THE CHURCHILL FIRE 17

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ALFRED AND SCOTT FRENDO

Alfred 'Fred' Frendo was 58 when he died in his vehicle as he was trying to flee his home at 320 Old Callignee Road, Callignee, on 7 February 2009. His son Scott, 27, also died fleeing the property. Father and son had tried to protect the property before evacuating. They are survived by wife and mother Elaine and by Scott's young son, Lachlan.

Elaine and Fred lived with their youngest son, Mark, who had a disability and required personal care. Scott had moved out of the family home, a farm set on a couple of hectares where his parents ran cows, had fruit trees and grew vegetables. The Frendos had no plans for what they would do if a bushfire came their way. Elaine recounted, 'Fred and I had never spoken about what we would do if there was a bushfire. I think we both thought that it would never get this far and never happen'.

At around 1.00 pm on 7 February a neighbour, Kenneth Grigg, alerted the Frendos to smoke in the direction of Churchill. Although they were not concerned that the fire would reach their property, Elaine and Fred collected a pump from one of their paddocks and some poly-piping. Fred set the pump up next to the dam, behind the shed and not far from the house, and connected the poly-pipe to the pump. He then attached a spray nozzle to the pipe in order to protect the house if the fire came their way.

At about 2.00 pm Scott sent a text to his friend Christopher Tormey, changing their plans for the day because of fire in the vicinity of his parents' property. Sometime later in the afternoon, as the fire drew closer, Elaine took Mark to safety at her parents' house. On the way she passed Scott driving towards the family home.

At 5.49 pm Scott sent a text to his girlfriend, Kittyanna Verghese, saying that, although he did not know exactly how close the fire was, it was very close and they were 'in trouble'. At about 6.00 pm Scott called his mother, telling her the hay shed at the bottom of the paddock, about a five-minute walk from the house, was on fire; he asked her to call the fire brigade. Less than half an hour later, at about 6.25 pm, Scott called Christopher Tormey: 'He sounded terrified and in a raised voice he said "Get some fucking fire trucks here"'. The call then dropped out. This was the last known contact with either Scott or Fred.

Fred and Scott made a last-minute decision to evacuate the property and left in separate vehicles, making their way along Old Callignee Road in the direction of Traralgon.

Neighbours Robin and Gwenda Jones evacuated their property at about 6.30 pm and passed a burnt-out car about 1.5 kilometres from the Frendo property, on the opposite side of the road. They identified the car as Fred's. The car was at a 90-degree angle facing the centre of the road with the rear up on a culvert. It appeared to have become engulfed by fire after a failed attempt by Fred to turn around and head back in the direction of his property. Fred's body was later found in the car.

Scott Frendo's burnt-out car was found empty in burnt bushland, where it had veered off the road about 60 metres past his father's car. He appears to have fled on foot before being overcome by fire about 13.5 metres from his car.

Elaine Frendo returned to the property a week after the fires:

> When I got to the house I could see it was still there and wasn't touched by the fire. Our hot water system was burnt outside the house and the pump to our spa was melted. All the rest of the house was safe. They must have [done] a really good job of protecting the house … The dam was nearly empty and it looked like they had been fighting the fire.

The post-mortem reports record the deaths of Alfred and Scott Frendo as resulting from the effects of fire.[1]

COLIN AND DAVID GIBSON

Colin Gibson, 49, and his younger brother David, 47, died on 7 February 2009 at their parents' property at 420 Glendonald Road, Hazelwood South. Both experienced firefighters, Colin and David had travelled independently from their own homes to their parents' house to try to protect it. Colin and David are survived by their parents, Shirley and Bill Gibson, and their large extended families.

Shirley and Bill had lived at 420 Glendonald Road for about 13 years. Their single-storey western red cedar home had been built on the sloping 2-hectare bush block in the 1970s. The house sat above Glendonald Road at the end of a 200-metre driveway. A band of woodland (predominantly gums) surrounded the house, quite close to it, and extended up along the hill at the rear.

Water was supplied to the property by a concrete water tank of about 20,000 litres, which had a single electric pressure pump attached to it, and a smaller fibreglass tank with a gravity-fed tap as its sole outlet. There were three working taps around the outside of the house and a number of long garden hoses. Shirley recalled, 'If two taps were on at once the pressure would drop a bit. If the power went out the water pump wouldn't work'. With assistance from the local council, Bill and Shirley kept the grass around the house short and the house gutters clean. It is not clear whether they had a fire plan. David's partner, Kim Birrell, said, 'David was always worried about his mum and dad's property'.

Between 1.00 pm and 2.00 pm on 7 February the senior Gibsons, with their dogs, were leaving their home because there was fire in the area. At this time their sons Colin and David arrived to help prepare the house and fight any fires. David had been in the CFA for 25 years, and family members considered him 'very, very competent' when it came to fire. Colin had been a lieutenant in the Queensland Fire Service for four to five years.

During the afternoon Colin and David made preparations, wetting down the house, filling the gutters with water, wetting cushions on the verandah, and moving things around. They 'filled everything that would hold water'. In numerous phone calls with family members during the afternoon and early evening Colin and David said they were safe, the fire was not near them, and they intended to leave shortly.

At about 3.30 pm David had a telephone conversation with Senior Constable Craig Blakely, who was stationed at a nearby roadblock. Senior Constable Blakely told David it was expected that 'very strong winds' would develop later in the afternoon and that that could produce 'very dangerous conditions'. David said he and Colin were 'prepared for that eventuality and wished to remain at the property'.

The last telephone contact with family members occurred at about 6.00 pm, when the senior Gibsons' permission was sought for the CFA, members of which were at the property, to bulldoze a firebreak around the property. Permission was given, but it appears that the work did not proceed. At 6.15 pm the south-westerly wind change arrived—about 45 minutes earlier than predicted by the CFA—forcing the CFA units at the neighbouring address to take survival action.

Before then, at about 6.00 pm, CFA volunteer Glen Chesterton and his crew had been directed to protect the neighbouring vacant house, at 400 Glendonald Road, against the predicted wind change. When the wind change struck earlier than predicted, crew members outside the truck were forced to break into the vacant house in order to be safe. Mr Chesterton was alone in the cabin of the truck. He recalled:

> We then drove to the address, noting wallabies heading away from the area we were heading into. I also noted the wind had started to pick up. The wind was now coming from the south-south-west … we noticed a couple of spot fires around this particular house. I was the only one in the cabin at this stage. At this point a major fire started. Everything around started to burn … there were embers flying around everywhere; what I would call an ember storm … It was terrifying. All I could do was cover myself with clothing and [seek] shelter on the bottom of the cabin to be protected against the radiant heat.

Early in the morning of Sunday 8 February 2009 Billy and Sarah Gibson, David's son and daughter, used back roads to make their way to their grandparents' property in the hope of finding their father and uncle alive. They found their bodies in the remains of the house, which had been destroyed some time shortly after 6.00 pm the day before.

Shirley and Bill Gibson's home was within 2 kilometres of the point of origin of the fire. The Victoria Police forensic scientist who visited the property on Sunday 8 February and Monday 9 February 2009 noted:

> This property was roughly one and a half kilometres east to north-east from the point of origin and the firefront … These circumstances would not have provided sufficient time for alert or evacuation. Furthermore, the only obvious route of escape was down the driveway to the main road, in the direction of the fire …

The post-mortem reports record that Colin and David Gibson both died as a result of the effects of fire.[2]

ALAN, MIROS AND LUKE JACOBS AND NATHAN CHARLES

Alan Jacobs, aged 51 years, his wife Miros, 50, their son, Luke, 21, and Luke's friend Nathan Charles, also 21, all died at the Jacobs' house at 1594 Traralgon Creek Road, Koornalla, on 7 February 2009. They had sheltered in the workshop under the house. The Jacobs family is survived by another son and brother and their respective extended families. Nathan is survived by his parents and his sister and their extended families.

The Jacobs' house was a substantial brick-veneer home with a corrugated iron roof. It was built on a slope and the driveway led up onto Traralgon Creek Road. A considerable number of trees were close to the house, and the property in general was in a densely treed area.

The Jacobs' plan was to stay and defend their property. They were equipped with independent power, adequate water and various items of firefighting equipment:

> There were three pumps, two firefighting pumps and an electric pump, with a generator for the electric pump. There were several sources of water, what may have been the household supply, operating on an electric pump from the creek, a dam about 50 metres north-west of the house and a swimming pool across the lawn from the house. The firefighting pumps were petrol/diesel pumps near the swimming pool. The electric pump was operating from a generator outside the underhouse workshop and there were three firefighting hoses connected to the firefighting pumps, a hose reel and a garden hose connected to the household supply. The firefighting hoses and the hose from the reel had proper nozzles. There were at least two buckets [readied for carrying] water.

Part of the fire plan was to shelter in the workshop under the house while waiting for the firefront to pass. Alan's father described the workshop as having a 'concrete base and ceiling and double brick walls'. It had a roller door and a steel shutter Alan had made to cover the large window at one end. Alan's receptionist, Heidi, who had gone to the house during the afternoon to collect her horses and move them because of the fire threat, explained: 'They were going to wait in there [the workshop] while the firefront was there and then come back out to put out any fires around the house'.

It appears the Jacobs were aware of a potential fire threat by 2.20 pm. They had already started their fire preparations by 4.00 pm, when Luke and Nathan arrived, joining a number of their friends who were already helping to wet down the house and surrounds and filling gutters. When Heidi arrived to collect her horses at about 4.30 pm Alan asked her how close the fire was. She told him it was just over the hill, and she recalled that they discussed the forecast wind change: 'We were hoping it wouldn't [change] because there was a chance the fire might skim the edge of their place if the change didn't come through'. Heidi left with her horses at about 5.00 pm, at the same time as Nathan and two others left to take a look at how close the fires were. Nathan and the others returned soon after.

Between 5.00 and about 6.00 pm Luke's friends decided to leave. It is evident that there were discussions about the pros and cons of staying or leaving the property. Alan told them the choice was theirs, but if they were to stay there was what he considered a safe haven available—the workshop area. By 6.00 pm everybody other than Alan, Miros and Luke had left or were leaving. Breathing had become difficult, it was hot, and flames were approaching the property. Nathan returned to warn the Jacobs of the approaching fire and decided to stay and help them.

As a result of the wind change, fire reached the property some time after this. At 6.44 pm a call was made from Nathan's mobile to 000. It is not known where he was at the time the call was made, but the call message was recorded as 'trapped in house'. At 7.00 pm Nathan called his father, Rob Charles, to tell him the house was on fire and four of them were trapped. At 7.16 pm Nathan called his father for what he knew would be the last time.

The fire appears to have approached the property from the south and south-west, through trees on the slope up from the creek. It destroyed the carport, cars and boat and almost the entire house. Evidence showed 'there had obviously been extensive and comprehensive preparations for firefighting'. Evidence of roof damage before the main fire arrived suggested that the house had been subjected to burning embers and radiant heat, which would have rapidly ignited all the combustible items inside the house.

The workshop, where the bodies of Alan, Miros, Luke and Nathan were found on 8 February, was relatively intact: the combustible contents of the room survived unscathed, flammable liquid in containers had not ignited, and paper items did not show any damage other than a light covering of soot. In relation to the workshop's efficacy as a fire shelter, a Victoria Police forensic scientist concluded, 'With the doors closed tightly and the window shuttered, ventilation would be limited. In the circumstances, with carbon monoxide and dioxide levels increasing and oxygen being consumed in the fire, ventilation could be a critical issue'.

The post-mortem reports record that Alan and Miros Jacobs died as a result of carbon monoxide poisoning; Luke Jacobs and Nathan Charles died as a result of the effects of fire.[3]

ANNETTE LEATHAM

Annette Leatham was 51 years old when she died at her daughter's property at 5 Cooks Road, Callignee on 7 February 2009; her husband, Rodney, sustained severe burns when trying to save her. Mrs Leatham is survived by Rodney, their two children and their grandchildren.

Mrs Leatham's daughter, Jenny, lives on a 2-hectare property with her husband, Glenn, and their two small children and family pets, including a dog and a goat. Their home is a single-storey house made of cement sheeting and with a corrugated zinc roof. Although bordered by bushland, the property itself is relatively clear of bushy vegetation and trees. It is serviced by a dam and three water tanks, and Glenn and Jenny's fire plan had always been to fight off any minor fires or minor ember attack but to leave if the situation became worse:

> Our mindset was always to leave. We didn't have a fire pump and although we had basic equipment we were only going to combat floating ember attack. We had multiple exit routes planned in case certain roads were blocked and basically we were waiting for an 'under threat' message or even a heavy ember attack warning and we were gone.

Early in the afternoon of 7 February Jenny took her two small children to her mother-in-law's house for safety. At about 5.30 pm Jenny's parents, Rodney and Annette, arrived at Jenny and Glenn's house. Jenny had hoped her mother would instead stay home in the comfort of her air-conditioning because she (Annette) had a medical condition that limited her ability to move quickly.

Rodney and Annette came in their ute and brought with them a small generator in case the power was cut off. Rodney and Glenn plugged the generator into the house pump, filled buckets and containers with water and placed them around the house, and wet the eaves down before the family began dinner at about 6.00 pm. Whilst making their fire preparations Rodney and Glenn were aware of smoke in the sky and strong winds, but there were no embers or ash and neither of them felt concerned for their safety.

Just before dinner Glenn received a phone call from his brother, who told him of a strong wind change that was expected and would turn the wind in their direction. Neither Glenn nor Rodney understood the implications of this:

> Rodney and I didn't understand fire behaviour. We expected that the front of the fire would turn like a snake. What I mean by this is that if the fire was going one way and the front was 500 metres wide, it would turn and the front would still be 500 metres wide. I've since learnt that the whole flank of the fire becomes the new front. I had no idea that was how fire worked or that the front would be heading directly for us when the wind changed. Rodney and I both thought it would horseshoe around us.

By the time the family had finished dinner about half an hour later, there was a red glow around the property, prompting discussion about whether or not it was time to leave. By 7.00 pm embers were swirling, and the family decided it was time to go. The cars had been packed. Jenny and Glenn left in separate vehicles with the family pets, and Rodney and Annette went to the back of the house to disconnect the generator and follow them in their ute. In the few minutes it took for this to happen Rodney noticed 'red hot bullets … falling, cinders … landing everywhere'.

Visibility was poor; there was smoke and soot, and embers and ash were falling. When trying to leave the property Rodney was confronted by what he described as a 'massive, fast, furious grass fire' where the lawn had been. The main fire was now coming over the hill, and Rodney decided to try to back the ute into the dam. The vehicle appeared to stall, and Annette made a split-second decision to run to the house.

She opened the passenger door to flee the vehicle and run back to the house, but she fell and was engulfed by fire. Rodney ran around to the passenger side of the car to help his wife escape the flames, but he was unable to save her.

Rodney sought shelter from the flames, first in his grandchildren's clam-shell pool and then in the dam. Despite suffering severe burns to an estimated 40 per cent of his body—and the tragedy of having witnessed his wife's death—in between sheltering Rodney fought spot fires and ultimately the house was saved. He eventually walked to a neighbouring property that had been successfully defended. There, the French family went to great lengths to help him with his injuries before the CFA was able to rescue him and take him to an ambulance.

The post-mortem report records that Annette Leatham died as a result of the effects of fire.[4]

GERTRUDE MARTIN

Gertrude 'Trudy' and Erich Martin were married in Germany in 1953 and migrated to Australia in 1956 with their first two children; their third child was born in Melbourne. Mrs Martin was 80 years old when she died on 7 February 2009 from natural causes, after escaping her burning house at 1515 Jeeralang North Road, Jeeralang. She is survived by Erich, their three children and their grandchildren.

The old dairy farm at 1515 Jeeralang North Road was in disrepair when the Martins bought it in 1973. They fixed up the weatherboard and cement-sheet home and added a Hardiplank™ extension on the western side. The garden surrounding the house contained many ornamental trees and shrubs. As Erich said, 'This was not a house you would build in a fire-prone area, but I think it would have survived a normal fire'.

The Martins worked the farm and cattle for the first 30 of the 35 years they lived in Jeeralang. In the last five years Mrs Martin's health had begun to decline. She suffered from a heart condition and high blood pressure (which was managed with medication) and had trouble with her hips: 'Trudy had reduced mobility but was still getting around on her own'.

Mr Martin was aware of the fire danger forecast for 7 February and had been busy making final preparations to defend the property. He considered he had 'prepared for a very bad fire day':

> I had wet down the … areas around our house. I had cleaned out the gutters and there was not one leaf in my gutters. I had a very good fire pump which had never been used. I connected the hoses to our concrete 7000-gallon water tank, which was nearly full. I didn't do anything with the roof with water because there was no fire and because of the weather being so hot, it wouldn't have achieved anything. I removed anything from near the house which could have caught fire. The grass had been cut very short.

At about 2.00 pm a neighbour who lived about 15 kilometres further along the road from the Martins called 000 and reported that the fire was about 1 kilometre away from his property and heading towards the Martins. He was concerned for the elderly Martins' safety. Moe police issued a request for a welfare check, to see that everyone was OK; this was attended to by Traralgon police. The request for the welfare check referred to an elderly couple, did not specify the address or name, and subsequently did not occur.

Mr Martin was alerted to a localised fire threat after receiving a call from his daughter and after Mrs Martin brought to his attention a radio report that a fire had started in the Churchill area. While Mrs Martin was preparing lunch, Mr Martin noticed grey and yellow smoke and flames. Not liking what he saw, he tried to start his fire pump to wet down the house—only to find that the suction hose had already melted.

Mr Martin entered the house and noticed heat and smoke coming from the front of the house through the hallway into the kitchen. He heard branches, sticks and leaves, some of which were on fire, falling onto the roof and a hissing

sound coming from under the house. He thought the hissing sound meant that fire or excessive heat under the house would melt the pump or the fittings and would lead to water loss from the tank. He knew then that they would lose the house.

Mr Martin led his wife to the back porch and called for their dog, Ricky, who was still inside. He 'saw trees and shrubs around the house explode in flames'. Not being able to wait for the dog, Mr Martin opened the door from the porch into the yard but was forced to close it again when flames came shooting in. 'I don't know how long we waited, but the house was burning and everything around us was burning. After [a] minute or two I tried the door again and the flames were totally gone'. Mr Martin led his wife to the fence line, away from the heat of the burning house.

Mrs Martin told her husband she needed to rest, so he put a wet towel over her head and left her to rest against a fence post while he moved a wheelbarrow full of personal possessions away from the porch and put out some spot fires. After only a few minutes Mr Martin returned to find his wife lying on the ground. Thinking she was resting, he took her hand; then he realised she had died. Mr Martin was devastated at the loss of his wife and his home. He said he believed Trudy 'would still be alive if it wasn't for the fire'.

A coronial investigation into Trudy Martin's death found that she had died as the result of a heart attack.[5]

MARTIN SCHULTZ

Martin Schultz and his dog, Kelly, died in the car in which they had fled from the fire at their home at 20 Factory Road, Callignee, on 7 February 2009. Martin was almost 34 when he died, leaving behind his wife, Rachael, their 8 year-old son, Parker, and other family, including Martin's sister and her children.

Rachael, Martin and Parker had moved to their home at 20 Factory Road in September 2007, having relocated from Queensland. The brick-veneer house with a tiled roof was set on a block of about 2 hectares.

Having been estranged from Rachael since late 2008, Martin was home alone on 7 February. Throughout the afternoon and early evening he had a number of conversations with family, friends and neighbours, who warned him of the fire threat and urged him to leave. It would appear that, once he became aware of the threat, Martin took general precautions such as hosing down the roof of the house and clearing gutters before leaving with Kelly at about 6.40 pm.

The first warning Martin received was a phone call from his father-in-law at approximately 2.00 pm, alerting him to the fire at Churchill. Neighbour Theodore Thiessling called in to Martin's house just after 3.00 pm to warn him about the fire's proximity to Callignee. At that stage Mr Thiessling estimated the fire to be some 9 to 10 kilometres from his home. Martin had been indoors and seemed unaware the fire was so close. Mr Thiessling stated that some smoke was visible, but it was mostly obscured by a ridge behind his house and there was no smell of smoke in the air.

Martin's father-in-law, Peter Elswyck, called Martin a second time, at about 4.00 pm, to tell him 'the fire was definitely moving in his direction and to put things in the car and be ready to leave'. Martin told him that the fire was not yet there but that he had packed the car and was ready to go.

At about 5.00 pm Martin spoke to Rachael on the phone, told her he was getting the car ready, and asked if there was anything she wanted packed. When pressed by Rachael to leave immediately, Martin responded that 'it wasn't that bad, it [the fire] wasn't there'.

At some time between 5.00 and 5.30 pm Martin spoke with his sister, Allyson Macinnis, telling her he could see smoke and the fires seemed close. He confirmed to Allyson that his car was packed. Just after 5.30 pm Allyson checked the CFA website for Martin and told him the area was said to be safe but that he was the one who was there and he should act intuitively. Shortly afterwards Allyson called again to warn Martin about a wind change:

> I told Martin that the wind had changed here [Mt Martha] and I told him that the wind was coming from the south and that the change had happened very quickly and that the wind was very fast. Martin told me if the wind came from the south he was screwed … [and] that he was going to leave.

Martin called Rachael at 6.40 pm to tell her 'he was in the car and he was going, he was leaving'. Rachael recalled, 'I could hear the wind and the incredible roar, so it must have hit by then … I could hear fear and hurriedness in his voice'. Rachael expected Martin to go to her father's house, where their son was staying for the weekend.

At about 7.00 pm Martin called his father-in-law, sounding distraught. He told Mr Elswyck, 'There's a tree across the road and I'm on fire'. That was the last known contact Martin had with anyone.

Despite some initial confusion about whether or not Martin had escaped the fire, he was registered as missing with the Red Cross on Sunday 8 February. On Saturday 14 February 2009 Martin's body, along with that of his dog, was found in his burnt-out car in a creek bed on Symons Road.

The post-mortem report records the effects of fire as the cause of Martin Schultz's death.[6]

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1 Exhibit 298 – Interactive Presentation – INTMEN 001841 (EXH.298.0001); Hollowood T7769:1–T7791:14

2 Exhibit 300 – Interactive Presentation – INTMEN 001787 (EXH.300.0001); Hollowood T7806:1–T7831:19

3 Exhibit 294 – Interactive Presentation – INTMEN 001827 (EXH.294.0001); Hollowood T7698:2–T7720:26

4 Exhibit 296 – Interactive Presentation – INTMEN 001828 (EXH.296.0001); Hollowood T7736:3–T7755:28

5 Exhibit 297 – Interactive Presentation – INTMEN 001788 (EXH.297.0001); Hollowood T7755:29–T7767:10

6 Exhibit 299 – Interactive Presentation – INTMEN 002059 (EXH.299.0001); Hollowood T7791:15–T7805:8