he built a bunker in the side of the hill about 30 metres from the house. He died in the bunker on 7 February 2009 at the age of 59. He is survived by his partner of 17 years, Sue Cunningham, and his family and friends.

The house was made predominantly of timber; it was on concrete stumps and had a steel roof. From Humevale Road it was reached by a steep driveway about 100 metres long. The bush surrounding Barry's house was described as medium to heavy-density eucalypt forest, with trees of medium height and evidence of an understorey of smaller trees or bushes. With the exception of a few small areas, bush extended for at least a kilometre in every direction from the house, and there were mature trees very close to the house.

Barry was known to be very fire conscious and not at all flippant about the dangers of the bush. His partner, Sue, recalled:

From the first time I went to Barry's house at Humevale, it was clear to me he was fire conscious. He was forever clearing around his property, had a sprinkler system on the roof and the bunker ... His fire plan was to be well prepared. Besides minimising unnecessary growth around the property, he had rakes, a sprinkler system that was gravity fed, tanks full of water, buckets and metres of water hoses ... He also built a bunker to the side of the house ... dug into the side of the hill ... that was approximately 2 metres by 3 metres.

Barry's fire plan appeared to be to protect the house and bunker as much as he could. He had a sprinkler system for the house and bunker, multiple water tanks, both galvanised iron and poly-pipe, powered by good-quality fire pumps and attachments. He told his friend Ron Rumbelow 'they had plenty of rain before Christmas, which meant [the tanks] were almost full'. In Ron's view 'Barry was not the type of person who thought he was invincible to the ways of nature ... [and] would have prepared himself as best as possible to survive a bushfire'. Barry planned to shelter in the bunker while the fire front passed.

The bunker had a thick door. The walls were lined with either sleepers or corrugated iron and were supported by star pickets. The roof was a concrete slab covered with a layer of soil. Basic supplies—that is, a torch and some water—were stored inside. Barry told Sue 'the bunker was not to live in or to have a meal in. It was to be somewhere to conceal oneself while a fire passed over'. Sue also recalled Barry was pragmatic about fire. He kept himself informed by listening to 774 ABC radio on days when there was a total fire ban and did not have a rigid opinion about staying or going. 'He always said the house was insured, and he would take a commonsense approach to staying or going if a fire approached.'

Barry arrived at Waldene at about 9.00 am on 7 February, to keep an eye on the place in case of fire. He appears to have spent the day monitoring the radio and possibly later in the afternoon running the sprinkler system. By 2.00 pm he was aware of fire in the district. At about 4.30 pm Sue called him; she said he appeared calm. While they were speaking he heard a noise that interrupted their call; he stepped outside to take a look, then told Sue he couldn't see anything and wasn't sure if the sound was the fire or the wind. This was the last known contact with Barry.

At about 5.00 pm fire struck Barry's property with such intensity it destroyed all the structures on the site—the house, the studio, the garage, and the bunker where Barry was sheltering. It caused the gas tank on Barry's car to explode with such force that it turned the car around. The PVC water tank, emptied of water, melted and vanished.

The post-mortem report records the cause of Barry Johnston's death as consistent with the effects of fire.⁷

LLOYD AND RENA MARTIN

In February 2009 Lloyd and Rena ‘Mary’ Martin were enjoying retirement. Aged 83 and 76 respectively, they had wound down their horse stud business, Pineridge Stud, at 635 Whittlesea–Yea Road, Humevale, some years earlier. Fit and in good health, they had a busy social life and played 18 holes of golf three times a week. Lloyd and Mary died at Pineridge Stud on 7 February 2009; they are survived by their daughters, Jane and Marisa, and their families.

Pineridge Stud was a 16-hectare property bordered to the west-north-west by the dense eucalypt forest of Kinglake National Park, stretching almost 20 kilometres to the Hume Highway at Wandong. The property had been cleared and was made up of fenced horse paddocks with trees scattered about. The trees were mostly pines or poplars around the fence lines, although there were some eucalypts in the gully of a dry creek bed and near the stables, as well as a shelter belt of pine trees running along a ridge line from the western boundary to the house. Around the house the trees were mostly exotic, especially fruit trees, and were set amidst a cottage garden.

The Martins had built their brick house in the late 1970s. There were also various sheds and stables on the property. Oriented east–west, the single-storey house had a pitched COLORBOND® roof, a verandah all the way around, and a brick carport at the western end. The property was supplied with water from a dam about 60 metres from the house and a large concrete tank. The comprehensive pumping system included a diesel pump to convey the dam water via underground pipes up to the house to keep the garden watered. There was also a pressure pump to supply the house with water from the underground concrete water tank.

Lloyd regularly attended CFA meetings, and the Martin household was part of the Yea Road Community Fireguard Group. Lloyd prepared for each fire season by making sure the property was cleared of any fuel. His daughters recalled:

He had large hoses (not your standard garden ones) connected to impact sprinklers around the garden surrounding the house. He would have wet the gardens down and everything else (including the house) in preparation in the event of fire approaching ... they had an independent generator in the event that the power got cut off so they would still have water.

It is unclear what the Martins’ intentions were in the case of fire, although it seems they might have had differing intentions. Mary had told her daughters and her neighbour (also a member of the fireguard group) she intended to leave because ‘no house is worth dying over’ but that Lloyd would have to be persuaded to do the same: ‘he would want to save the trees.’

From the evening of 6 February Mary had a number of telephone conversations in which she told friends and neighbours she was intending to leave. Just before 1.30 pm on 7 February she told her neighbour Franca Doherty she was aware of the fire because she had been monitoring the radio; she wanted to leave but Lloyd wanted to stay. Shortly after 3.00 pm Mary told her friend Barbara Duff the car was packed and she was ready to leave. About half an hour later Lloyd phoned Patricia McKinnon, a neighbour and another member of the fireguard group, to tell her the fire ‘looks like a goer’ and that he was fully prepared, with his pumps connected and everything ready to go.

Mary called her daughter Jane at 4.38 pm. Jane’s son answered the phone and told Mary that Jane was out. Mary repeatedly told her grandson ‘It’s OK’ before the call cut out.

The fire reached the Martins’ property shortly after 4.30 pm, travelling from the west and increasing in speed as it moved up the slope to the house. It destroyed all structures except one small shed. The accompanying wind was so fierce that part of the house’s roof was blown off, ending up 30 metres to the east; trees 20 to 30 centimetres in diameter that were near the house were snapped off well above ground level and fell to the east.

Lloyd and Mary Martin were found on 8 February in the ruins of their house. It appears that efforts to save the house would have failed when the wind lifted the roof off, exposing the house to ember and fire attack. Mary might have been sheltering at the eastern end of the house while Lloyd was trying to deal with the fire. A number of sprinklers were found near the house and in the trees, suggesting that they had been used as part of the firefighting effort.

The post-mortem reports record the cause of the deaths of Lloyd and Mary Martin as consistent with the effects of fire.⁸

ALLAN, CAROLYN AND STUART O'GORMAN

Allan and Carolyn O'Gorman, aged 55 and 50 respectively, lived at 295 Humevale Road, Humevale, with their three children—twins Bronwyn and Patrick, 21, and younger son Stuart, who had just turned 18. On 7 February 2009 Allan, Carolyn and Stuart died at their home of 10 years. They are survived by Bronwyn and Patrick and their extended families.

The O'Gorman family home was brick veneer with a corrugated iron roof. It was set on a relatively flat area near the top of a ridge, at the end of a steep driveway leading up a spur for about 350 metres from Humevale Road. The front of the house faced north-west, towards Mt Disappointment and Kilmore. The area immediately around the house was clear for 15 to 20 metres, and beyond that the surroundings were medium- to heavy-density eucalypt forest.

About 10 metres north of the house was the family's fire bunker, which doubled as a wine cellar. It consisted of a shipping container buried in the north-west face of the spur, under about a metre of soil. An additional room, made of brick with a substantial steel door, had been built at the entrance to the bunker. Bronwyn recounted:

Our family had discussed and had a fire plan. It was basically to stay with the house and fight the fire. We had a big water tank [22,000 litres] and another smaller tank on a trailer that we could use if we had to use it with hoses which we had around the house. We also had a generator with the tanks connected to a pump for a tank ... We also had a shelter built which was on the north-west corner of the house about 10 metres from the main building. This was sort of the last resort if we couldn't leave the house.

Patrick's recollection of the family fire plan was 'pretty much to stay at the house in the wine cellar, which is like a shipping container converted into a bunker. We were to go in there if the fire got really bad and then come out when the fire had passed'.

On 7 February the O'Gormans were busy doing various things. Bronwyn was away at a school camp; Patrick and Allan left home separately mid-morning to go to work. Before they left Allan had been showing Patrick how to operate the trailer tank, which could be moved to fill up the larger tank using the pump. Carolyn and Stuart were at home, possibly preparing for the family gathering to be held that evening to celebrate Stuart's 18th birthday two days before.

It appears that most of the family members had become aware of a potential fire threat by about 3.00 pm. Patrick phoned his parents from work at about 3.15 pm to tell them others were leaving early because of the fires and to check if everything was OK. His mother told him the fires were at Wandong, about 30–40 kilometres away, and not to worry.

Not long after that Stuart's girlfriend, Rosemary Symons, arrived and they started monitoring 774 ABC radio, which reported that the fires were 30 kilometres away. At about 3.30 pm Carolyn checked the internet, which showed a fire at Wandong, and the CFA website, which gave advice about a grass and scrub fire burning about 4 kilometres east of Kilmore. It appears that, although Carolyn believed the fire to be 30–40 kilometres away in Wandong, spot fires were being reported in the Mt Disappointment area only about 10 kilometres away.

There was thick smoke above the house when Allan arrived home from work at about 4.00 pm. He asked Stuart to pack his prize possessions and suggested that Rosemary leave, which she did. At about 4.15 pm Patrick left work and headed home to help his family prepare for the fire, but he was stopped at a roadblock and was not able to get home. He could see clouds of smoke and helicopters fire-bombing. During the next 15 minutes Carolyn let family members know that the party was cancelled and phoned 000, telling the operator that there was fire all around them, that it was about 200 metres away, and that it was a threat to them. She continued, 'Apparently the wind's changed. Yes, it's just changed, so it's going away from us now, it's stopped. It's gone the other way. It's good. Okay, thank you'.

In a phone call to her sister at about 4.45 pm Carolyn said Allan and Stuart were outside putting out spot fires. Just after 5.00 pm she called her sister again to tell her she could hear the noise of the fire and had to go because she could see it coming towards the house.

It is assumed that Allan, Carolyn and Stuart then tried to retreat to the bunker. Their bodies were found together outside the eastern corner of the house, suggesting they left by the laundry door and were either overcome by the fire's intensity or injured by debris from the burning house. The roof and walls of the house collapsed; only a few sections remained upright. The shed, carport and two cars were burnt; the bunker remained intact.

A Victoria Police forensic scientist who examined the circumstances concluded:

The fire would have impacted on the O'Gorman residence about 5.00 pm, preceded by a brief high-speed ember attack ... The flame height would have been in the order of 25 metres, well above the height of the trees, and the fire front would have been travelling perhaps 15 kilometres per hour, possibly faster. In these circumstances, firefighting is not practical ... evidence suggests [the fire front] came on them with a speed and intensity which prevented them reaching the safety of their bunker.

The post-mortem reports record that the cause of death for Allan, Carolyn and Stuart O'Gorman was consistent with the effects of fire.⁹

16.4 KINGLAKE

ADRIAN, MIRRABELLE, MATTHEW, ERIC AND HANNAH BROWN

Adrian and Mirabelle Brown lived at 39 Bald Spur Road, Kinglake, with their three children—Matthew, aged 8; Eric, 7; and Hannah, 3, who was known to friends and family as Brielle. The family had moved to Kinglake in about 2002 because the area offered the country lifestyle and open-air living they had been looking for. Adrian and Mirabelle, aged 33 and 30 respectively, died with their three children on 7 February 2009; they are survived by their immediate and extended families.

The Browns' house was made of cedar weatherboard; it had an iron roof, and at the back there was a timber deck area that Adrian had built. The half-acre block of land was heavily timbered and sloped away slightly at the rear. The house faced west across Bald Spur Road, an unsealed, narrow road meandering through dense forest abutting Kinglake National Park. Two polyurethane tanks supplied water to the property.

If there was a fire the Browns intended to leave as soon as they heard an evacuation message on the radio; if they were unable to leave, they would stay in the house until the fire passed. Adrian's mother, Robyn, explained their reasons for planning to leave: '... during summer they would not have much water in the tanks and they also had been told by the local CFA that the fire truck would not go down their street because they couldn't turn the truck around. The other reason they had a fire plan to leave is Adrian had a congenital heart disease and couldn't do much physical manual work and therefore would be unable to stay and fight the fires'.

At about 4.45 pm on 7 February Adrian and his father communicated online via an instant messaging service. His father was in China at the time and asked what the temperature was and whether there were any fires nearby. Adrian told his father the fires were miles away, at Kilmore, and that it was much cooler since the cool change had arrived. About fifteen minutes later Adrian sent a text message to his friend Dale Markou, suggesting that Dale not come to visit as planned: 'We are under fire threat here as is Whittlesea. We can imagine you haven't made it through, nor would you probably want to at the moment'. At 5.20 pm Adrian called Dale and told him the power had just been lost and they were under fire threat; the call kept cutting in and out.

It is not known what the family did between then and when the fire hit the area, which was at about 5.30 pm. A Victoria Police forensic scientist concluded the Browns were probably caught unawares by the speed of the fire and decided to adopt their alternative plan and stay in the house until the firefront passed, which in this instance took about 45 minutes.

On 9 February police found the Brown family's remains near the front or kitchen area of their house. The house had been destroyed, as had the two cars. Adrian's friend Dale said, 'I don't think that Adrian would have stayed if he had known the fire was coming. I think he would have tried to get out. Adrian was a pretty conservative kind of guy. He wasn't your action man ... He wouldn't have stayed to fight the fires'.

The post-mortem reports record the deaths of Adrian, Mirabelle, Eric, Matthew and Hannah Brown as being a result of or consistent with the effects of fire.¹⁰

NEEVE AND MACKENZIE BUCHANAN, DANIEL CLARK, AND MELANIE AND PENELOPE CHAMBERS

Five people died at 1 Reserve Road, Kinglake, on 7 February 2009. Only one of them was a resident of the house; the others had sought shelter there because it had been identified as a ‘safe house’ in the event of fire.

Reserve Road is a sealed road in an area where most of the blocks might be described as residential suburban blocks. The majority of the blocks had some trees on them, and surrounding the residential area was a mix of forest and cleared land. Not all the houses in this area were damaged or destroyed as a result of the 7 February fires.

Fires had threatened Kinglake in 2006, and this had prompted many residents to develop and implement fire plans. With the support of the then local CFA captain at the time, interested local residents had met and visited each other’s houses to assess their safety. Consideration was given to construction materials, the nature and proximity of vegetation, the availability of an alternative power supply, and the availability of firefighting equipment such as sprinklers and fire hoses.

The Chambers’ house at 47 Victoria Road was assessed as unsafe because of the proximity of bush on three sides of the house and the lack of firefighting equipment. Janet Chambers had been told a CFA crew would not be sent to her house because it was at the end of a dead-end road and was therefore unsafe because of the restricted access. The Clark house at 1 Reserve Road was considered one of the safest: it was built of brick and had a generator, pumps, hoses and sprinklers. The residents were encouraged to develop a local telephone fire tree. The Chambers and Clarks were part of the same fire tree group.

The Clark family

Michael ‘Mick’ and Jenny Clark lived at 1 Reserve Road with their 37-year-old son Daniel ‘Danny’. Their four-bedroom, single-storey brick house had a tiled roof. The garden around the house, a mix of trees and shrubs, was well maintained.

The Clarks’ fire plan was to stay and defend their property. They had a generator to ensure a power supply, a 13,500-litre water tank supplied by a bore, petrol pumps, sprinklers and hoses. Mick would ‘block the downpipes of the house, put specially prepared sprinklers on the peak of the roof and have the firefighter going as well’.

On the morning of 7 February Mick and Jenny were shopping in Yarra Glen with their 9-year-old granddaughter, Neeve Buchanan, who had stayed with them overnight. After some car trouble on the way home they arrived back at Reserve Road. Despite the heat, Mick spent time packing the caravan for a planned holiday. At some time during the afternoon Neeve and Danny logged on to the internet to check the progress of the fires.

The nearest reported fire was at Wandong, quite a distance away. Mick and Jenny discussed leaving but decided not to because they believed the fire to be a long way away. Although there was no sense of imminent threat, Mick decided to enact his fire plan anyway. At about 4.00 pm he prepared the pump in readiness but inadvertently filled it with two-stroke instead of four-stroke petrol. He told Jenny the fire was worse than first thought and was getting close. He was watering the garden when the power went out.

The Buchanan family

Ross and Rebecca Buchanan lived in a two-storey brick house in National Park Road, Pheasant Creek, with their four children—sons Calum, aged 18, Mackenzie, 15, and Aiden, 13, and daughter Neeve, aged 9. Also living with them was Calum’s girlfriend, Lauren Mortimer. The property was close to Kinglake National Park, but there was also some cleared farmland nearby: Ross described the farm next door as having a ‘50-acre paddock’.

Both Ross and Rebecca had been very active in their local community fireguard and had an awareness of the fire risk where they lived. They operate their own small business selling and fixing pumps, so Ross was familiar with all types of sprinkler systems for firefighting. Their home was equipped with water, sprinklers, a pump and hoses, and they intended to set these up to try to protect their house as much as possible.

On 7 February the family members were involved in a variety of activities. Neeve was with her grandparents at 1 Reserve Road; Rebecca was in Whittlesea because she was involved in the Whittlesea Music Festival; Calum was at work at the Kinglake petrol station; and Mackenzie and Aiden were at home with Ross.

Ross was monitoring the CFA website and listening to 774 ABC radio. At about 3.30 pm he noticed an alert that fire might reach Whittlesea in two hours' time. He could see smoke and estimated the fire to be about 50 kilometres away. At 4.16 pm he contacted Rebecca, and they agreed that Ross should take the boys to their grandparents at 1 Reserve Road for safety. He loaded the boys, their dog and some personal possessions in the car and travelled the 10 to 15 minutes to drop them off. His father-in-law, Mick, was watering the garden when he arrived. Ross then returned home to prepare the house for defence.

When he arrived home, between 4.45 and 5.00 pm, Ross changed his clothes, helped a neighbour get her pump started, and started to prepare the house: he moved wood, set up and started the pump, set up the hoses and nozzles, and started the sprinkler at the back. Before he had time to get the roof sprinkler system going the house was hit by fire. At about 6.00 pm Rebecca called Ross: 'He told me he couldn't talk as he was fighting fires around the house ... I told him not to do it on his own, to go and help someone else or get out'. Ross left, driving through embers and flames to reach the Pheasant Creek store, and then he went in convoy to the Kinglake West CFA shed.

The Chambers family

Janet Chambers lived at 47 Victoria Road, Kinglake, with three of her four children, Melanie 'Mel', aged 23, and Penelope 'Penny', 21. Her son Tom was employed by DSE, was working at Kinglake National Park and lived with Janet during the summer. Her other son, Luke, was living in Sydney.

In view of the CFA assessment of their home a few years earlier, the Chambers' fire plan was to leave their house and go to one of two neighbours whose houses had been assessed as safe—the Clarks at 1 Reserve Road or the Fullertons at 4 Reserve Road.

Penny had spent most of the morning of 7 February out with her boyfriend, Ben Monagle, and by mid-afternoon they were back at his house in Pheasant Creek. She called her mother at about 3.15 pm and then decided she would go home because of the weather conditions. Some time after 4.00 pm Janet, Mel and Penny were listening to 774 ABC radio when they heard that fire had crossed the Hume Highway. Janet called the Victorian Bushfire Information Line and was told there were no fire warnings for Kinglake. After 5.00 pm Janet, Mel and Penny decided they needed to find a safe location for their horses. Janet hitched the horse float to her car, told the girls to expect her home in 15 minutes, and said that if they needed to go they knew what to do. There was no smoke or embers and Janet did not think they were in danger.

While Janet was attending to the horses, she received a text message from Tom, who told her the National Park office in Pheasant Creek was on fire and she had better get out. Janet's attempts to return home were delayed by the fire reaching Kinglake. She was unable to get back to Reserve Road until about 7.00 pm.

At about 5.45 pm Mel and Penny had called the Clarks to ask if they could go there for safety and bring their pets with them. They arrived some time shortly after in separate cars, with their two dogs, two cats, a guinea pig and some goldfish.

1 Reserve Road: 4.30 pm onwards

By 4.30 pm on 7 February, Mick and Jenny Clark had already enacted their fire plan and were making preparations. Their neighbour from 4 Reserve Road told them of road closures at Yarra Glen Road. Mick suggested leaving, but Jenny said that was not part of their fire plan. They continued with their preparations. It was also at about this time that Ross dropped off Mackenzie and Aiden to join their sister, Neeve, and their grandparents and uncle, Danny. Everyone helped with the fire preparations.

At 5.10 pm a friend contacted Jenny to tell her there were fires at Mt Disappointment. This seemed to surprise but not alarm Jenny. Just after 5.45 pm, when embers from the south were starting to land, Mel and Penny arrived. They went inside and joined all the others except Mick, who was outside with the water pump.

Noticing the sky getting darker and a bit of smoke in the air, Jenny told the children to put on some heavy clothes, which Aiden and Neeve did. Neeve went to Penny and Mel, who had just arrived with their pets, and Jenny had Mackenzie and Danny help her put wet towels in front of the doorways. It appears the fire hit the house very suddenly very soon after this.

At 6.10 pm Rebecca called and spoke to Danny. He told her there was smoke everywhere, they were on fire and they could not get out. At 6.17 pm Penny called her mother to tell her she and Mel were at the Clarks, flames were coming over, and she [Janet] would not be able to get there. At that stage everyone was sheltering in the house, in or near the hallway. Then the windows started to crack and their wooden frames started to burn. Efforts were made to douse them with buckets of water. Aiden grabbed wet clothes he had put in the bath and threw them over the others for protection; he also made sure everyone had something wet to put over their mouths to help them breathe. At about 6.20 pm the front door caught fire.

Within 10 minutes the ‘safe house’ had been engulfed by flames. Only Jenny, Mick and Aiden escaped. Unable to do anything to save the house or those inside, they walked across the road to shelter at a neighbour’s house.

When Janet Chambers returned at about 7.00 pm she found a distraught Mick on the road and learned that her daughters had died in the Clarks’ house with Danny, Mackenzie and Nieve. At about 10.00 pm the Kinglake CFA captain, Paul Hendrie, arrived and took Jenny to the Kinglake CFA shed, from where she was taken to Whittlesea and ultimately the Alfred Hospital. Jenny remained in hospital for five weeks, receiving treatment for burns she had sustained while trying to save those inside the house.

On the morning of 8 February the remains of Penelope and Melanie Chambers, Daniel Clark, and Mackenzie and Nieve Buchanan were found huddled together in the bathroom-laundry area of the house. A Victoria police forensic scientist who examined the site noted that the house was destroyed and concluded:

The fire appeared to have approached from the south-west through trees at the highest point at the rear of the property ... The land topography in this immediate area would have made it difficult for the occupants to see the fire approaching the house. There would have been very limited evacuation routes possible from this area of Kinglake after the time of the wind shift.

The post-mortem reports record the cause of death for Penelope and Melanie Chambers, Daniel Clark, and Mackenzie and Nieve Buchanan as the effects of fire.¹¹

MARK BUTLER

Mark Butler lived part time at 22 Cobham Road, Kinglake, about 500 metres from Kinglake Central and 300 metres from Kinglake National Park. He was 39 years old when he died at that address on 7 February 2009. He is survived by his family and close friends.

Mr Butler had lived at his primary residence, 22 Cobham Road, for about two years. He shared the house with a friend, Mr John Hood, who owned it, having moved there to help care for Mr Hood, who had problems with his back. The mud-brick house had a corrugated iron roof, timber windows, brick and concrete footings, and a timber floor. A large double garage stood about 20 metres to the north of the house, and there were several sheds. The property was largely surrounded by uncleared properties, which meant that in effect it was surrounded by forest, particularly to the south-west.

In late January 2009 Mr Butler had described to his close friend Andrew Constable some of the fire preparation steps he had taken around the property. This including clearing the land and guttering.

The fire plan for the property is not entirely clear. Mr Hood said his plan was to leave if the house was threatened by fire. He explained, ‘My house was not equipped to fight a fire. I had a petrol water pump and a hose attached to a water tank. I also had an electric pump attached to a bore. That was the extent of my firefighting equipment’.

In contrast, Mr Butler’s plan was to stay and defend the property. He had told his mother this, as he had another close friend, Anthony Adams, and Mr Constable. His sister, Julie Henshaw, understood that Mr Butler’s decision to stay was part of Mr Hood’s general plan for the property: one person would stay and defend while the other left.

On 7 February Mr Butler arrived in Kinglake some time after 3.00 pm, having been in Melbourne. By that time Mr Hood was aware of the East Kilmore fire but not of fire in the immediate vicinity of Kinglake. Mr Butler sent a series of text messages to friends and family between 4.23 and 5.53 pm, noting fires across the state; from 4.45 pm onwards these messages included photos taken from the house, showing nearby smoke.

At about 5.30 pm Mr Hood drove the 500 metres to the Kinglake CFA station for advice. On being told that the fire was in Kinglake West and that all roads were closed, he decided to take refuge at the CFA station, as other residents were starting to do. He drove back to his house and told Mr Butler what he had learnt; they agreed Mr Hood should put the four dogs into the car. Mr Hood tried to persuade Mr Butler to leave with him, arguing that this fire was no ordinary fire and Mr Butler should not try to defend without electricity and therefore with insufficient water. Mr Butler was adamant that he could successfully defend the house. Mr Hood and the dogs left for the CFA station.

Just after 6.00 pm Mr Butler rang Mr Constable, whom he had previously been updating by text message. Mr Butler was running during the call and was obviously afraid. It seems likely that he was outside during at least part of the call. The call cut out, and Mr Constable was not able to get through to him again.

On 10 February 2009 Mr Butler's remains were found in the garage, which was the structure furthest from the south-west, the direction the fire is thought to have come from.

The post-mortem report for Mark Butler concluded that the cause of his death was the effects of fire.¹²

ROBERT, NATASHA, JORJA AND ALEXIS DAVEY

Rob and Natasha Davey, aged 36 and 33 respectively when they died, moved into 15 Bald Spur Road, Kinglake, in 2002. They lived there with their two daughters, Jorja, aged 3, and Alexis, 8 months. All four family members died in their home on 7 February 2009. Natasha's cousin Tanja Tsimiklis and her husband, Dimitrios Tsimiklis, also died in the Kinglake fires on 7 February 2009. The Daveys are survived by the parents of Rob and Natasha and a close network of extended family and friends.

The Daveys' house was made of timber, with painted western red cedar shingles on the exterior. It had a corrugated iron pitched roof that extended over the whole house and the verandah, which went all around the house. Although the land around the house was cleared, the property was about 200 metres from the boundary of Kinglake National Park, and some of the surrounding properties were only partially cleared.

Rob and Natasha's fire plan was to stay and defend. They formulated this plan after attending CFA meetings at which they were told they could stay and protect their house but if they left they might lose it. Their fire preparation included a 10,000-litre plastic above-ground tank linked to a 5,000-litre tank with a petrol pump and fire hoses attached. They also had a 20,000-litre concrete in-ground tank with an electric pump for the house water. At the time of the fires the tanks were about half full. Rob had recently installed an in-ground sprinkler system. They kept the house and surrounds generally tidy, and on 7 February spent time doing further tidying up and placing buckets around the house.

At about 6.30 pm on the preceding evening, Wolfgang Krause, Natasha's uncle (and the father of Tanja Tsimiklis), had rung the Daveys to warn them about how serious the fire risk would be on 7 February. Wolfgang was a CFA volunteer and had been receiving CFA pager messages about the forecast weather conditions and the Forest Fire Danger Index; he was concerned to ensure that the Daveys appreciated the danger. Rob confirmed he understood, was taking the situation seriously, was preparing, and had his fire pump ready.

A number of other people rang the Daveys to check on them during the day of 7 February. Elizabeth Halls, Natasha's mother, rang at about 11.00 am, and Natasha reassured her they were well prepared. Rob's mother, Joan Davey, called just before 2.00 pm, and Natasha told her Rob was outside enacting the fire plan while she and the girls stayed inside in the cool and she monitored the CFA website. This information was reiterated in calls at about 3.20 pm from Natasha's father, Michael Halls, and Rob's friend Stephen Edwards. At that time there was no sign of fire. Both Elizabeth and Joan tried unsuccessfully to call again later in the afternoon.

At about 4.00 pm, in a conversation with a man visiting a neighbour, Rob confirmed that he was staying to see what happened. At about 4.20 pm Marcia Nelson called and spoke to Natasha as part of the community fireguard tree that operated in the street, telling her of a fire at the bottom of Bald Spur Road in St Andrews. (This turned out to be a spot fire.) Natasha called three separate neighbouring households to pass this message on. At this stage there was no sense of imminent threat or urgency as the fires were at the other end of the road and moving away. She then made an additional call, at about 5.00 pm, to warn friend Sandra Koch in St Andrews about a fire at Jacksons Road, Strathewen.

There were further calls from the Daveys' landline to the SP AusNet fault line and the Kinglake CFA. At 5.55 pm Natasha's friend Madeleine Jablonski rang, saying she was thinking about evacuating with her children. Natasha confirmed her family's plan to stay because they had pumps and invited Madeleine to bring her children over. Madeleine recalled that Natasha 'was calm and organised and in fact settled me down'.

At about 6.15 pm Ralph Koch, Sandra's husband, called the Daveys. Natasha answered and yelled, 'Going, fire' before hanging up. At 6.20 pm Natasha used Rob's mobile to call 112, the mobile emergency services number. She spoke to the operator, describing fire in the roof and computer room of the house, and could be heard moving the children into the bathroom. The operator lost voice contact with Natasha, but the line remained open for some time.

On 9 February Rob, Natasha, Jorja and Alexis were found lying close together, in what had probably been the bathroom. Their house was completely destroyed.

The post-mortem reports record that Rob and Natasha Davey died as a result of the effects of fire; the reports for Jorja and Alexis Davey recorded that their deaths were consistent with the effects of fire.¹³

MICHAEL FLYNN

Michael 'Mike' Flynn and his wife, Jane, had been married for 36 years and had lived for the last five of those years at 18 Extons Road, Kinglake Central. Their two children, Malinda and Mark, both lived elsewhere. Mike Flynn died on 19 February 2009 at the age of 64 as a result of the injuries he sustained when trying to flee the fires of 7 February. He is survived by his wife and children and their extended families.

The Flynns' weatherboard cottage was about 5 years old and was positioned near the centre of their relatively well cleared block, which had neighbours on both sides and at the rear. Mike and Jane's fire plan was to leave.

On 7 February Jane was at work in Mernda and Mike was at home. At about 5.20 pm Jane was on her way home when she was stopped at a roadblock on Whittlesea-Yea Road. She did not know why the roadblock was in place and called Mike to let him know she was delayed. Mike suggested the roadblock might have been because of a car accident. At about 5.30 pm Mike visited his neighbour John Reeves. About 15 minutes later he called Jane to tell her he was leaving despite there being no sign of fire. He and Mr Reeves had seen smoke high in the air but so far Mr Reeves had heard no warnings on radio 3AW, which he had been listening to. Under no apparent imminent threat, Mike was nonetheless putting the pets in the car and going.

Shortly after, at about 6.00 pm, Mr Reeves saw the sky suddenly become very dark—'... as dark as it would be at 9 or 10 o'clock in the evening'. He saw heavy smoke and a red colour in the distance, to the west. He went to Mike's house to tell him fire was coming and he should get out straight away. Mike came to the door wearing shorts, a light top and sandals and was, as Mr Reeves said, 'just as surprised as me'.

Mike made an attempt to leave: he had put his parrot in the car but, by the time he went back to the house to get the dogs, the house was already alight and his hands were burnt and bleeding. Then the car caught alight. With no means of escape, Mike tried to shelter in a neighbour's nearby shed before trying to flee that. At about 7.00 pm, after the main front had passed, two other neighbours, Mark Fealy and Thomas Libreri, went looking for Mike and Mr Reeves. Mr Reeves had survived by sheltering in various places once his house had begun to burn. Mr Libreri, searching on foot, found Mike, badly burned and with his clothes still on fire, outside 29 Sutherland Road, the property at the back of the Flynns' home. Mike was carefully loaded onto the back of a car and taken to the Libreri property, at 36 Extons Road. By 7.15 pm he had been placed in the Libreris' swimming pool.

Between 7.15 and 10.00 pm numerous calls were made by various people—most of them neighbours who had sheltered at the Libreri home and helped defend the house. The calls involved repeated requests for medical assistance, when they might expect the ambulance to arrive, and advice about how to care for Mike. The initial advice was that he be given no water or medication for pain. As his condition deteriorated, however, and he began to go into shock at about 8.00 pm, the advice was to keep him cool and give him medication for pain relief, by which time he was unable to swallow the medication. A number of those at the house helped support Mike in the pool.

Tessa Libreri phoned Mike's daughter, Malinda, to tell her of the situation. Malinda subsequently called the Epping police station, seeking police help in speeding up emergency services assistance.

Firefighting efforts continued throughout the evening and into the night. Just after 10.00 pm Thomas Libreri flagged down the Kinglake West CFA tanker, with Second Lieutenant Karen Barrow aboard, as it was travelling down Extons Road. Second Lieutenant Barrow checked on Mike's condition, advised those caring for him of the importance of fluids and the need to give him frequent sips of water, and confirmed through VicFire that the ambulance service had been notified by radio. She then left to attend to firefighting duties, assuming the ambulance service was on its way.

On returning at about 11.20 pm, having saved the house across the road, Second Lieutenant Barrow learned that no ambulance had arrived and that the nearest one would be at the staging area in Whittlesea. She arranged for a stretcher to be fashioned from a fire ladder and some fire blankets and then had Mike carefully transported from 36 Extons Road to the Kinglake West CFA shed. She noted that those who had been caring for him had been 'calm, compassionate and very loving towards him'.

Second Lieutenant Barrow sat with Mike throughout the journey:

Mike was conscious and able to communicate throughout his ordeal. He was describing some pain, but his level of pain was not indicative of his injuries as the burns were extensive and nerve tissue was damaged ... He never complained and he showed courage, pride and determination. ... I sat with [him], keeping him informed of our progress and giving him sips of water ... There were still trees all over the ground and progress was slow. When we got close to the [CFA] station I told him that we were nearly there and that this time I meant it. He responded with a smile.

An ambulance arrived within five minutes of the tanker arriving at the CFA shed. Mike was transferred and arrived at the Whittlesea staging area at about 12.20 am, where he was attended by St John Ambulance nurses and doctors. At 1.40 am he and another patient were airlifted to the Alfred Hospital, arriving there just before 2.00 am. It had been almost seven hours since Mike had been found. Despite treatment and several operations, his condition deteriorated, and he died on 19 February 2009 as a result of his injuries.

The post-mortem report records that Michael Flynn died as a result of complications of cutaneous burns.¹⁴

DAVID AND CAROL HOLCOMBE

At the Kinglake Central end of Bald Spur Road, which winds its way up a ridge line from St Andrews, the unsealed road meanders through a heavily forested area abutting Kinglake National Park. Carol and David Holcombe lived in a two-storey mud-brick house they had built on the western side of Bald Spur Road, Kinglake Central. They died there on 7 February 2009. Aged 55 and 61 respectively, they are survived by their three children—Ella, Patrick and Eugene—and their extended families.

The Holcombes built their home in the early 1980s and raised their family there, close to the National Park. The densely wooded property sloped down into the park, and the family was very conscious of living in an area of high fire danger. They kept the property free of litter and debris. There were four water tanks, a sprinkler system on the roof, a diesel pump, fire hoses connected to both sides of the house, and metal garbage bins full of water around the perimeter of the house. The fire plan was to dress in protective clothing and stay and defend, as Patrick explained:

Just from growing up in the bush we were taught from a young age that you would fight ember attack as the fire was approaching and retreat to the house while the fire front passed over, then as soon as it was safe go back outside and continue fighting spot fires.

The Holcombes were active members of the Bald Spur Road fire tree. As their family and friends described it, their fire plan was an orthodox one, in keeping with advice from fire agencies. The Holcombes believed their house was defendable.

Carol was at home on 7 February; David was at work in Epping. She was conscious of the weather forecast and was taking precautions such as moving the mulch off the garden beds near the house. David became aware of the Kilmore East fire at about 1.00 pm and after a couple of calls to Carol returned home at about 2.30 pm. The Bald Spur Road fire tree was activated just after 4.00 pm in response to a reported spot fire near the Strathewen end

of the road. Carol received her call at about 4.20 pm and very soon after called neighbour Chris Harvey. She left a message for him: 'It's 4.30 pm and we have had a report that a fire is burning at the bottom of Bald Spur Road, around Hildebrand and Jacksons Road. There is no need to worry and it should be okay'.

Son Patrick became aware of the fire threat to Kinglake at about 5.45 pm after reading a message on Facebook that said '... watching Kinglake burn'. He phoned his parents and spoke to his mother, who sounded frantic. Ella phoned soon after; Carol told her, 'We're in very big trouble. I can't talk'. The last known communication from Carol and David was a phone call Carol made as part of the fire tree to another neighbour at 5.53 pm, in which she told the neighbour there was a fire coming up Bald Spur Road. The fire hit the area minutes later, at about 6.00 pm, with great ferocity. An eyewitness described the scene:

Suddenly without any other warning there was an absolute blizzard of embers blowing horizontally in from the west-south-west. It was similar to the most ferocious snow blizzard I had ever been in. Seemingly seconds after this had started, the fire suddenly, and again without any warning, exploded about 5 metres away to my right, which was from the west. The intensity of this explosion was extraordinary with the flames towering above me.

A Victoria Police forensic scientist concluded that the Holcombes were most probably caught unawares by a wave of heat and embers moving rapidly up the hill ahead of the fire. Their property was destroyed. Their bodies were found on 9 February about 8 metres north-east of the remains of the house.

The post-mortem reports record that David and Carol Holcombe died as a result of the effects of fire.¹⁵

GEOFFREY AND SUZANNE HYDE

Geoff and Suzanne Hyde, aged 55 and 53 respectively, lived at 26 Cobham Road, Kinglake, and died at their property on 7 February 2009. They are survived by their extended families.

Cobham Road is a narrow, unmade dead-end road in a very heavily forested area of Kinglake. The Hydes' house was a two-storey cedar weatherboard on concrete stumps and with a corrugated iron roof. Other than buckets and hoses, there was no specific firefighting equipment at the property. There was tank water but no alternative power source.

Geoff and Suzanne were active members of their local community fireguard group, where they gained some awareness of fire preparation, current fire risk and fire plans. It is not certain what their fire plan was in the lead-up to or on 7 February, although various friends and neighbours said it was probable their plan was to leave. Neighbour Phillip Edmonds recalled, 'Each fire season we would have a meeting of local residents and the CFA captain, and at the last meeting in December 2008 I recall Geoff saying that their fire plan was "to bolt" in his words'.

Geoff, Suzanne and Suzanne's niece, Alysha Snell, were at home on the morning of 7 February. At about midday Alysha's father, Michael Snell, collected his daughter, making arrangements to return her at about 8.00 pm that evening.

Little is known about the Hydes' movements during the afternoon. At about 5.40 pm Phillip Edmonds was near his home at 27 Cobham Road when he heard a roar caused by approaching fire. He, his wife and their daughter and grandchildren evacuated in two cars. As they drove past the Hydes' place Phillip saw Geoff and Suzanne standing in their driveway beside a maroon Magna sedan with a trailer attached to it. He assumed they too were going to evacuate.

At about 6.10 pm Michael Snell received a mobile phone message from Suzanne, who sounded anxious: 'Michael, you are going to have to take Alysha back to your place, it looks like we've got bushfires'. Phone records show that at 6.14 pm there was a 15-second call from the Hydes' phone to 000 and another call to directory assistance. Neither call was answered. At some time between 6.10 and 6.15 pm the fire, coming from the south-west, struck the area.

On 9 February Geoff's and Suzanne's remains were found inside their destroyed home, in the room closest to their cars and furthest from the direction of the oncoming fire. There were no signs they were in the process of evacuating: the trailer had been packed with things Suzanne needed for the market she was planning to attend on 8 February, rather than with personal belongings. Geoff's beloved Monaro was still parked in the garage. A Victoria Police forensic scientist noted that this could be interpreted as evidence that the couple were unaware of the severity or proximity of the fire. Phillip Edmonds had noted that there had been insufficient time to activate the fire tree.

The post-mortem reports record the cause of death for both Geoffrey and Suzanne Hyde as the effects of fire.¹⁶

GENNARO LAUDISIO

Gennaro Laudisio was aged 80 when he died on 7 February 2009, having been involved in a multi-vehicle accident and then becoming caught in the fire. The accident happened outside 305 Whittlesea–Kinglake Road, Kinglake. He is survived by his children and grandchildren.

Gennaro lived in Pheasant Creek, with his daughter, Isabella; his son, Rossario ‘Ross’; and Ross’s wife, Morgan, and their four children. The family’s fire plan before 7 February had been to stay and defend. As Ross described it, they had ‘one-and-a-quarter-inch fire hoses around the house, an electric [pump] and petrol pump, two tanks, bore water and it was green around the houses. I even had fire suits’.

On 7 February Gennaro was at home, working on the farm. Morgan and the children were also at home. Isabella and Ross were at their pizza shop in Kinglake. At about 3.00 pm Isabella went home to help her father attend to a sick cow. She saw smoke in the direction of Kilmore and was concerned about the wind and heat. She returned to the pizza shop not long after and continued to monitor the fire situation by radio and through conversations with locals and customers. She also telephoned her father a number of times.

Shortly after 5.00 pm Morgan telephoned the pizza shop. She said things were not looking good: the sun was like a fireball, there was a lot of smoke, and there were flames in the trees in the valley. Ross—by then also concerned by customers’ reports of fires in Flowerdale and in Kinglake West—decided to go home and collect his wife, children and father: ‘If I had ... expected the fire or received some warning we could have stayed, but we really didn’t know much about it’.

Isabella continued to monitor the radio and to receive worrying updates about the progress of the fires from locals. She rang the home phone at about 5.50 pm, told Gennaro that Ross was on his way, and asked him to gather together some things. Soon after, Ross arrived home to find Gennaro spraying the verandah. The power was off. Ross connected the fire pump, hosed around the pump and sheds and then organised for everyone to leave the property. Gennaro, Ross and Morgan left simultaneously but in separate cars; the children were with Morgan. Ross went back to unlock the gate in case the CFA needed access.

Between 5.50 and 6.00 pm a collision involving two cars occurred outside 305 Whittlesea–Kinglake Road, blocking the southbound lanes. At this stage the trees on the eastern side of the road were on fire. Passers-by helped the passengers from one of the cars, among them three children, to safety. The other driver remained trapped in his car. Within minutes, because of poor visibility, a third car driven by Keith Gibson collided with the two stationary cars. Mr Gibson, was unable to restart his car, panicked, and left his car, running towards Kinglake. Fearing he might be hit by other cars on the road, Mr Gibson returned to his car, where he became trapped when a fourth car, driven by Gennaro, became involved in the collision.

Gennaro, who had overtaken Morgan, had struck the side of one of the vehicles involved in the initial accident. The impact of Gennaro’s collision allowed the driver who had been trapped in the other vehicle to free himself. A fifth vehicle, containing four people, then collided with Keith Gibson’s car. The driver, Vicki Lacey, and her son, helped Keith Gibson out of his car. Gennaro, however, remained inside his vehicle, which was blocked in by one of the other cars. At this point Ross arrived on the scene. The cars involved in the collision began to catch alight. Ross saw his father sitting in the driver’s seat with his head down. He tried to get his attention, but Gennaro did not respond.

Ross and the others still at the scene then retreated to a nearby paddock, where they took refuge in their cars while the fire front passed. Ross did not know where his wife and children were or if they were OK. At about 6.30 pm he and one of the other drivers returned to the collision scene. They moved the car blocking Gennaro’s car, and Ross opened the door of his father’s car, which had been substantially burnt. He could not see his father and assumed he had managed to escape.

Shortly after 7.15 pm another driver, who happened to be a federal police officer and crime scene scientist, arrived at the scene. After speaking to Ross he checked inside Gennaro’s car, finding Gennaro’s remains in the back seat, where it appears he had taken refuge.

Morgan and the children survived the fire, as did Isabella, although she had to evacuate from the pizza shop, which was destroyed. The Laudisios' house survived.

The post-mortem report records that Gennaro Laudisio died as a result of the effects of fire.¹⁷

GRAHAM, DEBORAH, TREY AND LYRIC O'SHEA

Graham O'Shea, aged 37, and Debbie O'Shea, aged 38, died on 7 February 2009 at their property at 30 Shelley Harris Court, Kinglake, along with their son, Trey, aged 10, and daughter Lyric, 8. They are survived by their respective families and friends.

The family home, made of cedar weatherboard, was in a densely treed residential area of Kinglake, about 500 metres north of the main township. The O'Sheas' fire plan had been developed after the 2006 Kinglake fires, when Debbie and Graham had not felt prepared to fight a fire and so left the mountain. They decided to develop a fire plan for the future that incorporated an element of active defence after evacuating the children. As Debbie's sister Pauline Zealley said:

That experience showed that if you stayed and fought the fire you could save your house. They decided after that fire that they would get a fire plan prepared and, for any future fire, the plan was that Debbie would get the children off the mountain and I would meet her to collect the children somewhere along the Whittlesea–Kinglake Road, and Debbie would return to their property to help Graham fight the fire.

A single large metal tank held the family's sole water supply. Their firefighting system consisted of a pump that would be connected to the tank outlet pipe by a heavy-duty firefighting hose. Graham and Debbie had installed gutter guards and regularly cleaned out their gutters; they also kept a large area around their house free of fire fuel. They had a bitumen driveway installed to give firefighting units easier access to the house.

During the afternoon of 7 February there were various phone calls between Debbie and her sisters, Carlene and Pauline. In some instances the children from the various families were involved in the calls. By 4.00 pm Lyric was reporting smoke in a conversation with Carlene, and at about 5.10 pm Debbie told Carlene it was very smoky and that she was getting a few things together to bring the kids down from the mountain, in keeping with her fire plan.

At about 5.50 pm Debbie rang Pauline and told her she had heard the fires were 20 to 30 minutes away. She was calm. She said she thought the fires were going in the other direction but that Graham was getting the pump out of the shed to get ready 'just in case'. She also said she had packed the car and had decided to take the children off the mountain as a precaution. They arranged to both leave straight away, driving until they met up with each other.

Shortly after 6.00 pm Debbie called Pauline's mobile while they were driving to meet each other. Debbie said, 'We can't get through, we have to go back'. Pauline encouraged her not to panic and to just go back to the house, driving slowly so she did not have an accident. The call ended abruptly: Debbie said 'Oh, my God' and the call cut out. It is not known what prevented Debbie from 'getting through' on the road.

At about 6.20 pm Debbie again rang Pauline, confirming they had arrived home safely. She said there were fires on the property, that Graham was putting them out, and that they had no power and thus no water other than drinking water. This was the last contact with the family. Fire hit the area at 6.30 pm. On the morning of 8 February the O'Sheas were found where they had sheltered together inside the house, which was destroyed.

The post-mortem reports record that Graham and Debbie O'Shea died as a result of the effects of fire. The cause of the deaths of Trey and Lyric O'Shea was recorded as consistent with the effects of fire.¹⁸

DIMITRIOS AND TANJA TSIMIKLIS

Dimitrios, also known as 'Dimitri', 'Dimi' or 'Dim', and Tanja Tsimiklis, were aged 35 and 39 respectively when they died on 7 February 2009. They lived at 335 Whittlesea–Yea Road, Kinglake, just south of the intersection with Bowden Spur Road. Married since 1992, they had been living at that address for four years. They died inside their home. Tanja's cousin Natasha Davey and Natasha's husband and children also died in the Kilmore East fire on 7 February. Tanja and Dimitrios are survived by their parents, their siblings and other close family members.

The Tsimiklis's house was weatherboard and had a corrugated iron roof. Their property of just under half a hectare was next door to an electricity substation. They had animals they were very attached to—a horse, two ponies, two dogs and some chickens.

Their fire plan was to stay and defend both their house and their animals. They regularly cleaned up debris around the house and kept the gutters clean. They had a petrol-driven fire pump and a 5,000-litre plastic water tank for firefighting. With the help of Tanja's father, Wolfgang Krause, a long-term CFA member, they had taken a range of other fire protection steps, such as removing shrubs and placing flyscreens over exposed vents. Wolfgang further explained, 'We discussed wearing protective clothing, patrolling the perimeter of the house and putting out spot fires. In the event of the house catching fire, we discussed using the house as a refuge and then once the fire had passed to leave the house'.

As their friend Robert Pasqua said, Dimitrios and Tanja believed they would be OK, partly because of the location of the substation:

He [Dimi] expressed to me that he believed he and Tanja would be OK because they had an electricity substation next door and the CFA would attend and protect it and them if there was a fire. Dimi told me there had been other fires in the past and that's what the CFA had done then.

On the preceding evening Wolfgang had rung to warn Dimitrios of the severe fire conditions expected for the following day. Dimitrios said he felt they were prepared and confirmed their intention to stay and protect the property.

At about 8.45 am on 7 February Tanja started work in Eltham. Dimitrios stayed at home. At about 11.45 am he rang his mother and sister, speaking to his sister, Theoni. He sounded calm and mentioned he was looking out for embers.

Between 2.35 and just before 3.00 pm Tanja called both the home line and Dimitrios's mobile to check that everything was fine. She was unable to get through to him and told her colleague Nicola Tuffin that she presumed he was on the internet. At about 3.25 pm Tanja managed to reach Dimitrios on his mobile and they spoke for a couple of minutes, and then she sent Nicola a text telling her there were fires at Mt Disappointment and Glenburn. Tanja left work about 20 minutes later.

Shortly after 4.00 pm Dimitrios's long-term friend Anthony Bulach rang to ask him about the fires. Dimitrios sounded calm and said he was aware of the fires. At about the same time Nicola rang the landline, speaking to Dimitrios because Tanja had not yet returned home. Dimitrios told Nicola he was monitoring the fires on the internet and radio. After that, Nicola and Tanja spoke a number of times until 4.45 pm, both while Tanja was on the road and once she had arrived home. At no time did Tanja sound concerned: she said she thought the fires were under control and confirmed they were monitoring them on the internet and radio. Tanja did not answer Nicola's final call at about 4.55 pm, when she rang to warn her about the fire warning for Kinglake on the internet.

Just after 6.00 pm Maree Eaton, a friend of Tanja's, rang to warn her about the fires. Tanja initially seemed relaxed and said they had nothing prepared to fight the fires. While they were speaking Maree heard Dimitrios shouting in the background, saying the fire had arrived, and Tanja said he could see flames. Maree quickly said goodbye so as to leave Tanja to do what she had to do. The fire is believed to have struck from the south-west at about this time. Maree's was the last known contact with Tanja or Dimitrios. On 10 February Tanja and Dimitrios were found together inside the north-east corner of the remains of their house, possibly in the entrance hall.

The post-mortem reports record the cause of death for Tanja and Dimitrios Tsimiklis to be the effects of fire.¹⁹

RICHARD, EILEEN AND EVA ZANN AND KARMA HASTWELL

Richard, Eileen and Eva Zann lived at 29 Bald Spur Road, Kinglake. Richard, aged 64, and Eileen, 62, had lived there for 31 years; Eva, 26, had lived there all her life. Karma Hastwell, aged 88, was a neighbour; she lived at number 85 Bald Spur Road, about half a kilometre south of the Zann property. They all died on 7 February 2009 at the Zanns' property. The Zanns are survived by their son and brother, Christopher, and extended family. Karma is survived by her friends.

At the Kinglake Central end of Bald Spur Road, which winds its way up a ridge line from St Andrews, the unsealed road meanders through a heavily forested area abutting Kinglake National Park. The Zann house was a five-bedroom western red cedar log cabin on the eastern side of the road. It was on three-quarters of an acre and was surrounded by mountain ash trees and native shrubs, although the immediate environs of the house were clear.

There were two concrete tanks, a firefighting pump and a number of hoses, and the Zanns were participants in a community fire tree, members of which met a couple of times a year to discuss preparations for the fire season. The family took a range of fire preparation steps both at the start of the fire season and on days of high fire risk. Richard would fill the bath with water at the start of the fire season, covering it with a lid he had made. On days such as 7 February he would wet towels and blankets.

The Zanns' fire plan is not entirely certain, although it undoubtedly involved looking after Karma. According to some neighbours, the Zanns planned to leave the mountain, taking Karma with them. Karma's plan was to pack her bags and drive to the Zanns' house.

At about 9.30 am on 7 February Gay Chatfield, a friend of Karma's, visited her at home. Karma was packing her bags in preparation for enacting her fire plan. Having become increasingly frail in recent weeks, she used a walking frame, and she was anxious about leaving her home. She tried unsuccessfully to practise leaving as Gay left but said 'I can't do it' and went back indoors. Gay promised to return later in the day to check on her.

All three of the Zanns were at home during the morning. Eva, who was in the process of moving out of home, had arranged to meet up with her new housemate that afternoon, but she decided to cancel this plan: she wanted to remain at her parents' home because of the fire danger. Just before 2.00 pm Christopher called and spoke to Richard. They discussed the weather, and Richard told Christopher everything was OK and that he was monitoring on the CFA website a fire in Kilmore, about 50 kilometres away, and he felt safe.

At about 3.00 pm a neighbour, Alaina McKee, returned home to 25 Bald Spur Road. She saw Richard walking up and down outside her place as she was watering down her house. Richard called out to her but she could not hear him properly because of the wind. Alaina thought Richard might have mentioned something about Karma. Just before 5.00 pm there was a call from the Zann landline to Karma's landline, the call lasting almost two minutes. About 5.15 pm Richard called another neighbour, Alaina's father, Graham McKee, who lived in the house next door to Alaina, asking for help in bringing Karma to the Zann home. The telephone cut out during the conversation and the power went off. At some point after that Karma either drove herself or was driven in her car to the Zanns' place.

At about 5.30 pm Alaina saw burnt leaves falling and decided to evacuate. As she drove out she saw Richard and yelled to him to get out. He acknowledged her by waving his arm, gesturing for her to leave. She did not recall seeing Karma's vehicle in the Zann driveway at that point.

Just before 6.00 pm a call was made from the Zann residence to the DSE office in Wendouree; it lasted more than a minute. A few minutes later a call was made from Richard's mobile to Gay Chatfield's home, but she was not there. At 6.20 pm a call was made from Eva's mobile to the 112 emergency number but it failed to connect. Some time after 6.20 pm a neighbour saw that the Zann home had been destroyed. On 9 February the remains of Richard, Eileen, Eva and Karma were found in the burnt-out premises.

Post-mortem reports record the cause of the deaths of Richard, Eileen and Eva Zann and Karma Hastwell to be the effects of fire.²⁰

16.5 KINGLAKE WEST

TINA WILSON, KRISTAL AND NATHAN BREEZE, TEAGAN HAYMES, REX NORRIS, AND PAUL, KAREN, CAITLIN AND NICOLA ROLANDS

Pine Ridge Road is an unsealed road in Kinglake West; it is close to Kinglake National Park and culminates in a very steep, impassable section that eventually leads to Strathewen, where the road becomes Chads Creek Road. The area was heavily wooded, dominated by native species but also including a large number of mature pine trees backing on to some of the properties in Pine Ridge Road.

Some residents of Pine Ridge Road were warned of the coming fire early in the afternoon of 7 February. Natalie Brida, a Parks Victoria employee who owned a house there, attended a briefing about the risks posed by the fire shortly after 1.00 pm. She was then given permission to leave the office and advise her tenants at 17 Pine Ridge Road to evacuate. She did this and also warned the neighbours on either side, Craig Draper and Vanessa Shea. Word spread to varying degrees along the road.

Tina Wilson and her children

Tina Wilson, aged 36, her children Krystal and Nathan Breeze, aged 15 and 13, and Teagan Haymes, aged 5, lived at number 7 Pine Ridge Road.

The 30-year old house was made of treated pine logs; it had cathedral ceilings made of timber, and there was a four-car garage. Tina was aware of fire risk and had attended at least one community meeting in which fire safety had been discussed. The household did not have firefighting equipment, and the fire plan was to leave the mountain. This was confirmed by Cathy Barber, whose daughter was friendly with Krystal: ‘As part of our fire plan we had arranged with about four to five other families in Pine Ridge Road that we would notify each other of any news of approaching fires so that we could evacuate. Tina and her children were one of these families’.

Tina spoke to Sam Gents a number of times during the day. He recalled that Tina was aware of the fire threat, thanks to a text message Krystal had received. Tina and Sam spoke of her packing the car in case they had to leave, and Tina agreed she would bring the children down to the Brunswick East café where Sam was working.

It is not clear precisely what time this conversation occurred. Sam thinks it was during a call at about 1.20 pm, but other evidence suggests Krystal was alerted to the fires at about 2.15 pm. At some point, probably about 2.20, Tina and Sam spoke again: initially she said she had decided to stay at home because there were no signs of fire or smoke, but then she became concerned when she spotted smoke and abruptly ended the call. At about 2.45 pm she began a long call to the Victorian Bushfire Information Line, seeking information about fires in the Kinglake area.

At about 3.30 pm Tina contacted her parents, John and Jean Wilson, in Darwin. She told them she was leaving the mountain and would ring them back in 10 minutes, once she reached safety. They did not hear from her again.

Just after 3.30 pm Krystal had another text exchange with a friend in which Krystal said she was going to evacuate. She also had the first of a number of phone conversations with Cathy Barber at 3.35 pm. They discussed what they knew about the fires. Phone records show there was also a four-minute call between Tina’s household and the Rolands, at 14 Pine Ridge Road, at about 3.45 pm.

Tina and her family tried to leave the mountain in their car. Jennifer Richings, from number 9, saw them near the Pheasant Creek store when she was evacuating. They had a brief conversation in which Tina explained her plan to head down the mountain. Jennifer saw her turn left towards Whittlesea at the Whittlesea–Yea intersection on Main Road.

Tina and her children went to the Kinglake West CFA shed for advice at some stage after this. She had a conversation with a young volunteer, who gave her the same advice he had given others: it was not possible to get down the mountain to Whittlesea, and the safest place for people to be was in their homes.

At about 4.20 pm another neighbour, Jacqueline Hainsworth, was evacuating from Pine Ridge Road in convoy with her husband when she saw Tina and her children turning back into the road. Tina was stressed. She told Jacqueline to go back, that the road was blocked and there was no way off the mountain: ‘They told me to go home and go into the house, it would be safer there’. Jacqueline was reluctant to return to her house or street: ‘I just knew the street was a death trap.’ With some assistance from a friend with a CFA scanner, Jacqueline and her husband then found out the road to St Andrews was still clear and they escaped that way.

On their return to Pine Ridge Road, an upset Krystal asked another neighbour, Eileen Gillespie, if her family could take refuge at the Gillespie house. Eileen agreed, but Tina and family later decided to go ‘to a brick home with a sprinkler’. Eileen died in her home later that day.

Krystal had further contact by phone or text with two friends, in each case describing being ‘boxed in’ and unable to leave the mountain. She also spoke again to Cathy Barber, who advised her to go back to the Kinglake West CFA shed for information about where to go, so the CFA could keep track of them.

Just before 5.00 pm Tina spoke to Sam Gents for the last time. She was very anxious as she explained their predicament and said they were going to a neighbour’s house at number 1 (Eileen Gillespie’s address). Some time shortly after that, having decided to evacuate herself, Cathy Barber received a call from Krystal, who told her they were going to the next-door house, which had sprinklers; there were other people there, and her mum believed it was the safest place to be. It appears she was referring to number 9 Pine Ridge Road.

Rex Norris

Rex Norris, aged 76, was visiting Tina and her family. He was a regular visitor to Tina’s home, travelling to visit her once or twice a month. He had not been well and enjoyed walking in the hills surrounding Kinglake. Rex died with Tina and her children on 7 February 2009. He is survived by his children and their families.

There is no indication that Rex had a fire plan for when he visited Tina, and not much is known about his movements on 7 February. Just before 3.00 pm he rang his friend Douglas Burge to ask what he thought about the smoke. Douglas, who lived nearby in Kinglake West, said he did not think it was too bad but to pack the car and get ready to go if need be.

At about 4.05 pm Douglas rang Rex, saying, ‘This is a dirty fire. It’s time to go’. Rex responded with ‘I can’t get out, I’m in a firestorm’, and the call ended abruptly. It is not clear what Rex did until he arrived at 9 Pine Ridge Road with Tina and her children, although it appears from the evidence of Rob Richings (owner of 9 Pine Ridge Road) that Rex might have been in the car with them or possibly following in his own car when they tried to leave the mountain.

The Rolands family

The Rolands family—Paul, aged 42; Karen, aged 40; Caitlin, 14; and Nicola, 12—lived at number 14 Pine Ridge Road, in a house Karen and Paul had built in 1992. The house was a single-storey brick building with a corrugated iron roof, and it adjoined a large pine plantation. They are survived by their respective extended families.

Paul was conscious of the bushfire risk in the area. In the lead-up to 7 February he had been cleaning around the house. According to his mother, Dianne ‘Di’ Rolands, his bushfire plan involved watering down the house, filling the gutters with water and evacuating with the family to a safe place, which is what they had done previously. Di was confident their plan was to evacuate. Karen’s sister, Deborah Trezise, said that Karen was not the type of person to stay and fight a bushfire but that she knew what to do if there was one, having attended community fireguard meetings with Paul.

Karen’s mother, Sheryl White, had a number of conversations with her daughter during 7 February. Karen was well aware of the fire risk, both to herself and to other members of her family living in Kinglake and Whittlesea, and monitored the fires through phone calls and the internet.

At some time after 4.00 pm, possibly after 4.30, Karen rang Sheryl and told her they were packing the car and were going to leave. Sheryl could hear Paul in the background telling the girls to get organised and grab what they needed, and Karen was telling them to grab long clothes that were cotton or similar. Karen reported that many cars were leaving Pine Ridge Road but said no-one had told her they were evacuating because of the fires. Di Rolands also spoke to the family on a couple of occasions, during which Karen confirmed they had packed the car to evacuate. Karen told Di they knew they would not be able to leave through Whittlesea and would have to go through Kinglake.

A few minutes later Karen rang her mother again, saying they could not get out, the power had gone off, and she could see the fires coming from behind the house. She said it was now too late to leave, and they were going to stay in the house. Di rang at about this time, too, and spoke to Caitlin, who said they were evacuating. Karen grabbed the phone and said something like ‘No we are not; we are trapped’.

A neighbour, Craig Draper, reported a conversation with the Rolands at about 3.30 pm, in which Paul said their plan was to stay because this was the safe option. It is difficult to reconcile this account with the clear evidence of evacuation plans, which included evidence, found after the fire, of the packed cars.

9 Pine Ridge Road: 4.45 pm onwards

Number 9 Pine Ridge Road, owned by Rob and Jennifer Richings, was one of a small number of brick houses on the road. The property was relatively clear, having no loose fuel of any significance. Rob kept the gutters clean and had two large water tanks, an electric pump and a back-up generator. His plan was to stay and fight a normal bushfire but, when he saw signs of the fire on his way home from work on 7 February, he decided he would not stay to fight it. He arrived home at about 4.45 pm, planning to water down his house and then leave to join his wife, who had already evacuated to a relative's house.

On arrival he saw Paul Rolands on the roof of number 14, hosing down his house. A short time later, he saw Tina, her children and Rex arrive at her house, presumably just back from the CFA shed. Tina told Rob about the advice she had received. Rob explained he was not staying and told Tina she should get out. Tina replied that she had been told to return to her house because it was the safest place to be and it was too late to leave. Her household members started hosing down number 7.

Tina, her children and Rex arrived on Rob's doorstep a short time later as he was hosing down his house. Rex asked if he could give Rob a hand and started hosing down the other side of the house. Rob asked them to bring their cars over. Tina and the children went inside, and Tina starting filling the sinks and pots and pans with water. Within minutes the fire reached the pine trees behind the Rolands' house and the Rolands family came to number 9. Paul helped Tina while Karen looked after her children. Rex and Tina seemed to have a plan, which Paul went along with.

At some time close to 6.00 pm the house caught fire. Rob noticed one window exploding, tables and chairs inside catching fire and the kitchen window making a crackling sound. The walls were getting hot and Rob judged it was no longer safe to stay in the house. Tina and Rex, on the other hand, considered it was safer to stay in the house than to go outside. Rex drew on his experience of Ash Wednesday and his extensive CFA experience. Rob shouted at everyone to get out and begged them to follow him. He went out and got into his car, which would have had room for them all. He started up the air-conditioning and sat there waiting—for 'what felt like ages but may have been a minute'—in the hope that the others would join him. No-one came, and Rob judged it was too dangerous to stay because there was a risk that the now burning house would set the car alight.

Rob had a harrowing drive to safety—through smoke, past burning houses, over and around fallen trees. He passed a DSE or Parks Victoria ute and called out to the occupants about the trapped people. The ute turned around to escape not long after.

The remains of Tina, her three children, Rex and all four members of the Rolands family were found together in an area that was probably the study, the part of the house furthest from the fire. The house was almost completely destroyed.

Post-mortem reports record that the cause of death for Tina Wilson, Krystal Breeze, Nathan Breeze, Teagan Haymes, Rex Norris, Paul Rolands, Karen Rolands and Nicola Rolands was the effects of fire. The cause of death for Caitlin Rolands was reported as being consistent with the effects of fire.²¹

LESLEY LEAHY AND KIONA, JYE AND AVA GIBSON

Lesley Leahy and her partner Darrin Gibson, aged 39 and 41 respectively, lived with their three young children—Kiona, aged 4; Jye, aged 3; and Ava, 22 months—at 185 Coombs Road, Kinglake West. On 7 February 2009 Lesley, Kiona and Jye died in the fire at their property. Darrin and Ava sheltered in the dam before Darrin carried Ava away from the property. Badly burnt, Ava died in hospital on 10 February 2009. Suffering extensive burns, hospitalised and in a coma for four weeks, Darrin survived.

The 6.5-hectare Gibson family property was known as Wattle Mist. It was moderately to heavily timbered but had a cleared area around the house. The vegetation was especially dense on the eastern boundary, where it adjoined Kinglake National Park.

Darrin and Lesley bought the property in 2004 because they thought it was beautiful and 'an idyllic place to practise horticulture', although Darrin also 'acknowledged that it could be a fire risk'. They moved there in 2008. The relative seclusion of the property meant the family had no close neighbours; they also did not know many people in the area. Darrin was aware that some of his neighbours had organised a fire meeting in the past, but he and Lesley had been unable to attend.

The family house was about 100–150 metres from Coombs Road, at the end of a sloping gravel driveway. It was a two-storey timber house with a corrugated iron roof, and its placement in an excavated clearing at the bottom of a slope meant the roof was below the level of Coombs Road. Darrin had laid crushed gravel on the area immediately around the house. There were three dams on the property, the smallest of them being about 30 metres from the house. A firefighting pump was connected to one of the larger dams. Darrin recalled that all three dams were at a low to medium level on 7 February. The property was also serviced by three sizeable water tanks, two of which were concrete.

Lesley and Darrin had planned to go to the Whittlesea Country Music Festival on 7 February but decided not to because of the heat. They were also planning a party to celebrate Jye's third birthday the day before. Unaware of any fire danger, the whole family took a mid-morning nap, waking up at about 2.00 pm. Darrin was listening to the radio and heard about a fire in Kilmore, which he thought was about 100 kilometres away.

At about 4.00 pm Darrin heard on the radio about a fire in Kinglake West: he had no idea the fire was so close. He ran to the front gate, the highest point on the property, and was confronted by a wall of fire about 150 metres away, on the western side of Coombs Road. He immediately returned to the house and told Lesley to change the children out of their swimming clothes. Just after 4.30 pm Darrin called Whittlesea police station. He was told the road to Whittlesea was closed and it was unclear whether the road to Kinglake was open. The police advised him to stay in his house. This information and advice, the extreme heat outside and the knowledge that the fire had reached his property, led Darrin to decide the family should shelter inside the house.

At about 5.00 pm Lesley called her mother in Sydney, telling her they could not leave the house because it was surrounded by fire. Her mother urged her to call the fire brigade, but Lesley had done that earlier in the day and had been told she would be given an hour's notice to leave.

The family was sheltering inside when the fire hit the house from the west. As the house began to burn and fill with smoke, Darrin led Lesley and the children out the southern side and headed east down a slope to shelter from the heat, their only protection two wet towels.

Suffering from the intense heat and being burned by the hot ground, Darrin tried to get his family further away from danger and towards the safety of one of the dams. This meant crossing open ground and getting over a fence. Lesley and Darrin each took children and tried to make a run for it. Lesley and Kiona succumbed in the heat as Darrin battled on with Jye and Ava. He rested Jye on one of the towels under a tree while he managed to get Ava into the dam. The ground was so hot it had burned his shoes off, leaving his feet completely exposed and badly burnt. Darrin returned to get Jye but couldn't find him in the heat and smoke. No longer able to walk, he crawled back to the dam, where he and Ava sheltered.

After some time, and despite his injuries, Darrin carried Ava about 400 metres along the gravel driveway to the road, and along the road, which was blocked by fallen trees. He called for help and was eventually found by a neighbour, who tried to assist until a CFA truck arrived and took Darrin and Ava to Whittlesea and medical aid.

Darrin suffered serious burns to most of his body. He woke in hospital four weeks after the fire, to learn that Ava had died in hospital on 10 February.

The post-mortem report records Ava's death as a result of pneumonia complicating extensive burns. The bodies of Lesley, Kiona and Jye were found on the family property, roughly where Darrin could recall last seeing them alive. Post-mortem reports record that the deaths of Lesley Leahy and Kiona Gibson resulted from the effects of fire; the cause of Jye Gibson's death was recorded as the effects of fire and smoke inhalation.²²

EILEEN GILLESPIE

Eileen Gillespie died on 7 February 2009 in her home at 1 Pine Ridge Road, Kinglake West. She was 58 years old, and she is survived by her daughter, Naomi Gillespie, and her extended family.

Pine Ridge Road is an unsealed road in Kinglake West; it is close to Kinglake National Park and culminates in a very steep, impassable section that eventually leads to Strathewen, where the road becomes Chads Creek Road.

Eileen had lived in Pine Ridge Road since 2001, with her two cats and a pet pigmy possum. Her timber house was built on stumps, had an iron roof, and had a verandah all the way around. It was on a half to three quarter acre (0.2–0.3 hectares) block and was surrounded by bush and tree species such as blackwood, eucalypt and pine. The property also had a carport and two water tanks that held about 19,000 litres each. Eileen's niece, Naomi Wolfe, described the property: '... always kept in a neat and tidy state. There was also a big wooden/timber deck at the rear of the property where my aunt had a small table and chairs and was a place where she fed wild king parrots and cockatoos every morning and every evening'.

Eileen was aware of the dangers posed by bushfires and, according to her niece, regularly attended CFA community meetings. As well as keeping a large hose, fire hydrants and other firefighting equipment at her house, she kept fire safety items in her car and had battery-operated radios so that she could listen to emergency broadcasts. She had a sprinkler system attached to the house but, as her niece explained:

Eileen did not have a generator connected to the house. This meant that when the power went out there was no way that water could be pumped around the house from the adjacent water tanks. On her property the generator needed to be connected up to the pumps on the two water tanks so that water could be pumped out in the case of a power failure. I also don't think that she had cleaned her gutters out ... for a while. I am aware that there was a system at the house where Eileen could flood the drainage pipes and guttering with water and then use an attached hose to spray falling embers. However, this system relied on a generator being operational.

Eileen had spoken to a friend about her plans to clear her block, which had become overgrown, and to purchase more equipment such as pumps in order to have a fully operational firefighting system. These plans had, however, been delayed because of financial constraints.

Eileen was at home on 7 February. She spoke to her daughter several times during the afternoon, and they discussed the fire. When Eileen saw two pillars of thick smoke coming from the south-east in the early afternoon she asked Naomi to contact the CFA for information. Naomi was unable to get through on the CFA hotline, but she did gain access to the CFA website shortly after 1.30 pm and read a warning about fire at Saunders Road, Kilmore East, which she relayed to her mother. Eileen told Naomi she was putting her fire plan into action by clearing gutters, removing debris from around the house, setting up buckets of water and mops, putting wet towels under the doors, and wearing clothes that minimised skin exposure.

At about 4.00 pm, in another telephone conversation with her daughter, Eileen said some neighbours wanted to come and stay with her, but shortly afterwards she told her the neighbours were no longer coming to stay and would be going to a different house. At 4.50 pm Eileen rang Naomi again and told her the power had gone out and that she would not be able to get the generator started. She confirmed that she could now hear the roar of the fire.

At 5.15 pm Naomi Wolfe called, having seen news of the fires on television. Eileen told her the fire was already there, that it was too hot and she was too tired to leave the house. She also said the heat had prevented her from cleaning the gutters so the water pump could work and that her fire pump was not connected because the generator was still in the shed. When Naomi said it was time for Eileen to leave, Eileen said she could not because a neighbour and her children had tried to leave in their car but had been turned back. She ended the call by saying that she would go to a neighbour's place.

Naomi Gillespie spoke to her mother for the last time at about 5.30 pm, when her mother called her to say 'the fire was [there] and it looked like a holocaust'. Eileen told her daughter there was not much time and she would do the best she could to call her when she got away from the fire.

The fire destroyed Eileen's house, car, carport and shed. Part of the roof of the house was found in the back paddock, about 120 metres away. On 9 February 2009 Eileen's body was found in the northern corner of the house, where she had sheltered in the bath.

The post-mortem report records the cause of Eileen Gillespie's death as the effects of fire.²³

BRIAN AND MOIREE NAYLOR

Brian and Moiree Naylor were both 78 years old when they died defending the property they had owned for 33 years at 345 Coombs Road, Kinglake West, on 7 February 2009. They are survived by their children and extended family.

The Naylor's house was at the top of a ridge. From the house the land sloped gently down before it dropped sharply into a gully. The house was built of brick and had large expanses of glass, a timber verandah and an interlocked metal sheeting roof. Apart from some trees near the house the property was relatively clear of vegetation. Kinglake National Park bordered the property to the west, south and east.

The Naylor's fire plan was to stay and defend. They had a large concrete water tank and an electric pump, and on a trailer attached to a car there was a small metal water tank fitted with a mechanical firefighting pump and hoses. Their back-up option was to take refuge in a neighbour's swimming pool a few houses away.

Other members of the Naylor family also lived nearby on Coombs Road. They were away during the day of 7 February, so Brian and Moiree tried to defend that property as well.

Fire first arrived at Brian and Moiree's property in the mid-afternoon. The Naylor's daughter, Jane, called them at about 3.10 pm, and Brian told her there was fire burning at the top of the driveway and in the bottom paddock. At that stage the fire was moving away from them and Brian was considering going up onto the roof. Jane told her father her husband was on his way with a tank of water and a pump. Jane's husband did not reach the Naylor's, though, because he was obliged to stop at a roadblock en route.

At some time before 3.30 pm Brian and Moiree went to their family members' property further along Coombs Road. When neighbour Barry Johnson saw flames there between 3.30 and 3.45 pm, he went over, finding Brian and Moiree already there. Moiree was hosing down the house. Barry headed to the rear of the property, where a fire was burning in a gully, and tried to put the fire out. He was later relieved by two CFA trucks.

Barry and Brian then drove to various properties in the vicinity, checking on the progress of the fires. At one point they spoke to two men who told them, 'The fire has crossed the road. You've got to get out. It's dangerous'. Brian and Barry then headed back to 290 Coombs Road, where they advised the CFA to go to another property while they stayed fighting the fire at 290 themselves.

Just after 4.00 pm the family from 290 Coombs Road arrived home. They spoke to Moiree and then quickly collected a few things and put them in their cars. They wanted Moiree to leave with them, but Moiree said she would go and get Brian. As the others left Moiree was looking concerned but not panicked. At this stage the fire was only about 20 metres away, but it was still low and not out of control and CFA members were present.

While the family from 290 Coombs Road was collecting their belongings Brian and Barry left in Barry's car to check on Brian and Moiree's house. They then split up: Brian stayed at his house, where the fire was coming up from the valley below, and Barry headed back to 290, keen to check on it: 'When I left Brian the fire at the bottom of the gully wasn't too bad, it was sort of just like a grass fire ... it had all been cleared really and there were no trees'.

As Barry drove past 290 on the way to his own house he saw Moiree, who appeared to be OK. At this point he could hear the roar of the fire coming up the mountain and decided it was time to evacuate.

At about 4.15 pm Karyn Norbury from the CFA spoke to Brian at his house. She asked if he had a fire plan in place and Brian told her he did—that he would stay and fight the fire. Karyn saw a grass fire trickling along the back of the Naylor property.

Just before 4.30 pm Brian called Moiree on her mobile. It seems that she returned home after this. At about 5.00 pm Brian and Moiree spoke to two family members. Brian told his grandson the fire had burnt past the house

and they would be fine; Moiree told her daughter-in-law they were fighting the fire and would be fine. The wind changed direction at about this time.

On 8 February Brian's and Moiree's remains were found inside the bathroom of their destroyed home. A Victoria Police forensic scientist gave the opinion that the house probably ignited as a result of ember attack on the verandah or the roof, or both.

The post-mortem reports record that Brian and Moiree Naylor died as a result of the effects of fire.²⁴

16.6 REEDY CREEK

DR CHRISTOPHER TOWIE

Christopher Towie, aged 53, lived at 75 Leviathan Road, Reedy Creek. He died there on 7 February 2009 after the south-westerly wind change drove fire through the area from the south. He is survived by his mother and extended family and friends.

Dr Towie purchased the 100-hectare property at Reedy Creek in 1997. It was relatively remote, having access via an unsealed road to Clonbinane in the south and Reedy Creek in the north. The house Dr Towie built was at the top of a hill. The area around the house was cleared, but further out there was dense bush on all sides of the property. About 100 metres down a slope to the north of the house was a dam. There were no utility connections: power was provided by solar panels and a generator; a galvanised tank estimated at 15,000 litres' capacity provided water to the house.

In February 2009 the house was still a work in progress, it consisted of three self-contained units all under one roof line. Dr Towie lived in one of the units. There is variation in the accounts as to the amount of work that was needed to complete the house, but it is possible that some interior finishing (such as bathroom tiling) remained to be done and the exterior was not quite complete. Abdul Ibrahim, a friend of Dr Towie's, explained:

The house had a concrete floor for some parts, some was on chipboard, but I think it may have been on top of the concrete slab. The verandah which ran around most of the house was on timber stumps, with cement sheet over the stumps and tiles. The walls were timber frame, and I helped Chris and other builders to put blueboard on the inside and outside, with insulation in between. Chris wanted to make it weatherproof from high wind, cold and heat. Chris was under the impression that the blueboard would never burn. The roof was a timber frame with insulation and tin on top.

Dr Towie kept a number of animals at the property: apart from his dogs, some pet mice and a pet ferret, he also had camels, cattle, ponies, and a horse or two. A friend recalled, 'I don't know what animals he had, but I knew he always had some, including his dogs, at his house'.

Dr Towie did not have a specific fire plan. He had made basic preparations, such as keeping the house's surroundings clear of vegetation, but he had no firefighting pump or hoses. Most of his friends understood he would leave in the event of fire, but what would prompt him to do that was not clear. One friend thought he would stay to look after his animals: 'He was that attached to them'.

Dr Towie's property was about 10 kilometres from the point of origin of the Kilmore East fire, and he was aware of fire as early as 12.30 pm. Throughout the afternoon he monitored websites, listened to the radio and kept watch. In numerous telephone calls with friends, neighbours, an employee and his mother, he assured them all the fire was some distance away, he was not in its path, and he was not anxious. At 5.00 pm he told a friend he could see 'plenty of flame and smoke, but well away from his house'. Just after 5.00 pm Dr Towie told his mother the lower part of the mountain was on fire, the roads were blocked or closed, and he had packed the car in preparation to leave. She recalled he didn't appear overly concerned.

It appears that Dr Towie became concerned at about 6.45 pm, after the wind change. This was when he made the first of a number of calls to 000, most of which went unanswered. In the hour after that there are records of 14 calls, half of which were made to 000. It is evident that Dr Towie became increasingly panicked and unsure of what to do as he became trapped by fire. At 7.22 pm he told his friend David Perkins he was putting the ferret and the mice in

the car, ready to leave. Five minutes later he called the Seymour police station: he was extremely distressed because the fire was right there and he did not know what to do. His final call was made at 7.47 pm, to 000.

In the morning of 8 February neighbour Mark Aitken found Dr Towie's remains in the rubble of the house, which had been completely destroyed. Dr Towie's car, parked just near the house, was relatively undamaged.

The post-mortem report records that Christopher Towie died as a result of the effects of fire.²⁵

16.7 STRATH CREEK

HUBERT JELINEK

Hubert Jelinek was born in Austria in 1927. He married after World War 2, and in 1960 he and his wife migrated to Australia. In the mid-1980s they moved to 484 Falls Road, Strath Creek, where they had a 100-hectare property. On 7 February 2009 Mr Jelinek died at 484 Falls Road; his wife had died in 2000. He is survived by their son, also called Hubert, and his family.

Mr Jelinek and his wife lived a fairly reclusive life in Strath Creek. Their dwelling consisted of two prefabricated portable rooms: one was fitted out as a basic kitchen and the other as a bedroom. A roof connected the two 'sheds', and the couple sat outside to eat. The younger Hubert Jelinek described the property as only partially cleared and 'not what you would refer to as a working property'. His father ran some cattle and pigs. The property had no connections to public utilities, and Mr Jelinek had no mobile phone. After his wife's death he had become more withdrawn from his family.

The extent of Mr Jelinek's fire plan and his awareness of fire are not known. Nor is it known what his actions were on 7 February. A number of his neighbours became aware of the imminent fire threat between 6.00 and 7.00 pm. The last person to see Mr Jelinek alive was a neighbour, Michael Etherton: at some time between 6.30 and 7.30 pm Mr Jelinek had gone to Mr Etherton's driveway to tell him that the back of his (Mr Jelinek's) hill was on fire. Fire swept into the area from the south-west between 7.00 and 8.30 pm, after the wind change.

Neighbours went to the Jelinek property in the days after the fire. They did not know what had become of Mr Jelinek but found one of his dogs and returned to feed it. On 13 February a police officer went to the property and after a search found Mr Jelinek's remains in a burnt-out vehicle. He observed:

... the buildings, dwellings and a number of vehicles that were scattered around the property, including tractors and heavy machinery, had all been destroyed by fire. The cleared areas (bottom paddocks) were burnt out and the forest/hills behind the dwelling had been severely burnt out.

The position of the extremely badly damaged car on top of a large burnt log in an otherwise relatively cleared area suggested the car had either been reversed or rolled back to the position in which it was ultimately found. Mr Jelinek was seated in the driver's seat of the car, the doors were closed, and the key was in the ignition. A Victoria Police forensic scientist concluded that this was indicative of Mr Jelinek becoming suddenly incapacitated while driving, leading to the car rolling back and eventually catching fire.

The post-mortem report records that Mr Jelinek died as a result of the effects of fire.²⁶

16.8 ST ANDREWS

GARRY, JACINTA AND ERRYN BARTLETT AND MICHAEL REAL

The Bartlett family—Garry and Jacinta and their daughters Maddison and Erryn—lived at 560 Bald Spur Road, St Andrews. This unsealed road winds its way through bush up a ridge line from St Andrews to Kinglake Central. On 7 February 2009 Garry, aged 57, Jacinta, 46, and Erryn, 6, died in the fires. Michael Real, aged 58, who at the time was visiting the Bartletts with his partner, Judith Hawkins, also died. Maddison, aged 12, and Judith, 38, survived,

although they sustained serious injuries. The Bartletts are survived by Maddison and their extended families; Michael is survived by Judith and family.

The Bartlett house was built on a steep slope near trees, but Garry and Jacinta kept the area around the house fairly clear of leaves and grass. There were two dams and a couple of water tanks on the property, as well as a petrol pump protected by a corrugated iron cover. The household fire plan appeared to be to leave if the fire was bad but to stay if it was small.

The house had two storeys. All the living and sleeping areas were upstairs, this level being mainly made of timber and having a corrugated iron roof. Downstairs were a study and drafting room.

On 7 February the adults were aware it was going to be very hot and the threat of bushfire was high. Soon after lunch they saw a plume of smoke over Mt Sugarloaf. They monitored the radio and Maddison checked the internet for information about the fires. During the afternoon Garry and Michael worked outside on Michael's car, listening to the radio. Garry filled the house gutters with water and continued to keep an eye on things. At about 4.40 pm Garry's friend Dean Platt rang to talk about the fire threat. Garry seemed calm and confident that he and his family were doing all they could to monitor what was happening around them. He explained smoke was coming from Mt Sugarloaf.

At some time in the afternoon a man pulled up outside the property to tell them there was a fire in the neighbour's back paddock. Judith remembers: 'From this time on this put all of the adults on higher alert. It made us aware that spotfires were happening in the district'.

Just after 5.00 pm Fiona Brown, a neighbour, rang and spoke to Jacinta, warning her there was a spot fire on Jacksons Road, 1.5 kilometres south-west of the Bartlett property. Jacinta replied, 'It's okay, it's just a spot fire'. Fiona rang back five minutes later to tell them she could see smoke coming from Mt Sugarloaf. Jacinta remained calm, saying, 'I think what you're seeing is just smoke from Kilmore'. She assured Fiona they were keeping a close eye on the situation. Jacinta then encouraged Judith and Maddison to watch out for flying embers. Garry and Michael continued to check the house and surrounding area.

Not long after 5.30 pm all the household members were outside watching Mt Sugarloaf, which was covered in smoke. They heard a roar coming from that direction and retreated inside. Jacinta helped the girls change their clothes, and they placed wet towels in the door and window cracks. Garry and Michael monitored the fire from upstairs; the others were downstairs in the study.

Soon after 5.40 pm the fire front reached the house. Garry and Michael tried to save the upstairs area. Smoke came down into the study, upstairs windows began exploding, and the fire became uncontrollable. The men went downstairs and joined the others in the study.

The house was engulfed in flames and smoke. Garry gave the direction to leave via the study door. He opened the door, closed it, and said, 'We've got to get out or we'll die'. He ran out and Michael and Judith followed. As she was leaving Judith pulled on Jacinta's arm and told her to get out, but Jacinta appeared to be in shock. Garry, Michael and Judith ran about 30 metres from the study to the south-west driveway gate. When Garry asked where the others were, Judith said, 'They wouldn't come'. Garry and Michael instantly went back to the house.

Judith continued west down Bald Spur Road and was joined by Maddison, who was burnt and in pain. They walked more than 500 metres west to a nearly empty dam off Jacksons Road; there they sought refuge. In the next few hours they were found, assisted by emergency services personnel and taken to hospital for treatment.

At about 8.00 pm emergency services personnel noticed the bodies of Garry and Jacinta near the intersection of Rankines and Bald Spur Roads. Michael Real's body was about 100 metres to the east, closer to the Bartlett house. Erryn's remains were found on 12 February in what had been the house's study.²⁷

Post-mortem reports record that Garry Bartlett and Michael Real died as a result of smoke inhalation, carbon monoxide poisoning and the effects of fire; Jacinta Bartlett died as a result of smoke inhalation and the effects of fire; Erryn Bartlett died as a result of the effects of fire.²⁷

ANGELA BRUNTON AND REGINALD EVANS

Bald Spur Road is an unsealed road that winds its way through bush up a ridge line from St Andrews to Kinglake Central. Angela Brunton and Reginald ‘Reg’ Evans lived on the western side, at the St Andrews end, at 420 Bald Spur Road. Reg was 80 and Angela 48 when they died sheltering in their home on 7 February 2009. They are survived by Reg’s daughters and their families and by Angela’s father and her brothers and their families.

Reg and Angela’s house, which Reg had built, was a two-storey A-frame building that faced north. The lower level was mud brick and the upper storey timber. Nearby was the mud-brick studio and loft where Angela worked; Reg had built it too. To the south and west of the mostly uncleared 6-hectare property there were patches of farmland, but otherwise the property was dominated by the surrounding Kinglake National Park. There were several tanks and dams to supply water for household use and for firefighting. Reg and Angela were conscious of the bushfire risks where they lived. They planned to stay and defend the property in the event of a fire, as Reg’s daughter Claire explained:

Dad always said that if a fire ever came through they would stay and fight ... They intended to follow their plan. They were going to pump water from the dams into the holding tanks. They had carpets to roll down over the windows and would wet them. They would stay in the house and wet blankets and hide under something. They intended to put tennis balls in the gutter and would fill the gutter with water. The tennis balls would be on a string. I know they had a couple of pumps. They would also clear any trees that were close to the house.

According to Claire, Reg was very active for his age. Despite taking medication for a range of conditions and experiencing shortness of breath in recent years, he was still working in films as an actor and was also involved in community work. He and Angela used to take their dog, Baci, for a walk every afternoon.

After the 2006 fires in nearby Kinglake, friend Phillip Chubb became concerned about the trees around Reg and Angela’s house and asked to see their fire plan. He recalled that they were both confident about their plan and noted the tank on the house roof to provide gravity-fed water if the pumps failed. Reg had made a number of implements such as flaps of leather on sticks to beat out spot fires. He had also placed in a pit near the house a pump with two fire hoses attached, and there was another pump near the dam, about 90 metres from the house. This latter pump was for transferring water from the dam to the tank by the house. Both Reg and Angela had protective clothing, boots and gloves. Phillip recalled, ‘On the day of Reg showing us his plan, we were concerned about the bush around him. He did say that he was trying to keep the bush away and make firebreaks’.

It appears that Reg and Angela started their fire preparations at about 2.00 pm on 7 February: a neighbour Reg called could hear the noisy fire pumps in the background. Reg spoke to another neighbour at about 3.45 pm; he kept the conversation short so he could continue his fire preparations, although he was not concerned at that stage. At about 4.30 pm he spoke to a neighbour in Jacksons Road, Robyn Bailey, who had called to tell him about a spot fire in the rear paddock of her property. Not long afterwards Reg went to the Bailey property, but he stayed only a short time. Robyn thinks this was because he had become concerned about the situation.

Reg’s van broke down as he was returning to his place, but he managed to get a lift with a neighbour who was evacuating and who tried to encourage Reg to do the same. Reg was anxious to get home to Angela, though, and was last seen alive at about 5.20 pm, walking down his driveway after being dropped off by the neighbour. It is not clear what Reg and Angela did between that time and the time of their death.

The fire struck the property between 5.30 and 6.30 pm, destroying both the house and the studio. Roofing material was found lying some distance to the south-east of the house, suggesting strong winds from the north-west. On 9 February the bodies of Reg and Angela were found in the kitchen – dining room area on the eastern side of the house, suggesting that the fire first hit the western end of the house.

A Victoria Police forensic scientist who examined the circumstances concluded, ‘The fire was at a level of intensity for which his [Reg’s] firefighting equipment was inadequate’ and ‘Once the fire front arrived, there were no realistic options for escape’.

The post-mortem reports record that Angela Brunton and Reginald Evans died as a result of the effects of fire.²⁸

JENNIFER BUNDY

Jenni Bundy lived on her own at 215 Rankines Road, St Andrews. She was 55 years old when on 7 February 2009 she died in her car just short of the driveway to a neighbour's house, at 195 Rankines Road, which was where she intended to seek shelter. Ms Bundy is survived by a number of close friends.

With the exception of a couple of years spent in Queensland, Ms Bundy had lived in the St Andrews area for 16 or 17 years. She was very involved in the Green Wedge Protection Society and was well known in the community.

Ms Bundy rented 215 Rankines Road from Geoff and Nancy Mortimer. Her fire plan appears to have involved two options, the first of which was described by her friend Kahn Franke:

Jenni was a smart and very capable person, she was also very determined. If she was going to do something, she would do it. Whenever I mentioned fire plans she would always say she would go to the St Andrews pub. She was aware that her home was not defendable and on an extreme day she should leave.

The second option was to go to the Mortimers' house. The Mortimers had built their home from mud brick and its pantry was designed to function as a fire shelter, offering protection from radiant heat. Geoff Mortimer said, 'It was common knowledge with the neighbours that I had the pantry. The fire plans for most of the neighbours were to come to my house if there was a fire. That included Jenni Bundy'.

Ms Bundy suffered from a number of health problems, one of which was chronic fatigue syndrome. Mr Franke said she tired quickly and needed substantial time to recuperate after outings, 'although her natural enthusiasm kept her going'. He also said she suffered particularly in the heat. On 6 February she had told the Mortimers she was not feeling well, although she refused their offer of a lift to the doctor's surgery, saying she would drive herself. Mr Mortimer believed she could not walk very far, but he did note she was very independent.

On 7 February Ms Bundy was at home until about 2.00 pm. She spoke to a couple of friends on the telephone and confirmed arrangements to go to Mr Franke's house to work on a document there and then go to the St Andrews pub for the rest of the afternoon.

The Frankes were listening to a CFA scanner when Ms Bundy arrived at about 2.30 pm. At about 3.30 they heard a report of a fire at the intersection of Harrys Road and Eagles Nest Road in Strathewen, about 6 kilometres from Ms Bundy's house. Ms Bundy then told the Frankes she had to go home to collect something. She also rang Mr Mortimer and told him she was heading home to pack a bag. He assumed she would then go back to St Andrews. The Frankes tried to persuade her that it was unsafe to leave and advised her to go to the Mortimers as soon as she had packed her bag.

Between 4.00 pm and sometime after 5.30 Ms Bundy appears to have been at her house gathering personal belongings, including her computer and pieces of her pottery collection. Mr Franke tried to call her mobile just after 4.00 pm to warn her of another spot fire, but the call rang out. Records show that just before 5.30 pm her landline was used to call both 000 and the Mortimers, but neither call was answered.

Shortly after 5.30 pm, by which time there was substantial fire activity in the area, Ms Bundy left home to drive to the Mortimers. She drove through the entrance to 195 Rankines Road, then, in an apparent attempt to flee the approaching fire, she appears to have reversed along the driveway, colliding with the front gate, which became entangled with the rear of her car. The car continued in reverse across Rankines Road, coming to rest against a tree and a wire fence.

Two fire fronts then passed through the area within 25 minutes of each other. At about 6.00 pm a neighbour who had taken refuge in the Mortimers' house, Jamie Robinson, saw Ms Bundy's burnt-out car and found her remains in the car.

The house Ms Bundy lived in was destroyed, as was ultimately the Mortimers' house, although it survived the initial fire front and gave sanctuary to a number of people who fought for hours with the Mortimers to try to save the house.

The post-mortem report records that Ms Bundy died as a result of the effects of fire.²⁹

RAYE CARTER

Raye Carter and her husband, Alan, had lived at 2150 Heidelberg–Kinglake Road, St Andrews, for 34 years until 7 February 2009, when fire destroyed their dairy goat farm, killing Raye and injuring Alan. Raye, known affectionately as the ‘goat lady’, was 68 when she died. She is survived by Alan, who suffered extensive burns, their two children, their grandchildren and a large extended family.

The Carters built their three-bedroom mud-brick home, which had a corrugated iron roof, huge wooden-bridge-support uprights, leadlight glass windows, a big old church door, and a brick floor throughout. The house faced south-west and had large windows through which the couple could view their farm—‘a brilliant view’, as Alan described it. Set on a ridge at the north-eastern corner of the 8-hectare farm, the house had a fairly small native garden around it. Apart from trees along the driveway, the rest of the property was almost completely cleared. Near the house were nine sheds, all of which were used in one way or another for the goats: the Carters had 40 dairy goats and eight cows. One large dam (close to 4 million litres), three small dams and two concrete 19,000-litre water tanks supplied water to the farm.

Alan and Raye, who was secretary of the St Andrews CFA, were both fire conscious. They kept their property well cleared; there was a pump connected underground to deliver water from the big dam to a sprinkler system at the front and back of the house; and buckets of water, mops and homemade beaters were strategically placed around the house and sheds to put out any flames.

On 7 February Alan and Raye were up at 6.00 am to milk the goats. By 9.30 they were back indoors, having a cup of tea and discussing the Drouin fires with a friend who had helped them with the milking. They spent the rest of the morning pottering about the house and listening to 774 ABC radio, the emergency broadcaster. At about 1.00 pm Raye went to the St Andrews CFA in response to a call-out, returning home about half an hour later.

Aware of fire in the area, Alan and Raye were watchful during the afternoon. It was not until after 4.00 pm that embers started to land on their property. Just as Alan arrived at the local pub the barman came out to the carpark and told him Raye had called and asked that he come home. Alan recalled:

I got home and I started to help Raye to put out the embers with the bucket and mop. There were only two embers I really needed to put out. Nothing really happened after that for about an hour and we just did things around the house to prepare if a fire came. I know that Raye went out and started the fire pump so it was ready to go.

In that hour there were phone calls to friends and neighbours. Shortly after 5.00 pm Raye called a friend to ask him to come and help protect the property. By 5.15 pm Raye had spoken to the St Andrews CFA captain a few times to update the captain on the fire situation, but she did not mention they were in any danger.

At about 5.30 pm Raye and Alan were at the back of their house, and they noticed the fire about 100 metres north of their gate on the main road. Alan said, ‘The wind was blowing in a south-west direction and not blowing that hard ... and I could tell that it [the fire] wasn’t going to hit our place unless the wind changed’. At that point Raye went to check on the goats while Alan put the dogs inside the house. He had been inside for no more than five minutes when he saw what he described as a fireball hit their front gate and hurtle up the 400-metre driveway towards the house. Before he had time to react the fireball hit the house and went straight into the roof, which exploded into flames. Alan escaped via the back of the house and tried to get to the hose at the front, but he was beaten back by the radiant heat. Noticing the sprinklers were still operating but making no impact, he tried to find Raye:

I knew the area she was in, but I couldn’t see more than a metre in front of me. The area Raye was in is a 9 metre square mud brick goat and dairy shed which was situated 25 metres from the house, but she could have been out in the paddocks trying to get the goats in. To Raye the goats would have been her first thought, regardless of the fire.

thick smoke and over fallen trees to reach the St Andrews CFA shed, where he was given assistance and then taken to hospital. Early in the morning on Sunday 8 February, Alan and Raye's son, Mark, managed to get through to his parents' property to search for his mother. He found her in the ruins of the house.

A Victoria Police forensic scientist who examined the circumstances concluded it was not clear whether 'the Carter property was hit by a spot fire, then the main front, or both at the same time, or only the main front. The effect was that of the main fire front, preceded by extremely strong winds, then with the wind change more strong winds'.

The post-mortem report records that Raye Carter died as a result of the effects of fire.³⁰

ARTHUR ENVER

Arthur Enver lived with his partner of 36 years, Petra Bouwmans, at 2350 Heidelberg–Kinglake Road, St Andrews. Arthur and Petra were new arrivals to the district, having moved there in September 2008. Motoring enthusiast Arthur died on 7 February 2009 fleeing the fire on the Harley-Davidson he refused to leave behind when he and Petra decided to leave their home. Arthur was 56 years old when he died. He is survived by Petra and by his mother and extended family.

Arthur and Petra's house was on the eastern side of Heidelberg–Kinglake Road, the main road between Kinglake and St Andrews. It was built of brick veneer and had a tiled roof. There was a large carport and a shed on the southern side of the property. In preparation for their first fire season at the property, Arthur and Petra had cleared the property, tidied up rubbish around the house, and cleared the gutters. They had an electric pump and a standard hose connected to water tanks. The capacity of the water tanks is not clear, but Petra described them as full.

It is not known what Arthur and Petra's fire plan was in advance of 7 February, although once they became aware of fires in the immediate vicinity Arthur took some precautionary action before they decided to leave.

They first became aware of fires at Mt Disappointment at 2.30 pm, when Arthur received a call from a friend. Arthur told the friend he was in the process of cleaning up the property. After 3.30 pm Petra noticed smoke from the west and told Arthur to turn on the television for news reports. There were none.

Although aware of spot fires in the area, Arthur did not seem concerned because he couldn't see any fire. He continued preparing the property, blocking the downpipes and filling the gutters with water. Meanwhile, Petra walked across the road to a neighbour's house and told the neighbour there was smoke coming from the west. As she returned a man in a passing car stopped her and told her the fire was a quarter of a kilometre away. Petra quickly returned to the house, wanting to leave:

I ran up the driveway. Arthur was still on the roof and I asked him if we could leave. I was in the Mt Beauty fires in 2003 and heard the noise from that. I heard a similar noise and then felt the walls vibrating. We went outside and the sky was orange with black smoke. This was up towards Kinglake. I started to panic and we decided to leave. One minute it was clear and the next there were flames everywhere. ...there just seemed to be fire all around us on both sides of the road.

Arthur refused to evacuate by car with Petra: he wanted to take his beloved Harley-Davidson motorbike. At about 4.00 pm, as Petra was leaving in her car, she heard Arthur start the bike. She then had a harrowing journey south along Heidelberg–Kinglake Road towards St Andrews, through flames and over a tree that was blocking the road. She heard popping sounds, which she thought were the tyres bursting, but kept going. The heat caused the fog lamps on her car to explode. Petra kept looking for Arthur in her rear vision mirror but could not see him.

It is not known precisely what happened to Arthur once he left the property. At some time between 4.00 and 4.30 pm he was travelling north along Heidelberg–Kinglake Road when a CFA member spoke to him and suggested that he not go that way because it was too hot and the fire was spotting too quickly. There was a further reported sighting of him about 5.00 pm: the police received a report that a male motorcycle rider on Heidelberg–Kinglake Road seemed disoriented, riding back and forth along the road, and then putting his bike down and running.

The fire front appears to have struck this location from the south-east at some time between 5.30 and 6.30 pm.

Before 6.00 pm the North Warrandyte CFA tanker captain saw Arthur's motorcycle lying on its side about 600 metres south of Olives Lane. Arthur's body was found a further 100 metres along the road and later recovered by police. A police forensic scientist suggested that as Arthur ran along the road, essentially without any protection, he would have experienced extreme heat as the fire front passed and it would not have been possible to survive that type of exposure. Petra returned to the property in late February and found 'the house was all rubble and looked like a bomb had hit it'.

The post-mortem report records that Arthur Enver died as a result of the effects of fire.³¹

GEORGE JACKSON

Aged 74 years on 7 February 2009 George Jackson had had two brothers who had died in separate accidents in 1960. Mr Jackson had not married and had no children of his own. He lived at 255 Jacksons Road, St Andrews, on land that had been in his family for more than 50 years. Having moved there at age 19 to start his own dairy farm, he was still running a small herd—about 29 cows. As a younger man he had saved his farm from the fires that swept through the district in the 1960s, and it was well known that he would stay and defend again. George Jackson is survived by his nephews and nieces and their families.

Mr Jackson's 50-hectare farm was midway between Strathewen and St Andrews. It was cleared, and there were five dams, some sheds and a 60-year-old weatherboard house about 100 metres from the road. Family and friends were aware that Mr Jackson's fire plan was to stay and defend. John Mesman, husband of one of Mr Jackson's nieces, noted:

George was always confident that he had equipment and because his land was bare he would be OK. I was also pretty sure his house was safe from being burnt down and George would be able to protect himself ... I would say George was well prepared and not very concerned that his property was at great risk. He lived on 120 acres of pretty sparse land and had sufficient water pumps, equipment and dams to protect him.

It is not known how Mr Jackson spent most of the day on 7 February or his level of awareness of the threat posed by fire in the area. It appears that spot fires in the vicinity of Hewitts Road and Jacksons Road were reported to 000 just after 4.00 pm. At about 4.45 pm Mr Jackson received a call from his neighbour, Robert Saniga, warning him about a fire at the nearby Bailey property, at 165 Jacksons Road. Mr Jackson thanked his neighbour and said he would go outside for a look.

Fire hit the Jackson property at about 5.00 pm, destroying almost everything except the hayshed. Trevor Boyd, member of a CFA crew that was in the area of Jacksons Road at the time, said the fire arrived with no warning and with extreme intensity, forcing the crew to abandon firefighting in order to ensure their safety. At about 5.30 pm, when the Sanigas left their property and drove past 255 Jacksons Road, they saw that George's house had been virtually razed: only the chimney was standing.

Evidence found at the property after the fire suggests that Mr Jackson had made some attempts to protect his place. A tap next to where the house had been was found turned on, with water gushing out, and hoses attached to trailer tanks had been run out in preparation for use.

Early on 8 February Mr Saniga returned to the property with members of Mr Jackson's family, some of whom had travelled from interstate. They found Mr Jackson's remains in the lounge–kitchen area of the house.

The post-mortem report records the cause of George Jackson's death to be consistent with the effects of fire.³²

SAMUEL MATTHEWS

Sam Matthews lived at 55 Mullers Road, St Andrews, with his sister Ellie, and his parents, Carol and David Matthews. The family had bought the 8-hectare property, Flowerdell, in 2001. Sam, who was at home alone when fire reached the area on 7 February 2009, died at the age of 22, having tried to protect his family's home. He is survived by Carol, David and Ellie.

Flowerdell, built in the mid-1800s by one of the district's pioneer families, was a five-bedroom weatherboard homestead with a corrugated iron roof. North-west of the house was a barn of similar construction (which had been converted into an apartment) and an in-ground swimming pool. Apart from a row of 150-year-old pine trees acting as a windbreak along the driveway and bush along the creek at the southern end of the property, Flowerdell was considered to be mostly cleared paddocks.

Not long after moving to Flowerdell, the family contacted the CFA, seeking general information; this resulted in both David and Sam becoming members of the St Andrews brigade and undergoing training. On the basis of their CFA experience and CFA material showing diagrams about the science of fire and what to do while a fire front passes, they persuaded Carol that the family fire plan would be to stay and defend the property. This material asserted that houses are more likely to burn down after the fire front has passed. The family took some practical steps as part of their plan: they had a fire pump and tank with a petrol pump, a long fire hose that reached the house from the tank, and an above-ground brick tank that held 60,000 litres. (The brick tank was about half full on 7 February.) There were also garden hoses, mops and buckets for putting out spot fires. The family believed they had all the equipment that was needed, and they were also part of the local phone tree.

On 7 February David and Carol were away at the family holiday house. Ellie and Sam were at home. By 1.00 pm they were aware of a fire threat. Sam had called their neighbour, Felicity Wiltshire, a CFA member and part of the phone tree, to tell her he was planning to stay and defend the house. Just after 1.00 pm Felicity called Sam back and told him to enact the family's fire plan because of the extreme weather conditions. Sam and Ellie started to fill buckets and place them around the outside of the house; Sam primed the fire pump and started to wet down the roof.

At about 1.30 pm Carol called the family home and spoke to both Ellie and Sam. Sam told her they could see smoke in Whittlesea, about 15 kilometres away, that they were preparing the house, and that she was not to worry because the wind was blowing the smoke away from the house. He assured his mother they were in no danger. Mid-afternoon Ellie and Sam checked the CFA website and Google Earth; these confirmed the fires were no immediate threat. At 2.30 pm they were patrolling the property and found embers that were cold to the touch. Between 3.30 and 4.00 pm Ellie called Carol twice and assured her everything was OK. At 4.00 pm a neighbour heard the Matthews' fire pump start. Ellie and Sam checked the CFA website again. It had an urgent threat message for the communities of Whittlesea, Humevale, Arthurs Creek, Eden Park, Nutfield and Doreen. St Andrews, to the south-east of Whittlesea, was not mentioned and, with conditions a little better, Ellie decided to leave for work in the car. Sam stayed to defend the house in case of ember attack. Ellie wanted Sam to call her if the situation deteriorated, so she could come back to collect him.

Just after 5.20 pm Sam tried to call 000 but was not able to get through. He called his parents, told them things could get bad, and asked them to come home immediately. During the call he told Carol he had just seen a tree explode and there was fire everywhere. Sounding anxious, he asked what he should do. Carol told him to go back inside.

Two minutes later Sam called Carol again, worried that he could not find the two cats. Carol recalled that he sounded panicked, and in the background she heard a loud explosion as the windows blew in. She told Sam to go into the bathroom and that she would call 000. Carol was not able to reach 000, and this was the last time she spoke to Sam. He tried to make two more calls in the next five minutes, one to Felicity Wiltshire and another to 000. Neither call was successful.

The Wiltshires had also been trying to defend their home. When they were no longer able to shelter inside it they retreated to their cars and drove the 50 metres to the Matthews home, planning to use the turning circle there as a refuge. This was at about the same time as the Matthews home was engulfed by fire. By the time the Wiltshires got there the house had been reduced to two chimneys. A Victoria Police forensic scientist who examined the circumstances said a possible explanation for the entry and rapid spread of fire at the Matthews home might have been the loss, or partial loss, of the roof as a result of the extremely strong winds that preceded and accompanied the fire.

Police went to 55 Mullers Road on 8 February and found the property destroyed; they were unable to find Sam. Sam's remains were found on 11 February in the ruins of the kitchen.

The post-mortem report records the death of Sam Matthews to be consistent with the effects of fire.³³

DR ROBERT PIERCE

Dr Robert Pierce lived at 370 Bald Spur Road, St Andrews, with his wife, Jan. Their two-storey mud-brick house with a tower was part of a complex of buildings that included a studio, art workshop, tacking shed, woodworking workshop and woodsheds surrounding a courtyard. One of their sons, Nicholas, lived in a two-bedroom mud-brick cottage about 500 metres further east along the driveway and closer to the entrance from Bald Spur Road. Nick lived there with his partner, Judith, and daughter, Maya. On 7 February 2009 the women were evacuated from the property while the men stayed to defend. Robert was 62 years old at the time of his death. He is survived by his wife and extended family.

The Pierce property, on the western side of Bald Spur Road, was described by Nick as being 'approximately 40 acres [16 hectares] of eucalypt forest; with steep slopes ... All [the] adjacent properties are bush or national park'. The main house, where his parents lived, was on a steep east-west ridge, with 30° northerly and southerly slopes. The bush came to within 30 metres of the house.

The Pierces were aware of the fire risk where they lived, and their fire plan was to stay and defend their houses. Four galvanised iron tanks, one plastic tank, and one concrete header tank supplied water to the main house, which also had access to water piped from a dam some distance from the house. (The dam had a capacity of 300,000 litres and was about 30 per cent full on 7 February.) The main house had two areas that were set up as fire bunkers with metal shutters; one had a sprinkler system on the roof. Nick explained their preparations:

Robert and I are both sailors and we are very familiar with weather patterns and high fire danger days. We were monitoring the weather forecast and fires in the area in the week leading into the 7th February. Robert and I upgraded our fire plans in the weeks preceding. We decided that we would stay and defend the property. We had all CFA recommended equipment, such as pumps, hoses, chainsaw, water and fuel sources, knapsacks, torches, radios, maps etc. We were both well drilled in our fire plans from past experience.

On 7 February Nick had started to check websites at about 3.00 am. He evacuated his partner at about 10.00 am and spoke with his parents about an hour later. At about 1.00 pm he and Robert checked the horizon from the house's tower and saw a wide plume of smoke behind Mt Sugarloaf. He told his father they had three or four hours to live or die. Robert was unwavering in his intention to stay and defend the property. They started to make fire preparations at their separate houses.

Mid-afternoon Robert and Jan agreed that Jan would go and shelter with their neighbours the Mortimers. Jan phoned their other children, who lived nearby, and warned them to evacuate before Robert walked her to the Mortimers. Robert returned to continue his fire preparations. It was about this time that Nick went back up the tower, from which he could see spotting about 10 kilometres away. From his own observations he knew that 774 ABC radio, the emergency broadcaster, and the CFA website were inaccurate.

At about 4.30 pm Robert and Nick met at one of Robert's bunkers. They discussed their fire preparations and were satisfied they had done enough. They started Robert's sprinklers, checked his gear, shook hands and wished each other luck. Nick left to return to the cottage, noting that Robert was calm and well prepared.

About 15 minutes later Robert was contacted as part of the local phone tree, to be told about a spot fire in nearby Jacksons Road. Just before 5.30 pm he tried to call the Kinglake CFA and then a little later he tried to call Nick; the calls went unanswered, but he left a voicemail for Nick to warn him the fire was coming and was in Jacksons Road. The fire arrived very soon after. Nick who was busy defending his own house, recalled its noise being 130 to 140 decibels: 'It was bloody loud. The wind was blowing between 120 and 150 kilometres an hour. I'm certain of the wind speed due to my experience out at sea. The front lasted for around an hour'.

Once the fire front had passed Nick went back to the main house. He found all the structures surrounding the courtyard ablaze and collapsed; the vehicles were also on fire. He realised no-one could have survived the intensity of the fire that had struck the main house complex. On 9 February he found Robert's body lying in the doorway of one of the bunkers.

The post-mortem report records that the cause of Dr Robert Pierce's death to be consistent with the effects of fire.³⁴

GRAEME SAVAGE

Graeme Savage and his wife Elizabeth Savage-Kooroonya lived in a four-bedroom home at 130 Olives Lane, St Andrews. On 7 February 2009, while Elizabeth was in Apollo Bay at a conference, Graeme, aged 57, spent most of the day at the Whittlesea Country Music Festival, returning home in the mid-afternoon. He died near the swimming pool when the property was hit by fire. Graeme is survived by Elizabeth, their children, and their extended family and friends.

Having moved to their 8.5-hectare property in Olives Lane in 1978, Graeme and Elizabeth built their house in stages, using mud bricks and recycled materials. Both house and property were developed with fire awareness in mind. As they built, they incorporated recommendations arising from the 1983 Ash Wednesday fires. They cleared large areas around the house and planted fire-retardant plants. There was an extensive network of tanks and dams. The seven water tanks and the swimming pool were full on 7 February. Graeme and Elizabeth's fire plan was to stay and defend. Elizabeth explained:

We had an electric pump ready to pump water to use on any fire that was approaching. Graeme intended to spray the walls of the house with water and fill the gutters full of water. There was also a submersible pump in my large duck pond, and a pump in the swimming pool. Four of our tanks were strategically placed to give good gravity feed water pressure if the power went off. We had about twelve 210-litre barrels always full of water at every entrance to the house and on every corner of the house. Cotton mops were hung near these barrels to use during ember attacks. We had numerous hoses connected to outside taps to put out spot fires.

The Savages' intention to stay and defend was bolstered by a visit from the CFA in late 2008. Elizabeth recalled that the CFA did an inspection of the property to look at the fire preparation, and left with the parting words 'This place is very defendable'. Mindful of the fire risk where they lived, the Savages kept their property relatively cleared. But not all the surrounding properties were in a similar state, and Kinglake National Park was only about 300 metres to the south.

On 7 February it appears that Graeme was aware of a general fire threat during the day but not necessarily of any imminent danger to his area. He had left home at about 8.00 am to go to the Music Festival, where he and his band played for most of the day. When he returned home in the mid-afternoon he intended to return to the festival in the evening. At about 3.15 pm he spoke to a neighbour, Helen Chasemore, who had called to ask if he had seen any smoke or fire. Graeme said he had not, but that he intended to stay and defend if necessary. At about 4.00 pm he spoke to his son David, telling him it was extremely hot and he had seen smoke in Whittlesea. David recalled that his father was not worried and made no mention of being in any danger. The Chasemores were evacuating from their property at about the time Graeme was talking to David.

Having become aware of a fire threat near home, Elizabeth called Graeme at about 4.30 pm. Reception was poor, but she managed to ascertain that he was aware of fire, had filled the bath with water, was prepared, and was inside resting. She heard a strange loud roaring sound before the line cut out; she assumed it was the sound of the fire.

Just before 5.00 pm Graeme called Sylvia Gajek, a musician friend, in response to a text message. They did not talk about fire, and Sylvia recalled that Graeme sounded calm.

Fire reached the property sometime between about 5.00 and about 5.30 pm and, according to neighbours' accounts, it arrived with unexpected suddenness. It appears to have taken Graeme by surprise, catching him while he was out in the open. David found him on 9 February. Graeme was wearing the jeans, boots and long-sleeved shirt that were part of his firefighting clothing. He was lying between the pump and the swimming pool. A Victoria Police forensic scientist concluded that other evidence at the scene suggested Graeme might have fallen and 'he [Graeme] did not appear to be aware that a major fire was heading for his property. While he could see the main road to the north, he may not have been able to see the main front approaching from the north-west, behind the hill'.

The post-mortem report records that Graeme Savage died as a result of the inhalation of fire fumes.³⁵

MARCEL SMITS

In December 2007 Marcel Smits and his wife, Carole Webb, moved into their 40-hectare dream retirement property at 190 Jacksons Road, St Andrews. They named it 'Grenoch'. Marcel, who was home on his own, died sheltering in a shed on the property on 7 February 2009. He was 56 years old; he is survived by Carole, her children and their partners, and his large extended family.

Marcel and Carole's house was at the end of a long driveway winding downhill from Jacksons Road. The house was built of brick and had a tin roof. To the west of the house were several sheds where they kept some animals. An in-ground pool, emptied in readiness for repairs, was to the north-east of the house.

Grenoch was well supplied with water: there were three large dams about 180, 220 and 240 metres from the house, as well as two smaller dams. There were also three concrete water tanks and two recently installed plastic tanks. The property was kept constantly watered. Carole considered that she and Marcel were fire aware. Their plan was to stay and defend and, if they needed to, run to a dam to shelter while a fire passed. They had in the garage coats, boots and woollen blankets they would wet down. There were sprinklers on the roof of the house, and Marcel kept the gutters clean and free of debris. The property was mostly cleared, there being only a few trees near the house.

Carole was at work in Greensborough on 7 February, and Marcel had gone there to help her. He left earlier than Carole, however, arriving home at about 3.30 pm. Carole left at about 5.15 pm, after she had listened to a phone message from Marcel, who was asking when she would be home. She called him just before 5.30 pm to let him know she was about 20 minutes away in Diamond Creek; Marcel did not seem concerned about a fire threat.

At about 5.45 pm, and only 6 or so kilometres from home, Carole was stopped at a police roadblock at the intersection of Hildebrand and Strathewen – Cottles Bridge Roads. She 'immediately phoned Marcel to tell him about the roadblock and to get the animals together'. It was a short call and she did not have a chance to ask him whether he had been able to ready the property for the oncoming fire. Carole, desperate to get to Marcel, was not allowed through the roadblock: '[The police officer] told me I couldn't go up there as I'd be committing suicide'. While she was waiting at the roadblock someone came through from the other direction and described Jacksons Road to Carole as 'terrible'.

Marcel phoned Carole at 6.00 pm to tell her 'there was smoke everywhere' and 'he was sheltering in the shed', prompting Carole to try to get some CFA assistance to him. Not long afterwards, at about 6.15 pm, Carole's son Peter and his girlfriend arrived at the roadblock. After a number of attempts they managed to reach Marcel again on his mobile phone at 6.22 pm. Carole was too distressed to speak to him, so Peter took the phone. Marcel told Peter 'he was in the shed and was finding it hard to breathe. He said he could smell smoke and ... something toxic'. He could not see any flames—'just smoke everywhere'. Marcel, who had no water, was lying on his back in the shed with a pillow case over his face to help with his breathing. He sounded frantic. That was the last contact with Marcel.

At about 8.00 pm, after being stopped at another roadblock on Nankervis Road, Carole and Peter eventually reached Grenoch, where they found three DSE trucks in the driveway. One of the trucks went with Carole and Peter to the house, which they found destroyed. Peter went to the shed he knew Marcel had been sheltering in and found his body.

It appears fire hit the area at some time between 6.00 and 6.30 pm, mainly from the south-west. It destroyed almost everything at Grenoch. A Victoria Police forensic scientist concluded that Marcel 'appeared to be unaware of the proximity of several extremely large fires'.

The post-mortem report records the cause of Marcel Smits' death to be consistent with the effects of fire.³⁶

16.9 STRATHEWEN

PETER AVOLA

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Peter and Mary Avola had been married in 1965 and by the early 1970s had two children and had bought land in Strathewen. In the early 1980s they bought a peach orchard on 8 hectares at 105 Chads Creek Road, Strathewen,

and in 1990 they built a two-storey brick house with a tiled roof. Bellheaven, as the property was called, was surrounded by a mixture of grazing land and medium-density eucalypt forest and was close to Kinglake National Park. Peter, aged 67 when he died, is survived by Mary, their two children, their children's partners and their grandchildren.

The Avolas were mindful of having a fire plan when they were building their house, and part of the plan was ensuring an adequate water supply. The two dams on the property provided ample water for the gardens and lawn. The lawn was kept mown and the property cleared of debris. Mary explained their fire plan:

Our plan was to stay and fight. We installed a firefighting pump on the dam. That was a mechanical pump so if the power went off it would keep working. We also had a trailer with a water tank on it which also had a mechanical pump. We learned about fire plans everywhere. Peter was in the CFA when he was younger. Even the kids were junior members of the fire brigade.

Early on the morning of 7 February Peter started the firefighting pump to water the garden and wet the ground around the house. He left the hose positioned so it could continue watering by itself while he attended to other chores. The Avolas had been expecting their grandchildren for the weekend, but the visit was cancelled late in the morning because of the heat. By about midday Peter had started to put their fire plan into action, moving hoses and preparing the pump.

At about 2.30 pm Mary noticed smoke in the sky, a yellow glow to the west, scorched leaves being carried by the wind, and burnt black things like gumnuts falling. She started to hose down the patio and the ferns. At about 4.50 pm Peter told Mary to change her clothes while he moved their two cars to the driveway and away from the house, leaving the keys in the ignition.

Events moved rapidly in the following half hour. As the sky became darker and darker Mary tried to call 000 but could not get through, so she phoned her good friend Marilyn Spooner, who had also been trying unsuccessfully to call 000. At about 5.00 pm Mary received a call from Judy McIver, another neighbour in Chads Creek Road; Mary told Judy things were OK and she was hosing the patio. Five minutes later Peter and Mary saw fire erupting in the area and in Kinglake National Park. This prompted Mary to try calling 000 again, but the 11-minute call went unanswered. At 5.15 pm Peter told Mary to get into one of the cars; he got into the other and they left, ahead of the fire that had by then reached their property from the west and north-west.

They drove across the road into the neighbouring property until fire forced them to turn around and head north up Chads Creek Road. It appears that Peter, now in the front car, failed to take a bend in the road: Mary saw his brake lights go on and then saw his car resting on the opposite side of the road, just south of the Strathewen oval. Mary pulled up beside him, but he motioned her to move on:

It didn't even occur to me to tell him to get in with me, too much was happening. I drove down Chads Creek Road towards the oval and I stopped and waited for him but he didn't come. I had ash coming in the car and flames all around me up in the air. I saw kangaroos everywhere and horses running around me. I put the windows up and still he did not come behind me. Then I just went.

A number of cars were parked at a neighbour's house, the home of the Minetts, at 190 Chads Creek Road, and Mary drove in. The Minetts, who were busy defending their house, asked Mary to go inside and comfort their young daughter, who was frightened. The fight to protect the Minetts' house took more than two hours. At 7.15 pm Lisa Minett's father, Dennis McCrohan, made his way to the property to check on his daughter and her family. He had seen Peter's body on the Strathewen oval and told Mary Peter had died.

Peter was found in a grassed parking area about 300 metres from where his car had been abandoned on the roadside and about 700 metres from the Avola home. The nearby changing-room sheds had been destroyed and the ground was severely scorched.

The post-mortem report records that Peter Avola died as a result of the effects of fire.³⁷

MAX EMMINS AND TERENCE AND DONNA PAULKA

Max Emmins, aged 45, lived on a property adjoining that of Terrence 'Terry' Paulka, 53, and his wife, Donna Paulka, 51. Max, Terry and Donna died in the Paulkas' house at 5 Arthur Street, Strathewen, shortly after 5.30 pm on 7 February 2009. Friends and neighbours, they had been part of the Strathewen hall committee, and it appears they had sought shelter in the Paulka house after staying to defend their properties. Max is survived by his wife, Lisa, and their two children; Terry and Donna are survived by their three children and their extended families.

Max Emmins

The Emmins family home, at 10 King Street, Strathewen, was built of mud brick and had a timber frame and a corrugated iron roof. A small rural block, the property relied on tank water that was pumped to the house by an electric pump. The property, along with neighbouring private properties in this part of Strathewen, projected north into Kinglake National Park.

Max and Lisa were conscious of the fire risk where they lived. Max had attended CFA Community Safety fire meetings and had decided he would stay and defend their property; Lisa was to leave and take their children, aged 12 and 10 on 7 February, to safety. Reliant on tank water for firefighting, Max had a back-up petrol pump for the tank in case the power went out; he kept the fire hose next to the pump during the fire season and kept the gutters cleared of debris. The swimming pool provided a secondary water supply.

On the morning of 7 February Max was listening to the CFA scanner and keeping an eye on the internet. He and Lisa made their fire preparations, filling the sinks, laundry trough and bath with water, fitting a hose to the washing machine tap, and putting towels in readiness near the bath. Just after 1.00 pm neighbours from Bowden Spur Road lent the Emmins a petrol firefighting pump because they had decided not to stay and defend their own property. Before they left they helped Max connect the pump to his swimming pool.

Lisa left with the children and the family dog just after 2.30 pm, concerned about the smoke she could see in the distance and about the wind direction. She could not persuade Max to leave with them. Throughout the morning Max had visited the Paulkas, whose plan was also to stay and fight the fire.

Terry and Donna Paulka

Donna and Terry Paulka lived at 5 Arthur Street with their three children. They loved their mud-brick home. Terry had built it with his brothers 23 years earlier, and Donna had decorated it. Terry had extended the house once already and was in the process of doing a second extension in February 2009. Their daughter Grace recounted:

Dad built the house using mud bricks he made himself ... He had put his heart and soul into the house and would have been very reluctant to give it up to a fire. Mum was the same. Mum had put a lot of time and passion into the interior design of the house and the gardens.

The Paulkas' home was about 65 metres from the Emmins' home, separated by a wire fence. Like the Emmins' property, the Paulkas' property projected north into Kinglake National Park. Both properties were on dirt roads bordered by trees. The nature of the water supply to the Paulka residence is not known, but Grace had noticed that in the week leading up to 7 February Terry was carting a lot more water than usual from Arthurs Creek.

The Paulka family's fire plan was quite clear to Grace. Her parents intended to stay and fight, and 'whenever I tried to discuss fire plans with my Dad, all he would say was that us kids, ... would not be staying if a fire came. He would not discuss this further and was adamant on this point'. Grace outlined her father's annual fire preparation:

Every summer Dad would prepare the house for the fire season. He would lay out the fire hoses at easily accessible locations. He had two permanent water pumps that were quite noisy. I think they were petrol. He also had other pumps that he put out for the fire season but I'm not sure how many ... Dad also had two large plastic portable water tanks, one on the back of his ute and the other on the trailer hitched to the back of his ute ... Dad was careful about keeping the yard clear and made sure the trees weren't too close to the house ... Dad was forever on the roof clearing it and the gutters and he made my brother go up there a lot and clean it as well.

From 4.00 pm on 7 February

At about 4.00 pm Max phoned Lisa to make sure she and the children were safe; he told her he needed to go to put out some embers. At about 4.30 pm he had an unhurried chat with family friend Philippa Carland before he ended the call, saying he needed to go. At about 4.45 pm the Paulkas' son called his home and spoke with Terry, who assured him everything was fine. Phone calls made to both houses after 5.00 pm went unanswered.

It is thought the firefront reached the area at about 5.40 pm, destroying both the Paulka and Emmins properties along with most of the rest of Strathewen. It seems the fire approached from the west or south-west, or both, along Arthurs Creek, although the direction would have been influenced by the complex array of ridges and spurs.

It is not clear how Max Emmins came to be at the Paulkas' home when the fire arrived. It is possible he went there either to help them with their firefighting or to flee from fire at his own home. It appears that Max, Terry and Donna sheltered in the Paulkas' kitchen, on the side of the house furthest from the fire, where their bodies were found in the ruins on 10 February 2009.

The post-mortem reports record that Max Emmins, Terrence Paulka and Donna Paulka all died in the 'Victorian bushfire'.³⁸

ROBERT O'SULLIVAN, SUSANNE EVANS, JON LE GASSICK, HAYDN MCMAHON AND KAYA MEHMEDOFF

Robert 'Bob' O'Sullivan and his partner, Susanne 'Sue' Evans, lived at 75 Pine Ridge Road, Strathewen, with Sue's 18-year-old son, Jon Le Gassick. On 7 February 2009 a couple of Jon's school friends, Haydn McMahon, aged 17, and Kaya Mehmedoff, 18, were also there. All five died when fire tore through the area at about 5.30 pm. Bob was 48 and Sue 46. All five are survived by their respective extended families and friends.

The location of Bob and Sue's property, at the Strathewen end of Pine Ridge Road, was quite steep in parts and undulating in others. There were some heavily treed areas leading up to the house, as well as some cleared paddocks, especially on the other side of the road, where the land sloped down towards a creek bed. Their house was a single-storey weatherboard with a corrugated iron roof.

It was well known among family and friends that Bob and Sue's fire plan was to stay and defend. Their friend Karen Crabtree recounted:

Robert was an ex-CFA member and I know that he was very thorough with the fire protection for the home ... I know that he had a sprinkler and pump system in place all around his property. I know that all the water tanks were full because they told me. I also know that the property was slashed the week before the fires. They had a well-practised fire plan. All of their friends were told of this plan in case we were up there in fire.

When Bob and Sue moved to the house in 2006 there were sprinklers around the roof, a gutter-mounted sprinkler system and a petrol-powered water pump. The pump would draw water from the dam via above-ground poly-pipe, as well as from the water tank outside the house, which had a capacity of 15,000 to 20,000 litres. Bob added to their firefighting equipment—a diesel pump, fire hoses, a trailer tank, and other items such as mops and buckets. Sue's brother-in-law, Kyle Westall, explained, 'Over the years Bob showed me how he had been prepared. It wasn't like something had been rigged up for the day. He was so capable and so well prepared; he was not a risk taker ...'

Bob and Sue arrived home from the Diamond Creek Pet Store, which they owned, at some time between 3.30 and 4.00 pm on 7 February, bringing Kaya with them. Jon and Haydn were already at home, and preparations were under way for a party that evening to celebrate Bob's birthday the day before.

At about 4.00 pm, not long after Bob, Sue and Kaya had arrived, a friend of Jon's who lived in Smiths Gully called to warn them about fires in the area: he had heard a person from one of the St Andrews CFA trucks calling in over the CFA scanner, in tears at what he could see happening. It appears this prompted those at 75 Pine Ridge Road to put their fire plan into action: the water pump was tested, fire hoses were laid out, and mops and buckets were prepared.

At 4.10 pm, with their internet access down, Sue called her sister's house. Her brother-in-law, Kyle, answered, and Sue responded with 'Hi doll, how you going, what you up to?' They spoke only briefly because Bob wanted Kyle to check the CFA website for him. Bob and Kyle were then on the phone for 10 to 15 minutes—'the longest phone conversation I ever had with him', said Kyle. Bob helped Kyle negotiate his way through the CFA website so he (Bob) could gain an understanding of where the fires were and their status. After going through all the information, the two men concluded that the three closest fires were under control, and Kyle's impression was that Bob was relieved.

At about 5.00 pm Jon spoke to his friend Jason and told him not to come up to the house because 'there was smoke everywhere and they couldn't see what was going on'. Jon also mentioned that they were filling buckets with water. At about 5.25 pm Sue sent a text message to her friend Karen to tell her they were surrounded by fire and she would get back to her. These are the last known contacts with those at 75 Pine Ridge Road on 7 February.

Fire hit the area at about 5.30 pm, from the west-south-west, most probably the result of the wind change. The fire and the accompanying wind appear to have blown the roof off the house: it was found about 15 metres away in the eucalypt forest. The house itself had been levelled.

On 9 February police found the remains of Sue, Jon and Haydn in what had been the bathroom-laundry area of the house; Bob's remains were found outside, between the front door and the south-east corner of the house. On 13 February Kaya's body was found about 300 metres away, across the road in a cleared area, suggesting he had tried to run from the fire and seek shelter in the nearby dam.

The post-mortem reports record that the deaths of Robert O'Sullivan, Susanne Evans, Jon Le Gassick, Haydn McMahon and Kaya Mehmedoff were caused by the effects of fire.³⁹

DONALD AND MABELLE HATTON

Donald 'Don' and Mabelle 'Leonie' Hatton were in their 80s when they died together at 45 Rankines Road, Strathewen, on 7 February 2009. Their much-loved dog, Peri—'the dog that was spoiled rotten and had a place at the dining table'—also died with them. Don and Leonie are survived by David and Bronwyn, two of their four children.

Don and Leonie bought the 20-hectare property at Rankines Road in the early to mid-1980s. They were involved in community conservation for 40 years and were ardent protectors of the natural environment, establishing their property as a wildlife sanctuary with bed and breakfast facilities. The property was called Laanecoorie, meaning 'place of kangaroos'. In the early 1990s they built their house, an octagonal mud-brick building, on a north-facing slope. They later converted their shed to provide guest accommodation and then built a second accommodation unit and a conference centre, rendered to look like mud brick. Laanecoorie provided a habitat for over 70 bird species plus wallabies, wombats, echidnas, sugar gliders, and a wide variety of wildflowers and terrestrial orchids.

Don and Leonie's son David described the property as heavily wooded in places, with virtually all the trees being Australian natives such as messmate, stringybark species, yellow box, manna gum and re-introduced red box. There was an understorey of tea tree, kerosene bush, various wattles, and other species. In recent years the undergrowth and ground cover had become sparse as a result of the drought, effectively creating open woodlands.

The Hattons were clearly aware of the fire risk where they lived and prepared the property in such a way that they could stay and protect it if necessary. Over the years they had worked hard to clear the highly flammable tea tree and kerosene bush, and more recently they had removed some eucalypts near the buildings. With firefighting in mind, they made sure they had an adequate water supply. There were three dams on the property and four sizeable tanks.

The house tank, of about 18,500 litres, was at the front of the house, between the patio and the carport; it was made of concrete and was always kept at least half full. An electric pump and a petrol-driven firefighting pump were housed in a brick cupboard next to the house tank. They pumped water up to the main tank, which was also made of concrete and had a capacity of 75,000 litres. The main tank was 20 metres above the smaller tank, and this created sufficient water pressure for the house and the sprinkler system. The petrol pump could also boost the pressure to the sprinkler system. David explained his parents' sprinkler system:

The sprinkler system that he [Don] had installed around the house was about a metre from the main house. It was constructed from a metal pipe with about seven or eight sprinkler heads which protruded about a foot or two from the ground. The sprinkler system on the roof was constructed from a heavy duty copper pipe which was used to squirt water onto the roof and into the gutters. Both these sprinkler systems were plumbed back to the small house water tank of about 18,500 litres, which was also connected to the gravity-fed 95,000-litre [sic] main tank up the hill.

David expected his parents to stay with the house if there was a fire. He thought they would have assumed they had a good chance of survival because of the sprinkler system and the house's mud-brick construction. He did not consider his father a gambler who would risk his own or his wife's life.

The only contact David had with his parents on 7 February was a voice message left by his father just before 4.00 pm, telling David the 'fire system was switched on the roof and I think we will be OK'. On reflection, David thought his father did not sound confident when he left the message.

The fire hit the Hatton property from the south-west at some time between 5.30 and 6.30 pm. The house and conference centre were destroyed, and there was major damage to the tractor shed and attached suite. The main accommodation building survived largely undamaged.

Don and Leonie were found on 10 February 2009 in the remains of the main house, where they had been sheltering in the bedroom with their dog.

The post-mortem reports record that Donald and Mabelle Hatton died as a result of the effects of fire.⁴⁰

CATHERINE, JUDITH AND GREGORY MCIVER

Judith 'Judy' and Gregory 'Greg' McIver married in 1971 and lived interstate for nearly 20 years, moving back to Victoria in 1990. In 1995 they bought a property at 145 Chads Creek Road, Strathewen. Greg and Judy were both aged 59 when they died at their home in Strathewen on 7 February 2009. Greg's mother, Catherine McIver, aged 84, was staying with them at the time, and she too died. Greg, Judy and Catherine McIver are survived by their extended families.

Greg and Judy's Chads Creek Road property covered about 16 hectares, three quarters of it bush: they both loved living in the bush. Situated about a kilometre north of Strathewen township, the land was on a spur to the south-east of Sugarloaf Ridge. The single-storey brick house was built in the homestead style on a crest at the top of the spur. The views were outstanding, as Greg's sister, Jill, recalled:

The Strathewen property was a lovely place. To get to the house you went up a winding dog leg drive way and parked around the back of the house. The house ran [in] an east-west direction on the top of the block. You went into the house and along the front veranda at the east end of the house you could see down into the valley and the Strathewen oval to the left hand side. You had good views of the city at night time. I think the back of the property backed onto the Kinglake National Park.

As much as they loved living in Strathewen, Greg and Judy were planning to sell their place and move into a retirement village in Torquay with Catherine. Catherine's health had declined in the preceding two or three years: she had had surgery on her knees, her heart and her eyes. On 7 February she was staying with Greg and Judy for a rest, having been released from hospital just two days before. She had sold her house in Torquay and was looking forward to moving into the retirement village as soon as it was finished, which she thought would be the coming April.

Although not much was known about Greg and Judy's plans in case of fire, both were said to be meticulous in the care of their property. Judy kept the house beautifully, and Greg kept the outside raked and tidy. Greg was conscious of fire danger on days of extreme heat and wind; he had two Furphy water tanks and fire hoses he would get out on days of high danger. A neighbour who had spent an evening with the McIvers in late January noted:

I observed a big metal water tank he had in preparation of a fire. The water tank was approximately 20 metres or so to the north west of the house. It was about 15,000 to 20,000 litres in size. It was quite separate from the house and I remember it was not the main water catchment for the house. They had a separate tank somewhere else for the house. It appeared it was put there for gardening and for firefighting. I remember seeing a water tank on a trailer and I thought to myself that guy was fairly well prepared for a 'normal' fire. There was a clearing around the house in all directions for about 10 or 15 metres minimum.

On 7 February Greg, Judy and Catherine were all home. Catherine had taken a nap in the early afternoon. At about 2.00 pm Greg called Lorraine Tully, a neighbour who had a CFA scanner and lived directly opposite the McIvers' house. Lorraine told Greg about the fire in the Wandong–Kilmore area. A few hours later, at about 4.45 pm, Lorraine called Greg again to tell him there was a fire in nearby Hewitts and Eagles Nest Roads and it was out of control. Just after 5.00 pm Greg called Lorraine to tell her embers were falling and he had been trying to call 000 without success. Lorraine could see that a spot fire about the size of a car had broken out about a kilometre from their house. This was the last known contact with Greg, Judy and Catherine.

On 8 February Judy's family listed Judy, Greg and Catherine with the Red Cross as missing. The next day their remains were found in the ruins of the house, in a bedroom.

Fire struck the McIver property from about 5.00 pm. A Victoria Police forensic scientist who examined the circumstances concluded it was probable the fire approached the house very quickly, offering little opportunity for firefighting. The pattern of damage suggested the fire might have entered the house through the large front windows.

The post-mortem reports record that Catherine, Judith and Gregory McIver died as a result of the effects of fire.⁴¹

PHILLIP AND ELIZABETH PERRY

Phillip and Elizabeth 'Libby' Perry lived at 115 Chads Creek Road, Strathewen. Their mud-brick house was nestled in the south-west quarter of a fairly heavily wooded property at the foot of the spur that extends approximately south-east from Sugarloaf Ridge. The Perrys shared their property with their four dogs and five alpacas; they died there on 7 February 2009. Phillip, aged 58, and Libby, 59, did not have children. Phillip is survived by his brother and two sisters; Libby is survived by her parents and siblings.

The Perry property was surrounded by a mixture of grazing land and medium-density eucalypt forest and was separated from Kinglake National Park, about 500 metres to the west, by a broad strip of farmland. The area immediately around the house was relatively clear, with lawn and ornamental trees. There were four water tanks and two dams on the property; both the dams were north of the house, the nearest about 32 metres away. The carport was south-east of the house, and there were some sheds to the south-west.

Not much is known about the detail of the Perrys' fire plan. It was well known that Libby hated the thought of fire and planned to load up her animals and take them to safety at a friend's property in Doreen. Phillip planned to stay and defend. He had recently bought a sprinkler system for the roof of the house but had not installed it.

Along with most of their near neighbours, the Perrys were part of a local fire tree group. Residents of Chads Creek Road used their phone tree to keep each other informed of any fire threats; it was activated just after 1.00 pm on 7 February. Between 1.15 and 3.49 pm there were a number of calls between Phillip and his neighbours.

Phillip was monitoring a scanner and in the early afternoon became aware of the fire at Wandong. He was relaxed, though, not seeing an imminent threat. Just after 3.45 pm he learned there was fire in nearby Arthurs Creek. Libby called a friend in Arthurs Creek and was surprised to hear her friend could see fire on Mt Sugarloaf, about 2 kilometres from the Perry property, and ended the call abruptly. Within five minutes she called her mother to tell her she was packing the car to evacuate to Doreen. This was at about 4.10 pm.

Phillip and Libby's actions after this cannot be confirmed, but it would appear that Libby was unable to evacuate because of the proximity of the fire. The Arthurs Creek CFA captain noted that by 5.00 pm there were reports of four fires in Chads Creek Road. A Victoria Police forensic scientist estimated that by 4.30 pm the road would have been blocked in both directions by spot fires. It appears that Phillip made efforts to fight the fire: extended hoses were

found attached to the concrete and metal tanks; calls to the house at about 5.00 pm went unanswered, suggesting Phillip and Libby were engaged in firefighting; and remnants of lawn to the north-east of the house survived, suggesting this area had been moistened.

Just after 5.00 pm the McIvers, who lived about 300 metres from the Perrys, saw embers falling. This is about the time it is estimated the power failed. The Perrys' water supply was dependent on an electric pump; with no back-up generator or power, water pressure would have been lost.

The Victoria Police forensic scientist concluded that the main fire struck this area from the west and north-west at about 5.30 pm, devastating the Perry property. All that remained of the house were the mud-brick walls. On 11 February 2009 the bodies of Phillip and Libby were found in what had been the laundry area, near the back of the house.

The post-mortem reports record that Phillip and Elizabeth Perry died as a result of the effects of fire.⁴²

JOSEPH AND DANIEL SHEPHERD

Joseph 'Joe' Shepherd and his wife, Dini, bought their property at 25 Hewitts Road, Strathewen, in 1979. Back then, they spent every spare day making mud bricks to build the two-storey home they lived in with their two sons, Daniel 'Danny', born in 1976, and Luke, born in 1982. Joe was 60 years old when he died on 22 February as a result of injuries sustained on 7 February 2009; Danny was 32 years old when he died on 7 February 2009. They are survived by Dini, Luke, Danny's wife, Bree, and their extended family.

Joe and Dini loved where they lived—especially 'the bush, the orchids and the animals'. Joe had joined the Arthurs Creek – Strathewen CFA brigade as soon as they moved to the area and was an active member for 27 years. Despite being aware of the risk, Joe and Dini planned to stay and defend in the event of fire, as Dini detailed:

... we had a sprinkler at the front of the house on the northern side. We had a proper fire hose which went the complete length of the house. We had little sand bags inside a water proof bag to plug the down pipes. We have a 5,000-gallon [23,000-litre] concrete water tank at the top of our driveway which is just for fire fighting. We have other tanks for household purposes and another for drinking. All the water tanks were full.

Throughout the day on 7 February Joe monitored the radio and made phone calls. At about 2.00 pm a neighbour telephoned to ask about a fire at the bottom of Hewitts Road. While Joe went to change into his firefighting gear Dini met a CFA truck at the top of their driveway and was told it was a false alarm. About 15 minutes later Joe left home in response to a CFA call-out to a fire at the top of Hewitts Road, near Jacksons Road.

Earlier in the day Danny and Bree had travelled in separate cars from their home in Ocean Grove to Bacchus Marsh to attend an engagement party. They had differing plans for after the party: Bree was returning to Geelong, while Danny was going to Melbourne. Bree phoned Danny at about 4.30 pm to let him know she had arrived safely back in Geelong, despite the hot and windy conditions. Danny told Bree he had ditched his plans and was instead on his way to his parents' house to help them fight the fires.

Just before 5.00 pm Dini was outside filling the downpipes when Joe arrived home from the call-out and told her the fire at the top of Hewitts Road was under control. Dini's brother, Henk Vreulink, who lived nearby in School Ridge Road, called to let them know of fire spotting near his house. Just as Joe was about to leave to go and help Henk, Danny arrived; he got into his father's van and they left for Henk's place together.

When Joe and Danny arrived at Henk's property, less than 4 kilometres away by road, they started to hose down along the creek bank in preparation for the fire. After only a short time the three men decided the fire was heading towards the Shepherd property and agreed that Danny and Joe should return home, where Dini was on her own. Danny and Joe left in Joe's van, heading west along Henk's driveway. Within a minute of leaving they were reversing towards Henk, yelling to him that the fire was in front of them and he would be trapped.

It was decided that Danny should take Henk's four-wheel drive, which had been packed earlier in the day with some personal possessions. Joe drove out in his van, followed by Danny. Henk was to follow in his truck, but when he reached the crest of the hill on the way out he was confronted by what he described as a 120-foot wall of flame

across his driveway. He and his dog left the truck and ran through the bush, heading north-east. Henk made it to School Ridge Road and was picked up by a neighbour, Denis Spooner, who was fleeing his own burning house further along the road. Together they drove along Bowden Spur Road to Kinglake, where they eventually found shelter and safety.

Less than 20 minutes after Joe and Danny had left the Shepherd property they were on their way back. It appears their passage was blocked by a tree that had fallen across Strathewen – Cottles Bridge Road about the time the fire hit that area. At about 5.20 pm Danny tried to call the mobile emergency number 112, but his call was not answered.

Malcolm Park, a resident of Bowden Spur Road who had taken shelter with his wife in a nearby paddock, noticed two vehicles on Strathewen – Cottles Bridge Road. It was about 5.30 pm, and he could see that the van in front was blocked by a tree and the four wheel drive behind it was on fire. He knew Joe's van and went to see if he could help. He found the driver's door of the van open and the ignition on but could not see Joe. Shortly afterwards he saw some CFA members, who confirmed they had found Joe lying injured on the road about 30 metres from the van.

Joe and Danny had travelled about a kilometre from Henk's property and were trapped about 2.5 kilometres from the Shepherd home. Dini told police investigators, 'I believe Joe and Danny were heading back to me at our house because they knew I was home alone'. The Shepherd home survived the fire.

Danny's body was found lying in the back of his father's van; apparently he had left the four-wheel drive. The post-mortem report records that Daniel Shepherd's death on 7 February was the result of the effects of fire.

The CFA members took Joe to an ambulance; then he was taken to hospital, where he was placed on a life-support system. His injuries were such that the life-support system was turned off on 22 February 2009, and he died that day. The post-mortem report records that Joseph Shepherd died as a result of 'complications of smoke inhalation and cutaneous thermal burn injuries'.⁴³

MARILYN AND DAMIEN SPOONER

Marilyn and Denis Spooner moved to Strathewen in 1980, to an address that later became known as 45 School Ridge Road. There they raised their two sons, Damien and Warwick. In February 2009 three generations were living in the single-storey five-bedroom house: Denis and Marilyn were sharing with Damien, his wife, Jodie, and their two young children. Marilyn, aged 57, and Damien, aged 33, died there on 7 February 2009, having sought shelter in the house after an unsuccessful attempt to evacuate. They are survived by Denis and Jodie, both of whom escaped, along with Warwick and his wife and their extended families.

The fire plan for the Spooner residence was of long standing. It was to leave. Denis explained:

The family's fire plan has always been to leave. The plan was only verbal but it had been discussed many times and had been in place for years. If we couldn't leave, our back-up plan was to take shelter in the house until the fires passed and then leave. We never intended on fighting any fires.

There were only two ways out of the property. The preferred choice was to head towards Arthurs Creek because that road was sealed and allowed for two-way traffic. In contrast, the road to Kinglake was unsealed, narrow and winding and as a result more difficult to navigate in extreme circumstances. There was some firefighting equipment at the property, but this was to be used as a last resort if the family was unable to leave.

Denis spent the morning of 7 February monitoring the CFA website. He was home alone because Marilyn had gone to Hurstbridge to do some shopping and Damien, Jodie and the children had gone to visit Jodie's parents in Greensborough. Just before 2.00 pm Damien called Warwick. They discussed the fires and arrangements for the evening: a family gathering had been planned to celebrate Jodie's birthday. At about the same time, in Strathewen, Denis had noticed smoke in the air, causing the sun to be obscured.

At about 4.30 pm Damien and Jodie arrived home having left the children with her parents; they wanted to make sure Denis and Marilyn left safely. Denis was not home when they arrived, having gone to warn neighbours. Damien and Jodie tried to persuade Marilyn to leave but she would not leave without Denis, so the three of them started to load family items into their cars. When Denis returned not long afterwards he joined them.

At some time before 5.00 pm Denis heard a loud roar, which he assumed was the approaching fire, and a decision was made to evacuate in four separate cars. After some discussion between Damien and Jodie, who had wanted Damien to come with her because she was anxious about driving in the deteriorating conditions, they left. Jodie drove out first, followed by Marilyn, then Denis and finally Damien. Jodie recalled:

I drove out the bottom exit down towards the school and onto School Ridge Road and then into Bowden Spur Road and then turned left into Strathewen – Cottles Bridge Road. I was driving fairly slowly because the smoke was getting thicker and visibility was reduced.

Jodie saw the fire moving from the grass into the trees, tree branches were on the road, the smoke was getting thicker and visibility was deteriorating. She arrived at her parents' house in Greensborough at about 6.00 pm. Meanwhile Denis, Marilyn and Damien had not been able to follow Jodie because a tree had fallen across the road, forcing them to turn around. Denis took the lead position and yelled to Damien to follow him back past their house to Kinglake. Some distance past their house, Denis realised Damien and Marilyn were no longer behind him. He turned around to go and find them but realised he had been blocked by fire and could go no further. He turned around again and continued towards Kinglake along Bowden Spur Road, picking up neighbour Henk Vreulink on the way. Henk had fled on foot from fire at his property. The two men eventually found shelter in Kinglake.

It appears that Marilyn and Damien returned to the house, although it is not known whether they went there to collect something or to shelter from the fire. At about 5.00 pm Marilyn called Warwick, told him they were under fire attack and asked him to call 000. He was unable to reach 000 and called his mother back to tell her. Just after 5.00 pm Warwick rang Damien and told him the CFA was on its way. Damien told Warwick that he and Marilyn were in the bath. Warwick recalled that Damien was struggling to speak and breathing heavily. The last contact with Damien and Marilyn was at 5.21 pm, when Jodie returned a call from Damien's mobile. He had called her moments earlier to make sure she had made it to safety; he told her he was getting in the bath and would call once the fire front had passed.

On 10 February police went to the Spooner residence. They found human remains in the bathroom area of the house, which had been razed.

A coronial inquest on 7 May found that Damien Spooner had died in or near 45 School Ridge Road on 7 February 2009 from the effects of fire. The post-mortem report records that Marilyn Spooner's death was consistent with the effects of fire.⁴⁴

IRMA AND MICHAEL WINTON

Irma Winton died on 7 February 2009 in her home at 635 Bowden Spur Road, Strathewen. Her son, Michael Winton, who lived in Lower Plenty, also died on 7 February, having collapsed at a roadblock about 1 kilometre south of Strathewen, on the Cottles Bridge – Strathewen Road. Irma, aged 77 when she died, is survived by four of her five children, their partners and her grandchildren. Michael, aged 53 at the time of his death, is survived by his daughters and his fiancée.

Irma and her late husband, Robert, built the family home in Strathewen in the early 1970s. Irma continued living there on her own after Robert died in the mid-1970s and the children had left home. The house—a single-storey brick veneer on timber stumps and with a tiled roof—was set on a 4-hectare property that was relatively clear of trees except for rows of eucalypts along the boundary and the driveway, which sloped up quite steeply from the road. The property was well supplied with water: there were two dams and a number of tanks to supply the house and for firefighting purposes, as described by Irma's daughter Karen:

At the back of the house was a large round brick water tank. This tank held about 9,000 gallons [34,000 litres]. At the back of the property up the hill was a round tin tank and it held about 4,000 gallons ...

Mum also had a round plastic tank specifically to fight fires ... The plastic tank held about 5,000 gallons ... Mum used an electric pump at the dam to pump water from the dam through underground pipes up to a diverter. She could then turn different taps on and off at the diverter and water different areas of the garden or multiple areas of the garden at once.

Irma was always adamant that she would stay and defend her property. She had a fire plan: she would turn on her sprinkler system to saturate the house and surrounding grounds and fill her gutters with water. If a fire front came through she would stay in the house in the bath until it was safe and then go outside to put out spot fires. Her car, normally kept in the carport, would be parked at the front of the house, facing down the hill ready for escape.

Her children were not all happy about Irma's plans to stay and defend; it was something she and Karen had fought about three years earlier. Irma had refused to leave in the past and did not expect her children to come and stay or help her in life-threatening situations.

Aware of the dire fire predictions for 7 February, Karen called her mother during the preceding evening and asked her to come and stay:

Mum wouldn't have a bar of it. She refused to leave. Mum told me she had been pumping water out of the dam and wetting down the gardens and the surrounds of the house in preparation for the severe weather. There was no way Mum was leaving the house.

Karen called her mother again about 12.30 pm the next day to see if she had changed her mind. She hadn't. She told Karen she was not going anywhere, she had been watering down all night, and she was fine.

On 7 February Karen and Andrea, Irma's other daughter, were monitoring the CFA website. Andrea, who was close to a fire in Gippsland herself, called her mother just after 2.00 pm. They talked about the fire being at Wallan, about half an hour's drive from Irma's home, which Andrea thought was a long way. Irma was concerned about what might happen if the fire got into Kinglake National Park behind her. At that stage the CFA website listed no threat to Strathewen or Kinglake. At about 3.30 pm Karen called her brother Michael at his home in Lower Plenty, expressing concern for Irma's safety. This prompted Michael to also start checking the CFA website.

Some time after this Karen heard about a spot fire in Eagles Nest Road, Strathewen. She managed to reach Irma on the phone at 3.51 pm to tell her she was coming to get her. Irma said she could not see any fires. At 4.10 pm Karen and her husband, David, left Healesville to go to Strathewen, just over 20 kilometres away.

When Karen and David reached Strathewen about half an hour later, police roadblocks were in position and they were unable to get through to Irma. At about 7.15 pm Andrea called Michael and discussed the possibility that he might be allowed through the roadblocks so he could check on their mother. They felt it would be safe now the fire front had passed, and Michael's CFA experience might be helpful in gaining him access. Michael went to Strathewen but was not allowed through the roadblocks. In a phone call, however, he told one of his daughters that he had found a back way in and was close to Irma's place. It is not known where he was at the time.

At about 9.30 pm Michael was waiting at the roadblock on Cottles Bridge – Strathewen Road when he had a heart attack. Police drove him to the nearest ambulance through paddocks and debris, having been hampered by a burning tree that had fallen across the road. Once in the ambulance Michael was treated by paramedics and driven to Hurstbridge for additional medical assistance. The ambulance arrived in Hurstbridge at 10.29 pm and continued treatment for another 20 minutes, but Michael did not respond.

Michael had a history of heart problems and had had a heart attack in 2006. At the request of his next of kin, an autopsy was not performed. A forensic pathologist conducted an external examination and found that Michael's death was probably associated with underlying coronary artery disease.

On 10 February 2009 Irma's body was found in the ruins of her house, in the bath. The carport, shed and car were also destroyed. The fire front struck Irma's property from the west at about 5.45 pm and, such was the speed of the fire's approach, investigators think Irma was probably taken by surprise.

The post-mortem report records that Irma Winton died as a result of the effects of fire.⁴⁵

16.10 STEELS CREEK

LEIGH AND CHARMIAN AHERN

Leigh and Charmian 'Charm' Ahern, aged 57 and 58 respectively, lived at 171 Old Kinglake Road, Steels Creek. Their steel-framed brick house, at the top of a ridge in a heavily forested and hilly area, was built on brick stumps and had a corrugated metal roof. Old Kinglake Road was narrow, winding and unsealed. Leigh and Charm died in their house on 7 February 2009. They are survived by their children and extended families.

Leigh and Charm had an elaborate firefighting system that was well maintained. There were two large water tanks on the property, each of about 20,000 litres' capacity. A petrol-powered fire pump and an electric pump ran water to the tanks, and underground pipes ran from the top water tank down to one of the pumps. Leigh also had a pump-action backpack for putting out spotfires. At various points on the house there were sprinklers, including mist sprays under the verandah and long-range jet sprays on the corners of the carport. During the fire season Leigh regularly raked up the leaves around the house and on the embankment and tested the pump and sprinklers. The Aherns were also members of their local community fireguard group. Their plan was to stay and defend their property.

The Aherns were well aware of the fire danger on 7 February. They spent the morning preparing their property and reassuring the many family members who rang to ask about their welfare. Part of their fire plan was for Leigh's brother, Gane, to monitor the CFA website and CFA radio and to keep him updated. This was put into effect in the late morning.

David Allan, a neighbour and coordinator of the community local fireguard group, rang Leigh on several occasions to keep him updated. One call, at about 3.40 pm, was to let them know that a report of a nearby spot fire was a false alarm. Just before 4.00 pm Charm rang her son, Dale, to reassure him that the fires that were in the area were a fair distance away. By then the Aherns had also communicated with their immediate neighbours, the Barnetts, who were monitoring the internet. The Barnetts died at their property as a result of the fires.

At about 5.15 pm David Allen told Leigh he could see smoke and flames coming from Mt Everard, about 2.4 kilometres west of the Aherns' property. Shortly afterwards Leigh sent a text to Gane, saying, 'Mt Everard not lookin good either and another beyond Beggary'. This prompted Gane to call and suggest that Leigh consider evacuating. Leigh replied that it was too late to leave and he believed he and Charm would be all right.

At about 5.45 pm the Aherns' daughter, Chloe, rang. Charm was in tears as she answered the phone: she said she was scared, the fire was coming over the ridge, and she had to get water to help Leigh. At about the same time another neighbour, who had already evacuated, rang to warn the Aherns of nearby fire activity and to let them know he had left. Charm responded, 'Oh God, OK. Thanks'. Shortly after 5.45 pm the firefront arrived. The Aherns' neighbour David Twentyman described it:

I could hear the fire approaching before I saw any flames. It was a massive roar. It sounded like a jet engine sucking in air. As the fire was approaching I saw my neighbour Charm Ahern run into her carport. She looked over at me from the carport and yelled out 'The fire's coming' and I yelled back 'I know'. Charm ran back inside and that was the last time I saw her alive.

The Aherns' house was quickly engulfed in flames, the roof lifting off early in the onslaught, as described by a neighbour who witnessed the event.

Leigh's and Charmian's remains were found inside the ruins of their home on 8 February.

The post-mortem reports record the cause of death for both Leigh and Charmian Ahern to be the effects of fire.⁴⁶

JOHN AND JENNIFER BARNETT

John and Jenny Barnett had a weekender at 185 Old Kinglake Road, Steels Creek. Their permanent home was in Melbourne, but they were spending increasingly lengthy periods at Steels Creek as they neared retirement. Aged 59 and 61 respectively, they died in their Steels Creek home as a result of the fires of 7 February 2009. They are survived by their extended families.

The Barnetts' 2-hectare property backed onto Kinglake National Park to the west and bordered heavily forested private land in all other directions. The house was surrounded by trees, and access was via a steep driveway running up from the narrow, winding and unsealed Old Kinglake Road. The house was built of timber and mounted on a steel frame about 2 metres above the ground.

John and Jenny were well aware that they lived in an extremely fire prone area. Jenny was a research officer at the Victorian National Parks Association and had particular expertise in fire management. They were both members of the local community fireguard group and had taken a number of steps to prepare their home for fire, including installing a rooftop sprinkler system, numerous water tanks, two pumps and plenty of hosing. Jenny routinely checked the CFA and DSE websites on days of high fire threat.

It is not certain what John and Jenny's fire plan was on 7 February. During the 2006 fires they had chosen to go to the property to defend it, and Jenny's brother assumed defence was still their plan. On the other hand, John's stepfather said they would not have knowingly risked their lives to protect their property and that this was consistent with what John had told him on 7 February.

John had telephone conversations with family members at about 10.30 am and 1.50 pm. In both instances Jenny was tracking fire activity on the CFA website. John told his stepfather at 1.50 pm that if anything turned up they would leave. Later still, the Barnetts supplied to their immediate neighbours, the Aherns, updates about the fire situation based on their internet monitoring. The Aherns died at their property as a result of the fires.

At about 5.30 pm David Allan, a neighbour and coordinator of the local community fireguard group, activated the community phone tree after seeing smoke and flames from the top of Mt Everard. He rang John to tell him this and say that he and his wife were evacuating. Shortly before 6.00 pm Jenny rang another neighbour, Adrienne O'Neill, to let her know there was a fire at the end of Adrienne's property. In the following minutes the Barnetts tried to call two neighbours, including the Aherns, but neither call was answered.

The fire front hit the Barnett property from the west between 6.00 and 6.10 pm. The house, which was destroyed, probably ignited quickly. On 11 February John's and Jenny's remains were found inside the house.

A Victoria Police forensic scientist commented, 'Of particular interest were the steep slopes around the house, and the limited visibility with respect to a fire approaching from either the south or the west'. He also said it seemed likely that the couple had been surprised by the fire, which developed quite suddenly in the area. John's stepfather shed further light on the couple's possible response:

They were both so level headed and responsible in any crisis. I believe that a fireball came in a matter of seconds and overwhelmed them before they could get out. As Jenny was tracking the fire on the CFA website, if it had shown a fire nearby then they would definitely have left.

The post-mortem reports record the cause of death for John and Jenny Barnett to be consistent with the effects of fire.⁴⁷

LYNNE JAMES

Lynne James lived on her own at 105 Hargreaves Road, Steels Creek. Aged 49 years when she died there on 7 February 2009, she is survived by family members.

Lynne lived a reclusive life, having limited contact with other people—including family. She had cats and other animals she cared for and loved. The property had originally belonged to her parents, who died within a few years of each other in the mid to late 1990s, leaving the place to Lynne, who had been living in a bungalow there. By February 2009 the property no longer had any running water, or electricity or telephone (landline or mobile); nor did it have any firefighting equipment.

In 2007 there had in fact been an ash and ember attack: neighbours eventually persuaded Lynne to evacuate with their help to Yarra Glen, taking her cats and chooks and some old books.

After that experience Lynne told another neighbour her fire plan was to collect her animals and walk with them up Hargreaves Road to the Melba Highway, a distance of 1.5 kilometres. Having no phone, she could not participate in the local fire phone tree, so David Gormley and his wife, Sally Ferres, had agreed to let her know if the phone tree was activated during a bushfire. She declined to attend any meetings about the phone tree. David and Sally also helped her in other ways, including allowing her to use their phone number as a contact number for messages.

Because of technical difficulties with phones in the area—difficulties that pre-dated the fires—and poor mobile phone coverage, the phone tree was not operable on 7 February.

Little is known about Lynne's movements on the day. At about 4.45 David noticed ash falling from the sky and a rumbling noise that became increasingly loud. Gale-force winds from the south-east were stripping sheets of bark off trees. Sally evacuated, honking her horn as she drove past Lynne's house because she could see Lynne's car in the driveway. She had no time to stop. David described the fire front that came through shortly after:

As Sally drove away up the road black ash started to turn to glowing embers which then turned into flaming embers and large chunks of debris that were burning. The wind was gale force, the rumbling was deafening and it was pitch black. I went inside ... and noticed the power to the house had been cut. I put on some overalls, boots and a hard hat and grabbed keys for my various vehicles. I had no landline phone service and no mobile reception, so I could not call anyone. The fire front came through so fast that I had no time to go next door to Lynne's place.

David was eventually forced to abandon the defence of his house and escape to the dam for an hour. The fire arrived at about 6.00 pm. On 10 February Lynne's remains were found inside what had been her kitchen. The house had been destroyed.

The post-mortem report records the cause of Lynne James's death as the effects of fire.⁴⁸

GREGORY AND GAIL LEONARD

Greg and Gail Leonard lived at 433a Steels Creek Road, Steels Creek. Their home was at the end of a very long driveway, itself off a private access road they shared with neighbours. They had vineyards in Dixons Creek and Steels Creek. They died in their house on 7 February 2009. Aged 61 and 58 respectively, Greg and Gail are survived by their four children, their grandchildren and their extended families.

The 20-hectare Leonard property was a mix of relatively cleared and forested areas. About one-third of the property, towards the front and around the house, was pasture. The remaining two-thirds, at the rear, was bush leading up to the top of Yarra Ridge. The four-bedroom homestead-style home was built of concrete bricks and had a corrugated iron roof. The Leonards planned to stay and defend.

The large concrete water tank at the top of the Leonards' driveway had about 15,000 litres' capacity and there was a petrol pump with a feed from the dam piped to the house. This tank was for firefighting and had been full two weeks before 7 February. There were also two polythene tanks, each of about 14,000 litres' capacity, near the house and a petrol-powered fire pump. The Leonards had two MFB-issue fire hoses, both about 30 metres long. The property's power supply was a combination of solar, batteries and a generator.

The Leonards routinely cleared their property of debris. In the event of fire the plan was to block the drains and fill the gutters with water, wet down the outside of the house, fill all the baths and sinks with water, and wet towels. Gail would stay in the house and attend to spot fires on the timber verandah while Greg would be outside fighting the fire, wearing heavy-duty wool and denim clothing. They were considered well equipped in terms of firefighting equipment and had what appears to have been an adequate water supply.

Greg and Gail were aware of a possible fire threat by about 2.15 pm on 7 February. It was about then that they declined an offer to sit out the heat in their daughter and son-in-law's air-conditioned house in Glenrowan.

It had become smoky and they decided to stay home in case of fire. Their son, Marcus, recounted ‘Dad always said that he thought any fire threat would come from the ridge to the north-west of the property’, from the direction of Kinglake.

Throughout the afternoon Greg spoke to a number of neighbours to discuss the fire threat. One absent neighbour, Matt Rossignoli, spoke with Greg a few times in an attempt to gauge the situation and the likely effects on their respective properties. Although smoke was visible and cold ash had started to fall by about 4.00 pm, when Matt spoke to Greg for the second time about an hour later Greg’s assessment was that ‘their properties were not under threat’.

Not long afterwards the situation had changed. About 5.15 pm Greg called a neighbour, Carolyn Kelmar, and told her she should leave immediately, as was her plan. A minute later he called Matt to tell him fire had started in the Christmas Hills, to their south-west, and ‘he was worried about the situation’. At 5.30 pm he spoke to another neighbour and told him he could see flames. At about 5.45 he answered a call from Marcus and abruptly told him he could not talk because he was fighting fires. The last contact with the Leonards occurred when Greg answered a call from Matt’s partner just before 5.50 pm and told her he could not talk right then—‘We have a situation’—before ending the call. No further calls to either of the Leonards’ mobiles were answered.

Fire reached the Leonards’ property at some time between 5.30 and 5.45 pm, about the time the south-westerly wind change arrived.

At about 9.00 am on 8 February Matt Rossignoli rode his motorbike to the Leonards’ property. He found their remains where they had sheltered in the master bedroom of the destroyed house.

The post-mortem reports record that Gregory and Gail Leonard died as a result of the effects of fire.⁴⁹

GREG LLOYD AND MELANEE AND JAESON HERMOCILLA

Graham Lloyd and his wife, Angie, bought their 5-hectare property at 491 Steels Creek Road in July 2008. The two-storey house was 38 years old; the lower level was brick and the upper level was a more recent cedar weatherboard extension. The house was surrounded by empty paddocks that had been cut for hay in December 2008 and had had horses grazing on them since then. Graham and Angie were away on holiday on the weekend of 7 February 2009. Graham’s son Greg, Greg’s girlfriend, Melanee Hermocilla, and Melanee’s brother, Jaeson, had come to house-sit for the weekend. Greg, 22, Melanee, 23, and Jaeson, 22, all died on 7 February. They are survived by their respective immediate and extended families.

Graham and Angie had sought CFA advice about fire preparation after they moved to Steels Creek. They were told that, on the basis of historical experience, fire would in all likelihood come from the north. Because they had a hill behind their property, the fire would be travelling downhill, so they would probably have time to prepare and put their fire plan into action. Graham—knowing there was almost a hectare of cleared land on the slope behind the house—felt they would have adequate protection from radiant heat. Their plan was to stay and defend. They had a number of water tanks, an electric pump and some hoses. Graham had not told Greg about the fire plan before the weekend: he thought he would have time to do that if there was a fire threat.

With Graham and Angie away, Greg and Melanee had taken the opportunity to leave the city and have a weekend in the country. Graham recalled that Greg ‘regularly said that he loved the place and would like to buy something in that area’. Jaeson had been suffering from depression since the death of his mother two years earlier. Family members were worried about him and thought the fresh air and change of scenery would be beneficial.

Greg left a message on his sister Sally’s phone at about 4.00 pm, asking for the password to his father’s computer, probably so that he could use the internet. When Sally called him back he told her a cool change had come through and it was quite pleasant there. His mother, Jill Scherman, called him about 10 minutes later: Greg told her they were looking after the chooks, it was beautiful there, and ‘It is smoky but the fires are nowhere near here and we are safe’. At 5.00 pm Greg’s father sent him a text message containing the computer password.

It appears that fire reached the property at about 6.00 pm and the house caught alight very soon after. Greg called his father at 6.00: there was fire 2 metres from the house, the cars were on fire, and he had been unable to reach 000. When Graham told him to go outside, get the hose and try to put the fire out, Greg said he could not go outside.

The phone call ended so that Graham could call 000. Greg called his mother, screaming for her to call 000 because there was fire everywhere. His parents both called 000 and had their calls logged, but no help came.

Within the next 15 minutes there were a number of calls between those at the house and Jill, Angie and Graham. Angie told Melanee where to find linen and woollen clothing and advised her to fill the sinks with water. Graham told Melanee to put something over her mouth to help her breathe and told Greg to fill all the sinks and baths with water. Jill told Greg to get all the taps running, stay low, go to the bathroom, cover themselves with mattresses for protection and put their heads over the drains. Greg had told her they had no power and therefore no water and that there was smoke everywhere and fire all around them.

At 6.18 pm, less than 20 minutes after the first call to Graham, Greg made what he knew was to be his last call to his mother; he was quiet, calm and peaceful.

A Victoria Police forensic scientist concluded that the fire that demolished the house appeared to have approached unexpectedly from the south and south-west, through an extensive area of bushland in the Christmas Hills. It is most likely that this was a result of the wind change, which ‘would have allowed only minutes, possibly 5 to 10 minutes, before the fire front reached the house’.

On 8 February the bodies of Greg, Melanee and Jaeson were found in the remains of the north-east part of the house, in the bathroom area.

The post-mortem reports record that the deaths of Greg Lloyd, Melanee Hermocilla and Jaeson Hermocilla were caused by the effects of fire.⁵⁰

16.11 TOOLANGI

KATHERINE ANSETT AND STEVEN FISHER

Kate Ansett and her partner, Steve Fisher, had been living for less than three months on an isolated 16-hectare property at 325 Old Toolangi – Dixons Creek Road, Toolangi. Kate was 43 and Steve 44 when they died inside their home on 7 February 2009 as a result of the fires.

The house was made of timber and had a corrugated tin roof and slate floors. It sat on a spur among thick forest and hills. A steep 1,500-metre driveway led from Old Toolangi – Dixons Creek Road to the house, and a four-wheel drive was usually needed for access. The half-acre area where the house sat was the only level area on the property.

Kate and Steve were well aware of the fire risk at their property. A friend who saw the property before they moved there thought it a ‘fire trap’. When they moved in they cleared scrub, tea tree, overhanging branches and leaf litter from the area around the house. Their friend Ngaere St-Clare explained, ‘They basically cleared all around the house to the extent that they were worried they might be spotted on Google Earth by the shire’.

They had four water tanks providing up to 30,000 litres of water, two new fire pumps, generators with protective covers, and fire hoses. They also had firefighting clothing such as boots and gloves, which they kept hanging by the front door. Steve built another track to the road on the south side of the property, so they would have two ways to enter and leave the place.

Ngaere emphasised that ‘Steve and Katy never had any intention of staying and defending the property’. Their fire planning was based on their understanding that if they became trapped ‘they may not have a choice about fighting it’.

On 6 February Kate and Steve tested all their firefighting equipment. It was all working. On the morning of 7 February they were at home, activating their fire plan. During the middle of the day they walked around the property with Ngaere, conducting a perimeter survey to check for possible fires: ‘... while we were doing it we were making fun of doing it. That was because the fires weren’t anywhere near there. It was about ticking the boxes on a total fire ban day’.

Kate and Steve told Ngaere they planned to evacuate if they saw smoke on the surrounding mountains. At this stage there was haze but no sign of pluming or travelling smoke. They also monitored 774 ABC radio.

Ngaere rang Kate some time after 3.00 pm to let her know a tree had fallen down on a bend on Myers Creek Road. This was her last contact with Kate. During the afternoon Kate spoke to her mother and brother. At 4.30 pm she told her brother the fires were a long way away, so they felt safe and were not worried.

At about 6.00 pm Kate's mother rang again, but she could not get through to either Kate's or Steve's mobile phone. Records show that Kate's voicemail service was accessed three times between about 6.00 and 7.20 pm. Fire hit the area at about 7.30 pm.

The house was completely destroyed. A Victoria Police forensic scientist remarked of the property:

I did note the extremely steep slopes about the house, which would have allowed fires to approach the house from most directions at very high speeds ... The proximity of the bush to the house, generally within a few metres, as well as the high timber walls, made the house particularly susceptible to attack by radiant heat, by direct flame contact and by ember attack. By any measure, against almost any fire, the house was indefensible.

He also commented on the speed of the fire: 'If they were watching for the fire and noted it immediately, this would still have only allowed about 10 minutes at the most, probably as little as five minutes, before the fire reached their house'.

On 8 February Ngaere and her partner, Simon Osborne, found the remains of Kate and Steve inside the ruins of the house.

The post-mortem reports record that Katherine Ansett died as a result of smoke inhalation and the effects of fire and Steven Fisher died as a result of the effects of fire.⁵¹

16.12 UPPER PLENTY

STEPHEN LACKAS

Stephen 'Steve' Lackas and his wife, Sandra, had lived at 550 South Mountain Road, Upper Plenty, for about 13 years. Their 8-hectare block mostly consisted of cleared horse paddocks and was bordered by Mt Disappointment State Park. On 7 February 2009 Steve Lackas was the first person to die as a result of the Kilmore East fire, which swept through his property mid-afternoon. Steve, 37 years old at the time of his death, is survived by Sandra and their son, Bailey, then aged 7 years.

Steve, Sandra and Bailey shared their property with an assortment of animals and pets, among them three dogs, a guinea pig, three chooks, eight ponies and two horses. Their house had a timber frame, a COLORBOND® roof, and external vinyl weatherboard cladding. The garage was next to the house. There were also some sheds, including a large steel shed that housed Steve's jet boat, trailer and other equipment. Apart from the trees lining the driveway, the property was cleared of vegetation. Mains water was supplied to the house. As Sandra recounted, she and Steve had a fire plan:

Stephen and I had discussed our fire plan in the past and we had two fire plans. One was to stay and fight the fire and the other one was to remove as much stock as possible and leave the property. Depending on the severity of how things were looking, we would implement either plan. The equipment we had to fight the fires, we had sprinklers on the roof of the house, which were metal sprinklers connected to copper pipe and down near the tap there was a bit of garden hose connected to the tap. We had tested it in the past, but I felt it wasn't very good because the pressure wasn't very good. The only other firefighting equipment was normal garden hoses. There were two near the house.

Steve had discussed his fire defence strategy with a friend in January, after a fire across the road in the State Park had caused a scare. Steve's priority was to remove his family and their horses and pets to safety. He installed roof sprinklers and considered moving the LPG tanks away from the house; he was in the process of getting a fire pump. His plan was to dress in his fire-resistant jet boat-racing suit and shelter in the shed until the fire front passed.

The Lackas family first became aware of the fire threat at about noon on 7 February. Sandra called Steve at work and asked him to come home; he arrived about 15 minutes later. At some time after 1.00 pm, while Sandra was packing the car and dealing with the horses, Steve left to go to the general store in nearby Wandong. While there he received a call from his brother-in-law to alert him to the fire danger. Steve said he did not think the fire was coming their way and that he thought people were 'stressing out' unnecessarily.

With the help of a friend who had brought a second horse float, Sandra loaded the horses and ponies onto the floats. The friend left, taking Bailey with her and towing one float. Sandra left not long after with the other horse float and the dogs. Just before she left two CFA members arrived and advised Steve and Sandra they had 10 minutes to leave. Sandra said she was leaving; Steve stayed despite Sandra's objections.

It appears that fire struck the property at about that time. Just after 2.00 pm Steve spoke to a friend who had called his mobile. Steven said, 'The hay shed is on fire and it's burning all around me and I've got to go'. At about 2.30 Sandra called Steve on the mobile: just before the call dropped out Steve told Sandra, 'There's fire all around and I'm hosing the inside of the house'. Twenty minutes later, and with the fire coming straight at him, Steve rang another friend, asking him to 'get some help'. After trying unsuccessfully to call Sandra at about 3.00 pm, Steve made three further calls from his mobile to 000 and 112 emergency. At 3.21 pm he was connected to Ambulance Victoria; he explained that he was in the fire with just a hose and that the house was burning beneath him. This was the last known contact with Steve.

At about the same time Steve's brother-in-law and a friend had tried to reach the property so they could help. When they were finally able to get through they found the tops of the trees, the house and the hay shed still burning. Inside the big steel shed, which was undamaged by fire, they found Steve's bus idling with the air-conditioning on and the jet boat attached, suggesting that Steve could have been intending to leave. They switched off the ignition, left the property and reported Steve as missing to police at a roadblock.

Another friend, Jamie Champion, had also tried to reach the property earlier in the afternoon to help Steve with his firefighting efforts but had been blocked by the fire. Once the fire front had passed, but with the bush still alight, he was able to get through some time after 6.00 pm. He walked around the burnt house, finding Steve's remains where the sunroom had been, at the back of house.

The post-mortem report records that Stephen Lackas died as a result of the effects of fire.⁵²

DAVID STOKES

David and Jenice Stokes raised four children on their farm at 80 Lords Road, Upper Plenty. They were neighbours to David's brother, Howard, in the next valley; a ridge line separated the two properties. The son of an orchardist, David cleared the land and planted 10 hectares of apple trees when they moved there in the mid-1970s. He had lived his entire life on the land and died trying to protect his farm on 7 February 2009. David, 64 years old when he died, is survived by Jenice, their four children and their partners, their grandchildren and their extended family.

The Stokes property covered 65 hectares. There were two houses on the property—one built in the 1970s, where Jenice and David lived, and the other built in the 1990s, where their son Anthony and his wife lived. An enclosed walkway joined the houses. Not far from the houses were a cool store, a machinery shed and a packing shed. The property's water supply came from a number of dams and concrete tanks.

The family was very fire conscious and had a comprehensive fire plan known to all family members. They were mindful of keeping the dams as full as possible in case of fire, and their fire plan included maintaining firebreaks around the property during the fire season. On 6 February Anthony had extended the firebreaks in anticipation of the high temperatures forecast for the following day. On days of high fire danger the family kept firefighting water in spray units on tractors. All debris was cleared from roofs and gutters, and all available containers, including cow troughs and baths, were filled with water. In the event of fire the younger female family members and children were to be evacuated to the family shop, about 4 kilometres away, while the men, and Jenice, would stay and fight the fire. The brick house would be used as a refuge until the fire passed.

Part of the fire plan entailed placing wet towels under doors and shutting the windows and wearing as much natural-fibre clothing as possible. The family had opted to plant deciduous trees instead of gum trees around the house because the former were considered much less flammable. There was good road access around the houses and sheds, and the houses and their surrounds would be drenched by means of a 2-inch pipe fed from one of the dams. Jenice recalled, 'The process was to stand on the roof and spray all over. [The pipe] had a large diameter and it flooded the place. I remember walking out the front door and finding it was quite muddy underfoot'.

On 7 February Jenice and David were joined for lunch by their son Matthew, his wife and the couple's small daughter. At about that time they became aware of a fire some distance away in Kilmore. Jenice checked the CFA website, which said, 'There was a small grass fire at Kilmore East with one or two trucks'. Not thinking they were under direct threat, the family had lunch. Just before 2.00 pm Jenice received a call from a family friend whose son-in-law was in the CFA. The call was to alert the Stokes to a fast-moving fire heading directly towards their home.

Anthony closed the family shop early and went home to help in case of fire. Not long after 2.30 pm Jenice went outside. She noticed an increased amount of smoke, and the smoke column she had earlier seen as a distant thin plume was now a widened column. This prompted further fire-defensive activity.

Anthony and Matthew pulled the vines down from around the house and checked and filled the gutters. Jenice evacuated her two heavily pregnant daughters-in-law and her grandchildren to the safety of the family shop and while driving back along Lords Road saw smoke billowing and a spot fire start in the gully. Anthony and David drove the tractors up the driveway towards the fire, using the spray units to douse spot fires as they started. Matthew was on the roof drenching the house and garden with water from the 2-inch pipe. Inside the house Jenice filled the bath and put the contents of the linen press into the water; she also checked to make sure the hoses were all connected. A stranger, Russell Edwards, who turned out to be a friend of David's brother Howard, appeared from nowhere and asked Jenice what he could do to help. She sent him to the bathroom to get a wet sheet for his own protection.

From his vantage point on the roof Matthew saw the fire approaching at about the time he lost water pressure and power. Not long after that, at about 3.00 pm, Jenice, Anthony, Matthew and Russell were forced into the house to shelter from the passing fire front. As soon as they were able to they tried desperately to fight spot fires with buckets of water, but the flames took hold of first one house and then the other. Jenice, Anthony and Matthew fled to the swimming pool, which was built into the hillside. They no longer knew where Russell or David were. Jenice recalled:

While we were in the pool Anthony commented that he didn't think David could survive in the fire and I wondered if Russell was still alive. We waited for things to burn and then we got out and got back in because it was too hot. We got out again and we were watching for trees falling.

None could recall how long they spent in the swimming pool, but it was some time before they could safely leave and look for David. Russell reappeared: he had survived by sheltering in a dam to the north of the houses.

A Victoria Police forensic scientist who examined the material collected by the Phoenix Task Force noted:

The movement to the dams and pool was obviously a last resort. This is not mentioned in the fire plan, but was a sensible move and resulted in the survival of those concerned, although their survival in the first instance resulted from a determined defence from the interior of the house.

Unable to find David, exhausted by their firefighting efforts and with the light failing, the four survivors went to Howard Stokes's house in the neighbouring valley. They returned to 80 Lords Road early the next morning to search for David, being joined by other family and friends during the day. David was eventually found lying near a reel of hose in the still-smouldering ruins of the cool store.

The post-mortem report records that David Stokes's death was caused by the effects of fire.⁵³

16.13 YARRA GLEN

GARETH JONES-ROBERTS

Gareth Jones-Roberts died in a car accident in Yarra Glen on 7 February 2009. He had gone to buy fuel for the family's generator, which was being used as part of their fire preparation and defence. Gareth, aged 48 at the time of his death, is survived by his parents, Gareth and Norma Jones-Roberts. He had lived with his parents in Mt Wise Road, Yarra Glen, for at least the preceding four years.

On 7 February the Jones-Roberts family spent most of the morning tidying up around the house because of the potential fire threat. Electricity to the house was lost at about 2.30 pm, the family could see smoke, and Gareth junior decided they should get the generator operating so there would be a power source to operate the water pumps. He and his father connected the generator to the pump at about 3.00 pm, and Gareth junior filled the generator with petrol and tested it to make sure it was working. It was.

Embers had been falling on the property, and Gareth junior became concerned that the power might be out for some time and the generator would need more fuel. At 4.15 pm he called a friend and asked to borrow some jerry cans, then left in his father's car to collect them and the petrol. While he was gone his father was using a pressurised spray pack to put out embers.

As Gareth was on his way home from getting the petrol his car was involved in an accident in Symond Street, just near the intersection with Irvine Crescent, Yarra Glen. An eyewitness, Jeff Thorn, saw Gareth's car veer off the road and hit a stormwater manhole cover; this caused the car to flip onto its roof before sliding to a stop with the driver's side hard up against an embankment. Mr Thorn was unable to reach Gareth before the car caught fire. The flames intensified quickly, setting the grass verge alight. A hose from a nearby house was used to help put out the grass fire, but fire brigade assistance was needed to douse the car, which took over an hour. A Victoria Police officer from the Major Collision Investigation Unit who analysed the scene of the accident concluded that 'excessive speed contributed to the cause of the collision and ... the vehicle had ignited from within the cabin of the car'.

Mr Jones-Roberts senior thinks the accident could have been caused by his son being distracted: 'Gareth may have seen the firestorm while driving back from getting the petrol, and it would have looked from where he was in Symond Street – Melba Highway that it was going to engulf our house'.

A statement taken from Gareth junior's treating physician confirmed that Gareth was being treated for fibromyalgia: 'Fibromyalgia can affect a person's coordination and concentration, especially under stressful conditions'.

The post-mortem report records the cause of the death of Gareth Jones-Robert junior as asphyxia resulting from smoke inhalation.⁵⁴

1 Exhibit 769 – Interactive Presentation – INTMEN 001876 (EXH.769.0001); Hollowood T16045:1–T16067:27

2 Exhibit 974 – Interactive Presentation – INTMEN 002079 (EXH.974.0001); Hollowood T20224:15–T20250:6

3 Exhibit 972 – Interactive Presentation – INTMEN 002017 (EXH.972.0001); Hollowood T20192:19–T20199:29

4 Exhibit 978 – Interactive Presentation – INTMEN 002020 (EXH.978.0001); Hollowood T20330:16–T20348:29

5 Exhibit 975 – Interactive Presentation – INTMEN 001791 (EXH.975.0001); Hollowood T20252:1–T20284:11

6 Hollowood T20200:2–T20224:12

7 Hollowood T15976:1–T15996:23

8 Exhibit 767 – Interactive Presentation – INTMEN 001825 (EXH.767.0001); Hollowood T15996:26–T16018:23

9 Exhibit 765 – Interactive Presentation – INTMEN 001810 (EXH.765.0001); Hollowood T15951:25–T15974:11

10 Exhibit 877 – Interactive Presentation – INTMEN 001837 (EXH.877.0001); Hollowood T18278:21–T18297:26

11 Exhibit 950 – Interactive Presentation – INTMEN 001779 (EXH.950.0001); Hollowood T19784:2–T19820:24

12 Exhibit 943 – Interactive Presentation – INTMEN 001892 (EXH.943.0001); Hollowood T19651:1–T19679:1

13 Exhibit 884 – Interactive Presentation – INTMEN 001835 (EXH.884.0001); Hollowood T18382:21–T18397:31

14 Exhibit 952 – Interactive Presentation – INTMEN 002078 (EXH.952.0001); Hollowood T19891:16–T19922:20

15 Exhibit 944 – Interactive Presentation – INTMEN 001800 (EXH.944.0001); Hollowood T19679:4–T19704:19

16 Exhibit 954 – Interactive Presentation – INTMEN 001836 (EXH.954.0001); Hollowood T19944:2–T19958:28

- 17 Exhibit 953 – Interactive Presentation – INTMEN 001842 (EXH.953.0001); Hollowood T19922:23–T19943:4
18 Exhibit 951 – Interactive Presentation – INTMEN 001822 (EXH.951.0001); Hollowood T19820:27–T19840:11
19 Exhibit 949 – Interactive Presentation – INTMEN 001868 (EXH.949.0001); Hollowood T19765:4–T19783:27
20 Exhibit 879 – Interactive Presentation – INTMEN 001809 (EXH.879.0001); Hollowood T18317:19–T18329:15
21 Exhibit 772 – Interactive Presentation – INTMEN 001826 (EXH.772.0001); Hollowood T16087:2–T16166:5
22 Exhibit 764 – Interactive Presentation – INTMEN 001785 and INTMEN 001979 (EXH.764.0001); Hollowood T15927:1–T15951:22
23 Exhibit 768 – Interactive Presentation – INTMEN 001824 (EXH.768.0001); Hollowood T16019:2–T16043:29
24 Exhibit 883 – Interactive Presentation – INTMEN 001831 (EXH.883.0001); Hollowood T18371:2–T18382:18
25 Exhibit 976 – Interactive Presentation – INTMEN 001874 (EXH.976.0001); Hollowood T20284:13–T20314:12
26 Exhibit 977 – Interactive Presentation – INTMEN 002020 (EXH.977.0001); Hollowood T20315:1–T20330:13
27 Exhibit 878 – Interactive Presentation – INTMEN 001795 and INTMEN 001856 (EXH.878.0001); Hollowood T18298:2–T18317:16
28 Exhibit 807 – Interactive Presentation – INTMEN 001850 (EXH.807.0001); Hollowood T16618:25–T16638:19
29 Hollowood T19625:3–T19650:18
30 Hollowood T16659:8–T16682:8
31 Hollowood T16639:2–T16659:5
32 Exhibit 941 – Interactive Presentation – INTMEN 001869 (EXH.941.0001); Hollowood T19598:1–T19624:31
33 Exhibit 876 – St Andrews Queenstown Historical Society – Preserving Our Heritage – The Impact of Black Saturday, February 7 2009, in St Andrews (TEN.312.001.0001); Exhibit 876 – Interactive Presentation – INTMEN 001907 (EXH.876.0001); Exhibit 116 – Statement of C Matthews (WIT.057.001.0001_R) [8]–[10]; Hollowood T18253:1–T18278:7
34 Hollowood T16590:1–T16618:22
35 Exhibit 212 – Statement of Edmonds (WIT.063.001.0001_R) at 0005_R; Exhibit 864 – Statement of Sorraghan (WIT.156.001.0001_R) at 0006_R; Hollowood T18331:1–T18353:7
36 Exhibit 882 – Interactive Presentation – INTMEN 001781 (EXH.882.0001); Hollowood T18353:9–T18370:29
37 Exhibit 776 – Interactive Presentation – INTMEN 001786 (EXH.776.0001); Hollowood T16217:28–T16235:17
38 Exhibit 770 – Interactive Presentation – INTMEN 001877 (EXH.770.0001); Hollowood T16067:30–T16086:4
39 Exhibit 805 – Interactive Presentation – INTMEN 001854 (EXH.805.0001); Hollowood T16562:26–T16588:1
40 Exhibit 775 – Interactive Presentation – INTMEN 001891 (EXH.775.0001); Exhibit 775 – Laanecoorie Biota Haven-Kinglake Range Foothills – Yarra Valley (TEN.313.001.0001); Hollowood T16197:2–T16217:25
41 Exhibit 774 – Interactive Presentation – INTMEN 001817 (EXH.774.0001); Hollowood T16187:1–T16196:29
42 Exhibit 773 – Interactive Presentation – INTMEN 001899 (EXH.773.0001); Hollowood T16168:1–T16186:29
43 Exhibit 803 – Interactive Presentation – INTMEN 001814 (EXH.803.0001); Hollowood T16496:7–T16523:29
44 Exhibit 804 – Interactive Presentation – INTMEN 001852 (EXH.804.0001); Hollowood T16524:2–T16562:24
45 Exhibit 802 – Interactive Presentation – INTMEN 001881 and INTMEN 002902 (EXH.802.0001); Hollowood T16458:1–T16496:3
46 Exhibit 967 – Interactive Presentation – INTMEN 001821 (EXH.967.0001); Hollowood T20058:1–T20095:15
47 Exhibit 968 – Interactive Presentation – INTMEN 001910 (EXH.968.0001); Hollowood T20095:18–T20119:2
48 Exhibit 955 – Interactive Presentation – INTMEN 001875 (EXH.955.0001); Hollowood T19958:26–T19973:19
49 Exhibit 970 – Interactive Presentation – INTMEN 001893 (EXH.970.0001); Hollowood T20151:5–T20172:30
50 Exhibit 969 – Interactive Presentation – INTMEN 001819 (EXH.969.0001); Hollowood T20121:2–T20151:2
51 Exhibit 971 – Interactive Presentation – INTMEN 001894 (EXH.971.0001); Hollowood T20174:2–T20192:16
52 Exhibit 762 – Interactive Presentation – INTMEN 001805 (EXH.762.0001); Hollowood T15865:1–T15897:8
53 Exhibit 763 – Interactive Presentation – INTMEN 001873 (EXH.763.0001); Hollowood T15897:10–T15926:2
54 Exhibit 979 – Interactive Presentation – INTMEN 001823 (EXH.979.0001); Hollowood T20349:1–T20360:18