
TRANSCRIPT OF PROCEEDINGS

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2009 VICTORIAN BUSHFIRES ROYAL COMMISSION

MELBOURNE

WEDNESDAY 21 OCTOBER 2009

(69th day of hearing)

BEFORE:

THE HONOURABLE B. TEAGUE AO - Chairman

MR R. MCLEOD AM - Commissioner

MS S. PASCOE AM - Commissioner

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1 MR ROZEN: Good morning, Commissioners. Before calling the
2 first witness, can I just address the tender of some
3 statements from yesterday and also deal with two
4 housekeeping matters which it is convenient to deal with
5 now.

6 The first of those concerns evidence that was
7 given yesterday by Mr Kennedy, who was in the operations
8 unit. He was asked some questions about the CFA standard
9 operating procedure for red flag warnings and he gave
10 evidence that he was aware of a similar DSE document.
11 That document is in fact in evidence and I will just
12 describe it. It is guideline 8.1.10, communicating
13 essential fireground information. The transcript
14 reference for Mr Kennedy's evidence in relation to it was
15 at page 9477 at line 17. It is already part of the DSE
16 guidelines exhibit, it is already part of exhibit 254, but
17 given the reference to it by Mr Kennedy I would ask that
18 it be added to Mr Kennedy's exhibit which was exhibit 400.
19 For completeness the coding for the document is
20 (DSE.HDD.0012.1158).

21 CHAIRMAN: Yes, that's fine.

22 MR ROZEN: The second matter concerns a document which has been
23 provided to us by counsel for the Commonwealth. It is
24 entitled "Australian Bureau of Meteorology, Victorian
25 regional office spot weather forecast request". It is a
26 document that was completed, it appears from its face, by
27 John Henshaw requesting a spot weather forecast. It is
28 noted as having been faxed from the Traralgon ICC on
29 7 February 2009 at 1445 and at the bottom it includes
30 under the heading "Additional comments" in handwriting,
31 "We are particularly interested in the timing and strength

1 of the predicted wind change. Pete Merritt," and then his
2 telephone number. Attached to it is the spotfire weather
3 forecast that was issued at 3.59 pm on 7 February about
4 which the Commission has already heard some evidence.

5 Finally, we have been provided this morning with
6 a further copy of the spotfire weather forecast by counsel
7 for the State. It is a coded document
8 (DSE.0028.0248.0216). As we understand it, this is a copy
9 of the document that was in the ICC and provided to
10 Victorian Government Solicitors Office. If it is
11 convenient for the Commission, we would submit that it's
12 appropriate for these documents to be a separate exhibit.

13 CHAIRMAN: Yes, I think in the circumstances that is
14 appropriate, so we will treat those documents as exhibit
15 403.

16 #EXHIBIT 403 - Australian Bureau of Meteorology, Victorian
17 regional office spot weather forecast request
18 (EXH.403.0001). Spot fire weather forecast issued at
19 3.59EDT on Saturday, 7 February 2009 (EXH.403.0002).
20 Further copy of spot fire weather forecast issued at
21 3.59EDT on Saturday, 7 February 2009, with facsimile
22 timestamp (DSE.0028.0248.0216).

23 MR ROZEN: Whilst I'm on my feet, it is convenient to address
24 the statements of various witnesses who were on
25 yesterday's witness list but not called. I can just very
26 briefly refer to those witness statements. Firstly, they
27 complete the police witnesses and, secondly, they will
28 complete the witnesses from the incident management team.

29 The first statement that I would seek to tender
30 is a statement of Brendan Scully, (WIT.3010.008.0001).

31 Mr Scully is a senior sergeant of police based at

Traralgon. He was the MERC for the Shire of Latrobe on 7 February 2009 and in his statement he indicates that the MECC was operational at 1410 hours, 2.10 in the afternoon. He also refers to communications between the ICC at Traralgon and the MECC as being very effective, in his view.

#EXHIBIT 404 - Witness statement of Brendan Scully (WIT.3010.008.0001) and attachments.

MR ROZEN: The second statement is a statement of Jan McNally, (WIT.3010.008.0226), a senior sergeant of police based at the Warragul police station. Senior Sergeant McNally was the MERC for the Baw Baw Shire and gives evidence that the Pakenham MECC was activated at 7.40 am on 7 February 2009. I tender the statement of Senior Sergeant McNally.

#EXHIBIT 405 - Witness statement of Jan McNally (WIT.3010.008.0226) and attachments.

MR ROZEN: There is also a statement of Ronald Gardner, a police inspector based at Warragul. Mr Gardner's statement is at (WIT.3010.007.0001). Inspector Gardner gives evidence of being the forward commander for police on 7 February 2009 responsible for two incident control centres and two MECCs. He gives evidence that there were communication problems between himself and the ICC in Traralgon on the day but that they were ultimately resolved through discussions by him. I tender the statement of Inspector Gardner.

#EXHIBIT 406 - Witness statement of Ronald Gardner (WIT.3010.007.0001) and attachments.

MR ROZEN: The final police witness statement is Superintendent Geoffrey Newby, (WIT.3010.009.0186). Superintendent Newby was one of the DERCs who had responsibility on 7 February

1 2009, and I tender his statement.

2 #EXHIBIT 407 - Witness statement of Geoffrey Newby

3 (WIT.3010.009.0186) and attachments.

4 MR ROZEN: I also at this time tender three further statements
5 of witnesses who give evidence about their involvement in
6 fire suppression on 7 February 2009. The first of those
7 is David Tainsh, (WIT.3024.003.0353). Mr Tainsh is an
8 employee of the DSE based in the Traralgon RECC. He gives
9 evidence about discussions he had with other senior DSE
10 officers, including the State duty officer, Mr Graystone,
11 who the Commission has previously heard from, about the
12 decision to integrate the Delburn IMT and the prearranged
13 DSE IMT that we have heard evidence of. I tender the
14 statement of Mr Tainsh.

15 #EXHIBIT 408 - Witness statement of David Patrick Tainsh

16 (WIT.3024.003.0353) and attachments.

17 MR ROZEN: There is also a statement from Mr Nathan Stamkos, at
18 (WIT.3024.003.0329). Mr Stamkos gives evidence about a
19 number of matters, including that he is an employee of the
20 DSE, that he was engaged on the afternoon of 7 February
21 2009 on the fireground in what has been referred to as the
22 southern or Yarram sector and that he was answering to
23 Mr Graeme Taylor, and I tender the statement of
24 Mr Stamkos.

25 #EXHIBIT 409 - Witness statement of Nathan Andrew Stamkos

26 (WIT.3024.003.0329) and attachments.

27 MR ROZEN: Finally, there is a statement from Mr Bryan Walpole,
28 at (WIT.3004.018.0345). Mr Walpole gives evidence that he
29 is the Yarram group officer responsible for the Yarram
30 group of CFA brigades. He was variously located in the
31 Yarram headquarters but more particularly on the

1 fireground in the Yarram area late in the afternoon on
2 7 February 2009. He gives evidence about his dealings
3 with Mr Taylor and Mr Williamson about whom the Commission
4 has previously heard some evidence. I tender the
5 statement of Mr Walpole.

6 #EXHIBIT 410 - Witness statement of Bryan Desmond Walpole
7 (WIT.3004.018.0345) and attachments.

8 MR ROZEN: I did miss one statement, that is Mr Graeme Taylor
9 himself. Mr Taylor's witness statement is at
10 (WIT.3024.004.0001). Mr Taylor gives evidence that he is
11 a DSE employee who travelled from his normal work address
12 in Heyfield to work on the fire at Yarram from about 4 pm
13 on 7 February 2009. He gives evidence that he worked
14 under Mr Ross Williamson who was based in Yarram.

15 Mr Taylor was on the fireground and amongst other things
16 he gives evidence of receiving from Mr Williamson a red
17 flag warning, warning him of a wind change which was due
18 to arrive on the fireground at 6 pm, 1800 hours, and he
19 gives evidence that the wind change did arrive at around
20 about that time and he describes the effect of the wind
21 change on the firefight in Devon North and in Yarram.

22 I tender the statement of Mr Taylor.

23 #EXHIBIT 411 - Witness statement of Graeme Kenneth Taylor
24 (WIT.3024.004.0001) and attachments.

25 MR ROZEN: That completes the tender of statements at this
26 point in time. The first witness this morning is
27 Mr Mynard and Ms Doyle will question Mr Mynard.

28 MS DOYLE: I call Shane Stanley Mynard.

29 <SHANE STANLEY MYNARD, sworn and examined:

30 MS DOYLE: Your full name is Shane Stanley Mynard?---That's
31 correct.

1 And you are an operations officer for the CFA based in region
2 10 at the Morwell fire station?---That's correct.
3 For the purposes of the Royal Commission have you prepared a
4 statement with the assistance of Victorian Government
5 Solicitors?---Yes.
6 Do you have a copy of that with you?---Yes.
7 Are its contents true and correct?---Yes.
8 I tender that statement.
9 #EXHIBIT 412 - Witness statement of Shane Stanley Mynard
10 (WIT.3004.018.0101) and attachments.
11 MS DOYLE: Mr Mynard, you are, as you have noted, the
12 operations officer in region 10. This is a position you
13 have had since March this year. There are eight groups,
14 as I understand it, in region 10 and you list those in
15 paragraph 2 of your statement. Within those groups you
16 are responsible for the Morwell group which includes a
17 number of brigades, including Churchill and the others
18 that you list in that paragraph?---Yes, that's correct.
19 One of the other duties you undertake on a rostered basis is
20 that of regional duty officer for region 10?---Yes.
21 The way that roster works is that throughout the year you will
22 find yourself regularly rostered to be the regional duty
23 officer?---Yes, that's correct.
24 How does that roster work? Do you know with some certainty
25 weeks or months in advance how often you will be the
26 regional duty officer?---Yes.
27 Is it a regular pattern?---Yes. It does change from time to
28 time, but yes, it is regular.
29 During the last fire season, how often were you rostered on as
30 regional duty officer?---I couldn't tell you that unless
31 I had the roster.

1 Under what pattern? One day on, one day off, or how does it
2 work?---At that stage it was a seven day roster, seven
3 days on, seven days off. That was over a period with four
4 other operations officers and the operations manager.
5 When you are fulfilling that role, when you are rostered on to
6 be regional duty officer, as I understand it you are on
7 call 24 hours a day for the day you are filling that
8 post?---That's correct.
9 During the day that you are on call in that way, if a fire
10 breaks out what are you expected to do? Where are you
11 expected to go and what sort of duties will you take on in
12 the event of fire?---It depends on if the brigade at the
13 time requires my assistance and my attendance.
14 If they do, where do you go and what do you do?---Depending on
15 the incident or fire I would attend the scene or I would
16 go to the regional headquarters.
17 Go to, sorry?---The regional headquarters, the RECC.
18 The RECC is based in Sale?---That's correct.
19 It is quite hard to hear, Mr Mynard. We might have to adjust
20 the microphone. You were just explaining the regional
21 headquarters or RECC is based at Sale?---That's correct.
22 If we go to paragraph 18 of your statement you talk about the
23 period in late January when you were based at the
24 RECC?---Yes.
25 It explains there you were based at the RECC on Thursday 29 and
26 Friday 30 January and that obviously overlaps with
27 the time the Delburn fire commenced. At that time you
28 performed the role of RECC manager. Are you also on a
29 duty to take up that position from time to time?---Yes, we
30 are.
31 If we can move through to February, you were also based at the

1 Sale RECC, 4 February through to 7 February, and you were
2 the regional duty officer on the 6th and 7th. You say
3 there as the regional duty officer your main role was to
4 make sure that trucks were in place and crews were ready
5 to be deployed when requested. What sort of things did
6 you do on the 6th and 7th to fulfil that part of the
7 regional duty officer's role?---In regards to for the 7th,
8 the weather for the 7th?

9 Yes, 6th and 7th. What sort of steps did you take?---We
10 prepared a preparedness plan in case of a major bushfire
11 or any other incidents that may occur in region 10.

12 In terms of resources or human resources, I think the region 10
13 preparedness plan sets out some of the arrangements you
14 have made. It is at annexure 2 to your statement starting
15 at witness page 0118, if we can just look at that?---Yes.
16 The preparedness plan was at the level of code red. That is
17 obviously the highest level of preparedness for the
18 region?---Yes.

19 You have got some information there about the weather. Was
20 this prepared on the 7th or would it have been prepared on
21 the 6th to use on the 7th?---It started being prepared on
22 the 6th.

23 To whom was this distributed? Who had access to this
24 preparedness plan?---This was distributed to the
25 operations manager and the general manager.

26 And the operations manager was who on the 7th?---Greg Flynn.

27 Perhaps I will just pause there and clarify who is based at the
28 RECC in Sale. So Greg Flynn was the operations manager.
29 Was there also a Mr Rankin based there as at February of
30 this year?---He was on a secondment into Melbourne at that
31 particular time, but his general location is at Sale.

1 So he is attached to the Sale office but as at February he was
2 based in Melbourne?---That's correct.

3 We don't need to go through every single name, but who were the
4 other senior people based at the RECC in Sale?---Mr Flynn
5 and myself.

6 Nobody else at your level of seniority?---No.

7 Mr Flynn, I think, from other documents attached to your
8 statement, it is indicated that he has the qualifications
9 of a level 3 incident controller; is that right?---I'm not
10 sure, but I believe so.

11 If we just step back for a moment and look at your region,
12 region 10, I just want to get a feel for the number of
13 resources that are available. In terms of appliances, the
14 number of fire stations and groups within region 10, is it
15 a relatively well resourced region compared with some
16 others in the state?---My opinion, yes.

17 In terms of human resources, you may or may not have access to
18 these figures off the top of your head, but are you able
19 to say how many career staff are in the region and how
20 many volunteers are in the region?---Career staff,
21 probably, operational, it's approximately about 40 to 50.
22 Volunteer-wise, probably looking about 2,500.

23 Sticking with the career staff first, do you know how many of
24 them have level 3 incident controller
25 qualifications?---No.

26 In relation to the volunteers, do you know if any of them have
27 level 3 incident controller qualifications?---No.

28 You don't know?---No.

29 In terms of the number of physical appliances available we
30 would have to assume they are spread obviously among the
31 groups and in the various fire brigades throughout the

1 entire region. Your familiarity would be probably focused
2 on the Morwell group, I assume?---No, not just the Morwell
3 group. Region-wise, yes, have a focus.

4 We will go back to the preparedness plan which was developed
5 for the region. We have noted it was at the level of code
6 red. There is an indication there in relation to the
7 weather, a severe fire weather day. There is a mention
8 there that there will be a, "Prefrontal trough passage
9 Saturday afternoon and night. Air ahead of the change
10 will become dry and a well mixed atmosphere." It notes a
11 couple of lines down, "Gusty west, south-west winds behind
12 the change make this an extremely dangerous day." Do you
13 know the source of that information? I assume it was
14 sourced from some of the products produced by the Bureau
15 of Meteorology?---Yes, that's correct.

16 Under the "Critical issues" heading there is a reference to the
17 issue of high winds and coal mine fire danger with high
18 winds creating an excessive rate of spread. Now, it then
19 turns to resources. Did you play a part in compiling this
20 list of resources, including strike teams?---Yes, I did.

21 The purpose of putting this all in this document was what?
22 What were you doing in this section? What does it
23 indicate?---It was for the ability of anyone else who had
24 to relieve myself from my duties could pick this up and
25 read it and have an understanding of our preparedness
26 plan.

27 If we take one example, where it has "Strike teams long haul,
28 duty strike team 1006" and there is some information there
29 about who might be part of the strike team, this is a
30 list, is it, of those who are available to work on the
31 7th?---That's correct.

1 So you have taken into account people who have been rostered
2 elsewhere or on leave or not available to come up with a
3 list of who is remaining ready to be
4 deployed?---Personnel-wise it is done by the groups. They
5 do the groundwork for that. We've just informed them on
6 the trucks required that I'd feel fit for that strike
7 team.

8 "Long haul" means what, when you are talking about a strike
9 team?---Long haul we look over approximately 100
10 kilometres where they'll be away for some time.

11 So it doesn't mean you are bringing them in a long distance,
12 but they are the people who are available and willing to
13 go a long distance if a fire breaks out further
14 away?---That's correct.

15 Just for completeness, over the page there is a reference to
16 the strike teams for Delburn. Were they the strike teams
17 already working on Delburn or available to work if Delburn
18 flared up?---They were already available to work at
19 Delburn if required.

20 Then you have a reference to aircraft. If we just look down
21 the aircraft list, there is a note that Dave O'Toole, air
22 attack supervisor, is based out of Traralgon, and there is
23 a notation on page 0120 of the fire towers. Were they the
24 fire towers that you had been advised would be staffed on
25 the 7th?---That's correct.

26 Can we go to the previous exhibit, annexure 1, which is a human
27 resources plan. That starts at page 0112. This seems to
28 really do the same job but at the level of working out who
29 can be in the RECC and filling roles for region 9, 10 and
30 11?---Yes, that's correct.

31 Did you have a role in compiling this?---No, I didn't.

1 Who prepared the human resources plan?---I believe the human
2 resources manager, Robyn Dodd, and asset manager, Martin
3 Embree.

4 If we just look at the second page of that witness page 0113,
5 there is a section coloured in yellow which deals with
6 the region 10 RECC and has Mr Flynn noted there, yourself
7 and Mr Rankin. Was it the case that Mr Rankin had said he
8 would be available to work even though he was on
9 secondment in Melbourne?---That's correct. It was
10 indicated he was available to come back to region 10.

11 And do night shift on the 7th and 8th?---Yes.

12 So the sorts of work that went on behind the scenes in relation
13 to preparing the two documents we have just looked at
14 looks to have included a fair bit of leg work; ringing
15 around, checking people's rosters, checking their
16 willingness and availability and leave
17 arrangements?---Yes, that's correct.

18 So you went into the 7th with at least a scheme in terms of who
19 would be available at the senior level at the RECC and who
20 and what would be available in terms of strike teams,
21 aircraft et cetera?---That's correct.

22 Just before we leave this document, on page 0114 I just want to
23 note that there is a reference about halfway down the page
24 to the region 10 ICC, which is presumably the Traralgon
25 ICC?---Yes, I believe so.

26 It notes there in terms of the incident controller position
27 that Mr Lockwood, it seems to have been established, would
28 be available on the 7th and Mr Foss could do night duty.
29 Mr Foss and Mr Walls who are mentioned there, are they
30 both level 3 incident controllers, do you know?---I don't
31 know.

1 Do you know those two gentlemen?---Yes, I do.

2 Which brigades or what roles do they play?---I believe Mr Foss
3 is from the Geelong area and Mr Walls, I believe, is
4 possibly in headquarters at this stage, CFA headquarters.

5 There is then reference to deputy incident controller. Was
6 there some suggestion that if need be you would have to be
7 deployed into that role on the 8th?---I believe so.

8 And if we go down a couple of lines in planning there is a
9 reference to Mr Henshaw, in ICC support to Mr Bloink and
10 others in information unit. Again, the background to
11 creating a roster like this presumably involves these
12 people having been contacted or their leave records having
13 been checked?---Yes, I believe so.

14 Can I take you back to paragraph 21 of your statement where you
15 refer to a teleconference that was also part of your
16 preparation. In paragraph 21 you note that, along with
17 operations managers and a number of other operation
18 officers across the state, there was a teleconference or a
19 series of teleconferences on 5 and 6 February where the
20 chief officer of the CFA talked to you all about the
21 difficulties that might be faced on the 7th and the fact
22 that resources might be stretched. Was there any
23 particular discussion in the teleconference you
24 participated in about region 10's state of
25 preparedness?---No.

26 Region 10 and neighbouring regions were stretched in the
27 lead-up to the 7th. You'd had the Bunyip fire and the
28 Delburn fire. Was there no discussion about how a region
29 such as yours might then cope if fire broke out on the
30 7th?---No, we were just explained from the chief that we
31 were to prepare for no resources or extra help, that we

1 were basically on our own.

2 So you went into the 7th knowing that your neighbouring regions

3 like region 9, where the Delburn fire had occurred, might

4 not be in a position to help you?---That's correct.

5 What about region 11? Did they have anything available to

6 spare?---I contacted region 11 and they had possibly two

7 strike teams available if required, depending on they

8 didn't have anything occur.

9 But you went into the 7th knowing there was a risk that, other

10 than the possibility of help from region 11, region 10

11 would have to cope on its own?---That's correct.

12 I want to take you to what you then heard about the fire, the

13 Churchill fire, when it broke out. Can we move to

14 paragraph 45 of your statement. You had heard some early

15 information about the fire breaking out and you say at

16 paragraph 45, "When Greg Flynn and I looked at the map

17 board to determine where the fire could be heading", or

18 you had a look at the map board and determined where the

19 fire could be heading based on wind direction. You note

20 in paragraph 46 you heard a request to "make tankers 20".

21 When you hear that in the early stages of deployment to a

22 fire, how does that fit in the scheme of things? What

23 does that indicate about the size of the fire that's being

24 dealt with?---My indications were that the fire had severe

25 potential to extend rather rapidly with the conditions on

26 that day.

27 And in paragraph 46 you say, having appreciated the gravity of

28 the situation, you immediately deployed two strike teams

29 to the Churchill fire. So I take it from that you didn't

30 wait for any further request. You knew there was going to

31 be a need?---Yes, that's correct.

1 And the strike teams you got hold of, were they part of your
2 preparedness plan, two of the strike teams you had already
3 identified could be available?---Yes, that's correct.
4 1006 and 1007?---Yes.
5 You then say you also phoned Gavin Hope in region 11. What did
6 you speak to him about?---To see if he could have two
7 extra strike teams available for deployment to assist us.
8 Was he able to do that?---Yes.
9 Were they dispatched during the day on the 7th?---That's
10 correct.
11 You say in paragraph 47 that throughout the day Vic Fire sent
12 numerous pager messages to the brigades in the region.
13 You have attached for completeness a set of those pager
14 messages. Without asking you to decipher the entire list,
15 what it seems to show is minute by minute a large number
16 of tankers and pumpers being dispatched from all around
17 region 10 being deployed to this fire?---That's correct.
18 In particular, in the early minutes it shows - perhaps if we
19 can just go to the first page so you can decipher one
20 example for us. It is annexure 10 and starts at witness
21 page (WIT.3004.018.0164). I think these are provided in
22 reverse order, but just in terms of understanding how they
23 work we will just use the first example. Obviously the
24 date and time that the pager message is prepared; Yarram
25 group; then the message text will usually indicate, as it
26 seems there, whether it is a structural or grass
27 fire?---That's correct.
28 There is obviously a code and then a reference to which brigade
29 will be involved?---Yes, that's correct.
30 I won't take you to it line by line, but if we go through here,
31 in particular at 1.30 onwards, you will see in quick

1 succession brigades such as Churchill, Traralgon,
2 Callignee, Glengarry all being dispatched to deal with
3 Churchill. Do you see those entries from about
4 1.30?---What page would you be looking at?
5 Page 206 has most of the entries for that time?---Yes, I agree.
6 Looking at that, each of those brigades is dispatched to a "G
7 and S", grass and scrub fire?---Yes, that's correct.
8 I just want to go back to paragraph 48 of your statement and
9 complete what you tell us there about your knowledge of
10 the fire on the day. You say at paragraph 48, "Control of
11 the fire was handed over from the people on the ground to
12 Traralgon ICC very quickly." Were you given some official
13 notification of that, or is it something that you haven't
14 got a precise record of?---I haven't got a precise record.
15 It's an observation.
16 At paragraph 52 you record an observation that you had from
17 Mr Cook. He had received information from fire spotter
18 386 that in the space of around 20 minutes the Churchill
19 fire had grown from 100 hectares to 600 hectares. In your
20 experience, that rate of spread, how does it compare with
21 other fires you have dealt with?---Rather quickly,
22 extreme.
23 You then note in paragraph 54 other requests you get. You got
24 a request in from the lieutenant of the Traralgon South
25 fire brigade that he needed two strike teams. Were you
26 able to assist him with deploying strike teams?---No.
27 Why was that?---Because I never had any resources available and
28 the incident control centre was up and running.
29 Paragraph 55 you say you were aware Mr Flynn was talking to
30 Mr Lockwood about what resources the Traralgon management
31 team needed. You can't recall when the calls were

1 made?---No, I can't.

2 Did you liaise with Mr Flynn throughout the day about what

3 resources were remaining in region 10?---Yes, I did.

4 Although you weren't involved in this, you think Mr Flynn spoke

5 to Longford because they were also potentially under

6 threat?---That's correct.

7 Paragraph 56 you refer to the fact that Mr Flynn sent out an

8 administrative pager message advising the crew about the

9 need to focus on asset protection only when safe to do so,

10 informing them what the command channel was and telling

11 them that the wind change was expected at 1900 hours.

12 Now, as far as you are aware, and there has already been

13 evidence of this, the message wasn't received until 1.30

14 the following day?---That's correct.

15 You have attached a number of logs at annexure 5. It is not

16 clear from each of these who has kept the log. Can you

17 just help us identify those. If you go to annexure 4,

18 starting at witness page 0125. Mr Mynard, are any of

19 these logs yours, first of all, because that might shorten

20 the process?---No, they are not.

21 So these are kept by people stationed in the RECC at Sale on

22 the 7th?---That's correct.

23 Do you know who is the keeper of the first log that we see

24 there?---That's Mr Rankin has signed on there, yes.

25 Did you keep a log on the day?---No, I didn't.

26 A few pages in, the handwriting changes or you have actually

27 set it out as a separate annexure, annexure 5, the one

28 that starts at 0132. Do you know who is the author of

29 that log?---No, I don't.

30 So it is someone from the Sale RECC but we are not sure

31 who?---That's correct.

1 Can I just direct your attention within that log to page 0134.
2 There is an entry in log at 0134 at 1727 and it says "Red
3 flag D Sherry". Who is D Sherry?---David Sherry. He is
4 the operations manager from region 9.
5 Region 9?---That's correct.
6 It says "Red flag warning going out - 1800 hours at Warragul".
7 It is not your log, but does seeing this entry assist you
8 in recalling anything relevant to that entry or that
9 timeframe?---No, it doesn't.
10 Were you aware of a red flag warning going out on the
11 day?---No, I wasn't.
12 You don't know who has made this note here?---No.
13 The next log is annexure 6 and starting at page 0139. Are you
14 able to assist us with who is the author of that
15 log?---No, I'm not.
16 But it will be someone from region 10 based at Sale on the
17 7th?---That's correct.
18 I think the last one I need to ask you about is at annexure 7,
19 0148. Do you know who is the author of the log at
20 0148?---No, I don't.
21 Sorry, there is another one at annexure 8, witness page 0154.
22 Do you know who is the author of that log?---No, I don't.
23 Annexure 9 you have identified as the log for the fire spotter
24 386. But can I just clarify with you is this a log kept
25 in fire spotter 386 or by someone on the ground logging
26 their communications?---This was kept in the RECC.
27 So they are noting what that aircrew are reporting back?---And
28 their flight plan, correct.
29 Just going back to the previous log, 0154, it does seem to have
30 a note of a name right at the top but it is hard to
31 decipher. Can you just look at that and see if that sheds

1 any light?---No, I'm unable to recognise the name.

2 Finally, at paragraph 57 in your statement you refer to the

3 reports you got in about the fire activity in Yarram and

4 Devon North from Mr Walpole. There was spotting occurring

5 approximately 20 kilometres in front of the front. Again,

6 similar to the question I asked you a moment ago, in your

7 experience how does that compare to the usual rate of

8 spotting that you might expect?---I'd never seen spotting

9 that far before.

10 Indeed, on this fire what it meant was that the resources were

11 even more stretched because of the need to deal with a

12 significant fire in the Yarram area?---Yes.

13 And the two strike teams for region 11 that you had initially

14 deployed to Glendonald Road, arrangements were made to

15 redeploy them to go to Yarram, and even then they had to

16 deal with a fire they came across on the South Gippsland

17 Highway on the way?---That's correct.

18 You mention at paragraphs 61 and 62 issues about

19 communications. You say there was significant congestion

20 on the radios, which is understandable given the number of

21 crew. Then you refer to dead spots. What is the issue

22 with dead spots in region 10?---Dead spots are where

23 transmissions are unable to be heard or received.

24 You say there are known dead spots around each of Boolarra,

25 near the old Morwell prison farm, Licola, Dargo and a

26 number of other places throughout the region. Is this

27 issue you mention with the Vic Fire channel 204 dropping

28 out, that's a separate problem, is it?---That's correct.

29 Is there anything that has been done or is being considered in

30 order to improve the situation with channel 204?---I'm

31 unaware if there is.

1 The use of a mobile command vehicle that you mention in
2 paragraph 63; there is one available in region 10, is
3 there?---That's correct.

4 You are not sure whether or how it was used on the day?---No.
5 As you note in paragraph 65, you were tasked with a difficult
6 duty on 8 February. Using pager records and other
7 materials, you were involved in a task which involved
8 matching records and calls that had come in in order to
9 help search for and recover a number of deceased people in
10 the region?---That's correct.

11 That's something you did in part by piecing together people's
12 last known movements and the records of the pagers that
13 had come in?---That's correct.

14 I have no further questions for Mr Mynard.

15 COMMISSIONER PASCOE: Just a question, Mr Mynard, in relation
16 to the preparation that you undertake. Do you factor in
17 the availability of the private vehicles or, for example,
18 the amenities from the Hancock Plantation into your
19 preparedness plan?---No, I didn't.

20 I presume that's because you can't know for sure what will be
21 available?---That's correct.

22 So on a day like 7 February, or I presume in any fire activity,
23 let's take the private vehicles. They, if you like,
24 appear?---Yes.

25 In your experience, are they easily integrated into a strike
26 team?---No, they're not.

27 So how would you regard their involvement in fire
28 suppression?---Generally Hancocks or HVP would look after
29 their own assets as such, so they don't generally come out
30 and assist with CFA, but there has been interaction with
31 them in the past.

1 Then, for example, I'm assuming there would also be property
2 owners who might have private vehicles and slip-on units
3 and so on?---Yes, that's correct.

4 Are they easily integrated into a strike team?---No, they're
5 not because they've got no radio communications to the
6 rest of the strike team.

7 So are they a bonus or a hindrance?---Personally I think
8 they're a hindrance, yes.

9 In any debrief are you aware if there has been discussion about
10 the use of private vehicles?---I'm not aware of any
11 debrief with private vehicles.

12 MS DOYLE: Just one matter flowing from that. The use of
13 private vehicles, there are even people at the level of
14 sector commander who may turn out in a private vehicle.
15 You are aware of that happening from time to time?---Yes,
16 I am.

17 When that happens, Mr Mongan is one example of that, is there
18 any arrangement in place for CFA crew who are in a private
19 vehicle to be equipped with radios or other CFA
20 equipment?---Mr Mongan was. He did have a CFA radio, but
21 he only has one radio in his car. Command vehicles, we
22 try to utilise two vehicles at least.

23 What about the provision of portable radios?---He should have a
24 portable radio, but it doesn't have the strength of
25 transmission as a base radio in a vehicle.

26 Is there any protocol which applies to whether someone will
27 turn out in their private vehicle, or does it depend on
28 the demands of the day and their discretion,
29 essentially?---I'm not aware of any protocol.

30 I have no further questions, Mr Mynard.

31 <CROSS-EXAMINED BY MS BUTTON:

1 Mr Mynard, just a few matters. You were asked about channel
2 204. You have said in your statement that there is an
3 issue in region 10 with Vic Fire channel 204 dropping out.
4 Did that channel drop out on 7 February?---Not that I'm
5 aware of.

6 You were also asked questions about the various logs that are
7 annexed to your statement. In particular, you were asked
8 who the author of the logs were. Can you explain how
9 those logs are used and situated in the RECC in Sale? For
10 example, are they personal logs or are they stationed in
11 various places?---They are stationed in various areas, so
12 each phone has a logbook beside it and then there is a
13 person sitting in that seat who will log any incoming
14 calls and outgoing calls and some radio traffic.

15 So it is not surprising to you that the authors of the entries
16 recorded in them are not specifically identified?---No, it
17 doesn't surprise me.

18 You have also been asked questions about the preparations made
19 in region 10 for 7 February. You referred to a telephone
20 conference with the chief officer in which you were told
21 to prepare to be on your own?---(Witness nods.)

22 Were you also told to prepare for two scenarios, one being to
23 prepare for support to be available to you and also to do
24 a second set of scenario planning where you had no support
25 available to you?---That's correct.

26 Just for the benefit of the Commissioners, I'm instructed that
27 CFA has guidelines for the use of private appliances on
28 the fireground and this is dealt with in the statement of
29 Mr Rees. I have no further matters for Mr Mynard.

30 MS DOYLE: There is nothing arising, Mr Chairman. May
31 Mr Mynard be excused?

1 CHAIRMAN: Yes. Thank you, Mr Mynard. You are excused.

2 <(THE WITNESS WITHDREW)

3 MR ROZEN: The next witness is David O'Toole. I ask Mr O'Toole

4 to come forward to the witness box, please.

5 <DAVID JOHN O'TOOLE, affirmed and examined:

6 MR ROZEN: Mr O'Toole, is your full name David John

7 O'Toole?---Yes, it is.

8 You work as an MICA paramedic based in Morwell?---That's

9 correct.

10 You are employed by Ambulance Victoria?---Yes.

11 You have been in that position for about 10 years?---I have

12 been employed by Ambulance Victoria for 10 years and been

13 a MICA paramedic for five years.

14 For the last five of those 10 years?---Yes.

15 Before working for Ambulance Victoria were you employed by the

16 DSE as a forester in the Heyfield district?---That's

17 correct.

18 Did you hold that position for about 11 years?---Twelve years.

19 I just ask you to speak a little bit closer to the microphone

20 if you could, please, Mr O'Toole?---Sure.

21 Thank you. For the assistance of the Royal Commission and with

22 the assistance of the Victorian Government Solicitors

23 Office, did you prepare a witness statement for the

24 proceedings?---Yes, I did.

25 The witness statement is at (WIT.3024.004.0165). Have you had

26 an opportunity to read through the statement and look at

27 the attachments before giving evidence today,

28 Mr O'Toole?---Yes, I have.

29 Are there any changes that you would wish to make to your

30 statement?---Yes, there is.

31 Could you please identify them for us?---Paragraph 21, which is

1 at 0171.

2 Thank you?---At point (b) there, "Carole McMillan" and then in

3 brackets "Scribe Faye Bedford". Can I change that

4 "scribe" to "air base manager".

5 So you would save the name "Faye Bedford" and insert - -

6 -?---Rather than "scribe", have "air base manager".

7 So you would delete the word "scribe" and insert "air base

8 manager"?---That's correct.

9 But otherwise leave the name "Faye Bedford" there?---That's

10 correct.

11 Are there any other changes?---Yes, there is. There are three

12 other changes.

13 Thank you. Which is the next one?---Paragraph 62.

14 That's on witness page 179?---That's correct. If I can add to

15 the end of that paragraph, "Helitacks 333 and 344

16 conducted fire bombing to the north-east of the tower" - -

17 -

18 You might have to just take that a bit more slowly please. So

19 that's "Helitacks" - - -?---"344 conducted fire bombing

20 operations to the north-east of the tower during this

21 process."

22 Yes?---The next change is at paragraph 64.

23 Witness statement 180?---In the first sentence, "I was on the

24 ground between hours" - if you can change "1528" to be

25 "1539".

26 So that the sentence will now read, "I was on the ground

27 between 1539 hours and 1555 hours"?---That's correct.

28 Is there one further change?---There is one further change,

29 just a typo at paragraph 69, the last sentence.

30 "I attempted to contact Latrobe Valley air base to pass

31 this information but could not get through on the trunk" -

1 it replaces "truck" radio. Thank you.

2 Could you go back to the paragraph numbered 64, please, on

3 witness page 180?---Sorry, yes.

4 Is there an additional word that you would seek to insert in

5 the third line?---There is. "Did not arrive at the air

6 base until" and insert the word "near" the end of our

7 operations."

8 So that sentence will now read, "The refuelling tanker capable

9 of rotors turning refuelling of helicopters did not arrive

10 at the air base until near the end of our operations on 7

11 February 2009"?---That's correct.

12 With those changes, Mr O'Toole, are the contents of your

13 statement true and correct?---Yes, they are.

14 I tender the statement.

15 #EXHIBIT 413 - Witness statement of David John O'Toole

16 (WIT.3024.004.0165) and attachments.

17 MR ROZEN: Mr O'Toole, in addition to the full-time job that

18 you have with Ambulance Victoria, you also hold a

19 commercial pilot's licence for an aeroplane?---That's

20 correct.

21 And you have held that licence since 1995?---Yes.

22 Further, you have been a volunteer member of the CFA since

23 2002?---That's correct.

24 And in 2008 you were elected to the position of the captain of

25 the Glenmaggie rural fire brigade?---Yes, I was.

26 For those of us who are not locals, Mr O'Toole, Glenmaggie is

27 situated north of Heyfield?---That's correct, a small

28 rural brigade north of Heyfield.

29 On the road to Licola?---That's correct.

30 How many members are in the Glenmaggie brigade?---Approximately

31 30 members.

1 You were also in 2008 elected to the position of deputy group
2 officer for the Heyfield CFA group?---That's correct.
3 And the Heyfield group includes the Glenmaggie brigade?---Yes,
4 it does.

5 If I can take you to paragraph 11 of your statement, please, on
6 witness page 169. You there refer to the position of air
7 attack supervisor. Can you tell us briefly what the role
8 of an air attack supervisor is and how it fits into the
9 AIIMS structure that the Commission has heard a good deal
10 of evidence about?---Sure. The air attack supervisor fits
11 within the operations section of the AIIMS structure and
12 reports to the ops, operations officer nominally. The air
13 attack supervisor is a tactical role. It is an airborne
14 role generally, dispatched once a fire commences, and
15 develops strategies in line with the crews on the ground
16 and the operations officer to provide aerial support, to
17 slow the progression of the fire, to extinguish the fire
18 and provide asset protection and support to ground crews
19 in their endeavours.

20 Is the idea that the air attack supervisor supervises all
21 aeroplanes and helicopters that are involved in, firstly,
22 trying to track the fire and also suppress the
23 fire?---Just a point of clarification. The tracking of
24 the fire can be done by an observation aircraft and that
25 would be reporting through the situations officer to the
26 planning team. It is a role which I did conduct on the
27 day as well, tracking the fire, but you also are
28 supervising the fire bombing aircraft in support of ground
29 resources.

30 At paragraph 13 you tell us that you performed the role of air
31 attack supervisor for the Delburn fire whilst working as a

1 CFA volunteer between 29 and 31 January 2009?---That's
2 correct.

3 You also refer in your statement to briefings you received and
4 preparations that you were involved in leading up to
5 7 February 2009?---Yes.

6 Without going into those in detail, were you aware that
7 7 February 2009 had been identified as a particularly bad
8 day in terms of the potential for fire?---Yes, I was.

9 If I can take you then to 7 February 2009, which you deal with
10 in your statement commencing at paragraph 21. Firstly,
11 you say at paragraph 21 that you have been assisted in
12 preparing your statement by a number of logs, and you've
13 identified the logs there. You also maintained your own
14 log on the day as well, which has assisted you in the
15 preparation of your statement?---That's correct.

16 You say that you arrived at the DSE Traralgon office at
17 0800 hours to commence standby in the position of air
18 attack supervisor. The Commission has heard evidence
19 about a prearranged incident management team that the DSE
20 had in place with a Mr Jeremiah as the proposed incident
21 controller. Were you part of that prearranged
22 team?---I was actually part of a team that had been
23 assembled by Peter McEwan that was capable of responding
24 and providing support to the Delburn complex, so I was
25 part of a regional support team and I wasn't actually tied
26 to the IMT.

27 I understand. Mr McEwan you refer to in paragraph 19 of your
28 statement as the air operations manager. He was based at
29 the RECC, was he, the DSE RECC?---Yes, he was, and he was
30 supervising aircraft operations over a number of going
31 incidents.

1 You spent the morning on standby upstairs at the DSE office in
2 Traralgon?---That's correct.

3 At 1245, as you explain at paragraph 26 of your statement,
4 Mr McEwan asked you to go to the Latrobe Valley air base
5 to conduct a reconnaissance and potential AAS mission on
6 the Delburn complex with a view that fire bombing might be
7 required to suppress any active fire?---Yes.

8 Is that right?---That's correct.

9 So at that time obviously the Churchill fire that we are
10 principally concerned with here had not
11 commenced?---That's correct.

12 And your responsibilities at that time were limited to the
13 duties you describe there in respect of the potential for
14 flare-ups with the Delburn fire?---Yes, that's correct.

15 At paragraph 29 you explain that you were airborne in Firebird
16 304 with your pilot, Mr Parr at 1323 hours?---That's
17 correct.

18 And you describe some observations you make, and at paragraph
19 33 you refer to noticing a significant column of dark
20 smoke, this is about six lines into paragraph 33, noticing
21 a significant column of dark smoke in the area to the
22 south-east of the Churchill township?---That's correct.

23 That was my first observation of that fire.

24 Are you able to indicate for us the height of that column of
25 smoke in general terms, the elevation?---It was
26 progressing for hundreds of feet, but it was a column that
27 was leaning over, can I say, with the prevailing wind.

28 You say that you notified the Traralgon ICC to report the new
29 fire and also to clarify their intentions for the two
30 helicopters that you had at your disposal?---That's
31 correct, because I had been tasked to the Delburn fire, so

1 I needed to ensure they wanted to retask me to the other
2 fire.

3 At paragraph 35 of your statement you say that, having
4 communicated and sought those instructions from the IMT,
5 you were then contacted by Carole at the air base
6 confirming that the sighting of smoke was in fact a new
7 fire and that Traralgon operations were directing you to
8 commence fire bombing that new fire?---Yes, that's
9 correct.

10 Was it your understanding that Carole at Latrobe Valley air
11 base was in contact with the operations unit at the
12 IMT?---Initially I couldn't get through to the IMT so
13 I asked Carole to communicate my request and then she
14 passed on their response.

15 You say in paragraph 36 that, even though you were 10
16 kilometres away from what appeared to be the origin of the
17 fire at Churchill, you knew "the fire was going to be
18 unstoppable as direct attack would likely fail and our
19 only option would be to focus on the protection of life
20 and property." You say, "I communicated this through
21 Latrobe Valley air base to Geoff," that's
22 Mr Kennedy?---That's correct.

23 And that was apparent to you from the very earliest moments of
24 the Churchill fire?---From my point of observation I could
25 see that it had been lit at the base of a slope and was in
26 plantation and was burning with the prevailing wind
27 driving it up the slope and it was quite a dark column and
28 quite established from that first observation.

29 At paragraph 39 you refer to the activities of the Firebird 311
30 and Helitack 344. Can you briefly explain to us.

31 Helitack is a helicopter used in fire suppression, is that

1 right?---That's correct.

2 What sort of capacity does it have?---Helitack refers to what

3 we know as medium capacity helicopters. They will have

4 either a belly tank or a bucket and they have a capacity

5 that ranges 1400 to 1500 litres. The 311 that's referred

6 to there has a smaller capacity in a bucket.

7 Firebird 311 is an aeroplane, is that right?---No, that's a

8 helicopter as well.

9 Another helicopter, but it has a smaller capacity than Helitack

10 344?---Yes, it does.

11 Are you able to indicate what its capacity is?---680 litres as

12 opposed to 1400 litres.

13 You refer at paragraph 41 to seeing CFA fire trucks approaching

14 the point of origin on Glendonald Road?---That's correct.

15 At paragraph 42 you explain that in addition to directing the

16 tactical aircraft, and that's Helitack 344 and Firebird

17 311, you were also involved in reconnaissance in respect

18 of the fire for the IMT?---That's correct.

19 By reference to your statement, if you need to, can you

20 describe the observations that you made in that

21 reconnaissance role at that stage of the fire?---My

22 observation was that its point of origin was near a

23 roadside. It had started in plantation. It was a dark

24 column indicating a rapidly progressing fire with intense

25 behaviour and the dark column indicating incomplete

26 combustion in terms of intense fire behaviour. The column

27 was bent over, which to me indicated an incredibly strong

28 prevailing wind at the fire, and it was running upslope on

29 a gentle, you know, what I thought was about a 10 degree

30 slope.

31 At paragraph 48 of your statement, or in 47 you refer to

1 difficulties you had in communicating with ground crews.
2 Why is it necessary for you in the position of air attack
3 supervisor to be in communication with the firefighters
4 that are on the ground?---With specific firefighting
5 resources, be it tankers or slip-on units or dozers,
6 I need to be able to communicate where I intend dropping
7 loads in support of them, so it is a safety consideration.
8 The water and suppressant that we drop is capable of
9 knocking large limbs out of trees, for example, and the
10 weight of the water that we drop out of the helicopter is
11 capable of presenting a danger to ground crews unless they
12 are aware of our sort of impending drop.

13 Mr O'Toole, do you know Mr Stephen Barling, a CFA

14 officer?---I don't know him, no. I know of him.

15 Were you aware that Mr Barling was in the initial stages of the
16 fire the incident controller?---Not specifically, no.

17 Have you become aware of that since 7 February?---Yes, I have.

18 Mr Barling in a witness statement which will be tendered today
19 when he gives evidence, this is at (WIT.3004.017.0311),
20 and I will just read to you what he says about this issue
21 of aircraft. He says at paragraph 38, "I could see
22 aircraft over the fire in the early part of the afternoon.
23 I could not communicate with the aircraft flying low over
24 the fire at any stage of the day on February 7th. I tried
25 all the radio channels on numerous occasions, including
26 our regional channels, and also tried the trunking radio
27 number for one of the aircraft, which had been provided to
28 me by the ICC. I would have liked to communicate with
29 the aircraft to ascertain their views on priorities from
30 what they could see from the air and to request assistance
31 with water drops on particular locations when the

1 properties or crews were under serious threat." That ends
2 the reference in Mr Barling's statement. In your
3 experience performing the role that you were performing on
4 7 February 2009, would it be the normal situation that you
5 would be able to communicate with a person in Mr Barling's
6 position or would you ordinarily go through the incident
7 control centre?---No, it would be normal that you should
8 be able to communicate to the on-ground operations staff.

9 Do you understand now what the difficulty was that arose on
10 7 February in that regard?---I'm beginning to discover
11 that from things I have heard even in this Commission in
12 the last couple of days.

13 We have heard reference to a communications plan. Presumably
14 ideally such a plan would include communication between a
15 person in your position and a person in Mr Barling's
16 position?---Yes, it would.

17 Is it apparent that there were some gaps in the communication
18 plan that explain the lack of ability for you to
19 communicate with Mr Barling?---I'm not aware of the
20 specific plan. My circumstances on the day were
21 I requested the appropriate fireground frequencies,
22 fireground and command channels, and the ones I was
23 provided with didn't serve me in that I wasn't able to
24 communicate effectively to those people on those
25 frequencies.

26 You do say at paragraph 48 that you were able to work around
27 that difficulty by undertaking dummy runs over drop sites
28 with the helicopter siren operating. Can you just explain
29 that to us, please, Mr O'Toole?---It is a standard
30 procedure that aircraft won't conduct a drop until they
31 have made ground crew aware that they intend dropping and

1 a dummy run means that a helicopter will do a run over the
2 intended drop zone with its siren sounding and it is part
3 of firefighters' training that they will be aware that
4 that indicates that fire bombing aircraft is about to drop
5 a load along that pathway.

6 Is there some means by which those on the ground communicate
7 that awareness, in your experience?---Generally if they
8 are conducting operations, if they are on the end of a
9 hose, if they have a rake-hoe in their hands, generally
10 they will put down those tools or stop doing what they're
11 doing and remove themselves from the apparent pathway of
12 the aircraft.

13 So far as you are concerned, that worked reasonably well on
14 7 February?---We never dropped anywhere where we couldn't
15 communicate that to the ground, so if crew remained in the
16 pathway of the aircraft, we would stand clear until we
17 could communicate that with them by further use of the
18 siren and dummy runs.

19 Presumably, Mr O'Toole, that process, although successful on
20 the day, is no substitute for proper radio communication
21 with those crews?---I think there are two issues, if I can
22 clarify that.

23 Certainly?---The dummy runs and the operation of the siren is a
24 procedure that we will conduct regardless of whether we
25 have had any pre-communication.

26 I see?---The communication to the operations officer on the
27 ground is obviously an ideal and I was disappointed that
28 we couldn't get that on the day.

29 Just while we are on the subject of communications
30 difficulties, at paragraph 54 of your statement you refer
31 to becoming aware, at a time which you believe to be

1 before quarter to 3 in the afternoon, becoming aware of
2 hearing some transmission of another reconnaissance
3 aircraft, Firespotter 386, that was working in the area.
4 You became aware by hearing broadcasts referring to
5 Firespotter 386 on your radio, is that right?---That's
6 correct.

7 Had you been alerted before hearing those radio broadcasts that
8 Firespotter 386 was operating in the area of the Churchill
9 fire?---I can't recall being specifically told that or
10 notified of that aircraft prior to becoming aware over the
11 radio.

12 You say that you tried to get in contact with Firespotter 386
13 on fire common traffic advisory frequency. I will ask you
14 about that in a moment, what that means, but you say you
15 were unable to contact them. Why did you want to contact
16 Firespotter 386?---It is a safety consideration for any
17 tactical aircraft to be able to communicate between each
18 other, so from a safety point of view, and I also wanted
19 to potentially request information from them just about
20 the extent of the fire from their perspective at a much
21 higher altitude.

22 You explain that they were flying at a much higher altitude.
23 Did you think that their perspective would necessarily be
24 different to yours and therefore it might be of assistance
25 to you in your role?---At a greater altitude they would
26 have had a greater global picture of the development of
27 the fire.

28 Were you in the hearing room, Mr O'Toole, when we heard from
29 Mr Mynard, the previous witness?---For part of his
30 submission, yes.

31 Do you know Mr Mynard?---Yes, we work together frequently.

1 Mr Mynard in his witness statement, which is now exhibit 412,
2 makes reference to Firespotter 386 at paragraph 37.
3 I don't think I need to have it brought up on the screen,
4 but if I can just indicate to you what Mr Mynard says
5 about Firespotter 386. He says that he arranged on
6 5 February for Firespotter 386 to undertake flights on
7 7 February and he says before Firespotter 386 went out on
8 7 February to complete what he refers to as the "milk run"
9 he gave the crew of Firespotter 386 a briefing and their
10 flight plans. I'll just ask you two questions about that.
11 Do you understand the meaning of the reference to a "milk
12 run"?---Yes, I do.
13 What does it mean?---It is a standard observation track that
14 that aircraft has across regions 9 and 10, so I understand
15 where they would intend to be operating.
16 I think you have already indicated to us that it was not
17 brought to your attention at any time that Firespotter 386
18 had been sent up to perform reconnaissance or perhaps
19 rather you can't - - -?---I can't specifically recall
20 that, no.
21 Were you at any stage able to make contact with Firespotter
22 386?---I don't recall ever getting successful
23 communication to them, no.
24 What is the fire common traffic advisory frequency that you
25 refer to in paragraph 54?---It is a recognised procedure
26 where aircraft that have been tasked to a fire will
27 nominally broadcast their intentions specifically five
28 nautical miles prior to entering the zone of a fire to
29 advise other aircraft that may be operating over the fire
30 that they are in the location or that they are about to
31 enter the vicinity of the fire. It is a recognised

1 procedure.

2 One of the matters that you were conscious of during the course
3 of the afternoon on 7 February was the effectiveness of
4 the suppression efforts of the Helitack craft and Firebird
5 311?---Yes.

6 What observations did you make about the effectiveness of fire
7 bombing as a suppression technique on the
8 afternoon?---I would say it was limited. We certainly
9 didn't conduct any direct attack. The tactic we were
10 using was asset protection and essentially we were
11 supporting the ground crews or immediately ahead of the
12 ground crews. In terms of its effectiveness, the wind
13 certainly impaired the effectiveness of the fire bombing
14 on the day.

15 At paragraph 65 of your statement, Mr O'Toole, you refer to
16 flying over the township of Balook at one stage. Can you
17 explain to us what you did during that time?---Prior to
18 heading for that point we'd noticed a spotfire beginning
19 to develop in the zone, so we headed there to investigate.
20 We noted a spotfire burning on the northern side of the
21 Grand Ridge below the Balook settlement. We then flew
22 over to investigate whether there were going to be any
23 private property assets threatened by the development of
24 that spotfire. We saw two residences in the immediate
25 impact if that had developed and we made the residents at
26 those locations aware of its position using the aircraft
27 siren and hand signals to indicate this developing spot,
28 which they at that point weren't aware of.

29 Did the people in houses acknowledge your hand signals and the
30 information you were providing?---By their body language
31 they did indicate that they had received that information.

1 Flying conditions were difficult through most of the afternoon
2 on 7 February, would you agree with that?---That's
3 correct.

4 You have told us that the suppression efforts of the aircraft
5 that were at your disposal were of limited effectiveness.
6 Why did you continue to remain up in the air for the
7 length of time that you did, Mr O'Toole?---If I can just
8 qualify, I did say they were limited but I didn't say they
9 were ineffective. I still felt there was some value in
10 having the aircraft in the air, particularly for asset
11 protection and support of the ground crew still operating.
12 In terms of the role that I was performing, I was still
13 providing essentially intelligence into the IMT as to the
14 development of the fire, so I saw it as critical for us to
15 stay in the air as long as safe to do so.

16 There came a point in time, as you describe in paragraph 1727,
17 where you wanted an update on weather from the Latrobe air
18 base, is that right?---That's correct.

19 At that time you were aware that there was a forecast of a
20 south-westerly wind change?---Yes, I was.

21 Were you operating on a particular forecast as to the likely
22 timing of the change?---I was operating and knowing that
23 it was going to be about 7 o'clock.

24 What was the source of that information?---I'd been monitoring
25 the FireWeb for weather briefings that morning and I had
26 also been receiving CFA pagers before that day and also on
27 that day to indicate the timing of the change.

28 Was it drawn to your attention at any time that a spot weather
29 forecast had been obtained in the IMT during the course of
30 the afternoon?---I'm not aware of the specifics of a spot
31 weather forecast.

1 You sought an update on the forecast wind change from Carole at
2 the air base. Why did you do that at 1727? Was there
3 something specific about that time that led you to seek
4 that information?---Yes. All the pilots, and
5 I specifically reference Matt Parr and myself, were
6 starting to observe the wind strengthening and becoming
7 more erratic and we observed or our appreciation of that
8 was it was pre-frontal, that the weather change must be
9 fairly close to occurring.

10 From your experience of weather changes, those signs were
11 present which indicated to you that it may well be coming
12 earlier than the 1900 hours you were operating on?---That
13 was my appreciation from the prevailing wind.

14 You explain in paragraph 71 that some nine minutes after
15 seeking the update on the information you were contacted
16 by the Latrobe Valley air base and advised to return
17 immediately as a severe wind change was imminent?---That's
18 correct.

19 At the point at which you received that information, you were
20 looking at the most southern spotfire that was west of
21 Yarram?---Yes, and can I just qualify that I am aware that
22 they had been trying to contact me for several minutes
23 prior to actually getting in contact with me.

24 That is that the Latrobe Valley air base had been trying to
25 contact you?---That's correct.

26 Was there any direct communication from the ICC to you about
27 the wind change situation?---Not direct from the ICC.

28 There wasn't much direct communication between you and the ICC
29 during the course of the afternoon, or was there?---Geoff
30 Kennedy and myself had several conversations throughout
31 the afternoon and they were both whilst I was on the

1 ground earlier in the day refuelling and via trunk radio,
2 but that probably amounted to four or five communications
3 throughout the afternoon. The other communication I had
4 was via Latrobe Valley air base.

5 When you were notified of the imminent wind change that you
6 describe at paragraph 71, what was the flying time from
7 there to the Latrobe Valley air base?---I think it was in
8 the order of about 15 minutes, 15 to 20 minutes.

9 Is that dependent on weather at all? Did the fact that the
10 wind was still blowing from the north-west impact on that
11 flying time?---Yes, our transition from down the eastern
12 side, it had only taken us five or six minutes, and to get
13 back up on that western side into the northerly wind took
14 us at least twice that time because the wind strength had
15 picked up severely from the north.

16 Ultimately you did return back to the air base prior to the
17 arrival of the wind change, but it was a pretty close
18 call, wasn't it, Mr O'Toole?---It was only a number of
19 minutes prior to the wind change, yes.

20 If you had still been in the air when the wind change, which we
21 have heard was a severe south-westerly wind change
22 arrived, what would have been the effect on your
23 safety?---I would hope that we would have sought refuge on
24 the ground prior to the wind change, but it was a
25 significant threat to our safety.

26 You say in paragraph 73 that another aircraft which you now
27 know to be Firespotter 386 wasn't able to land at the
28 Latrobe Valley aerodrome due to the conditions. Do you
29 know what they did?---They made two approaches into
30 Latrobe Valley, couldn't get in and they departed to the
31 east and I believe they landed at West Sale.

1 At paragraph 73 you say that on landing you held a minor
2 debrief. Who was involved in the debrief?---Several of
3 the pilots. Carole McMillan conducted the debrief as the
4 aircraft officer. The radio operator, Jen Houghton, had
5 taken off to defend her own property, so it was myself and
6 the pilots and the remaining support staff at the air base
7 and Carole.

8 Amongst those who were present at the debrief, did anyone
9 express surprise that the wind change had arrived about an
10 hour earlier than that 1900 hours prediction that you had
11 been operating on?---I don't recall anyone expressing
12 that.

13 What were the matters that were discussed at the debrief?---It
14 was more of an organisational nature, the logistics of
15 what we needed in terms of support we needed for the next
16 day's operating, what time we would be commencing
17 operations in the morning, whether there had been any
18 safety issues that we needed to address, where we were
19 staying and being watered and fed that night. It was of
20 that sort of nature.

21 Did the issue of the inability to communicate with Firespotter
22 386 come up at the debrief?---It was a minor point during
23 the debrief and I noted that we needed to address it prior
24 to operating the following day.

25 Was it addressed satisfactorily from your point of view?---Yes,
26 it was.

27 Did you find out what the problem was in terms of that
28 inability to communicate?---I now know that it was an
29 issue with the particular communications box which is
30 located in that aircraft whenever it is tasked to do a
31 fire spotting operation, so there was an issue with the

1 technical operation of that box.

2 They are the matters that I have for Mr O'Toole at this time,
3 Commissioners.

4 COMMISSIONER McLEOD: Mr O'Toole, from your evidence you have
5 given us a picture that almost from the initial point when
6 the Churchill fire was first observed, in your judgment it
7 looked as though it was going to be uncontrollable.
8 Notwithstanding that there were a couple of aircraft able
9 to put water onto the fire very quickly, I think you have
10 given us evidence that fairly quickly you were re-affirmed
11 in your view that it wasn't going to be able to be
12 contained and that the efforts needed to be directed
13 towards asset and life protection. Is that a fair
14 description?---That's a fair summary.

15 Do you have any view about the effectiveness of aerial support
16 for first attack if it is able to get to a fire quickly
17 enough and in sufficient quantity or capacity to be able
18 to have an effect on suppression of a fire early in its
19 life, or do you think that in the circumstances on the 7th
20 the fires were building up so quickly that, even with
21 substantial aerial support, fire suppression at that early
22 stage is either likely or unlikely to be successful?---My
23 opinion is that, regardless of the aircraft that I may
24 have had available and been able to access, that direct
25 attack on the fire was still going to be ineffectual and
26 that if there were more aircraft available with larger
27 capacities and in a timeframe that was quicker than we got
28 them or could have got them, that we still would have been
29 into asset protection and protection of life and property
30 only. We would have had no impact on the actual course
31 and progression of the main fire.

1 What sort of capacity aircraft do you have in mind there? Are
2 you talking about aircraft of the type that have been
3 generally used in Victoria or, if aircraft as we know now
4 of a larger capacity that are operating on fires around
5 the world were available, would they have been of any
6 assistance, in your judgment, on a fire of this
7 kind?---This is my opinion only. My opinion is that the
8 aircraft fleet and the type of aircraft that we use, the
9 larger capacity helicopters that we use are the ideal
10 aircraft to be operating in Victoria. The larger capacity
11 aircraft that I think you might be referring to are the
12 larger fixed wing jets that we see internationally are
13 unlikely to be suitable for that sort of fire. But what
14 I would also like to qualify that with is the intensity of
15 the fire that we were dealing with on the 7th, aircraft or
16 suppression, no matter what the capacity, would not have
17 had an impact. Aircraft suppression works up to a
18 specific intensity and beyond that intensity of fire,
19 which we were well beyond, the aircraft resources are used
20 not for suppressing the fire but for support of ground
21 crews and in suppression of fires around assets. Large
22 capacity aircraft that drop retardants ahead of fires, the
23 problem with dropping large retardant loads ahead of the
24 fires with these large capacity aircraft is that the
25 spotfires that we observed on the day would jump over any
26 lines that we put in front of the fire. So that's my
27 personal opinion.

28 MR ROZEN: Just a matter arising from the question by
29 Commissioner McLeod. You said, Mr O'Toole, that the
30 larger aircraft that are used internationally are
31 unsuitable for Victorian conditions, in your opinion. Why

1 is that? Is that because of the spotting point you just
2 made or is there some other reason they are
3 unsuitable?---Sorry, there are two specific points. The
4 conditions that we had on the day would have made them
5 unsuitable because of the intensity from that perspective.
6 The second point, I would say currently in Victoria the
7 logistics support required for having those aircraft
8 operating is not established. Traditionally where those
9 aircraft operate is where they have access to large
10 volumes of water and retardant at large fixed bases of a
11 capacity similar to Avalon airport or similar. So, large
12 military bases dotted all around the United States can
13 support that style of operation. Currently in Victoria we
14 don't have that level of infrastructure to support those
15 operations at present.

16 Thank you. They are my matters. Mr Clelland has some
17 questions for Mr O'Toole.

18 <CROSS-EXAMINED BY MR CLELLAND:

19 Mr O'Toole, can I take up the line of questioning from
20 Commissioner McLeod. I have been recently provided with
21 an aircraft preparedness plan. What it does is actually
22 list the aircraft that, as I understand it, were available
23 in Victoria on the 7th. I think that that can actually be
24 brought up on the screen. You will see at the top of the
25 document it says, "Prepared on 5/2/2009 1500 for
26 8/2/2009". I'm instructed that these are, though, the
27 aircraft that are available in Victoria through the State
28 Airdesk. Firstly, are you familiar with that document,
29 Mr O'Toole?---I'm now familiar with that document. The
30 contents, the spreadsheet that is detailed there, I have
31 seen in another format on the website, State Aircraft Desk

1 website.

2 Can I just ask you to - and if you need a hard copy I have one
3 more which I am happy to have handed to you in the witness
4 box if it is easier?---Thank you.

5 Just in general terms, you have been asked some questions about
6 the large fixed wing jets. I think there has been some
7 discussions in recent times in the media about those and
8 we might have seen even 747s dropping retardants over
9 fires in California and you have expressed an opinion
10 I think about those type of aircraft; is that
11 right?---Yes, that's correct. My understanding of the
12 current use of those aircraft is that they are
13 traditionally - they are being used for line building well
14 ahead of the fire on large ridges well ahead of the fire,
15 is my current understanding.

16 According to the preparedness plan provided through the State
17 Airdesk there were five of the heavy Helitacks available
18 or at least in use or available on the day. In general
19 terms, can you tell us what a type 1 heavy Helitack
20 is?---At the moment there are two types that are being
21 used. The air-crane, the Elvis that we have all seen, is
22 one of those types. It has a belly tank and it has a
23 capacity of about 9,000 litres. The other type is a
24 Sikorsky S61, which is a type that can either have a belly
25 tank or a large bucket and it has a capacity in the order
26 of 5,000 litres.

27 Typically those helicopters, would they carry retardant or
28 foam?---The beauty of helicopters is in short turnarounds
29 and generally to carry retardant you need to have the fire
30 located close to a support base providing that retardant
31 or the facility to be able to load that retardant into

1 those aircraft. So helicopters normally of that capacity
2 normally carry water and inject foam through their
3 systems.

4 Can I just clarify this. Retardant is something that is, as
5 I understand it, laid down by aircraft in the path of the
6 fire or for asset protection, rather than being applied
7 directly to a fire?---That's correct.

8 Retardant or reserves of retardant are located at air bases,
9 which requires planes or helicopters to return to an air
10 base to refuel with the retardant?---That's correct.

11 So is it generally the case, although not always, that
12 helicopters will carry water injected with foam rather
13 than retardant?---That's correct.

14 The reasoning for that is at least twofold. Firstly, that
15 helicopters can refill with water out in the field near
16 the fireground?---That's one of the primary reasons, yes.

17 As I understand it, they carry a reserve of foam which is then
18 introduced or mixed with the water?---That's correct.

19 The second reason is that the helicopters can actually lay down
20 the foam in a more precise way than can a fixed wing
21 aircraft?---That is true.

22 The foam gets applied directly to the fire rather than in the
23 path of the fire?---Foam injected into water is used to
24 suppress the fire rather than as a retardant line in front
25 of the fire.

26 You said in answer to a question that the intensity of the
27 fire, for example the fire at Churchill, in your view
28 meant that applying water mixed with foam was not a
29 feasible approach?---Sorry, could you repeat the question?

30 The intensity of the Churchill fire in your view meant that
31 applying foam, what I will call foam, but water with foam

1 added to it, that it wasn't feasible to put that directly
2 onto the fire because of the intensity?---Not directly on
3 the firefront, the main firefront, but it was applicable
4 in the development of spotfires or around where fires were
5 impacting on assets.

6 What I wanted to ask you was I think you indicated that there
7 was a level of intensity beyond which there would be no
8 utility in applying the foam directly to the firefront.
9 Are you able to tell the Commission what that level of
10 intensity is, if it is measurable?---There is a
11 theoretical value that we work to and that's
12 3,000 kilowatts per metre, which is the level at which, if
13 we put retardant in front of a fire, we would expect that
14 fire to stop and not be able to progress through that
15 retardant line. Beyond that level, and that level was
16 certainly exceeded on the day, and I don't pretend to know
17 what the intensity that we had on the day was, but in my
18 experience we were worlds apart from that level. We
19 wouldn't have expected retardant lines laid ahead of the
20 fire to have stopped, one, the main fire, and also they
21 would have done nothing to stop the progression of
22 spotfires ahead of the main fire.

23 I think there is also a concern, is there not, sometimes about
24 splitting the head of the fire by laying down a
25 retardant?---That is also a consideration. If the
26 retardant line that you are attempting to lay is not of an
27 adequate strength and isn't put in in an adequate
28 timeframe before the progression of the fire, the fire can
29 actually stop burning where the retardant line is of a
30 significant barrier and it can actually then burn around
31 that and develop two separate heads with the threat of two

1 separate fires.

2 In terms of water and foam being laid down directly onto the

3 fire, is that able to be done up to about that same level

4 of intensity of fire that you have just

5 described?---That's the rule that we would use for the

6 application of water to be able to suppress a fire.

7 Judging by your earlier evidence, is it correct to say that

8 shortly after the development of this fire, at least when

9 you had come overhead and made your initial observations,

10 it had already exceeded that level of intensity?---That's

11 correct.

12 Just returning to this list, if I might, very quickly. The

13 next listing of aircraft are the so-called type 2 medium

14 Helitacks. Again they are helicopters?---That's correct.

15 What's the difference between a type 1 heavy and a type 2

16 medium?---They are what we call a medium capacity

17 aircraft. If I can draw a local analogy. The air

18 ambulance that we operate here, the size of the aircraft,

19 it can have either a belly tank or a bucket, and if it is

20 carrying a belly tank it has a capacity of about

21 1,400 litres, as opposed to the belly tank on the type 1s

22 which may be up to 9,000 litres.

23 As I understand it, none of the type 1 helicopters were used in

24 relation to the Churchill fire on the 7th?---None were

25 used. We certainly requested them.

26 They were being employed in fires elsewhere in the

27 state?---That's my understanding.

28 What about type 2? Were any of those being employed?---We

29 requested type 2s and we got an additional type 2. We

30 already had operating one type 2, that was 344, and we

31 requested additional type 2s and we ended up with Helitack

1 333 coming down from a fire that was already running up at
2 Dargo.

3 So, according to this list, Helitack 344 was located at the
4 Latrobe Valley airfield?---That's correct.

5 And 333, I think you said that had been involved in the Dargo
6 fires and was at the Heyfield helipad?---No, that's
7 incorrect. It was actually located up at Dargo on the
8 7th, the morning of the 7th, and that's where it was
9 dispatched from when we requested it.

10 There is then a reference to a so-called type 1 large Helitack
11 401. What's the difference between that and one of the
12 medium Helitacks?---I think that's just an error in the
13 presentation, that information.

14 We then go to type 3 lights, and they are all described as
15 Firebirds with various numbers. Are they water-carrying
16 helicopters?---Primarily they are usually used as
17 reconnaissance platforms or a platform for the air attack
18 work that I was doing or infra-red scanning platform.
19 They can carry a small capacity bucket.

20 You were in I think Firebird 304, were you not?---That's
21 correct.

22 I think Firebird 311 actually did have a bucket attached to it,
23 that was the HVP helicopter?---That's correct. It had a
24 680 litre bucket.

25 Apart from the aircraft you were in, which were the two other
26 helicopters that were employed over the Churchill fire
27 through the State Airdesk?---Initially tasked to the fire
28 was 344. 311, the HVP machine, self-dispatched because
29 the fire commenced in HVP land and was then shortly after
30 allocated to the fire under my tasking. Helitack 333 was
31 dispatched from Dargo approximately two hours into the

1 progression of the fire.

2 If we can just go down that list quickly, there are a number of

3 Firebombers, 351 and thereafter. As I understand it, two

4 of those, 358 and 361, were available at Latrobe Valley

5 airfield on the day?---If I can just correct you. They

6 were in the region. They were actually employed on the

7 day on the Bunyip fire. At the commencement of this fire

8 they actually had already been grounded at I believe Tyabb

9 and they had been grounded due to flying conditions being

10 inappropriate for fixed wing operations.

11 Had it not been for the flying conditions, would they have been

12 suitable or at least have been useful in the Churchill

13 fire?---There would have been a role, but that goes back

14 to the overall intensity of the fire.

15 All right.

16 COMMISSIONER McLEOD: Mr O'Toole, just remind us of the

17 capacity of the fire bombers?---They are in the order,

18 those particular fire bombers are in the order of

19 2,800 litres.

20 MR CLELLAND: Mr Chairman, can I tender that list which was, as

21 I say, provided very recently from the State Airdesk.

22 #EXHIBIT 414 - Aircraft preparedness plan prepared at 5/2/09

23 15.00 (DSE.006.0022.0007).

24 MR CLELLAND: At annexure 2 to your statement, Mr O'Toole,

25 there is a document that's headed "Special briefing for

26 Thursday 5 February 2009". Amongst other things, that

27 briefing makes five dot points that were identified as

28 being matters for careful consideration. Firstly, that

29 the effectiveness of aircraft will be reduced and in some

30 cases restricted at wind speeds between 35 and 45

31 kilometres an hour. Can I just ask you this, and this is

1 in terms of dropping either retardant or water injected
2 with foam: Are there wind speeds at which that becomes not
3 feasible in terms of actually laying down the material
4 onto the fire or in front of it?---Firstly, with retardant
5 being generally dropped from fixed wing?

6 Yes?---Fixed wings become restricted at generally lower air
7 speeds because they are obviously not as manoeuvrable and
8 there are safety considerations. So, we had already
9 exceeded on the day the wind speeds where they would have
10 been appropriate, so retardant was unlikely and unsuitable
11 to be used from that time on, from even before the fire
12 started. With regards to foam being dropped as a
13 suppressant, beyond about 35 kilometres an hour you are
14 starting to see foam drifting and the pilots have to
15 adjust the amount or concentrations of foam. They have to
16 put essentially less foam and more water to ensure that
17 the dropped load actually ends up getting anywhere near
18 the intended drop site. The wind tends to impact and
19 force the load to drift.

20 Above 30 kilometres an hour wind speeds, is that a question of
21 the capacity of the aircraft to fly or the capacity of
22 either the retardant or the suppressant to be laid
23 down?---It's a factor of both, actually.

24 Is it fair to say that above 60 kilometres an hour winds, even
25 the type 1 helicopters will be unlikely to be
26 effective?---That's correct.

27 You say that the role that you decided upon for the aircraft,
28 if it wasn't direct attack, could still be valuable in
29 terms of asset protection. Can you just explain how that
30 actually worked on the day in terms of your role as an air
31 attack supervisor and where that asset protection took

1 place?---The assets that we were protecting initially were
2 on the north-east and north-west of the initial points of
3 origin of the fire. Sorry, on the east and western flanks
4 of the fire. As the fire progressed, the western flank
5 did not become so much of a concern, it was more the
6 eastern flank, as the fire was progressing south. The way
7 we employed the aircraft was to either support assets that
8 we could obviously see CFA tankers or private property,
9 private assets trying to support, so we would employ our
10 machines to drop loads ahead of those crews or in support
11 of what they were doing. But there were often times where
12 there was no actual ground support on site and we could
13 see a threat to a structure, a house, and we would provide
14 a load immediately adjacent to the asset prior to a
15 spotfire or the main fire impacting that asset.

16 So in the first case you might identify that there were crews
17 either going to an area of fire where there were houses in
18 the path of the fire and you might identify that as an
19 area where the helicopters could put down some suppressant
20 to protect those crews?---That's correct.

21 And that's the kind of drop that you were talking about before
22 where you would do a dummy run first of all?---That's
23 correct.

24 Sound your siren?---Yes.

25 And then the crews would know there was going to be a drop and
26 then the helicopters would lay down the
27 suppressant?---That's correct.

28 And then there were other occasions where, even if there
29 weren't crews there, you might see houses that appeared to
30 be under threat and try and put down some suppressant on
31 the fires there?---That's correct. I guess the other

1 situation was in the case of the microwave tower where we
2 were aware there was a crew undertaking a backburn prior
3 to the point of the main fire impacting on it. We
4 employed the helicopters to drop some loads, and this was
5 on the main fire and we knew it was going to have minimal
6 impact, but we were trying to slow the fire in that
7 particular zone to allow the backburn to get more depth
8 and provide them some safety.

9 I was just about to ask that. That was out of a concern for
10 their safety because they appeared to be in some peril in
11 the position that they were in?---They had a minimal
12 amount of time to get that backburn in place before the
13 main fire impacted, so we were trying to buy them a little
14 bit of time before that main fire impacted.

15 You mentioned at paragraph 25 of your statement that shortly
16 after lunch Mr Hans Van Elmpt, the forward-looking
17 infra-red operator who had been obtaining an infra-red
18 image in Firebird 304 over the Delburn complex
19 particularly north of Mirboo North, returned to the
20 Traralgon office. Can I ask you this: What is the
21 forward-looking infra-red and was it effective on the day
22 or useable on the day?---To your first question, it is
23 established technology that we use. It detects
24 differences in the background heat of the landscape and
25 the heat that is emitted by hotspots. It was being used
26 up on the Delburn fire earlier on in the day to try and
27 determine hotspots that ground crews might need to be
28 focused on then to prevent escapes. It does require a
29 difference in thermal temperature between the background,
30 the background landscape. On the day I was aware that
31 they flew back and said that they were fairly ineffectual

1 because the background landscape was quite hot and they
2 couldn't determine any differences between hotspots in the
3 background landscape.

4 You were asked some questions about communications between
5 yourself and the IMT. Typically would you be
6 communicating with the IMT or with the aircraft controller
7 at the air base here?---The communication to the air base
8 was always of a timeliness that I could always get them
9 pretty much. They have both aeronautical frequencies and
10 trunking capacity. So, if there was an urgent message or
11 something I really needed to transmit at that time,
12 I would transmit that to the air base and ask them to pass
13 that information on or seek clarification.

14 You spoke about some difficulty at paragraph 47, and although
15 you said you have since found out reasons why that might
16 have been, I don't think you elaborated on them. In brief
17 terms was that because of the amount of traffic, the heavy
18 traffic on that frequency?---Is that in reference to the
19 fireground?

20 This is now in relation to the fireground frequency. If you
21 have a look at paragraph 47 you will see that you explain
22 you had the incorrect frequency for a while and then you
23 go on to say, "It is important that I can communicate
24 instantaneously with the fireground and the heavy traffic
25 on the frequency did not allow for this"?---That's
26 correct.

27 You then said, "To address this issue the fireground would
28 communicate their requests for assistance via the IMT on
29 the command channel" and the IMT would relay that to you
30 via trunk?---If I can just clarify, I cannot recall any
31 specific cases where that actually transpired.

1 But that was available as an alternative way of doing it on the
2 day?---Yes.

3 Just finally, can I ask you to go to paragraph 65. This is the
4 paragraph in which you explained the use of your siren and
5 some signalling to people in the Balook area. As
6 I understand it, the people on the ridge were on the ridge
7 and would not have been able to see a spotfire in a valley
8 below or on the other side of the hill?---That's correct.

9 Your thinking was they wouldn't have been expecting that fire
10 because it was approximately 17 kilometres ahead of the
11 main fire?---That's correct.

12 The way you went about it was actually to fly low over them and
13 sound your siren?---That was initially to draw their
14 attention out from their houses, yes.

15 What I wanted to ask you about that was how low would you have
16 to fly over an area so that people on the ground could
17 actually hear the siren on the helicopter as a
18 warning?---I can't talk of all the variables, but on the
19 day we were flying at a couple of hundred feet and that
20 alerted them.

21 Is that a safe height to fly at for a helicopter?---Provided
22 that you are flying - the lower you go, the slower you
23 have to go, so as long as you are cognisant of the dangers
24 of powerlines and other hazards. But 200 feet is not an
25 exceptionally low height.

26 In your experience, at 200 feet a siren from a helicopter would
27 be an audible alarm for people on the ground?---That's
28 traditionally the sort of altitude we would fly for the
29 ground crews that we are alerting, so, yes.

30 I'm sure wind plays a role in this, but is it possible to
31 communicate at that height by a public address system out

1 of a helicopter?---I'm sure it is, but on the day we
2 perceived the wind would have had too much distortion and
3 we didn't use the PA. I had that discussion with my pilot
4 and we perceived it would have been inappropriate under
5 those conditions; it wouldn't have been effectual.
6 Do you know of any experimentation or trials using sirens or
7 other forms of alarms in helicopters in times of
8 emergency?---I'm not aware of anything that currently
9 exists in Victoria. I am aware it has been used elsewhere
10 in the world in times of emergencies, yes.
11 Including, I think, tsunami warnings in New Zealand?---There
12 has been a trial of PAs for early warning in densely
13 populated environs in New Zealand, but that is my only
14 knowledge of any experimentation from that point of view.
15 Thank you, Mr O'Toole.
16 MR ROZEN: There are no matters arising from the
17 cross-examination. Could Mr O'Toole please be excused?
18 CHAIRMAN: Yes. Thank you, Mr O'Toole. You are excused.
19 <(THE WITNESS WITHDREW)
20 CHAIRMAN: We will take the break.
21 (Short adjournment.)
22 MS DOYLE: Commissioners, I call Steven Barling.
23 <STEVEN JOHN BARLING, affirmed and examined:
24 MS DOYLE: Your full name is Steven John Barling?---That's
25 correct.
26 You are a volunteer for the CFA and the captain of the
27 Churchill fire brigade?---That's correct.
28 Your day job is at Monash University?---Correct.
29 What do you do there?---I work as a systems analyst in the
30 student administration area.
31 You have a long history of experience with the CFA. You have

1 been a member since 1986 and captain of the Churchill fire
2 brigade for about 12 years?---That's correct.
3 Prior to that you've held positions including lieutenant and
4 secretary of the Churchill fire brigade and indeed
5 received a 20 year badge in recognition of your years of
6 service with the CFA?---That's correct.
7 Your brigade at Churchill is part of the Morwell and district
8 group of fire brigades and you are equipped with a pumper
9 - this is in paragraph 6 of your statement - a
10 four-wheel-drive tanker and a four-wheel-drive twin cab,
11 about 37 members in the brigade in total?---That's
12 correct.
13 You have also prepared with the assistance of Victorian
14 Government Solicitors a statement setting out some details
15 about your experience and the events of
16 February 7th?---That's right.
17 Are the contents of that statement true and correct?---Yes,
18 they are.
19 I tender that statement.
20 #EXHIBIT 415 - Witness statement of Steven John Barling
21 (WIT.3004.017.0304) and attachments.
22 MS DOYLE: As you say in paragraph 7 of your statement, the
23 role of captain includes leading and managing the brigade
24 members and also leading on the fireground in a command
25 role?---That's correct.
26 We will go to the events of the 7th in a moment, but as events
27 unfolded during the Churchill fire, because you got to the
28 scene of the fire quite quickly, you were initially an
29 incident controller on the ground at the fire
30 scene?---Yes. Once I arrived I took over control, yes.
31 Just completing the picture in terms of your qualifications, in

1 paragraph 8 you note that you have qualifications both in
2 structure and wildfire fighting, and you are qualified and
3 endorsed as a sector commander and an incident controller
4 at level 2 incidents?---That's correct.

5 You have attended a number of large incidents during your
6 history with the CFA. Just turning to paragraph 9 you
7 mention a couple of those, the 2003 Alpine fires, the
8 Gippsland fires a few years ago and indeed just in the
9 week before these fires the Delburn complex required you
10 to take on the role of sector commander?---That's correct.

11 You say in paragraph 9 that after working on those Delburn
12 fires you were rested after the morning change of shift on
13 30 January but then returned on the 31st to assisting with
14 arrangements coordinating the brigade's activities. How
15 many days were you occupied with CFA volunteer duties
16 between 31 January and 7 February? Was it every
17 day?---Every day there was something to be done, not
18 necessarily to arrange crews, but some of it was just in
19 discussions with brigade members.

20 Your statement then turns to talking about the lead-up to the
21 7th. You say in paragraph 11 that, knowing the forecast
22 conditions, you requested that the members of your brigade
23 be ready and available to respond on the 7th but then in
24 fact on the morning of the 7th you decided to page them
25 all and ask those who were available to come into the
26 station at noon. So, just pausing there, this is before
27 you knew about the Churchill fire, obviously?---That's
28 correct.

29 Was it something of a precautionary measure to make sure you
30 had your people at the station?---Yes, it was. The wind
31 was progressively getting worse during the day and

1 I believed that it would be to our advantage to have crews
2 available for immediate response rather than for perhaps a
3 four minute delay if we are responding from home.

4 So you saved yourself a good deal of time there in the sense
5 that they didn't have to come from home to the station;
6 you had them at the station and ready?---That's correct.

7 You also arrived at the station at noon on the Saturday and a
8 number were already there having responded to your
9 page?---That's correct.

10 Even before the Churchill fire took off, you and your crew were
11 involved in a huge amount of activity between noon and
12 1.30, a number of small events that occurred in that
13 hour?---That's right.

14 You mention those in paragraph 14 onwards. You were paged out
15 to a grass fire near the Princes Freeway. You then had a
16 flare-up at the Creamery Road fire in Yinnar and a number
17 of other events required the attendance of your
18 crews?---That's right.

19 If we take matters through to paragraph 20 in your statement,
20 that's when you first hear about a grass and scrub fire at
21 Glendonald Road in Churchill. The first appliance to
22 attend the fire was the Churchill pumper?---That's
23 correct.

24 And they were deployed through the Vic Fire system?---I believe
25 they were deployed because someone attended at the station
26 and indicated that there was a fire. So they were already
27 en route, I believe, at the time of the page from Vic
28 Fire.

29 So they had notice even in advance of any 000 call system
30 because a member of the public had seen the
31 fire?---I believe so, yes.

1 So the Churchill pumper heads out to the fire. You became
2 aware of that when you were on your way back to Churchill
3 having dealt with other matters in the morning?---Yes,
4 that's correct. I was made aware of the fire at Churchill
5 through a page while I was at Yinnar.

6 If we go to paragraph 23 you refer to the fact that on the way
7 back to Churchill you saw the Churchill tanker at the side
8 of the road. This is a different appliance. You stopped
9 to investigate and you were advised the vehicle had
10 overheated. So what arrangements did you make?---I took a
11 couple of the crew with me in the support vehicle and the
12 others remained with the tanker to attempt to get it back
13 to the Churchill station where we would get the mechanical
14 officers to have a look at what the problem was.

15 You then made radio contact with Bruce Mongan, who is the
16 captain of the Yinnar South fire brigade. You believe at
17 that time he was already at Glendonald Road?---That's
18 correct.

19 Prior to you getting to Glendonald Road, Mr Mongan was the most
20 senior CFA member there?---I understood that Bruce at that
21 stage was in control of appliances attending to the fire.

22 The two of you discussed some options in terms of coordinating
23 the appliances that were attending?---Yes, that's correct.

24 By that time had you heard on the radio that the first
25 appliance to attend had indicated there was a need to
26 "Make tankers 20"?---Yes, I had heard that on the radio.

27 What does that mean?---It means that we want 20 tankers to be
28 dispatched to that event.

29 That's a large initial response?---Yes, it is.

30 Does it indicate or did it indicate to you that the first crew
31 arriving had formed an early impression that there would

1 be a need for a lot of resources to be deployed?---Yes,
2 that was one of the indicators. My first impression once
3 we turned to head back to Churchill was the amount of
4 smoke from the fire, and that was really the first
5 indication that I had that it was going to be a very
6 significant fire, given the amount of smoke already at
7 that early stage.

8 Following your discussion with Mr Mongan, initially you thought
9 it might be appropriate to set up a control point at
10 Jeeralang West Road?---Yes. We discussed me going up to
11 have a look at what was up there. Some of that was to do
12 with to have a look at the extension of the fire already
13 and also to assist us in making the best choice for a
14 control point.

15 When you got there, however, it seemed that because the fire
16 had already travelled past that location, it seemed that a
17 better control point would be back at the Glendonald Road
18 area?---Yes, that's correct.

19 Did you then make your way to Glendonald Road?---Yes, that's
20 right.

21 Arriving there at about 2?---Around about.

22 Mr Mongan, as we have discussed, was already performing the
23 role of incident controller. When you arrived, by
24 agreement with Mr Mongan, you assumed that role of
25 incident controller?---That's correct.

26 Did you know what the arrangements were in terms of whether an
27 ICC would be available to take control of the
28 fire?---I expected that there would be an ICC to take
29 control based on knowledge from the ICC existing from the
30 previous fire at Delburn and, due to the significant
31 weather that was expected, I expected that they would be

1 ready to roll straightaway.

2 When did you first hear from the incident management team at

3 the Traralgon ICC?---The first contact that I had was from

4 Brett Mitchell when he advised me, and I can't be specific

5 on the time, but between 2.30 and 3 o'clock, and he gave

6 me some details on the radio channels that we were to use

7 for command and for fireground traffic.

8 So you got the word, as you say in paragraph 29, that channel

9 191 was command channel, channel 125 was your fireground

10 channel?---That's correct.

11 And he gave you some information that Firebirds 333, 304 and

12 311 would be deployed during the fire?---That's correct.

13 At that time when you had contact with Mr Mitchell did he tell

14 you what position you were to occupy? Did he tell you, for

15 example, that you were now a division commander?---I don't

16 recall that.

17 Were you told at any time during the day of the 7th that you

18 had a formal position or a formal designation as a

19 division commander?---I don't believe I had that specific

20 discussion. My expectation, given the area that we were

21 operating in, is that I was a division commander, but

22 I don't believe there was a discussion that said that

23 specifically.

24 As events unfolded, regardless of what your title was, you

25 treated yourself as responsible for three sectors: the

26 Jeeralang West Road sector, Thomson Road sector and

27 Glendonald Road sector?---Yes, that's correct. That was

28 in the early parts of the fire.

29 I might just ask that you be shown for your assistance exhibit

30 386. It may be helpful throughout your evidence just to

31 keep track of the names of the crew and the tankers. Can

1 you go to page (TEN.110.001.0003). I know you didn't
2 prepare this, Mr Barling. It really represents an amalgam
3 of the material that is before the Commission. Do you see
4 at page 3 there is a heading "Initial deployment on
5 7 February"; have you got that page?---Yes.
6 Traralgon South division, and there is a reference to the three
7 sectors I have just spoken of, Jeeralang West Road
8 et cetera?---Yes.
9 In terms of Jeeralang West Road, did you understand Mr Mongan
10 to be the person who was acting as the sector commander of
11 that list of crew?---Yes, I did.
12 Thomson Road was Mr Craig Wood?---That's correct.
13 And Glendonald Road was Mr Ray Beaton?---That's correct.
14 So obviously sitting under those gentlemen were the list of
15 appliances that you see in the three boxes?---Correct.
16 Again, whatever your title, you regarded yourself as in charge
17 of those three sectors and therefore you liaised during
18 the day with Messrs Mongan, Wood and Beaton?---Yes, that's
19 correct.
20 At this time, 2 o'clock onwards, what sort of vehicle or
21 appliance were you in?---I was in a four-wheel-drive twin
22 cab utility that the brigade owned.
23 The facilities that you had available in that, was there a
24 portable radio?---I believe there was a portable radio.
25 There were also two mobile radios, and I had a telephone
26 that I carry personally.
27 Your own mobile phone?---That's right, yes.
28 You mention later on in your statement one issue that arose
29 during the day was using your own mobile phone you didn't
30 have a charger available in that vehicle to keep that
31 battery supplied?---That's correct.

1 Looking at paragraph 30 of your statement, you talk about one
2 of the matters that arose early on in this firefight. You
3 note that you liaised with the police on scene at the
4 control point regarding warning local residents in the
5 vicinity of the fire. Do you remember who the police were
6 or which station they were from at that point?---No,
7 I don't.

8 You say that they were trying to determine who had left homes
9 and who wanted to stay and protect their properties.
10 "This information would assist us in allocating
11 priorities." You have made a note of that. Perhaps if we
12 have a look at your log. It is attachment 2 to your
13 statement. It starts at (WIT.3004.017.0322). It looks
14 like there you have made a note of some information about
15 contact from Mr Mitchell at the top of the page; do you
16 see that?---Yes.

17 I'm looking about two-thirds of the way down, "Thomson, four
18 families". Can you just tell us what the rest of that
19 entry says?---I think it says, "Four families with fire
20 plan. Rest evacuated. Boolarra police". I say "Boolarra
21 police' because I know the Boolarra policeman by sight but
22 I couldn't tell you what his name was.

23 So there was someone out there from Boolarra police. Was it
24 the police officer who said to you - they had doorknocked
25 the area, had they?---They had been down Thomson Road and
26 visited the properties along Thomson Road, yes.

27 Having done that, they came back with the summary, "We have
28 four families with a fire plan", and that suggested to you
29 they were going to stay and defend?---That's correct.

30 "The rest have left"?---That's correct.

31 Did you use that or feed that into your plan in terms of

1 devoting asset protection resources if possible to the
2 four families who were going to stay?---It was a
3 consideration of all of the properties and people as well
4 in that area.

5 You then note in paragraph 31 you set about dividing the fire
6 into sectors and allocating resources. We have just
7 looked at a chart which helps with some of that. You kept
8 notes to keep track of things at the Glendonald sector, at
9 J West sector and you have made reference there to
10 Mr Mongan and Mr Beaton. You note also that you tasked
11 Mr Wood, captain of the Willung South fire brigade, to the
12 southern end of Thomson Road. Tell us how you keep track
13 of things in an evolving situation like this. You have
14 referred in paragraph 32 to the T-Card system. Can you
15 tell us how that works?---The T-Card system is a
16 relatively simple system that we use to assist us in
17 tracking resources. The T-Card is a small card which each
18 appliance or crew completes. They are passed through the
19 chain. So tankers provide details to their strike team
20 leader, the strike team leader provides details to sector
21 commander et cetera in the normal course of events. As
22 that hadn't been initiated right at the start, one of my
23 priorities was to try and get some feel for where
24 resources were, what they were doing and, as more were
25 arriving on scene, to ensure that they were put to the
26 most appropriate task. So I created T-Cards for all of
27 the appliances that I was aware of, and through the sector
28 commanders I also got information about crews that were
29 working under their direction so that I could have a
30 picture in front of me which was simply understood about
31 which resources were allocated into which part of the

1 fire.

2 A T-Card is literally a piece of paper or cardboard on which

3 people write?---That's correct.

4 And does the card travel with the crew? What I mean by that

5 is, if you have someone working under you but you then

6 deploy them elsewhere, is the idea behind the system they

7 will physically carry the card with them and hand it to

8 their new commander?---The commander will take the T-Card

9 and pass it through as they move. As far as I'm aware,

10 I was the only one that maintained a T-Card system on that

11 day. The sector commanders may have done that themselves,

12 but I generally had the T-Cards for appliances working

13 under me.

14 I take it from what you have said you did that some time after

15 2 o'clock?---That's correct.

16 You instituted it, it not having been done before you

17 arrived?---That's right.

18 Having put the cards together and made notes up to that stage,

19 did you phone or radio through to the ICC at any stage the

20 list that you were able to prepare using the T-Card

21 system?---Yes, I did.

22 When did you do that?---I can't be specific of the time, but

23 I believe in a couple of conversations that I had with the

24 ICC I passed information about resources that I had

25 working with me.

26 Would that have required you to essentially read out what the

27 cards in front of you said? It is not something you can

28 email or otherwise electronically convey?---No, didn't

29 have any facilities for electronic communication, so it

30 was just reading from the list and passing that across.

31 Just to get a picture for how you do this, did you have

1 literally a board in front of you with the cards laid out
2 on it?---That's correct, yes.

3 And you would move them around if you changed your priorities
4 in terms of who was deployed where?---That's correct. Our
5 support vehicle has a system like that carried on it
6 because we know that it does get used in command type
7 roles, and it is a very useful system to assist us in
8 keeping track of resources.

9 I have just been handed examples of the types of card. I know
10 you are a long way away, but are they these coloured cards
11 that allow you to fill in details in handwriting?---That's
12 correct.

13 These sorts of matters you also refer to in paragraphs 34 and
14 35 of your statement. It seems from what you say there
15 that as tankers arrived you tasked them to a locality,
16 told them what they would need to do, but I assume you
17 also noted on your own T-Card system who you had
18 where?---That's correct.

19 Can I take you to paragraph 36 of your statement where you
20 refer to having received a communication from Mr Kennedy,
21 who was back at the ICC. He told you there was a fire at
22 Yarram. What picture did you have by that stage between
23 3.30 and 4? What picture did you have about the breadth
24 and spread of the fire you were now facing?---I didn't
25 have any personal observations to go by. I was in
26 position at Glendonald and Thomson Roads from the outset.
27 Given the conditions on the day, I expected there to be a
28 fairly long, narrow fire burning on the flanks, but
29 heading quite rapidly towards Yarram from our direction.

30 You say you requested two strike teams at that time, and as far
31 as you know they were deployed instead to Yarram?---That's

1 correct.

2 Where had you wanted them to go, if possible?---There was still
3 quite a lot of work to be done and places that we couldn't
4 get to just because I didn't have enough appliances to
5 have an appliance at each property that we would perhaps
6 like to have protected. So it was about still trying to
7 ensure that I had appropriate resources to deal with what
8 I had, but I understood that I'm one of many that would be
9 asking for things.

10 In terms of protecting properties, you had crew under your
11 sector's command trying to protect homes along Glendonald
12 Road and Thomson Road and other places?---That's correct.

13 Communicating with aircraft during the day, did you have any
14 difficulties with that?---Yes, I didn't communicate with
15 aircraft at all on the day.

16 You say in paragraph 38 you tried all the radio channels,
17 including regional channels, and no luck?---That's
18 correct.

19 What use would you have made of communication with the
20 aircraft? How could you have put that information to
21 use?---There is a number of reasons for contact. One
22 would be to get their view from the air of what things
23 were doing and where things were being impacted. They
24 would also be able to see whether properties were perhaps
25 in the way of the fire or what needed to be something that
26 we made a priority. The other reason that I would have
27 liked to have contact was so that where - I had instances
28 where crews had requested assistance from a water drop,
29 that we could have actually had that occur when it was
30 requested. I'm sure the helicopter crews were from their
31 observation points able to see generally which places were

1 probably the ones that were under threat, but there were
2 some requests throughout the afternoon for specific
3 assistance from the aircraft which we couldn't provide
4 because we couldn't make contact.

5 You contacted the ICC you think at least twice to say, "I am
6 having difficulty getting hold of the aircraft"?---That's
7 correct. In one of those conversations they had mentioned
8 that they had been talking recently to the aircraft. So
9 I had asked for them to be made aware that we were trying
10 to make contact because it was extremely difficult and
11 frustrating not being able to talk to them.

12 As it turns out, you weren't able to liaise with them directly
13 for the whole day?---No, that's correct.

14 I want to ask you about the matters you deal with in paragraph
15 41 onwards, the wind change and the red flag. When you
16 started your shift or volunteered to be there at noon on
17 the day, what information did you have at that time about
18 the predicted weather for the day?---I had information
19 through messages that had come from the region in previous
20 days. I'm not sure whether there was a page in the
21 morning or not. I had also made my own observations from
22 looking at the Bureau of Meteorology site. So I had a
23 basic understanding of the expected conditions on the day.

24 Did you have an understanding about when a wind change might
25 impact the fire area?---I couldn't say that I had a
26 specific time in memory from early on in the day, but
27 throughout the day I was aware of the wind change and the
28 time of the wind change?

29 In paragraph 42 you say you received a communication from the
30 ICC some time between 4.20 and 5.30. Now, can you now
31 remember who it was who contacted you?---No, I can't

1 recall who that was.

2 Mr Mitchell, who has given evidence in these proceedings, says

3 that he recalls contacting you. Does that ring a bell or

4 it doesn't help?---It doesn't really help. I had

5 conversations with a number of people on the day.

6 You say this included advice of a wind change at around 1900.

7 So, although you can't remember who contacted you, what do

8 you remember them telling you?---I made some notes in my

9 log.

10 Would you like to look at the log? I think it is page 0323.

11 Are you talking about the entry in the far right-hand

12 column in the third line?---That's correct.

13 That seems to say "1600, 42 north north-west"?---That's

14 correct.

15 And then some other figures after that which are difficult to

16 read. Can you read those for us? "50"?---"50, 1,000" and

17 I can't make out - it looks like "750", but I can't say

18 for absolute certainty.

19 Then the next line says "1900, 32, 15 per cent, south-west, 45,

20 1,000"?---And it is probably "70" with another number

21 following which would give an indication of the wind speed

22 at 1,000 metres.

23 And then just the time "2200"?---Yes. That would be the start

24 of a third entry, but I probably felt at the time that the

25 wind change was the significant detail that I needed.

26 I know this is difficult casting your mind back to this, but

27 can you remember now whether this is the sum total of what

28 you were told in that call or is it part of it?---I would

29 expect it would be part of what I was told. Just the

30 numbers on their own wouldn't be a normal discussion.

31 I can't recollect exactly the other words that were as

1 part of that conversation, though.

2 Can you recollect the essence of the conversation, what was the

3 message you took away from it?---The main thing that

4 I took away was with regard to the wind change. We were

5 experiencing the current conditions, so that wasn't really

6 any different to what we were experiencing. But it was

7 primarily about when the wind change was going to come and

8 the impact that that would have on our operations.

9 You understood the wind change would come at what time?---At

10 1900.

11 The way you describe it in your statement at paragraph 42 is,

12 "I was provided" - I think the word "with" is missing -

13 "I was provided with a spot weather forecast by the ICC".

14 Did you have an understanding that whoever was speaking to

15 you was reading it out to you?---Yes, that's what I would

16 say. A spot weather forecast is a special request for a

17 forecast generally for where the fire is that we are

18 talking about. From the conversation I was aware that it

19 was a spot weather forecast, so I expected it to be a

20 special one just for that fire.

21 I assume you didn't physically see a spot weather forecast on

22 the day?---No, that's correct, I didn't.

23 And you wouldn't have had the facilities for that in any

24 event?---No, that's true.

25 Mr Mitchell, who has given evidence in these proceedings, has

26 identified a spot weather forecast. I can tell you that

27 it contains a chart, the first couple of lines of which

28 are very similar, not identical, to the figures recorded

29 in your log. But I will just also tell you that it

30 contains the following passage, "Change has moved through

31 Mount Gellibrand well to the west at this time. Looking

1 at the wind change to affect the fire area between 1730 to
2 1900. Gusty south-west winds will follow the wind change
3 with increasing humidity and lowering temperatures. Out
4 ahead of the change will be very gusty winds." Then there
5 is other information about humidity. Are you able to say
6 now whether whoever contacted you from the ICC read that
7 passage or words to that effect?---I can't say that
8 I recollect those words, but I would expect that something
9 like that would have been done.

10 Getting that information was important to you, as you say in
11 your statement. You say at paragraph 42 you wanted to
12 ensure the crew were aware of the expected conditions in
13 the hours ahead. What made that sort of information
14 important to you and your crew?---The fire behaviour and
15 the conditions that firefighters would experience would
16 change when the wind change came through. Obviously the
17 direction changes. The area that is the front of the fire
18 changes. Given that it was a strong change, then that
19 particularly makes things more dangerous.

20 I take you to paragraph 43, where you refer to some
21 communication you had from strike team leader Craig Wood.
22 You say he let you know that the Traralgon tanker - that
23 was one of the tankers working under his
24 supervision?---Correct.

25 Up at Thomson Road near a communications tower had become
26 isolated from the rest of the strike team when the fire
27 crossed over Thomson Road. He told you that tanker was
28 down to their reserve water and he was concerned for their
29 welfare. When you heard that, what steps did you
30 take?---I didn't take any steps at that stage. Craig was
31 making attempts to reach the tanker, so I left that part

1 of it to him at that time. But their efforts weren't
2 successful and they weren't able to get through.

3 Mr Wood will give evidence tomorrow, but you now know that he
4 made a number of attempts to get through to his crew and
5 took a number of steps to see if he could ensure the
6 safety of the crew near that tower?---That's correct.

7 At 5.30, this is a matter you mention at paragraph 44, you
8 received a phone call from Mr Mitchell. So that would
9 have been a call on your mobile, you think?---That's what
10 I believe, yes.

11 You say he issued a red flag warning. Can you remember at this
12 time the content of his red flag warning?---The bits that
13 I can remember, as I have put in my statement, that the
14 wind change was at Cranbourne, that it was very violent
15 and I also recollect that it would be in our location in
16 about an hour's time, and I have had that memory all the
17 way through.

18 So, if he called you at 5.30, it is your belief that he said it
19 would be in about an hour's time, that would mean at about
20 6.30?---That's correct.

21 Can I take you to your log entry that seems to match up with
22 that. It is the page we looked at before, 0323. I should
23 have asked you this before: this is all your handwriting?
24 You didn't have a scribe - - -?---No, this is my
25 handwriting.

26 The entry for 1730 says, "Red flag. Change is at Cranbourne,
27 very violent. From Brett Mitchell ICC"?---That's correct.

28 The note you have made there doesn't include a reference to the
29 predicted arrival time?---No, it doesn't.

30 So what you have just said to me is working from your
31 memory?---That's correct.

1 The aim of a red flag warning is something you mention in your
2 statement. What do you understand to be its use?---A red
3 flag warning is used to advise crews of a change in
4 something, it might be a weather event, it could be in
5 regard to a safety issue. In wildfire fighting itself,
6 because of weather changes, things might be heard. But
7 that's not the only reason that they are issued.

8 Are you aware of the CFA's standard operating procedure that
9 applies to the issuing and receipt of a red flag
10 warning?---Yes, I am aware of it.

11 You understand that it provides for this system: when a red
12 flag warning is issued, and in this case by the ICC, the
13 structure and the process requires that it go to the
14 division commanders?---That's correct.

15 From a division commander to the sector commanders under their
16 umbrella of command?---Correct.

17 And from those sector commanders to the crew within their
18 control?---That's correct. So what you did pursuant to
19 that system was issue the red flag warning to your sector
20 commanders. You refer to them as Bruce, Ray and Craig,
21 but it is Mr Mongan?---That's correct.

22 Mr Ray Beaton and Mr Craig Wood?---That's correct, yes.

23 It is not noted in your log, but do you know how soon after
24 receiving the red flag you sent it through to your three
25 sector commanders?---It would have been immediately after
26 receiving it.

27 Do you know now whether you used the radio or your mobile
28 phone?---I believe that I would have used the radio to
29 talk to the commanders.

30 Do you know whether you passed it on to them each in the same
31 terms?---My belief is that I did it over the radio and

1 most likely they would have all heard it at the same time,
2 but they would have all acknowledged to me that they had
3 all received it.

4 So essentially you issued it once to be heard by the three
5 gentlemen?---I don't recollect whether I did have to
6 repeat anything or not.

7 The system requires that they acknowledge through to you that
8 they have received it?---That's correct.

9 And it is not in your log, but do you recollect whether each of
10 them acknowledged it?---Yes, they did acknowledge it.

11 You also note in paragraph 46 that matter, having received the
12 acknowledgement, and you say that at around 1800 you
13 acknowledged it back to the ICC, although that's not
14 logged?---That's correct. Each of the commanders would
15 have responded back to me after they had made the advice
16 to their crews saying that they had delivered it, and then
17 I responded back to the ICC to say it had been delivered
18 in my area of the fire.

19 Mr Barling, while you were doing all of this, you were in your
20 vehicle?---Outside, inside, all over the place, yes, but
21 in the one position.

22 Do you remember where you were, where you were compared with
23 the fireground or some of the roads we have talked
24 about?---My location was at the corner of Glendonald and
25 Thomson Roads.

26 So while you were receiving the red flag and passing it on you
27 were in the thick of things, you were on the fireground
28 and still attending to your other duties and
29 responsibilities?---Yes. I wasn't involved in the
30 firefight directly. I was managing the events out on the
31 fireground.

1 The structure, as we have noted, has you sending the red flag
2 to Mr Mongan, Mr Beaton and Mr Wood. Mr Wood, as I said,
3 is giving evidence in these proceedings tomorrow. I need
4 to bring to your attention his recollections. At
5 paragraph 34 in his statement Mr Wood says, "I heard a red
6 flag warning over the radio from Steve Barling that wind
7 change would arrive at around 1900 hours. I have recorded
8 in my notes that I heard this message at around
9 1600 hours. I have been informed that Andrew made a note
10 of the warning at the time. Andrew's notes read '1729 red
11 flag. 1900 change violent.' Scott and Andrew relayed the
12 red flag warning to crews." By way of background, I should
13 explain Andrew is a Mr Norman who was in Mr Wood's vehicle
14 with him and his log has been provided to the Royal
15 Commission and it meets that description, "1729 red flag.
16 1900 change violent." That's Mr Wood's best recollection,
17 it would seem, of the day. He had a scribe with him who
18 has noted, "Receipt of a red flag. Wind change for 1900."
19 Are you able to comment on that, Mr Barling? Does it not
20 tend to suggest that the message you passed on fixed on
21 the time 1900?---It does tend to suggest that. As I say
22 in my statement, my recollection was for the timeframe of
23 one hour from the time that I received it. So I can't
24 explain why there would be differences.

25 Do you think, Mr Barling, when you passed on the red flag that
26 you would have used a phrase like "in about an hour" or do
27 you think you nominated a time?---I can't recollect
28 specifically, but my recollection about the one hour's
29 timeframe has been constant all the way through. So
30 I would imagine that's what I said, but that may not have
31 been what was said.

1 Mr Mongan, one of the other sector commanders, is also to give
2 evidence. For completeness, I should tell you at
3 paragraph 48 of his statement he says that at a particular
4 time he was out of his ute checking on his crew, "David
5 Staple on the Morwell tanker said to me he had just heard
6 a red flag warning. I" - that is Mr Mongan - "asked him
7 what the warning message was. He said the wind change was
8 predicted to come through at 1900 hours. He asked me what
9 to do. I asked David if all our crews, including the
10 strike team, had acknowledged the red flag. He said yes.
11 I asked him to tell Steve Barling I had acknowledged it."
12 Two things arise from that, Mr Barling. That's
13 Mr Mongan's description of the way that he ensured the
14 acknowledgment came through to you, but also it records
15 Mr Staple telling him the red flag warning is in the terms
16 "wind change predicted at 1900". He is one other person
17 to whom you sent the message. Does that not also tend to
18 suggest that you may have used the terminology "at
19 1900"?---That's certainly possible.

20 The other sector commander we haven't spoken about is
21 Mr Beaton. He had responsibility for crew, including
22 Hazelwood North, Glengarry West and Boolarra. In the
23 Glengarry West crew was a Mr Chesterton senior and a
24 Mr Chesterton junior. I don't know if they are familiar
25 to you?---No.

26 Mr Chesterton senior, Graeme Chesterton, is to give evidence in
27 the proceedings. He has provided a police statement but
28 also just today a statement to this Commission.
29 Mr Chesterton says in paragraph 6 of the statement he
30 provided today that while working in the area of
31 Glendonald Road at some stage his son, Adam, who was in

1 his crew, changed vehicles and went to work in Mr Ray
2 Beaton's car, one of the sector commanders, as a
3 penciller, which I take to be a reference to a
4 scribe?---That's correct.

5 At paragraph 8 Mr Chesterton senior, Graeme Chesterton, says,
6 "I heard a red flag warning over the radio. It was my
7 son, Adam, who I heard passing the warning over the radio.
8 The red flag warning was for a wind change at 1900 hours.
9 I acknowledged receiving the red flag, although I can't
10 recall the exact time this occurred." To complete the
11 sequence, Mr Barling, Mr Adam Chesterton, Mr Chesterton
12 junior, has provided a police statement in which he has
13 said at paragraph 11, "While Ray" - I take that to be
14 Mr Beaton - "and I were performing duties we received a
15 red flag warning via radio. We relayed it to our strike
16 team." At paragraph 11 in that statement he says, "The
17 red warning" - I think a word is missing there - "meant
18 everyone had to be on high alert for a violent
19 south-westerly wind change at approximately 1900 hours."
20 That is a lot of information for you to absorb, especially
21 sitting there without the documents in front of you. But,
22 to summarise it, I'm suggesting to you that Mr Chesterton
23 senior, who was on the Glengarry West tanker, received a
24 red flag warning as it happens transmitted by his son for
25 a wind change at 1900. Does that also tend to suggest
26 that the people at the end of that chain in the Beaton
27 sector received a red flag warning for 1900?---That does
28 suggest that, yes.

29 Under this system, Mr Barling, when you are out on the
30 fireground and you are obliged under the standard
31 operating procedure to let each of your sector commanders

1 know this important information and they in turn have to
2 relay it to multiple crew who are involved in difficult,
3 dangerous work there are some risks, aren't there, that
4 information might be misheard or miscommunicated?---That's
5 certainly a possibility. Anyone who knows much about
6 communication would be able to tell you that. As messages
7 pass through more and more parts in a chain it can often
8 be somewhat different to what was initially intended. I'm
9 not saying that that's necessarily what happened, but it
10 is certainly a possibility.

11 I don't want to trivialise it, but it is almost like Chinese
12 whispers in some ways. There are some risks
13 attached?---There are some risks, but that would be the
14 only option that we would have on the day for provision of
15 that.

16 If there were a system which enabled important crew safety
17 information like this to be transmitted from one central
18 point to all the crew instantaneously it may be a bit of
19 pie in the sky, it may be on a wish list, but would that
20 be something that would improve the situation and minimise
21 those risks?---It certainly could do that. It would mean
22 that everyone would get the same message, and the paging
23 system is obviously one way that that could be done. One
24 of the things that would be useful, though, is some system
25 to be able to receive acknowledgment that the message has
26 been received because, even though my pager receives a
27 message, it doesn't necessarily mean that I do. There is
28 probably more than just the ability to deliver it in that
29 way that would be required to make it an effective method.
30 So if there were a system that could save time by simultaneous
31 delivery but also add assurance that the message was the

1 same and that it was received, would you see that as
2 something that would improve the system for issuing red
3 flag warnings?---It would certainly be beneficial, yes.
4 Mr Barling, can I suggest it would also relieve the time
5 pressure and burdens on persons such as yourself?---It
6 would certainly assist in that regard. It does take time
7 to communicate all the way up and down the chain to pass
8 on that sort of message.
9 After you passed that message on you heard mayday calls from
10 crew in the Hazelwood North tanker?---That's correct.
11 At about 6.15?---Correct.
12 And I think you have logged that in your notes of the
13 day?---Yes, I have.
14 I will just go back to your log for completeness. At page 324
15 in that log there is a reference at the top of the page to
16 "1815 mayday". "H North" is a reference to Hazelwood
17 North?---That's correct.
18 Do you now know that each of the tankers - Glengarry West,
19 Hazelwood North and Boolarra - put out mayday calls on the
20 impact of the wind change?---That's what I have been told.
21 I only heard one.
22 The steps you took when you heard that mayday call?---I took
23 over the radio, put out a message saying that I was taking
24 control of the call and for all other communication on the
25 channel to cease, and then I talked direct to the
26 Hazelwood North tanker.
27 What were you able to tell them?---All I could tell them was
28 that at that point we weren't able to come immediately to
29 their rescue, but we would do what we could to get in to
30 them as quickly as we could and for them to take
31 protective action to ensure their safety.

1 As you note in paragraph 49 of your statement, the wind change
2 arrived with great ferocity, particularly in that
3 Glendonald Road area. Was it on Glendonald Road that each
4 of those tankers who issued the mayday call were located
5 at the time the change hit?---That's what I believe, yes.
6 Each of those three tankers, Mr Barling, or the crew were
7 invited to participate in an internal investigation. The
8 product of that has been tendered. Were you invited to
9 comment on or participate in that investigation?---No,
10 I wasn't invited at all.
11 When did you first learn of the conduct of those
12 investigations?---I learnt that there was an investigation
13 through various means, through one of my roles in the
14 region on the regional planning committee, I believe that
15 we were advised that there were investigations taking
16 place, but I wasn't party to the investigation at all.
17 Just returning to the evening for a moment, after receiving the
18 mayday call and after events unfolded, you later learnt in
19 relation to the Hazelwood North crew that Mr Beaton had
20 gotten through to them and he advised they were shaken but
21 safe at that stage?---That's correct. That was the first
22 communication that I had had that they were safe after
23 they had made the mayday call.
24 And the news you obtained about Glengarry West, they suffered
25 heat damage to their vehicle?---Yes, that was something
26 I found out later on. During the wind change event when
27 the crews were being burnt over I was actually in contact
28 with the Glengarry West tanker by radio. So during the
29 event I knew that they were still safe because we were
30 talking to each other and that they were okay once the
31 firefront had passed. The Hazelwood North tanker, because

1 we had no communication, we weren't sure of their
2 circumstance. So of course we were very concerned for
3 their welfare.

4 You say in paragraph 55 you later informed the ICC via a
5 situation report that there had been a mayday call, those
6 impacted were safe and well but at this stage you can't
7 recall who you communicated with about that?---No,
8 I can't. That's true.

9 Following the wind change and the new direction, you knew it
10 wouldn't be long before assets in Hazelwood North were
11 under threat. So you say in paragraph 56 you requested
12 additional strike teams to your control point. Were they
13 able to deploy strike teams to assist you?---I got no
14 further resources at that stage.

15 You note in paragraph 57 the fire was spreading to the
16 north-east through Hazelwood North, the Traralgon South
17 area and Callignee, and initially you were unable to
18 release resources to go and work in those areas despite
19 the fact you were getting calls coming through from those
20 locations for assistance?---That's correct.

21 Returning briefly to the story of the Traralgon tanker, at this
22 time there had still been no ability to get through to the
23 crew that were trapped up near the tower on Thomson
24 Road?---That's correct.

25 Obviously this was a matter you were monitoring as the evening
26 unfolded?---That's correct.

27 There was another attempt at about that time to get through to
28 them which was futile because of trees blocking the
29 road?---That's correct, and that was again efforts made by
30 Craig Wood and crews with him.

31 Later in the evening you say you were amazed to actually see

1 that tanker come passed you, having effected their own
2 escape?---That's correct.

3 The crew on the Traralgon tanker are all paid firefighters,
4 professional crew?---They were led by a staff firefighter.
5 I couldn't say whether all of the crew were staff or not,
6 but certainly some were.

7 What you have learnt since is they used their own chainsaw and
8 their diminishing reserves of water to effect their escape
9 and get out?---Yes, they used their own resources.

10 A little later Mr Wood, sector commander, came to you with a
11 suggestion. He was keen to take some crew with him and go
12 to where there was difficulty with the firefront in the
13 Callignee area?---Yes, that's correct. There was a number
14 of trucks that were deployed into my area that were from
15 that general vicinity, and they were fairly keen to get
16 home and to do things in their own area.

17 So Mr Wood, I take it, suggested to you, "Can I move to the
18 fire activity in Callignee and I will take local crew with
19 me." Did he suggest the reasons why? I think you
20 mentioned they were keen to get to their patch?---That's
21 essentially why they were certainly concerned about what
22 was happening in their part of the world, and so at that
23 stage I was able to release him and a number of trucks to
24 go in that direction.

25 So Mr Wood heads for that region with a number of crew. He
26 will give evidence in relation to this, but do you now
27 understand that he concentrated attention on firefighting
28 efforts around the Traralgon South township and in
29 assisting large numbers of injured and trapped personnel
30 around Callignee?---I'm not aware what his tasking was.
31 I made a number of attempts after he had left me to make

1 contact with Craig via radio and was not successful. So
2 I had no idea after he left what tasking he was on.
3 I eventually communicated to the ICC that I had sent them
4 across to that area.
5 Then as the evening unfolded further you note in paragraph 60
6 that you became aware of a number of 000 calls coming
7 through about a need for vehicles to get to the northern
8 end of Jeeralang North Road, Munckton Road and Clarkes
9 Road. It sounds like you were receiving a large volume of
10 calls, including messages passed on from individual
11 residents who were in trouble?---Yes, that's correct.
12 You were initially unable to release appliances to those
13 locations because of the great need back at Thomson Road,
14 Glendonald Road and Jeeralang West Road. But as the
15 evening unfolded you released two trucks to Munckton Road
16 area?---That's correct, yes. At that stage I was also
17 able to get over and do an inspection of that area myself.
18 Later, as you say in paragraph 61, you were also requested by
19 the ICC to provide tankers to escort an ambulance into the
20 Callignee area and collect an injured gentleman. Again
21 you made some arrangements for that to occur?---Yes,
22 that's correct. I tasked two tankers to that job.
23 If we get to paragraph 64, the winds had died down a little by
24 that time and your priorities shifted to maintaining crew
25 safety, continuing asset protection and mopping up around
26 other residences, and you continued that work throughout
27 the night into daylight and beyond into 8 February. You
28 were relieved at 8.30 the following morning by
29 Mr Mongan?---That's correct.
30 Over the following days you ensured you attended at change-over
31 briefings to get an overview of the work that

1 continued?---That's correct. I didn't have a specific
2 role, but because I was very interested in what was
3 happening with the fire, given that it was ours, if you
4 like, I attended at the change of shift to get the
5 briefing and information about what was actually happening
6 on the fire just so that I could provide information to my
7 own brigade about the activity that was going on. It also
8 proved to be quite a useful thing. We had crews from
9 South Australia come in for extended deployment, and I was
10 able on a number of occasions to provide assistance to
11 overcome some initial problems that they had with
12 appliances or other resourcing just because of the local
13 knowledge that I had.

14 Finally, Mr Barling, towards the end of your statement you
15 summarise some issues that relate to communication on the
16 day. You note in paragraph 63 what you were told about
17 the channels that you should use. But you say in
18 paragraph 68 at times you communicated with the ICC by
19 phone. Is that because you had difficulty using the
20 command channel?---Yes, that's correct.

21 Do you know what the problem was with the command channel? Was
22 it congestion or something else?---No, it wasn't
23 congestion. It was something else. What it was
24 I couldn't be specific about. There were many occasions
25 on the day where we would attempt communications on the
26 command channel and either I could hear people talk to me
27 but they couldn't hear me back or, vice versa, where
28 I could hear them and they couldn't hear me. So it made
29 communication quite difficult because of that.

30 That's what made you fall back to a great degree on your own
31 mobile phone?---Yes, that's correct.

1 The difficulty with that is of course the vehicle you were in
2 didn't have a charger for that phone?---That's correct,
3 yes.

4 Is that a simple change that you would see as helpful, if those
5 vehicles had a phone charger set?---If any vehicle like
6 that had a phone, that would have been better. Then it
7 wouldn't have had to have been mine that was used. I was
8 happy to use mine on the day. At that stage I didn't even
9 have a car charger. I have a car kit in my car which
10 I use quite frequently driving up and down to Melbourne.
11 So most of the time that's how I charge my phone, when
12 I drive down to Melbourne. So I didn't even have the
13 ability to do it. I would have needed power. So I would
14 have had to take the phone back to somewhere with power to
15 do it.

16 Of course using a CFA supplied mobile rather than your personal
17 phone would also be an improvement?---It certainly would,
18 yes.

19 Mr Barling, at paragraph 75 you pull together some of these
20 concerns and ideas you have expressed and you say, "It is
21 my view communication is one of the critical functions
22 that must be effective for operations to be efficient and
23 well managed." Some of these matters you have touched on
24 now. If they were improved, would that assist you in
25 performing the work you have to do out on the
26 fireground?---Yes, certainly.

27 I have no further questions for Mr Barling. Are there any
28 questions arising?

29 COMMISSIONER PASCOE: Mr Clelland, can we have a look at those
30 T-Cards while you are making your evidence?

31 MR CLELLAND: You anticipated me, Commissioner. I was going to

1 actually ask Mr Barling to explain them. There are
2 actually three different kinds. It has taken me some
3 time, but I have worked out why they are called T-Cards.
4 I will get that explanation from Mr Barling and then hand
5 them to the Commissioners, if I might.

6 <CROSS-EXAMINED BY MR CLELLAND:

7 Can we start with that, please, Mr Barling. Could these be
8 handed to the witness, please? The T-Card system that you
9 speak of in your statement, Mr Barling, at paragraph 33,
10 I think, that's a system, as you have already explained,
11 that you employed on the day out on the
12 fireground?---That's correct.

13 In general terms, it is a system to permit you, as effectively
14 being the divisional commander or incident controller, to
15 keep a track of where both vehicles and individuals are on
16 the fireground as they come and go?---That's correct, yes.

17 You have been handed now three of the T-Cards. They are
18 different colours. There is a yellow, a blue and a green.
19 Are you able to describe what each of them is for and how
20 they are actually used in practice?---The T-Cards are a
21 different colour because they are used for a different
22 resource type. The yellow T-Card is one that's used for a
23 pumper, tanker or slip-on type appliance. It enables crew
24 to indicate the name of the appliance, how many crew, the
25 aerial identification, the registration number, some
26 details about specialist equipment that they might carry,
27 for example, chainsaw or A-class foam, and also trunking
28 numbers and other details about the crew. That's the
29 yellow one. The green one is a card which is used for
30 crew. This might be individuals that come together to
31 perform a particular role. It might be someone who is

perhaps supporting a bulldozer or a bulldozer. Again, it has similar space on it for identification of the crew leader, their call sign or their name, if you like, the crew's names and again specialist equipment and other communications information. On the back it also has information or space for information about their tasks and locations. The blue one is used for a strike team or taskforce, which is a group of appliances or some other arrangement made into a taskforce. It identifies the trucks or the vehicles that make up the force that it relates to, what type of truck and what crew it is. So the tanker crews would normally create the yellow T-Cards, give them to the strike team leader. The strike team leader would then create a blue strike team T-Card which they would then pass as their ticket in and out of the various places that they would proceed to during the day.

Who would fill out the remaining T-Card? You told us about I think the yellow and the blue?---Usually the crew leader on the tanker would fill out the yellow one or the crew leader of the appliance. I guess in all cases it is the crew leader or the strike team leader or whoever the leader of the group is that relates to.

Are all of those then provided to you in your role as incident controller or is there only one that would have actually been in use on the day?---There was a range of different cards. There is also additional cards that have facility for aircraft and other types of resources that we do utilise. When I first started to use the T-Card system on that day, appliances had already booked on scene and were actually doing work at that point. So I filled out T-Cards on their behalf. So initially it would have been

1 just their truck name. Later on I would have got further
2 confirmation through sector commanders that those
3 appliances were working underneath them. Once I had
4 started the system, as trucks or strike teams were coming
5 in to me to be deployed I would at that stage generally
6 get them to complete the T-Card that I required if they
7 hadn't already had it prepared for me.

8 In broad terms, that system would be put into use in a
9 large-scale event like this rather than a small
10 incident?---Yes. Even sometimes on one that is a lot
11 smaller than that event we might still use the system. It
12 is a useful way to just get a fairly clear picture fairly
13 simply of where resources are placed and in which areas we
14 have got them. So certainly very small events we wouldn't
15 generally worry, but larger ones it is really a must to be
16 able to - - -

17 Was it effective on the day?---Yes, it was.

18 I wonder if the Commission would now like to have a look at
19 those cards. We will tender them, if it is useful just to
20 tender them as part of Mr Barling's statement,
21 Mr Chairman.

22 COMMISSIONER PASCOE: While we are doing that, I would just be
23 interested in asking, Mr Barling: you mentioned that you
24 work in systems yourself in your day job?---Yes, that's
25 correct.

26 Could you see a scenario where the use of handheld electronic
27 devices, like a PDA, might be useful on the field to put
28 in the information which could be relayed instantaneously
29 to the incident control centre?---I'm sure that anything
30 like that would be useful. There are probably a number of
31 provisos that go with that to ensure you have got the

1 means to communicate between where you are and get it back
2 into the system. But there are a number of different
3 options that would be available, I'm sure, to enable the
4 tracking of resources throughout events such as that.

5 Given the conditions out on the fireground, is there do you
6 think a benefit in an electronic device or is something
7 like this likely to be just as useful?---I think generally
8 it is probably just as useful to have something like that.
9 If you get to an electronic device, particularly a
10 handheld device, things become much smaller. So it is
11 perhaps a lot harder to just quickly get the appreciation
12 of where things are; whereas if you have a board in front
13 of you which is of reasonable size it is quite useful and
14 quite easy to do. I'm sure it is all possible, but
15 I think in general terms having the board is a good way to
16 do, although I do understand that having a mechanism that
17 you can use to record the detail which means it is
18 immediately available to ICCs and other places would be of
19 benefit as well.

20 COMMISSIONER MCLEOD: In a similar vein, it has intrigued me
21 that while you were in your car away from where your
22 incident control centre was presumably you took your cards
23 with you?---Yes, that's correct. The Churchill support
24 vehicle is a vehicle that we use quite extensively within
25 our group area in support of incidents. Because of the
26 role that it plays, the brigade has made sure that T-Cards
27 and the control board and the types of things that we do
28 use, like sector commander vests and those sorts of
29 things, are part of the standard gear that we carry on
30 that vehicle.

31 If you had lost communications with the rest of your team back

1 at your incident control team, where they were located,
2 would the lack of that information to them be a
3 disadvantage or is the information replicated elsewhere
4 and held back at where the remainder of the incident
5 control team are?---It would generally be replicated not
6 necessarily in that form, but an example of that is this
7 document that was brought out before about the initial
8 deployment. That provides a similar picture in a
9 different form to what I would have had. It might not
10 necessarily change perhaps as frequently as it might do
11 for me, but in the end I would expect that the ICC would
12 have the same picture as me of which appliances were
13 committed onto the fireground, which ones would be in a
14 staging area waiting deployment, those sorts of things,
15 because you wouldn't be able to manage the resources
16 properly and the changing over of crews if you didn't have
17 that picture available to you.

18 But, in that sense, perhaps in the future electronic devices
19 would be more efficient in the sense that the data can be
20 more easily made available to a range of people
21 irrespective of their location?---Yes, I agree with that.
22 So long as it is something that is designed in a way that
23 can present, I suppose, a visual indication fairly simply,
24 then that would be fine. Trying to see that detail on a
25 handheld mobile phone would be difficult. But, equally,
26 you could have some type of screen that would allow you to
27 have a much bigger scale which just gives you a much
28 easier option to get the overview as opposed to the
29 individual detail.

30 MR CLELLAND: Mr Chairman, I have a genuine five to 10 minutes
31 to go with Mr Barling.

1 CHAIRMAN: Yes, I think we will have you finish. The T-Cards
2 are to be part of exhibit 415.

3 MR CLELLAND: Mr Barling, just in terms of communication
4 problems, can I just clarify this with you: is it the
5 command channel that was causing difficulties or the
6 fireground communication?---The command channel was the
7 one primarily that I have talked about. The fireground
8 channel, any difficulties generally would not have been
9 through the channel not being available for radio to
10 transmit; it is more about how much activity was on the
11 channel as opposed to just not being able to talk to each
12 other.

13 Is the fireground channel affected by line of sight?---Yes,
14 those sort of radio communications are, and a number of
15 other things such as distance and smoke can affect it as
16 well.

17 Broadly speaking, the fireground communications worked
18 satisfactorily?---Broadly speaking, yes.

19 With the command channel, I think you actually requested a
20 repeater station, if that's the correct description for
21 it?---That's correct.

22 Did you get one?---I'm not aware of whether one was provided or
23 not. My experience in the week before what became the
24 Delburn fire, there was communication difficulties at that
25 fire and repeaters had been installed at that stage.

26 Given the difficulties that we had had previously, I was
27 very conscious that I didn't want to experience the same
28 trouble if we could work around it. So I made an early
29 request for repeaters to be installed so we could actually
30 communicate properly.

31 During the course of the afternoon were you working with the

1 people at the ICC, including a Ms Glenys Matthews, testing
2 out various options and systems to improve
3 communications?---Yes, that's correct. I was requested on
4 a number of occasions to in effect do a test on the
5 command channel back to the ICC. They had varying stages
6 of success, I suppose you could call it.

7 You have been asked some questions about the wind change
8 information that you received firstly. Two aspects of
9 that. I suppose the wind change information is important
10 for you out on the fireground in two senses. Certainly
11 what the fire might do on the wind change and how it might
12 impact after the wind change is one consideration. But of
13 course how long the fire is going to continue its
14 southerly run and what it might impact still on that run
15 is also of great significance, isn't it?---Yes, that's
16 correct.

17 I suppose the concept of a worst case scenario might depend on
18 who you are talking to?---I think for people who are
19 involved in firefighting activities the worst case
20 scenario when the wind change comes is that the eastern
21 flank essentially becomes the head of the fire and, given
22 the conditions on the day where my expectation was early
23 on that the fire would have been fairly long in the
24 direction towards Yarram but not terribly wide, that when
25 the wind change came through that the whole eastern side
26 of that potentially became a new firefront and had much
27 more chance of causing significant damage and property
28 loss and even death, as we found out.

29 Although you don't have a note of it, as you explained to
30 Ms Doyle, to the best of your recollection the information
31 you got was the wind change was coming at 1900?---In the

1 spot weather forecast that's what I recall. But, as
2 I say, from the red flag warning my recollection was it
3 was in about an hour's time from when I got that at about
4 5.30.

5 I was actually thinking of the earlier information that you
6 speak about at paragraph 42. I think your position is,
7 although you don't remember who you spoke to, you were,
8 you believe, at least left with the idea that the change
9 would come through at about 1900 hours?---That's correct,
10 yes.

11 It was subsequent to that at 1730 that you received the
12 information that you have recorded at paragraph 44.

13 I just want to ask you this: you think that you would have
14 passed on the message at the time you received that
15 information, that is at 5.30 or thereabouts, that the wind
16 change was going to be violent and coming through in an
17 hour?---Yes, that's my recollection.

18 You have been taken to a number of statements that suggest that
19 people recall, that is people on the fireground, the
20 information passed on to them was "wind change coming
21 through at 1900". Do you know a Mr Lindsay Osborne?---No,
22 I don't.

23 Mr Osborne's statement is going to be tendered tomorrow, as we
24 understand it. He is a volunteer firefighter who was on
25 the fireground. He recalls the information being provided
26 to him, although he doesn't nominate a time, as being in
27 this form, that the wind change was expected in an hour.
28 Now, that would be consistent with what you believe you
29 passed on; is that right?---Yes, that's true.

30 Page 4. I suppose what time somebody might then expect the
31 wind change, having been provided with that information,

1 would in turn depend on what time they received

2 it?---That's correct, yes.

3 COMMISSIONER PASCOE: Mr Clelland, just a clarification. I'm
4 interested in asking Mr Barling: if you were told or an
5 experienced firefighter were told that the wind change was
6 already at Cranbourne, I assume that would have meaning
7 for you as well in terms of the likely expected time of
8 arrival?---It has meaning in that I know where Cranbourne
9 is and I know roughly how far away it is. So it gives me
10 an appreciation. There was reference before in I think
11 the spot weather forecast to I think it was Mount
12 Gellibrand. There was a location given in the spot
13 weather forecast by Rachel, and I'm not aware of where
14 that location is. So it had no meaning to me in terms of
15 whether it was 50 kilometres away or 500 kilometres away.
16 So having the location didn't actually assist me in that
17 information.

18 MR CLELLAND: Just finally, if I might, Mr Barling, you
19 described at paragraph 58 how you were amazed to see the
20 Traralgon tanker come past you on Thomson Road;
21 correct?---That's correct.

22 But what you went on to say was that was due to the amazing
23 firefighting abilities of the crew on that
24 tanker?---That's correct.

25 Can I suggest this to you, Mr Barling: a lot of firefighters,
26 both CFA and DSE, did amazing things on
27 7 February?---Absolutely.

28 <RE-EXAMINED BY MS DOYLE:

29 Finishing this topic of the red flag, as you noted in your
30 statement, your best recollection is Mr Mitchell told you,
31 "The wind change is at Cranbourne and it will arrive in

1 about an hour," and your best recollection is that you
2 repeated that down the line?---Yes, that's correct.
3 I'm summarising a body of evidence there, but do you agree with
4 that?---Yes.
5 Mr Barling, if Mr Mitchell had given you a red flag warning in
6 these terms, "The wind change will arrive between 5.30 and
7 7 pm," first of all, is it possible that that is the
8 terminology he used when he contacted you?---It's
9 possible, but I don't recollect.
10 If he had used that terminology, is that what you would have
11 relayed on?---I would expect so, yes. It has much more
12 meaning than just 7 o'clock.
13 You were asked a number of questions about the T-Cards. I took
14 it from what you said that your preference, because you
15 are familiar with it, is to have the board that allows you
16 to see on one page, if you like, where the T-Cards are
17 which helps you figure out where your resources
18 are?---That's correct. I wouldn't necessarily say it is
19 what I would use, but it provides a simple way. If you
20 could provide something similar, then I would be happy to
21 use something similar.
22 If something was electronic, one concern you would have is you
23 would like to be sure it is big enough to have a good look
24 at all that information?---Yes, that's correct.
25 Commissioner McLeod asked you about the people who were back at
26 the ICC and the prospect that there might be a better way
27 of them capturing the same information, because of course
28 the board is with you in your vehicle. I may have watched
29 too many movies, but does this possibility have any appeal
30 to you: if there were GPS locators on the CFA vehicles
31 linked to a system which enabled you to know who was

1 where, I for one can imagine perhaps a big screen at the
2 ICC which would show where CFA crew were located and who
3 they were. That sort of thing would enable you to know
4 where your crew were and in some instances get a handle on
5 the fire perimeter?---Yes, it would have some benefit.
6 That certainly tells you where crew would be at a
7 particular time, but it doesn't necessarily give you the
8 detail about which area they might belong to, if you like.
9 So it is not for a manager like I was acting on the day,
10 I wouldn't want to see where all the trucks were
11 necessarily along the fire edge. I would still want to
12 know that they were in sector X or sector Y so that
13 I could then have an appreciation of whether I had the
14 right numbers out there and all those sorts of things.
15 So, while there would be some advantage to having that,
16 there I think is also some advantage to having a system
17 which would provide information in a similar way to how
18 the T-Card system allows you to move things at the moment.
19 So having access to both might be the best solution of
20 all?---I guess both and perhaps even more; who knows.
21 Thank you. May Mr Barling be excused?
22 CHAIRMAN: Yes. Thank you, Mr Barling; you are excused. We
23 will resume at 2 o'clock.

24 <(THE WITNESS WITHDREW)

25 LUNCHEON ADJOURNMENT

1 UPON RESUMING AT 2.00 PM:

2 MR ROZEN: Commissioners, the next witness is Mr Rainier

3 Verlaan. I call Mr Verlaan.

4 <RAINIER MARTIN VERLAAN, sworn and examined:

5 MR ROZEN: Is your full name Rainier Verlaan?---My full name?

6 Yes?---Rainier Martin Verlaan.

7 Thank you. You live at 50 Cooks Road, Callignee?---That's

8 correct.

9 You live there with your wife, Ann, and your daughter, Chelsea,

10 who is 18 years old?---That's correct, yes. That was at

11 the time of the fire.

12 She is now 19?---She is now 19, yes, and she is only - she

13 partly lives with us instead of full-time.

14 Mr Verlaan, with the assistance of the lawyers for the Royal

15 Commission, have you prepared a witness statement with

16 three attachments?---That's correct.

17 Have you had an opportunity to read through the contents of

18 your witness statement before giving evidence

19 today?---Yes, I have.

20 Are the contents of your witness statement true and

21 correct?---Yes, they are.

22 Is there anything in the statement that you would like to

23 change?---One area that has been drawn to my attention

24 just in the last few weeks was the time that I thought the

25 Churchill fire had commenced, which I thought was in the

26 morning. I now understand that it was in the afternoon at

27 approximately 1.30.

28 All right.

29 CHAIRMAN: Paragraph 15 might be changed.

30 MR ROZEN: Yes. Thank you. Perhaps if you turn to paragraph

31 15 of your statement, at the bottom of the second page,

1 Mr Verlaan, you there say, "Late morning I heard on the
2 radio that a fire had started near Churchill and was being
3 fanned by strong north-westerly winds." Would you like to
4 change that reference to "late morning", is that what you
5 are saying?---The "late morning" is obviously now "in the
6 afternoon".

7 So if we replace the words "late morning" with "in the
8 afternoon", would that be satisfactory?---Yes.

9 With that change, are the contents of the statement true and
10 correct?---Yes, they are.

11 I tender the statement.

12 #EXHIBIT 416 - Witness statement of Rainier Martin Verlaan
13 (WIT.095.001.0001) and attachments.

14 MR ROZEN: Mr Verlaan, you have lived in the house at 50 Cooks
15 Road, Callignee, since 1997?---That's correct.

16 Where did you live before that?---In Traralgon township.

17 You explain in paragraph 2 that the house is a brick veneer
18 construction with a Colourbond metal roof?---That's
19 correct.

20 You have provided to the Commission some photographs of the
21 house both before and after the fire. Perhaps if we could
22 go to those photos, they are at attachment RV1 to your
23 statement, (WIT.095.001.0010). That is up on the screen
24 now, Mr Verlaan, and I think you also have a hard copy in
25 front of you?---That's right.

26 Can you tell us when that photograph was taken?---That photo
27 was taken about 2002.

28 Was that, in general terms, how the house looked before
29 7 February 2009?---Yes, pretty well, except the large tree
30 that's directly in front there, that was blown down in a
31 storm in the middle of 2007. But pretty well what you see

1 there, apart from that one tree, is how our property was
2 on the morning of February 7th.

3 There is another photo at the bottom of that page which we
4 perhaps can go to. That was a photograph taken after
5 7 February 2009?---That's correct, two weeks after.

6 It is from a fairly similar perspective to the photo we were
7 just looking at a moment ago, is that right?---Yes.

8 That's why I selected them. I thought it showed what I
9 think is a very good contrast. Can I mention that the
10 tree that's knocked over there with the root ball, that
11 was pushed over by an excavator about a week after the
12 fire as we were concerned about a number of trees that
13 were close to the house that had significantly burnt, so
14 we had them pushed over.

15 So it was pushed over at your request, as a result of a concern
16 about the danger?---That's right.

17 You have also provided us with another two photographs which
18 are witness page 11. It should be the next page in the
19 statement in front of you. Perhaps it might be better to
20 look at the one at the bottom of the page first. That's
21 an aerial view of the property, Mr Verlaan?---That's
22 right.

23 And when was that photo taken?---That was taken in 2007.

24 On the left-hand side of the photograph we can just make out
25 Cooks Road?---That's correct, yes.

26 It shows the property and the bush surrounding the
27 property?---Yes. The cleared section in the top
28 right-hand corner, you can make out a bit of a line there
29 where the trees stop. That's our neighbour that's
30 actually going up the hill that way, and that is our joint
31 fence line and his property.

1 Otherwise, up to Cooks Road, is it all your property?---Yes.

2 There is a large roadside reserve between our road and our

3 property and between the road and the house there is what

4 we call a gully.

5 That's the boundary, is it, of your property?---Yes, the front

6 roadside boundary basically runs through the middle of the

7 gully.

8 If we can just for completeness go to the photo at the top of

9 page 11. That's an aerial photograph taken of the

10 property when, Mr Verlaan?---Approximately two or three

11 weeks after the fire.

12 We can now more clearly see Cooks Road in the top left-hand

13 corner of the photograph, is that right?---That's correct.

14 We can also see the devastation caused by the fire that passed

15 through the property in terms of the bush around

16 it?---That's correct.

17 Anything else you would like to draw our attention to in that

18 photograph?---Yes. From the bottom right-hand corner

19 here, that was pretty well the direction of the path of

20 the fire. Our house, the front, faces north-easterly.

21 So the front of the house is where, Mr Verlaan? It is the

22 top-most side of the rectangle, is it, facing Cooks Road

23 essentially?---That's correct.

24 What direction is that from the house?---North-east.

25 So the fire came to you from the south-west?---That's correct.

26 If I can return to your statement, please, Mr Verlaan, you also

27 attach a police statement that you made. Have you used

28 the contents of the police statement to assist you in

29 making the Royal Commission statement?---I'm trying to

30 recollect the order in which I did things, and I can't

31 remember right now exactly when I did the interview with

1 the Phoenix taskforce and when I started to write my
2 submission to the Royal Commission.

3 If it helps at all, the police statement, the Phoenix taskforce
4 statement, is dated 21 March 2009, so some six weeks or so
5 after the fire. Does that help you?---Yes, it does. It
6 took me probably about a month to put my submission to the
7 Royal Commission together, which I know that I finished
8 around about the middle of April.

9 If I could turn to the heading "Fire plan and preparations" on
10 the first page of your statement, you say there that you
11 and your wife have always been conscious of the bushfire
12 risk consequent upon purchasing the property in
13 Callignee?---Yes, that's correct.

14 You say that you wanted to live on a bush block but knew you
15 had to modify the environment to accommodate the bushfire
16 threat; is that right?---That's correct.

17 You say that you read CFA literature and attended two or three
18 CFA meetings in your local area about how to prepare the
19 property. Where were the CFA meetings held, do you
20 recall?---Yes. There was one at Jeeralang, which would
21 have been around 1997/1998.

22 So, soon after moving in?---That's correct. There was another,
23 just a community meeting by the roadside on the corner of
24 Old Callignee Road and Sunday Road, I can remember that
25 clearly. I'm not sure exactly when, but it would have
26 been within the first few years of us moving into the
27 house.

28 You describe your bushfire survival plan as something that's
29 evolved in two stages. The first stage, soon after moving
30 in, was a fairly simple plan which was to leave in the
31 event of a bushfire; is that right?---That's correct, yes.

1 You say in paragraph 6 that your children were younger and you
2 didn't consider that you were at that time, in the first
3 two years after purchasing the property, prepared to stay
4 and defend the property; is that right?---That's correct,
5 yes.

6 You say that you understood that leaving meant leaving early in
7 the morning and that it meant with a designated place to
8 go, but that over time you were gradually able to equip
9 the house so that you were able to develop a subsequent
10 written fire plan in which you were prepared to stay and
11 defend the property in the event of a bushfire?---That's
12 correct, yes.

13 What steps did you take that got you from plan A to plan B, if
14 I can put it that way?---There were for us a number of
15 significant activities that we undertook. One was we had
16 installed a fire sprinkler system with a petrol pump that
17 fed off - we had two, 50,000 litre concrete tanks. One
18 was designated the fire tank which we kept full or as
19 nearly full over the summer period. The other one was the
20 house tank. Another thing that we developed over a number
21 of years was a fuel reduction zone that went for
22 approximately 30 to 40 metres in a circle around the
23 house. We did that by hand most of the time with just a
24 brushcutter, so it was very labour intensive work, but the
25 idea being we didn't want to really damage the bush
26 because we like to live on a property like that. So, we
27 ended up dividing it into four and each year doing a
28 quarter of that fuel reduction zone each year, so in four
29 years the whole zone had been done at least once. It went
30 to the point where we would rake it up almost to the bare
31 dirt and we would have small furrows, if you like, that we

1 would then burn off that were quite manageable and we
2 usually did that in winter anyway, so it was never a
3 problem. So that was two things that we did. We also had
4 a pool that we thought had two aspects of it. One was the
5 recreation and the other one was we would have another
6 source of water on the property.

7 Having made those preparations, and you do list other ones in
8 paragraph 11 of your statement which I don't need to take
9 you to as they are set out there, did you commit your fire
10 plan to writing and have you attached it as attachment RV3
11 to your statement?---Yes, I have.

12 Have you today provided the Commission through me with the
13 original of the fire plan that you had in
14 February 2009?---Yes, I did.

15 Are you prepared for me to add that original plan to the
16 evidence in the Commission, as the photocopy that we have
17 is a little bit difficult to read?---Yes, that's fine.

18 Having made those plans and despite being aware that
19 February 7th was to be a very hot day with high fire
20 danger, you and your wife made the decision that you would
21 stay at the property on 7 February 2009?---That's correct.

22 You felt that the preparations that you had made were
23 sufficient to enable you to do that safely?---We did.

24 You also make reference in your statement in a couple of places
25 to being mentally capable of staying and fighting the
26 fire. It is an expression you use in paragraph 19. Would
27 you like to expand on what you mean by that,
28 Mr Verlaan?---We knew that going through an event - we
29 didn't think the event would be as bad as what we thought,
30 for a start, as I guess most people in our situation
31 probably didn't. But, as I have mentioned there in that

1 paragraph 19, we did reassure ourselves at one stage, yes,
2 we can go through with whatever is coming because at that
3 stage, I think in the next paragraph, 20, the
4 environmental conditions were telling us that whatever was
5 coming is fairly close now. So, we just wanted to
6 reassure ourselves, talk to each other about it, because
7 we had been going our own separate ways doing the last
8 minute preparations in the afternoon, so we were as
9 confident as we could be that whatever was coming we were
10 able to cope with and keep ourselves safe and defend our
11 house successfully.

12 Given that that proved to be the case, that you were able to
13 defend the house successfully, what do you say about the
14 importance of the mental preparation, as you describe it,
15 alongside the physical steps that were taken to prepare
16 the house?---I think the two go hand-in-hand together
17 because, for us, knowing that we'd done all the
18 preparations we possibly could, we were confident - sorry,
19 I'll stop there and go back. Doing all the preparations
20 that we could, that led to the confidence that we could
21 stay and defend our house successfully.

22 You refer in paragraph 15 to becoming aware, whilst listening
23 to regional ABC Radio, of the fire near Churchill. You
24 say at paragraph 17 that it was at about 2 o'clock that
25 you decided to put your fire plan into action because, as
26 you say, "We felt that something was going to happen."
27 What steps did you take to implement your fire plan at
28 that time?---The things that we did were there was a
29 woodshed and toolshed that I knew had some leaves in,
30 there was still a little bit of firewood left over from
31 the winter there, so I cleaned and threw all that out into

1 open space. I checked that the firefighting pump worked
2 and let it run - actually I let it run for - I'm not sure
3 exactly how long, but I let it run for a while to wet the
4 area down. I blocked all the gutters, the downpipes with
5 purchased rubber blockers. That's not the right word.
6 Stoppers, perhaps?---Stoppers. The reason why I did that was
7 because ash, whatever other bushfire debris on the roof,
8 I didn't want it to go into our domestic water tank and
9 wreck that water. Also the gutters would then overflow,
10 spill down onto the ground around the house and I felt
11 that that would be helpful in that situation. We ensured
12 that we had full buckets of water with mops stationed
13 around the house, filling up the bath, water bottles, had
14 towels ready. We also got our - what would you call it -
15 they're not really firefighting clothes, but clothes that
16 we had got ready to fight a fire with. I probably
17 shouldn't really say fight a fire because you can't fight
18 the fire, but to defend our house from the fire with. So
19 it was all those last minute things that we thought we
20 needed to do in a situation like that.
21 At paragraph 18 you make reference to your daughter, Chelsea,
22 and you say there that she had gone to a local river to
23 cool down, that she rang you during the course of the
24 afternoon and you told her not to come home. Did you tell
25 her what to do?---Yes. We suggested to her, because she
26 had gone with some friends, that she stay at that friend's
27 house or find someone that she could stay with there,
28 I guess until she heard from us.
29 As far as you know, is that what she did?---Yes, she did.
30 She was quite safe, as it turned out, at that
31 location?---That's right, yes.

1 At paragraph 23 you make reference to listening to the radio
2 all afternoon and into the evening. You said earlier in
3 your statement that you listened to ABC local radio. Is
4 that ABC 100.7 FM?---That's correct.

5 You make reference to a broadcast on the ABC in paragraph 23.
6 You say, "They," the ABC, "did mention that with the
7 south-westerly change the fire would spread to the south
8 of Callignee but they did not say anything about
9 Callignee." There is evidence before the Commission,
10 Mr Verlaan, of a broadcast at 8 minutes past 6 on the
11 evening of 7 February on ABC 100.7. The broadcaster is a
12 Catherine McAloon, I think is the correct pronunciation.
13 Do you recall whether it was a female voice that you heard
14 or is that really stretching the memory at this
15 time?---I think that is stretching my memory at that time
16 because I would say that probably at around about
17 5 o'clock I know that the radio was there and messages
18 were coming, but I wasn't really focusing on that any
19 more. I was focusing more on what was happening on the
20 ground and what we had to do.

21 I understand that. Will you accept from me, Mr Verlaan, that
22 the message that I'm about to read to you was the first
23 time in which there was an express reference to the
24 south-westerly wind change. Perhaps if I read it to you
25 and then I want to ask you a question about it.

26 Ms McAloon - this is in the chronology document at page
27 (TEN.106.001.0040). Ms McAloon says this, and it is just
28 coming up on the screen, if it helps you at all. It is
29 that yellow-coloured rectangle. Perhaps if I read it to
30 you, Mr Verlaan. She says, "The Glendonald Road fire is
31 currently burning in a south-east direction and still

1 spreading rapidly. The predicted south-westerly wind
2 change is imminent. The communities of Willung South,
3 Willung, Stradbroke, Stradbroke West, Giffard West,
4 Darriman, Hiamdale and Gormandale may experience heavy
5 smoke and ember attack from the main fire when the wind
6 changes." It goes on to say the wind change is imminent,
7 as you can see. Having seen that and heard that,
8 Mr Verlaan, does that help you at all to remember whether
9 or not that was the message you are referring to in
10 paragraph 23?---That sounds very similar to what I think
11 I heard.

12 You make the point in your statement that there is no mention
13 or nothing said in that message about Callignee, but you
14 do say that the message said that the fire would spread to
15 the south of Callignee. Do you agree with me that some of
16 the locations mentioned are to the south of Callignee, but
17 others such as Hiamdale and Gormandale are to the east or
18 north-east of Callignee?---Yes, that's correct.

19 One final question about that. If there had been a mention of
20 Callignee in the list of towns referred to there, would
21 that have altered your plans that were in place at that
22 time?---No.

23 You had already decided that you would stay and defend?---And
24 we had affirmed that to each other.

25 Had it in fact got to a time where leaving could well have been
26 more dangerous than staying, in any event, at that
27 time?---Yes, absolutely.

28 You go on to describe the power going off and it getting
29 darker, this is in paragraph 24 of your statement. At
30 paragraph 25 you say, "The warnings of ABC Radio were
31 indicating that the fire was probably going to miss us to

1 the south but the environmental conditions did not reflect
2 this." What was it about the broadcast that led you to
3 think that the fire was going to miss you to the
4 south?---The fact that Callignee hadn't been mentioned and
5 some of those localities were to the south of us, so that
6 made us think that. But that's not what happened.

7 No, I understand that. In paragraph 26 you say, "At
8 approximately 6.30 pm we came under ember attack." Can
9 you tell us what then occurred?---Yes. We were standing
10 on our back verandah looking in that south-westerly
11 direction. We had a mop in each of our hands. That was
12 ready to put out any embers that came. The first few
13 embers came, landed in the distance. As I said
14 previously, from our back verandah it's looking back
15 towards a ridge, so we couldn't see what was coming from
16 the other side of the ridge. So, the embers started to
17 fall. As soon as they started to fall I went and turned
18 on our fire pump, checked that everything was going,
19 turned it on full blast, ran back to the verandah and
20 basically we waited for the fire to come. Previous to
21 that it was absolutely pitch black to the point where we
22 had to use a torch to get around, because our verandah is
23 up on steps on both sides. So, back on the verandah, fire
24 pumps going, everything is getting nice and wet. Then
25 embers started to land more thickly, more consistently.
26 We were just waiting. Then a tree, a large tree,
27 eucalyptus tree, nearly at the top of the ridge crackled
28 up in flames. It just went up completely. Then we knew
29 that it was really on at that point. So, the embers were
30 creating fire in front of what was the main front. Then,
31 I'm not sure if it was the actual front or not, but the

1 fire had crowned into the top of the trees. The trees
2 near our property are messmate, the ones around that you
3 saw closest to our house are about 30, 35 metres tall,
4 I suppose, so the fire was up above that. Then we decided
5 it was time to go inside and shelter. We had all the wet
6 stuff, towels and everything there ready. I think just
7 before that Ann had decided to put some wet towels on the
8 outside windowsills, or the inside, I'm not sure which.
9 She went and did that job, that were facing that
10 south-westerly direction. Then we went inside, closed the
11 curtains, and then the embers were landing really, really
12 thickly. Being a tin roof, it was quite loud. I remember
13 the fire itself being really, really loud. At one stage
14 I looked out and the main firefront was obviously right up
15 to us by then. I can just remember looking out and the
16 embers were just flying bright yellow streaks
17 horizontally. So, they were making quite a noise on our
18 house. I checked every now and again to see whether the
19 sprinklers were working. They continued to work. We
20 actually had our fire plan out on the bench. I'd got it
21 out earlier in the afternoon but I never ever looked at it
22 because I think - well, I remembered most of it. Then
23 that reminded me, when I was thinking what was in it
24 without looking at it, to check the roof cavities. On the
25 western side of our house is the main bedroom. We checked
26 the roof cavity up there. There is a door through - we
27 have cathedral ceilings inside, so there is a door with a
28 mezzanine, so we went up there and embers were flying in
29 under the ridge cap. They were landing on the roof
30 trusses, on the fibreglass insulation, so I was going in
31 there. The smoke was extremely intense. I might also say

1 this whole time our three smoke alarms were going off like
2 crazy, but we just didn't have time to do anything about
3 it. I can still hear them in my ears. So, using wet
4 towels, Ann was feeding me the wet towels through the door
5 into the roof cavity and I managed to put them out. I had
6 to keep coming back out for fresher air because the whole
7 house had filled up with smoke by this time as well, but
8 because the embers were going into the roof cavity there,
9 it was just a whole lot more intense and the heat in there
10 was tremendous. Then things started to die down a bit and
11 the embers stopped coming into the roof cavity, so then
12 I thought I'd better just check to see if the sprinklers
13 were working. So I actually went to the north-east front
14 side of the house, looked out through the curtains there,
15 because there are two lines of roof sprinklers, but we
16 also had, where the verandah decking was, another line of
17 sprinklers that completely wet all the - we have timber
18 lintel windows, so I checked to see that part of it all
19 and noticed that the sprinklers had stopped. Then we
20 decided to venture out. We had another look outside the
21 south-west side, noticed that things had died down a
22 little bit and thought, "Well, it's probably okay to go
23 out now and start to do whatever mopping up we could."

24 You then explain in paragraph 31, firstly, that that time you
25 were inside the house while the worst of the front passed
26 was about 10 or 15 minutes. It probably felt a lot longer
27 at the time, I suspect, Mr Verlaan?---We've discussed that
28 a lot between Ann and myself, our neighbours' experiences
29 and no-one's timeframe matches. But that's what it seemed
30 like to us.

31 That's your best estimate?---That's our best estimate, yes.

1 You say when you checked the fire pump it had burnt out because
2 of ember attack and some of the components had melted and
3 that accounted for why the sprinklers had stopped
4 working?---That's correct, yes.

5 And that was despite the fact that the pump was housed in a
6 brick enclosure with a corrugated iron roof?---That's
7 correct. I had actually - I'm not sure whether I have
8 written it into here or not. When I turned the fire pump
9 on I thought it might need a bit more air, so I actually
10 left a small gap between the brick and the corrugated
11 roofing, and that's obviously where the embers got in, so
12 that's going to be part of my next improvement.

13 Plan C. At paragraph 32 you say that although the house didn't
14 catch fire, the above ground pool was damaged and the
15 decking and posts around it were on fire. The garden was
16 damaged and not surprisingly your woodpile had caught fire
17 as well. Is that right?---That's correct, yes.

18 At paragraph 40 of your statement you say, "I feel that we were
19 lucky that the fire came through on the west side because
20 the pool and the driveway created a barrier around the
21 house. I also believe that the fuel reduction zone around
22 the house helped protect the house because the intensity
23 of the fire did lessen when it hit that zone." So your
24 planning bore fruit in that regard, Mr Verlaan?---We
25 believe so, yes.

26 You say at paragraph 42 that you at no stage felt physically in
27 danger. You were confident that even if the house caught
28 fire you could use it to shelter from the radiant heat; is
29 that right?---That's correct.

30 You then describe events since 7 February. Was it on
31 8 February, when you started to talk to neighbours and

1 friends, that you realised the extent of the devastation,
2 particularly in your part of the world?---Yes. Even
3 though the battery radio still went, there was no TV, not
4 that it would have worked anyway because we didn't have
5 power at that stage. We knew that there had been other
6 things going on in the state and that other places had
7 been devastated as well, but it was all a bit like we were
8 removed from it. I think we were just so focused on what
9 was happening to us and sort of working out what we were
10 going to do next. Actually, just going back, I'm trying
11 to answer your question.

12 Certainly?---On the night, I can't recall exactly what time,
13 but it was definitely dark by that stage from natural
14 light or lack of natural light, we contacted Chelsea and
15 told her could she contact everyone she's got on her
16 contact list on her phone to tell them that we were okay
17 so we had some contact with people - - -

18 Through your daughter?---Yes, through our daughter there. And
19 our landline, I don't know how, but our landline kept
20 working the whole time. It wasn't particularly good, but
21 it did work.

22 At paragraph 52 of your statement on witness page 7 you have a
23 heading "Changes in the future" and you say in paragraph
24 52, "In the future we will stay and defend if a fire comes
25 again." Are you aware of the new system of warnings that
26 has been released very recently and publicised by the
27 Premier, amongst other people?---Yes.

28 Are you familiar with the highest level of warning that is to
29 be introduced this coming summer, which is code red or
30 catastrophic?---Yes, I am.

31 Does your intention to stay and defend also apply to days that

1 will be designated or may be designated as code red or
2 catastrophic or would you have a different approach to
3 such days? If it helps you answering that question, the
4 indication has been given that 7 February 2009, if a
5 similar day occurred again, would be classified in that
6 way?---I think, yes, I would.

7 You feel that the fire preparations you have had in place as
8 improved by your experience of last summer would enable
9 you to do that?---I do. I say I, but we have already
10 improved our fire preparation plans. Some parts of it
11 already are better than they were before.

12 Under the heading "Stay or go" you make the point in paragraph
13 55 about the importance of your physical and emotional
14 preparation as preparing you for the events of 7 February
15 2009. You say in paragraph 57 that you think the
16 education material on whether to stay or go should
17 emphasise in a much stronger way the need to be mentally
18 prepared. That's returning to a theme that I explored
19 with you earlier in your evidence?---Yes.

20 Have you seen any indication from the publicity that's been
21 given to warnings and the like that that's happening or is
22 it something you still think - - -?---Not that I'm really
23 aware of. I haven't updated any of the - I don't even
24 know if the CFA have updated the "Living in the bush"
25 document which had our fire plan. I don't even know if
26 that's been updated, but I found that a very informative
27 document when I first got it.

28 You also make some suggestions under the heading "Bushfire
29 plans and building regulations" and if I'm able to
30 summarise those, you say, don't you, that you think it
31 should be compulsory for people living in bushfire-prone

1 areas to attend CFA education meetings?---Yes, I do say
2 that in there.

3 Do you say that because your attendances at such meetings soon
4 after going to live in Callignee were of assistance to you
5 in starting you along the path of a good fire plan?---Yes,
6 I do.

7 You also make reference to the need for there to be reviews of
8 fire plans taking place on a regular basis. Who do you
9 think or what body do you think should be responsible for
10 the review of fire plans?---I wrote down the CFA or an
11 authority, whether it is an existing authority or maybe a
12 new authority or a building authority or something that is
13 empowered to do that sort of thing of helping householders
14 develop bushfire plans.

15 They are the matters I have for Mr Verlaan. Do the
16 Commissioners have any questions? I understand Ms Button
17 has some questions for Mr Verlaan. I'm sorry, Dr Lyon has
18 some questions.

19 <CROSS-EXAMINED BY DR LYON:

20 Mr Verlaan, my name is Greg Lyon and I represent the local
21 councils. I just want to ask you some questions, if
22 I may, about the contribution of the vegetation management
23 to the survival of your home. You told the Commission
24 that you had quite a considered vegetation management
25 policy in relation to your home. Can I just ask you how
26 long have you had that in place, over how many years?---We
27 started to reduce the amount of vegetation in what we call
28 the fuel reduction zone, we started to do that around
29 about 1998/99.

30 So it has been undertaken over quite a long period of time
31 now?---Oh, yes.

1 It seems from looking at the photograph that's attached to your
2 statement, the aerial photographs in particular, that you
3 had quite a large circle of native vegetation around your
4 property; is that right?---That's correct, yes.

5 I also gather, picking up not so much from your statement but
6 from the attached bushfire survival plan, that the sort of
7 vegetation that you have around your house is all native
8 vegetation?---That's correct, yes.

9 You don't have any introduced species around your house?---No,
10 only what we had - there were a couple of introduced
11 species in the garden area itself around the house, but
12 they are low shrubs groundcover, but very few.

13 When you talk about the fuel reduction zone, what sort of
14 distance were you talking about there? Is that the 30 to
15 40 metre zone you are talking about?---That's correct,
16 yes.

17 Have you heard of the introduction of a new 1030 policy by the
18 state government?---Yes, I have.

19 Yours was a precursor to that by many years, I take it?---We
20 realised that as soon as that came out and we thought,
21 "Oh, okay, somebody has finally realised."

22 One of the things that you say in your statement is that you
23 had a clearing of 5 metres or so. Was that almost back to
24 bare earth or can you just tell us what it is that you
25 had?---If I can refer to the photo, the top left, top side
26 of the house which faces north-east, that's all driveway
27 out the front which is crushed rock. Then it goes around
28 the top as we look at the photo and then around the
29 bottom. There's a pathway going up a little bit further
30 and then that area reduces significantly because that's
31 where we placed the pool and garden and there's also a

1 washing line.

2 I'm sorry, do you mind just getting up and showing us where the

3 pool is?---The driveway comes up along here. There is a

4 car park area there, all crushed rock. The pathway there

5 is about two or three metres wide to the back verandah,

6 which is here. Then the crushed rock driveway goes around

7 this side. Around this side of the house is another car

8 park with all crushed rock and then there is a paved area

9 where the washing line is here. The pool is there, with

10 its black cover on, so there's not that much of a zone

11 around here, so that's that 5 or so metre cleared area,

12 but as I said not so much along here. That's just low

13 shrubs, groundcover.

14 Then going out 30 to 40 metres we can see that there is still,

15 at least from the air, a very dense canopy of trees, but

16 you had taken out much of the undergrowth from there, had

17 you?---That's right, so it would go approximately here.

18 Our boundary fence is very close to the bottom of the page

19 there. Then it would go approximately here, here, so

20 around there. You can see fairly clearly from the picture

21 here that's just basically native grass tussocks and

22 things, that's that green there. We did keep a couple of

23 sections, leaf-shaped sections, probably more about there

24 and up the back here, just to keep some of the native

25 vegetation within that zone as well.

26 I just want to ask you a couple of questions. Did you keep the

27 area around your house watered or did you leave it to

28 natural rainwater and that?---Do you mean watering the

29 plants?

30 Yes, watering the native vegetation. Did you water that?---No.

31 What I want to ask you next is this. You talked about, before

1 the firefront came, you sustained an ember attack. What
2 was the effect of the ember attack within the relatively
3 cleared area around your house? Was it easier to - did
4 you find it easy to contain?---The embers didn't actually
5 ignite. We saw them land but they didn't really - they
6 didn't create a fire as such. There may have been, from
7 what I can remember, small patches, but it stayed in
8 isolated pockets. That was the initial one, but they
9 certainly went out after a while.

10 Just while we've got that photograph up, from which direction
11 did the embers come, can you just indicate that?---Yes,
12 they were coming pretty well that way. It was almost
13 pretty well south-west, from the south-west, so they were
14 heading north-east.

15 Although you had checked on your sprinkler system, you found
16 after the firefront passed that your pump had actually
17 stopped working at some stage?---Mm-hm.

18 I take it from that, that that meant that your sprinkler system
19 wasn't working either?---That's correct.

20 So your house survived the fire, even though you at some stage
21 lost, presumably during the firefront, your pump?---That's
22 correct. We know that it was towards the end of the
23 firefront coming through, because I was checking whether
24 the sprinklers were working through the curtains at
25 various stages.

26 I'm nearly at the end. You noted as the fire approached that
27 the fire was - I think you said the flames were about 20
28 or 30 metres. Did I read that, or is that the height of
29 the trees?---Yes. Above the height of the tree.

30 In the fuel reduced area, I take it you didn't see an intensity
31 of fire at ground level; are you able to say or not?---As

1 we were on the back verandah watching the fire come down,
2 it was the beginnings of the firefront, it wasn't the
3 actual front. So what was ahead of the front, it stayed
4 up in the top of the trees, but once it hit the fuel
5 reduced zone there was nowhere near the - there wasn't the
6 intensity. But we weren't out there long enough because,
7 as hopefully you can see, we had to go inside because the
8 heat was just becoming way too much. So the fire had come
9 to the fuel reduction zone, we felt that it had reduced in
10 intensity, but then we had to go inside.

11 One final matter, thank you, Mr Verlaan. Do you know whether
12 your house is in what is declared as a bushfire-prone
13 area?---Yes, I do.

14 It is, and is it?---Yes. Well, the reason why I know is
15 because our neighbour who is planning to rebuild was told
16 that she's in the highest - this is from her, I don't know
17 how accurate this is - but she is in one of the highest
18 bush attack level zones.

19 Do you know whether there is a wildfire management overlay over
20 your house?---I'm not entirely sure. I have been to
21 meetings that DSE have run in the past. I haven't been to
22 those meetings for quite a while, because to the
23 south-west here, the Old Callignee Road would run roughly
24 along there and then you have the Traralgon South flora
25 and fauna reserve. They have been doing roughly 100 metre
26 wide burns for property asset protection and I think that
27 that is part of that overlay plan that you might be
28 referring to.

29 Thank you. They are the matters.

30 <CROSS-EXAMINED BY MS BUTTON:

31 Mr Verlaan, I appear for the State of Victoria. Just a few

1 questions, if I might. You mentioned that you attended
2 several CFA meetings when you first moved into the area.
3 You have also said in your statement, paragraph 60, that
4 you think that attendance at such meetings should be
5 compulsory for those moving into or living in areas such
6 as yours. Can I ask you what the attendance was like at
7 the CFA meetings that you attended?---The first one that
8 I attended at Jeeralang that I referred to, it was in
9 someone's lounge room. It was more like - I'm having
10 trouble remembering - it was like the CFA Fireguard
11 program.
12 Community Fireguard?---Yes, something like that, so that was
13 the nature of that one. There would have probably been at
14 least a dozen to 15 people there.
15 I think you mentioned another meeting was more of a street
16 corner type of meeting?---It was, and there were - I can't
17 recall. There were a fair few people, I would say at
18 least over 12, a dozen people.
19 You knew from the training you had received, I think you say in
20 your statement, that you would have to plan on the basis
21 of being independent in the event of a fire?---That's
22 correct.
23 Did you receive some training or some information through the
24 materials that you received about the way in which a fire
25 can behave when it is being driven in one direction by the
26 prevailing wind and there is going to be a wind
27 change?---Yes.
28 Is that information really reflected in what appears as a
29 picture on page 4 of the "Living in the bush" booklet?
30 I might ask if that can be brought up. It is part of the
31 booklet that's been handed up containing the fire plan of

1 Mr Verlaan. If that could be put under the cameras,
2 please. For the Commission's benefit, I'm instructed this
3 booklet appears also at (TEN.001.001.0004). Did you
4 understand from having seen that diagram that the fire can
5 travel with the wind and then, on the change, what appears
6 as the flank becomes the head?---That's exactly right.
7 You have made a statement that's dated in June of this year.
8 You have referred to warnings that you heard on the radio
9 on that day. Can I take it that you didn't have the
10 benefit of transcript of the ABC Gippsland when you made
11 your statement?---That's correct.
12 I think you've told the Commission when Mr Rozen was asking you
13 questions that you formed the view that the warnings were
14 suggesting that the fire would go to the south of
15 Callignee, including on the wind change, and then Mr Rozen
16 took you to the warning that was broadcast at 1808 that
17 included Hiamdale and Gormandale and referred you to the
18 fact that those communities are east and to the
19 north-east?---I'm not sure - you said something there that
20 I'm not sure if that's exactly what I said or understand.
21 Let me take you to the part of the statement that I'm referring
22 to. This is in paragraph 23. "They did mention that with
23 the south-westerly wind change the fire would spread to
24 the south of Callignee and they did not say anything about
25 Callignee"?---That's correct.
26 Mr Rozen took you to the warning that was on the radio at 6.08
27 mentioning Hiamdale and Gormandale; do you recall
28 that?---Yes.
29 I think part of the evidence you gave was that you really just
30 didn't hear Callignee on the radio; is that
31 correct?---That's correct.

1 Can I just put to you there were two warnings that did mention
2 Callignee that were on ABC Gippsland at 1553, that's
3 7 minutes to 4 o'clock, and at 4.05. Can I take it you
4 just didn't hear Callignee mentioned at that time, at
5 those times?---I recall hearing warnings and I can't
6 really recall exactly whether Callignee was mentioned or
7 not.

8 The warnings that were broadcast at the two times I have just
9 told you about were drawn from a message, a warning
10 message that was created in an incident control centre
11 that was in Traralgon. That needn't concern you for the
12 purposes of this question, but the fuller written warning
13 contained a line saying, "Decide now whether you are going
14 to stay or go." You have referred in your statement at
15 paragraph 56 to some people in your area of Callignee
16 leaving quite late when they could actually see flames
17 coming?---Mmm.

18 Do you think it would have been helpful to them if that part of
19 the message, "Decide now whether you are going to stay or
20 go," had been broadcast on the radio?---Yes.

21 Because when Callignee was mentioned at those two times, that
22 part of the message in fact wasn't read out on the radio.
23 There was also a Mr Peter Lockwood who gave an interview
24 on ABC Gippsland at 4.25. He was the incident controller
25 at the Traralgon incident control centre that I have just
26 mentioned. I just want to ask you whether you heard this.
27 Gerard Callinan, who was the radio host, said, "We are
28 expecting the change around, what, 7 or 8 o'clock tonight.
29 We have had people speak to us saying, 'Look, this is
30 dangerous right now, but it is even more dangerous when
31 the change occurs.' What's your advice about that? I know

1 it is a couple of hours down the track, but it's
2 worthwhile just noting it now, I guess." Then Peter
3 Lockwood says, "Well, I would say that certainly people
4 who are east of the fire, it is to make your decision now.
5 Either whether you are going to stay and defend your home
6 or whether you are actually going to move to a safer
7 location." Then there are some other exchanges between
8 them and then Mr Lockwood goes on, "Certainly the eastern
9 part of the fire and as I say, those - if you draw a line
10 from Churchill straight through to where Yarram Woodside
11 is and to the east of that, when the fire, when the wind
12 direction changes direction, that is certainly the area it
13 is going to head." Did you hear that on the afternoon of
14 7 February?---I may have. I don't remember whether I did
15 or not, but I do remember having conversations with Ann
16 about the very nature of that event happening with the
17 wind change, and we felt that that was, from our point of
18 view, that was a fairly obvious thing that was going to
19 happen. So I must have heard or knew, and this would have
20 been from the radio because that was our only means of
21 communication receiving messages. No, we also I think
22 used the CFA website a bit, but very minimally. With the
23 knowledge of which way the fire was going and from the
24 diagram that we had up before, it wasn't hard to put two
25 and two together.

26 That was the very expression that was in my mind. Can I just
27 ask you one more thing. You would know where Churchill is
28 in relation to you, would you not?---Yes.

29 To the west, roughly?---Yes.

30 And Woodside Yarram as well?---Yes.

31 So the description that Mr Lockwood gave of the line of the

1 fire moving to the east upon the wind change, had you
2 heard it, and you say you can't recall, but that would
3 have been a meaningful description to you?---Yes.
4 Thank you. I have no further questions for you.
5 MR ROZEN: I have no further matters for Mr Verlaan. Could he
6 please be excused?
7 CHAIRMAN: Yes. Thank you, Mr Verlaan, you may be excused.
8 <(THE WITNESS WITHDREW)
9 MR ROZEN: The next witness is Bruce Mongan. I ask Mr Mongan,
10 please, to come forward.
11 <BRUCE NEALE MONGAN, affirmed and examined:
12 MR ROZEN: Mr Mongan, your full name is Bruce Neale
13 Mongan?---That's correct.
14 You are the captain of the Yinnar South fire brigade?---Yes,
15 that's correct.
16 What town do you live in?---Our address is (indistinct) Road,
17 Yinnar, but it is actually closer to Yinnar South.
18 Mr Mongan, you are a plumber by training, is that
19 right?---That's correct, yes.
20 But you don't work as a plumber?---Not any more, no.
21 What's your day job?---I work at Bunnings in Morwell and I'm
22 actually employed there as a qualified plumber but I do
23 hardware, door furniture, nuts, bolts, screws, all that
24 sort of stuff and then cross over to advice for plumbing
25 when required.
26 Mr Mongan, with the assistance of the solicitors for the
27 Victorian government have you prepared a witness statement
28 for the Royal Commission?---Yes, I have.
29 It appears at (WIT.3004.018.0216). Have you had an opportunity
30 to read through the contents of your statement before
31 giving evidence today, Mr Mongan?---Yes, I have.

1 Are the contents of your statement true and correct?---Yes.
2 Are there any parts of it that you would like to change?---No.
3 I tender the statement.
4 #EXHIBIT 417 - Witness statement of Bruce Neale Mongan
5 (WIT.3004.018.0216) and attachments.
6 Mr Mongan, you have been waiting a long time today to give
7 evidence and we thank you for your patience, first of all.
8 You joined the CFA in 1983?---Yes.
9 You joined the Yinnar South brigade at that time, is that
10 right?---No, that's not correct. I actually joined the
11 Driffield brigade and then in 1985, late 1985, transferred
12 over to Yinnar South.
13 You have been with Yinnar South since that time?---That's
14 correct.
15 You were elected to the position of captain of that brigade in
16 2000?---Yes.
17 And you have held that position since that time, successfully
18 going to an election every second year; is that
19 right?---Yes, that's correct.
20 You explain your role as captain of the brigade in paragraph 7.
21 You tell us that there are 37 members of the brigade. How
22 many are active members?---About 27 are active. That's
23 variable because we've got two new ones coming on now.
24 The brigade are doing a good job in bringing them on.
25 Just for the Commission, I've actually stood down as
26 captain for a period of time; unsure how long that will
27 be. But I have stood down as captain and the brigade is
28 being run by the next in line. The first lieutenant and
29 the secretary are currently stepping up and doing a
30 marvellous job.
31 Do you hold a present rank within the brigade?---I'm still the

1 captain of the brigade as such, but I'm not having - well,
2 very little, only discussions with those two people, into
3 the maintenance of the brigade at the moment.

4 The brigade is part of the Morwell group?---Yes.

5 You have also held offices within the group over the time that
6 you have been associated with the Yinnar South
7 brigade?---Yes, that's correct.

8 You have held the positions of communications officer, deputy
9 group officer and group officer?---Yes, that's correct.

10 But I take it you don't presently hold a group position, or do
11 you?---No, I was at this fire a DGO. I have since
12 resigned that position.

13 At paragraph 9 you refer to qualifications that you have
14 obtained through the CFA and they include an endorsement
15 to perform the role of sector commander?---Yes.

16 You set out the extensive experience that you have had in fires
17 both in Victoria and New South Wales in paragraph
18 10?---Yes.

19 You refer briefly to preparations that were put in place in
20 advance of the forecast conditions on 7 February 2009.

21 Were you aware from information you received through the
22 CFA that it was anticipated that 7 February 2009 would be
23 a particularly bad day?---Yes. A little bit through the
24 CFA, but most of it through the media on the Wednesday
25 before when the three chiefs got together and said this
26 was going to be the big deal this weekend, that was
27 possible. So, yes.

28 You joined at Driffield just before the Ash Wednesday fires, is
29 that right?---I actually - I went to fires in 1982 with
30 Driffield and just after the Ash Wednesday fires they
31 officially signed me up.

1 So the comparisons of 7 February 2009 with the Ash Wednesday
2 fires would have been meaningful to you?---Very.

3 At paragraphs 14 through 18 you referred to some jobs that you
4 were doing even before the outbreak of the Churchill fire
5 on 7 February 2009, and you say at paragraph 18 that you
6 came across Mr Barling, the captain of the Churchill
7 brigade, whilst carrying out those duties?---Yes.

8 And you had a discussion and when you departed you said that
9 you'd see him later, but hopefully not. I take it that
10 was not personal, but rather you hoped you weren't
11 involved in a big fire that afternoon?---I didn't want to
12 see him again that afternoon, no, you're right. Steve's a
13 good bloke, I'd see him any time, but not that afternoon.
14 As it turns out, we did.

15 As it turns out, you certainly did. If I can take you to the
16 Churchill fire. At paragraph 24 of your statement, which
17 is witness page 219, you say that having been involved in
18 other matters you were about to return to Yinnar South
19 when you noticed smoke rising in the area south of
20 Churchill. What's the distance as the crow flies,
21 Mr Mongan, from Yinnar South to Churchill?---Around eight
22 to 10 kilometres.

23 A decent column of smoke, was it, when you first saw it? How
24 would you describe it?---When I first saw it, I thought it
25 might have been a car fire because it was just a column of
26 smoke that was black, but it certainly didn't take long to
27 realise that it was no longer, if it was a car fire, that,
28 and it was well and truly into some kind of plantation.

29 You say that you tried to call 000 but couldn't get through,
30 but you were able to get through to the RECC in Sale.
31 That's the CFA regional coordination centre?---That's

1 correct, yes.

2 You alerted them to the fire south of Churchill at about

3 1335 hours or 25 to 2 in the afternoon, and you told them

4 that (a) there was a fire and (b) it was a significant

5 one. Is that right?---Yes, that's correct.

6 You then made the decision to go directly to Churchill. What

7 vehicle were you in?---I was in my own car, which is a

8 blue Holden Rodeo dual cab, a distinctive colour blue.

9 What, if any, CFA equipment do you have in the car?---I have a

10 CFA radio.

11 That's a fixed radio in the car?---That's a fixed mobile radio,

12 yes.

13 You say in paragraph 26 that you radioed Vic Fire and you asked

14 for air support for the fire as well?---That's correct.

15 You heard some information on the radio, did you, en route to

16 Churchill? You heard a message "Make tankers 10" and then

17 another message, "Make tankers 20"?---That's correct, yes.

18 They are indications that the desire was to have a lot of

19 resources come at the fire to see if it could be dealt

20 with by way of initial attack?---That's correct, yes.

21 It was an indication to you as an experienced firefighter that,

22 as you anticipated when you saw it, this was a fire of

23 some significance?---Yes.

24 You went, as you describe in paragraph 29, through Churchill

25 and along Glendonald Road and ultimately arrived at the

26 intersection of Jelleff's Outlet and Glendonald Road and

27 there was a police officer in attendance. Did you know

28 that police officer?---No, I didn't. He actually followed

29 me in, into Glendonald Road. I didn't know him. I now

30 know his Christian name is Craig. I'm uncertain of his

31 surname.

1 Were there any other CFA resources at that location when you
2 arrived?---No.

3 You were the first. You say in paragraph 32 that you spoke to
4 Steve Barling, you're not sure whether it was by phone or
5 radio, and you suggested to him that before he attended at
6 the site as the initial incident controller he should look
7 at the fire via Jeeralang West Road. Why did you make
8 that suggestion to him, Mr Mongan?---From the area that
9 I suggested to Steve to go to, you can actually see right
10 out over the area where the fire originated from. He
11 might have got a better idea of the direction it was
12 travelling in from up there, the size of what it was,
13 although I don't think you needed to go up there to look
14 at how big it was because by this stage it was pretty big.
15 It just would have helped Steve immensely in some of his
16 planning that he would have been able to put together.

17 You refer in paragraph 32 to Mr Barling being the incident
18 controller or the initial incident controller on his
19 arrival. Is that because he was the captain of the local
20 brigade?---In some sense, yes, it is that as well, but
21 Steve's experience, the fact that he had the ability with
22 the vehicle with two radios, he had help with him. I know
23 he had at least one other person. It turns out later he
24 had a couple of extras with him. But Steve's experience
25 was more than - I was happy for him to take over.

26 You gave some initial directions to some of the first attending
27 tankers, the Morwell tankers and the Mirboo East and
28 Traralgon East tankers. Was that before Mr Barling had
29 arrived and taken on the responsibility of the initial
30 incident controller?---Yes.

31 Were you effectively the initial initial incident controller,

1 if I can put it that way?---You could say that, yes.

2 I set up Glendonald Road control.

3 What position did you take up once Mr Barling arrived and

4 became the incident controller?---The sector commander of

5 the western sector.

6 You describe that in paragraph 38 of your statement, where you

7 say that Mr Barling allocated to you the western side of

8 the fire area towards Jeeralang West Road and Dobbins

9 Road?---Yes, that's correct.

10 You describe your focus on the Jeeralang West Road as being

11 asset protection and you explain your activities through

12 the course of the afternoon whilst the fire was burning in

13 a south-easterly direction?---Yes.

14 In broad terms, what was the objective of the crews under your

15 control in your sector?---The main thing was to make sure

16 that the properties in the vicinity of the fire ridge were

17 going to be protected by us, to check out whether anybody

18 was home. If they were, to make sure that they were okay.

19 But, by the time we had gotten around there, the fire had

20 actually come up another direction and crossed Jeeralang

21 West Road and started heading back down towards Dobbins

22 Road, so it was difficult to get through.

23 You have helpfully, Mr Mongan, attached a map to your

24 statement. I will perhaps ask for that to be brought up

25 on the screen. It is at (WIT.3004.018.0229). If

26 Mr Mongan could be provided with the laser pointer, it

27 might be of assistance to us in understanding your

28 evidence. That's the map that's attached to your

29 statement, is it not?---Yes, that's correct. Can you just

30 zoom in a bit on that, thanks.

31 Is it the top left-hand corner you want to focus on?---Yes,

1 down in here. There's Dobbins Road there and Jeeralang
2 West Road.

3 Perhaps if you are able to trace Jeeralang West Road for us
4 with the pointer, please, Mr Mongan?---Here through here
5 and around here, up around the quarry and down to there.
6 Dobbins Road intersects, does it, with Jeeralang West
7 Road?---Yes, that's correct. There's the Dobbins Road
8 intersection there.

9 The resources that were under your control in that sector, did
10 they concentrate in one particular part of the sector or
11 did they move around as the afternoon
12 proceeded?---Initially we concentrated on this part of the
13 sector in here, because we couldn't get through to here
14 successfully because this area here, the fire had come up
15 and burnt through and up into here. So, there was a
16 property here that had asset protection on and we were
17 watching this one here as well.

18 So the black squares that we see on the map are individual
19 houses?---Yes, that one there. I'm a bit shaky, I'm
20 sorry.

21 That's all right. Perhaps if we could have the map left up for
22 the moment and I will do my best to work from your
23 statement. You refer in paragraph 47 to the Morwell
24 tanker and two other tankers working near a house which
25 you say is located near map reference A5 on that
26 map?---That's it there.

27 You say there was a small fire backing up towards the house, so
28 that was, what, from the east, was it?---The fire was
29 coming in through there, up a rise, and then there was
30 fire coming down a ridge through here.

31 You say, "The crew were going to let this happen so an area

1 would be burnt around the house to create a break around
2 the house for the occupiers to defend it." Do we take it
3 from that that the occupiers were present at the house
4 while this was happening?---They were present, yes.
5 Were there discussions with the occupiers about that
6 plan?---With the Morwell crews. I believe so, yes.
7 It didn't involve you personally?---No.
8 At paragraph 48 of your statement you say that whilst you were
9 out of your ute checking on the crews, "David Staple on
10 the Morwell tanker said to me that he had just heard a red
11 flag warning"?---Yes, that's correct.
12 When you were out of your ute checking on your crews, and
13 I take it by that you mean checking firstly that they were
14 performing the work that you wanted them to perform as
15 sector commander?---Yes.
16 And, secondly, that they were doing that in a manner that was
17 safe?---And their welfare, to make sure that they were all
18 okay.
19 Were you in radio contact when you were out of your ute?---No.
20 You told us earlier that you had I think what you described as
21 a fixed portable radio in your - did I understand that
22 correctly?---No, it's a mobile radio, a fixed mobile.
23 A fixed mobile radio?---That's correct.
24 You didn't have a portable handheld radio at your
25 disposal?---Not with me, no. As a DGO I had one allocated
26 to me, but with the week before it was loaned to another
27 brigade to be used at the Delburn complex and I hadn't
28 received that back.
29 So that's ordinarily part of the equipment you have as a DGO,
30 but the reason for not having it on that day is as you've
31 have explained?---That's correct.

1 Were there any other such radios available to you from any
2 source on 7 February?---Not to my knowledge, no.

3 Did you raise a concern about that with anyone?---I had asked a
4 couple of other brigades that were there if they had any
5 spares, but, no, they didn't.

6 It happened that, whilst you were out of the car and outside of
7 radio range, it would seem that a red flag warning came
8 through warning of a wind change?---Yes, that's correct.

9 You were informed of that by Mr Staple and, as you say in
10 paragraph 48, he told you that a wind change was predicted
11 to come through at 1900 hours or 7 pm?---Yes.

12 You didn't keep a log on the day?---No.

13 Are you able to indicate to us the approximate time at which
14 Mr Staple informed you of that red flag warning?---It was
15 just before 6 pm.

16 Do you recall whether what he said to you was that the wind
17 change was predicted to come through at 1900 hours or did
18 he say in an hour or what did he actually say to you, as
19 best you can recall?---The best I can recall, that Dave
20 said the wind change was due through at about 1900 hours.

21 You then asked David if all of your crews under your control,
22 including the strike team, had acknowledged the red flag
23 warning, which he said they had; is that right?---That's
24 correct, yes.

25 And you asked him to let Mr Barling know that you had
26 acknowledged it?---That's also correct.

27 Why did you do that?---Dave was sitting in the seat of the
28 Morwell tanker, had the radio in his hand. I would have
29 to go around and climb up into it. It was no point. It
30 was easier for Dave to do that rather than me climb in and
31 do the radio message. Dave is a very capable person.

1 You were reporting back to Mr Barling in accordance with
2 established CFA procedure that requires acknowledgment of
3 a red flag warning back up the chain?---Yes, that's
4 correct.

5 Paragraph 49 you say, "Almost immediately the wind change was
6 upon us." Where were you at the time the wind change
7 hit?---Still at that property with the other crews that
8 were in there. We noticed there was just an almighty suck
9 of air from the east and then it blew like buggery from
10 the south-west.

11 At paragraph 50 you reflect on what you would have done had you
12 known that the wind change was going to arrive, as it did,
13 shortly after 6 pm, rather than the 7 pm advice in the red
14 flag warning. You say that you would have made sure that
15 your crews were in open country. What do you mean by
16 "open country"?---The area we were in was fairly heavily
17 timbered. As it turns out, there was a lot of branches
18 and whatnot falling out of the trees around us, so we
19 would have gotten out of there, it would have been safer
20 for us. One thing Steve said to us all day was our safety
21 was paramount and given that few more minutes we would
22 have been out of there.

23 You say that you in addition would have got the crews that were
24 working on the fire near the house to put the fire out
25 rather than letting it burn a break in front of the house.
26 Why was that?---If we had have put it out, we could have
27 gotten out of there and left it to the residents. They
28 weren't prepared, like the last person here was, nowhere
29 near it. So we could have put that fire out and got out
30 into the open where it would have been safer for us. As
31 it turns out, nobody got hurt, but it would have been

1 better if we hadn't have been in there.

2 What happened to the house that you were working on, or the

3 crews were working on, Mr Mongan?---No, no damage at all

4 to my knowledge.

5 You say at paragraph 53 that shortly after that you heard two

6 mayday calls over the radio. You say, "I believe I heard

7 the Glengarry West crew and then not long after that the

8 Hazelwood North crew." Can I ask you this, Mr Mongan. In

9 your 26 years with the CFA how many mayday calls would you

10 have heard carrying out your duties on the

11 fireground?---I don't think I've ever heard one before.

12 The mayday calls told you, did they not, that those crews on

13 those two tankers were in a serious situation so far as

14 the safety of the crews were concerned?---That's correct,

15 yes.

16 You express in paragraph 54 regret on your part that you

17 weren't able to do something to assist those crews?---Yes,

18 that's correct.

19 Perhaps if we can go back to the map, please. The crews

20 concerned, at the time they made their mayday calls, were

21 on Glendonald Road, Mr Mongan, is that right?---As far as

22 I knew, yes.

23 They were in a position to the east of the intersection of

24 Jelleff's Outlook?---That's correct. To the best of my

25 knowledge they were working in this area here.

26 If you can just indicate where Glendonald Road is in that area

27 please, Mr Mongan?---This is nearly flat. No, it's not

28 going to happen.

29 Perhaps we will go to the old fashioned way?---That's

30 Glendonald Road here and I believe those crews were in

31 this area here.

1 Just for the benefit of the transcript, Mr Mongan has just
2 indicated the location of the crews to a position on
3 Glendonald Road east of Jelleff's Outlook. You say at
4 paragraph 57 that you were able to reach some of your
5 crews by driving south along Jeeralang West Road and you
6 were able to satisfy yourself that they were safe?---Yes,
7 that's correct.

8 You then go on and describe your activities throughout the
9 remainder of the evening which involved checking on
10 residents in the area to ensure that they were
11 okay?---Yes.

12 Eventually you got back to the staging area, as you explain in
13 paragraph 64, at 12.30 in the morning of
14 8 February?---Yes, that's correct.

15 And after a discussion with Mr Barling and Mr Beaton, you
16 decided that you would go home to get some rest and you
17 got home shortly after 1 o'clock in the morning?---Yes,
18 that's correct.

19 Not much rest, it seems, Mr Mongan, because you were woken up
20 by a phone call at 6.45 on the 8th?---Yes.

21 And Mr Sullivan from the incident control centre called you.
22 What did you understand his role was at the incident
23 control centre?---I'm not sure.

24 That was the first contact you'd had with the incident control
25 centre since you had arrived at the fireground back on
26 7 February?---I did have some radio communications with
27 them during the afternoon, very, very scratchy, and I was
28 actually trying to get a message to Steve and they said
29 they'd pass that on.

30 In fairness, in accordance with the AIIMS structure, your line
31 of communication with the incident control centre on the

1 afternoon once Mr Barling arrived was intended to be
2 through him; is that right?---That's correct, yes.
3 You were asked to be division commander on the fire and you
4 indicated that you would do that. You were allocated
5 three sectors in the northern division of the fire on the
6 morning of 8 February?---Yes, that's correct.
7 You make some observations in part 4 of your statement at
8 paragraph 67 headed "Comments on 7 February 2009". Like
9 many others who we've heard from, you indicate
10 difficulties that you had with the communications and you
11 say that in an ideal world each sector should have its own
12 channel. Would you like to expand on that, please,
13 Mr Mongan?---Yes. With the amount of tankers,
14 firefighting equipment, the next day it was actually set
15 up just that way, where each sector had its own channel
16 and another one back to the command, which made it a lot
17 easier to communicate with strike team leaders because
18 there wasn't all the jammed-up traffic. On 7 February
19 there was plenty of people out there doing lots of hard
20 things and doing it tough to the best of their ability and
21 with one radio frequency they've all got a message to get
22 through that is as important to them as it is to anybody
23 else to use it, and just consequently not enough airspace
24 for everybody to talk on.
25 You also say at paragraph 70 that you have struggled to
26 comprehend the enormity of what happened on 7 February and
27 particularly you have said you are trying to understand
28 the fire behaviour of the day and that the fire burnt back
29 towards you in a way that you hadn't seen before?---Yes,
30 that's correct.
31 What was it about the fire behaviour that was so

1 unusual?---I don't know. It was just horrible. It was
2 all over the place. You just couldn't predict anywhere it
3 was going to go. I mean, the western sector should have
4 been, for me, one of the safest places to be, but it was
5 far from that.

6 Thank you, Mr Mongan. They are the matters that I have for
7 Mr Mongan, Commissioners.

8 COMMISSIONER PASCOE: Mr Mongan, I'm interested to ask you just
9 a little bit about deployment, because I note in paragraph
10 20 you talk about phoning the RECC because you were
11 concerned at the deployment of the Yinnar South tankers
12 out of their locality. Then on paragraph 41 you talk
13 about the Toongabbie tanker wanting to leave to protect
14 their area and you giving that authorisation because you
15 thought it was a reasonable request. In terms of the
16 deployment of resources, is there usually an attempt to
17 deploy tankers close to their own home area?---Yes. The
18 closest tankers always go, if available. Obviously when
19 the call is made for 20, they have to go a fair bit
20 further out than just our local resources to get them. If
21 I can go back to paragraph 20, there was a lot of fire
22 trucks going out to the Delburn complex for small fires,
23 fence posts, tree stumps inside the black area, and I had
24 a huge concern that outside of that area, if we got a
25 fire, we weren't going to be able to put trucks to it as
26 quickly as we needed to. Obviously I did some work to try
27 and rectify that. As it goes, we were lucky enough to get
28 some trucks there fairly quick, but it could have worked
29 the other way.

30 In your experience, has it ever been a problem when crews want
31 to return to a fire that's developed in their local area

1 when they are already deployed to a fire in another
2 area?---It can be very hard to manage those crews. In the
3 case of the Toongabbie crew, they told me that they
4 weren't allowed - their group officer had said to return,
5 but I think it was a bit deeper than that. I don't think
6 they wanted to be there and I can't blame them and
7 I wasn't going to stop them from going home if that was
8 the case.

9 In effect is it a judgment on the day?---It was a judgment
10 I made at the time, yes.

11 And others in your circumstance would often be called upon to
12 make a similar judgment?---It is possible, yes.

13 Just one other thing. I asked a question this morning about
14 the use of private vehicles, and I got one opinion. But
15 I note that you make mention, I'm just quickly trying to
16 find it, of some private vehicles which you requested to
17 go and assist with a house fire. It would appear from
18 your transcript that they happily did so?---Yes.

19 At paragraph 62?---Yes. There is a section in there in
20 relation to the Mirboo East tanker breaking down. Whilst
21 I was looking for those folks, I came across some local
22 guys from the town of Churchill that I know reasonably
23 well. The driver is a local builder. He was towing a
24 trailer tank, I don't know how big, but he was towing that
25 behind his four-wheel-drive. Up at a property, and I know
26 the occupier as Michelle - there was a fire near her
27 house, let's go there. I couldn't get a fire truck to it
28 so I asked him to go up and put it out. It was just
29 burning in their garden edges and whatnot. That was well
30 after the wind change and they did just that. I believe
31 they saved her house for her. I have seen video footage

1 that she took from Churchill that she believed was her
2 house burning down. As it turns out, it wasn't. It was
3 the shed very close to the house.

4 Just a broader question. In your experience with fires and the
5 involvement of private vehicles, on balance have you found
6 them to be helpful?---I haven't actually had that many
7 experiences with that type of equipment. Certainly with
8 my car I have found it valuable and obviously there are
9 other brigade captains and DGOs out there that use their
10 vehicles. I won't be using mine again. It's as simple as
11 that. It won't happen.

12 Thank you.

13 MR ROZEN: Just one follow-up matter from that. Why won't you
14 be using your vehicle again?---I don't think I'll go
15 again.

16 They are the matters I have for Mr Mongan. Mr Livermore does
17 not have questions.

18 CHAIRMAN: Yes. Thank you, Mr Mongan. Thank you very much.

19 MR ROZEN: Thank you Mr Mongan. It was obviously a very
20 difficult day for you.

21 <(THE WITNESS WITHDREW)

22 MR ROZEN: The next witness is Graeme Chesterton. I ask
23 Mr Chesterton to come forward, please.

24 <GRAEME DONALD CHESTERTON, sworn and examined:

25 MR ROZEN: Mr Chesterton, is your full name Graeme
26 Chesterton?---Yes, it is.

27 You live in the Glengarry West area?---That's correct.

28 You work as a pharmacist at the Latrobe Regional Hospital in
29 Traralgon?---Yes.

30 You are also a volunteer firefighter with the Glengarry West
31 Country Fire Authority brigade and you hold the title of

1 lieutenant?---That's correct.

2 Is there a number attached to that? Are you the first

3 lieutenant?---Not the first. I think it is the second or

4 third.

5 For the purposes of the Royal Commission have you made two

6 statements, the first of which was made to the police as

7 part of the Operation Phoenix taskforce

8 investigation?---Yes.

9 That's at (SUMM.044.003.1345). Have you also more recently

10 made a statement with the assistance of the Victorian

11 Government Solicitors Office?---Yes.

12 That statement is at, for the record, (WIT.3004.018.0353). In

13 relation to the first of those statements, it records that

14 it was made on 15 April 2009?---Yes.

15 The second statement was made more recently. Can you just

16 explain to us briefly the circumstances in which you came

17 to make the second statement?---Yes. The first statement

18 was made to the police back at that time. I was not given

19 a copy at the time. I was told that it would be

20 forthcoming in the mail. The first time I became aware of

21 the existence was just a number of weeks ago when I was

22 contacted by the CFA to advise that my police statement

23 was of interest to the Commission and that I said I didn't

24 have a copy of that and they forwarded me a copy. I then

25 went through that statement over the last few weeks and

26 there were a number of areas that needed some

27 clarification.

28 Further to that, do you in paragraph 3 of the more recent

29 statement list 12 amendments that you wish to make to the

30 police statement?---Yes.

31 Without going through each of those in turn, do you then in the

1 remainder of the statement describe in more detail other
2 aspects of your experience on the fireground on 7 February
3 2009?---Yes, I do.

4 Is the position this, Mr Chesterton: we need therefore to read
5 the two statements together to get an accurate picture of
6 those activities?---Yes, that would be correct.

7 The two statements taken together, are their contents true and
8 correct?---Yes, they are.

9 I tender the two statements as the one exhibit.

10 #EXHIBIT 418 - Police statement of Graeme Donald Chesterton
11 (SUMM.044.003.1345) and Witness statement of Graeme Donald
12 Chesterton (WIT.3004.018.0353) and attachments.

13 MR ROZEN: I should indicate, Commissioners, that we have
14 raised with the State the prospect of producing a
15 consolidated document which might be of assistance to
16 everyone, and that's a matter that is under consideration,
17 as we understand it. Mr Chesterton, if I can just ask you
18 a little bit about your background. You have been a
19 volunteer firefighter for approximately the last
20 24 years?---Yes, that's correct.

21 Your wife and son are also brigade members?---Yes.

22 Your wife is in fact the captain of the Glengarry West fire
23 brigade?---That's correct.

24 Your son, Adam, how long has he been a member of the
25 brigade?---He was 17 years of age at the time, so he has
26 only been a member for the last year and a bit.

27 Perhaps if the police statement could please be brought up at
28 this time. Do you have that in front of you,
29 Mr Chesterton?---Yes, I do.

30 Do you see in the third paragraph on the first page you say,
31 "To assist me with my recollection of events I have been

1 supplied a map of the fire area"?---Yes.

2 That was true, was it? The police officer who took your

3 statement provided you with a map?---Yes, he did.

4 In the course of your statement, did you make notations on that

5 map to assist in conveying the information that you wanted

6 to convey?---Yes, I did.

7 The map unfortunately does not seem to be attached to the

8 statement. Do you know what happened to that map?---That

9 map was kept by the police officer who interviewed me.

10 You have not seen it since?---I have not seen it since that

11 time, that's correct.

12 At the bottom of page 1 of your police statement you indicate

13 that at about 1.30 pm on 7 February you heard on the CFA

14 radio scanner that the Churchill brigade was turning out

15 at a fire at Glendonald Road in Churchill?---Yes.

16 Is that an area that is well known to you?---Yes, being one of

17 the main roads of Churchill I sort of knew the general

18 vicinity.

19 You say that almost immediately you looked out your window in

20 the direction of Churchill and saw a giant smoke plume

21 rising in the air which was quite visible to you even

22 though you are some 20 kilometres away from that area at

23 home?---Yes, that's correct.

24 Shortly after that you heard that the Churchill tanker wanted

25 additional tankers and you and your son then decided that

26 you should respond to that call?---Yes, we'd heard the

27 "Make tankers 20" and when that's occurred in previous

28 fires in the area it has involved our attendance, so we

29 decided to be a bit pre-emptive and head for the fire

30 station just in case.

31 Are you part of the same group as the Churchill brigade?---No,

1 we are not.

2 What group do you form?---We are part of the Heyfield group.

3 But nonetheless near enough to your neck of the woods for you

4 to respond to that call?---Yes.

5 You say that you and Adam drove to the fire station and met up

6 with four other members you identify; Mr Inglis,

7 Mr Lawrence, Mr Farmer and Mr Osborne. So altogether

8 there were six of you?---That's correct.

9 And you, after getting into your gear, travelled code 1 to the

10 location of Glendonald Road, Churchill?---That's correct.

11 How long after you first noticed the fire at 1.30 or so did you

12 arrive at Glendonald Road?---It probably would have been

13 perhaps close to 50 minutes, allowing travelling time from

14 home to the fire station, get the truck out, get ready and

15 then usually it's about a 25 minute drive in the car but

16 the truck is a bit slower.

17 Were there a number of CFA crews already in attendance when you

18 arrived?---Yes, there were a number of tankers already

19 ahead of us.

20 Were you able to ascertain who was in charge?---At that point

21 we contacted Vic Fire to acknowledge that we were on

22 scene. We were given the fireground channel and the

23 operations point name. We then changed to that channel

24 and contacted the operations point.

25 You say in the middle of the fourth paragraph on page 2 that

26 you were told to proceed along Glendonald Road blacking

27 out as you went along. Who told you to do that?---That

28 was somebody on the operations point, but I don't know the

29 name of the person.

30 Have you been in the hearing room whilst Mr Barling and

31 Mr Mongan have given evidence?---Yes, I have been.

1 Was it one of those gentleman that gave that direction to
2 you?---It may have been, but I can't be sure.

3 You then describe continuing to perform those duties throughout
4 the course of the afternoon. I take it from reading your
5 statement that you were working in a relatively confined
6 geographical area?---Yes, we were working along several
7 hundred metres of Glendonald Road.

8 Were you working in a position east of Jelleff's Outlook, east
9 of the intersection with Jelleff's Outlook?---Yes, we
10 would have been at certain times.

11 And at other times, where were you?---We certainly went back
12 west as far as where the sort of edge of the fire was at
13 Glendonald Road.

14 The activities that you were performing during the course of
15 the afternoon, you refer to them as blacking out. What do
16 you mean by that?---Yes, blacking out is a process of - in
17 the case the fire was on the south side of Glendonald
18 Road, to burn it up to the road edge. There had been a
19 few jump-overs to the north side, so it was a case of the
20 tankers in that area putting out any crossovers, because
21 if a wind change came through that may start a new fire
22 that would then head south towards the Churchill area. So
23 we were blacking out there, as well as on the burnt side
24 of the road to extinguish any standing trees that were
25 showering embers and that sort of thing to reduce the risk
26 of spotover.

27 At some point in the afternoon did you become aware that Mr Ray
28 Beaton was in a position of command of the area of the
29 fireground that you were working in?---Yes, we did.

30 What did you understand his role to be precisely?---We met Ray
31 on Glendonald Road on a bit of a curve. He explained that

1 he was strike team leader and that we were one of the
2 tankers in his strike team. He asked what we were doing.
3 We were on the way to get some water, so he asked us to go
4 and get water and then to report back to the position that
5 we met him on the road for some further instructions.
6 At paragraph 6 of your second statement you say that around
7 1530 hours you met Mr Beaton and it was at that point that
8 your son, Adam, joined Mr Beaton in Mr Beaton's vehicle to
9 perform the role of penciller?---Yes, that's correct.
10 That is essentially a scribing role, is that right?---Yes,
11 that's correct.
12 Mr Beaton told you he wanted you to black out in an open flat
13 paddock south of Glendonald Road and you continued to
14 perform those activities?---That's correct.
15 Some time later, as you explain in paragraph 8 of your second
16 statement, you say you heard a red flag warning over the
17 radio. You say it was your son, Adam, who you heard
18 passing the warning over the radio. Was Adam at that time
19 still working in Mr Beaton's vehicle?---Yes, he was.
20 Doing the best you can, Mr Chesterton, can you indicate to the
21 Commission the content of the red flag warning that you
22 heard?---Yes. What I heard was that the strike team
23 leader, I forget what their number was, contacted the
24 tankers in that particular strike team to advise them of a
25 red flag warning for a strong wind change at 1900 hours,
26 and then Adam then proceeded to take acknowledgments from
27 each of the tankers, so he would say their name and then
28 we would respond that the message was received.
29 You make reference to hearing on the ABC Radio a reference to
30 the wind change having reached Boolarra, and you say in
31 your police statement that that was just before

1 6 o'clock?---Yes, that's about the correct time.

2 How were you able to indicate the time when you made that

3 statement?---That was the best of my recollection of the

4 time. It was before 6 o'clock and it would have been,

5 like, within 10 minutes of 6 o'clock, somewhere around

6 that particular time zone.

7 Are you able to place the timing of the red flag warning

8 relative to what you heard on the radio?---The red flag

9 warning in reference to the CFA radio or the ABC?

10 The ABC Radio broadcast. Did you get the red flag warning

11 before - - - ?---We had the red flag warning - it may have

12 been half an hour prior to the ABC Radio.

13 So if the ABC Radio was about 10 to 6, then the red flag

14 warning might have been about 5.30 or thereabouts?---Yes,

15 5.30-ish, give or take.

16 The content of the red flag warning was to the effect that

17 there was to be a wind change at 1900 hours, as you

18 explain in paragraph 8 of your second statement. Was

19 there any indication about wind speed or direction or such

20 matters?---Yes. I think there was some details that there

21 would be a south-west wind change, that it would be - and

22 I think "severe" or "strong" or "violent" may have been

23 the descriptive word.

24 You say that you acknowledged the red flag warning. To whom

25 did you acknowledge the warning?---That was to the person

26 who broadcast the warning, which was Adam in the strike

27 team leader's vehicle.

28 You were expecting that acknowledgment to pass back through the

29 command structure in accordance with normal practice; is

30 that right?---Yes.

31 After receiving the red flag warning and hearing the broadcast

1 on the ABC Radio, you caught up again with Mr Beaton and
2 received further directions about what to do for the
3 remainder of - or next after that time?---Yes, that's
4 correct. We were at the dam filling up with water at the
5 quick fill point. We had the ABC Radio on and then Ray
6 came to the truck to give us instructions literally at the
7 same time.

8 Just before I ask you about those, the reference to the wind
9 change reaching Boolarra, presumably Boolarra was a
10 location well known to you?---Yes, I knew that was south
11 of Traralgon and it was a caller into the ABC to mention
12 that the wind speed had increased at that particular
13 point.

14 Did that tell you anything, as a local with some experience of
15 firefighting, of the likely timing of the wind change
16 where you were near Churchill?---Yes, given it probably
17 would be something of perhaps 10, 15 minutes, depending on
18 how fast the wind change was travelling.

19 Is that a matter that you discussed with Mr Beaton; that is,
20 that apparent conflict between it being at Boolarra and it
21 being expected in an hour's time?---Yes, I did mention
22 that to Mr Beaton.

23 You say in your police statement that after telling Mr Beaton
24 what you had heard on the radio, he instructed you to get
25 up to 400 Glendonald Road straight away?---Yes, because
26 I guess we were being instructed to do that anyway and
27 having that bit of information just meant that we
28 shouldn't dally about getting along to there.

29 I understand. You went to the location at 400 Glendonald Road
30 and you describe it as being a house with a pool, but
31 there was no-one in occupation of the premises at the

1 time?---Yes.

2 Who was driving the vehicle at that time?---Chris Farmer was

3 driving the truck.

4 Where were you in the truck?---I was in the front passenger

5 seat.

6 And the remainder?---The remainder of the crew were in the ROPS

7 area on the back of the truck.

8 What did you and the crew do when you arrived at the

9 location?---We drove up their driveway, pulled along the

10 house. There was a parking area running north-south

11 parallel to the house. We then had a quick recce of the

12 place to work out what to do. We backed the truck around

13 and turned it around 180 degrees to back it in so the pump

14 was protected from potential approaching fire from the

15 south. We backed that up as far as we could. There was a

16 large concrete water tank in the ground at the corner of

17 the house that we didn't want to cross over and then park

18 on the north side of the house because of the potential

19 for the truck to drop through the concrete tank and then

20 be severely disabled.

21 You were in a position to the east of the main firefront -

22 sorry, to the east of the eastern flank of the fire at

23 that time. Have I got that right?---We were on the west

24 side of the house.

25 Perhaps I will clarify that. Before the wind changed, the fire

26 was burning in a south-easterly direction?---Yes.

27 After the wind change to the south-west, the eastern flank of

28 the fire became the new front and the fire then burned

29 towards you; is that right?---Yes, it did. It sort of

30 approached from what we termed at the time the south

31 again. We didn't know our exact orientation, so when we

1 say south, it is sort of roughly in some southerly
2 direction.

3 Was it your intention to remain in that location on Glendonald
4 Road throughout the time when the wind changed, or was it
5 your intention to perform some work there and then move to
6 a different place before the wind changed?---I guess our
7 intention was to stay there and then set ourselves up to
8 protect that particular asset from the approaching fire.

9 You have described what happened when you arrived. It was soon
10 after that that an ember storm started, did it not,
11 Mr Chesterton?---Yes, some embers started coming in within
12 minutes of our attendance. I was in the passenger seat
13 waiting to radio our position in to acknowledge that we
14 were on site, but there was other radio traffic going on
15 at the time, so it probably took - it may have been about
16 a minute to get some space to broadcast our position.

17 Where were the other members of your crew during that time when
18 you were waiting to get on the air?---The crew were
19 outside the truck, but at that point I didn't know their
20 exact position.

21 You were in the position of crew leader at that time, is that
22 right?---Yes, I was.

23 Had you directed the other members of the crew to perform any
24 particular activities or were they exercising their own
25 judgment? How did that work?---No, I hadn't directed them
26 to do any particular things. I guess they were getting
27 off and doing the sort of automatic response we tend to do
28 when we arrive on scene.

29 Can you describe that? What is that?---Usually it would be to
30 get off the truck. The pump was running at that stage.

31 Then it would be to deploy what hoses are required, to

1 look around and do a size-up of that particular situation
2 and work out what's going on, what are the risks and so
3 on.

4 It was shortly after that that your situation became very
5 precarious, didn't it?---Yes.

6 Can you describe that to us, please?---What happened, I could
7 see the approaching ember storm became very significant,
8 with embers coming from all directions rather than any
9 particular one way. I then thought for 10 to 15 seconds
10 about what my potential for manoeuvring out of the truck
11 was and in that time it really became unsafe to exit the
12 truck. So I at that point grabbed the turnout coat that
13 sits behind the passenger seat and then got myself down
14 into the passenger footwell in front of the seat and put
15 the turnout coat over me because the fire had
16 certainly - was surrounding us at that time.

17 Throughout the period that you have just described to us, is it
18 the case that you were unaware of the exact location of
19 the other members of the crew?---Yes, that's correct.

20 Did you think that they were on the truck or elsewhere at the
21 premises or what was the position?---Yes, my thought was
22 that they were on the back of the truck, but again
23 I couldn't guarantee that that's exactly where they were.

24 You say in your police statement at the top of page 5 that the
25 experience was terrifying. Had you been through an
26 experience like that in your experiences as a volunteer
27 firefighter?---Certainly not a burnover or burn around or
28 having a major fire completely around you extremely
29 quickly.

30 Were you fearful of your personal safety?---I was for a period
31 of time.

1 No doubt you were also concerned about the safety of the crew
2 members?---Yes, the welfare of the crew, thinking where
3 they may be.

4 You describe how, after a period of about five minutes, a
5 member of the crew opened up the door and you then radioed
6 through to Vic Fire that you were safe?---Not to Vic Fire.
7 It would have been to the strike team leader. I think
8 that has been corrected in the supplementary statement.

9 Yes, I apologise for that. You say in fact you don't know who
10 it was that acknowledged the call that the crew were safe.
11 That's at paragraph 17 of your second statement?---Yes,
12 that's correct.

13 Mr Barling has given evidence and in his statement at paragraph
14 52, which I don't think I need to take you to, but he does
15 make reference to a conversation with the Glengarry West
16 tanker in terms that seem quite a bit like the description
17 of the conversation you have. Is it likely in those
18 circumstances it was Mr Barling that you were speaking
19 to?---Yes, it's probably most likely. Again, the level of
20 noise and what have you was making it difficult to hear
21 over the radio.

22 In the next few minutes were you able to establish where the
23 other members of your crew were during the time that you
24 were sheltering in the tanker?---So that was after I've
25 left the - after the truck door was opened?

26 Yes?---Yes. At that point the crew were actually outside the
27 door and I was able to ascertain from the person who
28 opened the door that everyone was safe and at that
29 particular stage we had lines deployed and started to
30 extinguish fire on the house.

31 You say in your police statement that, "The guys had to break

1 into the premises to seek refuge." Statements have been
2 provided to the Commission which will be tendered in which
3 Mr Inglis gives an account of what occurred and says that
4 he feared for his life and had to break a window to get
5 into an indoor pool area. Is that something that you have
6 since learned he did?---Yes, I don't believe it's
7 Mr Inglis. Mr Inglis was on the back of the truck during
8 the burnover protecting himself with a fire nozzle. It
9 was one of the other three members that broke into the
10 house.

11 You say in the third paragraph on page 5 of your police
12 statement that Mr Beaton at some stage after the events
13 that you have described came to have a look at the damage
14 to the tanker?---Yes, that's correct.

15 And can you describe to us what damage was sustained by the
16 tanker?---On the driver's side of the tanker the
17 fibreglass heat shielding was scorched. The signage that
18 says the tanker name, the Glengarry West, instead of the
19 letters being white was black and it was difficult to make
20 those out from the background material. The pump was
21 still functioning. The diesel tank was intact. A
22 mudguard had melted part of the way and various plastic
23 trimmings on the fire truck had softened and went into all
24 sorts of deformed shapes.

25 Mr Beaton having discussed the matter with you and having
26 examined the truck indicated that you would be released
27 from duties at that time and you returned to the staging
28 area which was at the Monash University campus in
29 Churchill?---Yes, that was correct. Certainly after the
30 passage of the fire, once it was safe to do, we then went
31 about putting out fire on the roof of the house, fire in

1 gutters and other burning garden areas around the house.
2 Mr Inglis had sustained some minor burns in the burnover to his
3 face and hands?---Yes, that's correct.
4 Do you know what, if any, treatment he had for those
5 burns?---We attended the first aid centre at the
6 university and then I understand from Mr Inglis that he
7 did seek medical assistance the following day.
8 You also had the benefit of the CFA's critical incident stress
9 team whilst you were at the staging area?---Yes, that's
10 correct.
11 Did you find that experience helpful to you?---I can comment
12 for myself only. I found that a useful commencement of
13 the process, but that wasn't the only involvement with the
14 CIS process.
15 What other - - -?---There was a further meeting of the tanker
16 crew with the CIS peers.
17 Just the two meetings, the one on the day and a subsequent
18 one?---Yes, to the best of my recollection.
19 Were you subsequently contacted by the CFA and asked to
20 participate in an investigation into the Glengarry West
21 tanker 1 burnover?---Yes, that's correct.
22 As part of that investigation were you interviewed by an
23 investigator, Mr Ivan Smith, on behalf of the CFA?---Yes.
24 The entire tanker crew attended a meeting with Mr Smith
25 for a number of hours and were interviewed.
26 The report from that investigation has been provided to the
27 Commission and it is part of exhibit 389, Commissioners.
28 I will perhaps ask for a copy of that to be placed in
29 front of you. It is at (CFA.001.026.0138). On page 12 of
30 the report there is a table that indicates that you and
31 the other members of the crew, that is the other members

1 of the crew with the exception of your son, Adam, were
2 interviewed as part of the investigation?---Yes, that's
3 correct.

4 It is said that the interview time was 1930 hours on 17 June
5 2009 for all five of you. Do we take it from that that
6 you were interviewed as a group?---Yes, we were.

7 I think you just mentioned how long that interview went for.
8 Can I ask you to repeat that, please?---That went for a
9 number of hours that evening.

10 Were you subsequently provided with a copy of the investigation
11 report?---I was.

12 When were you provided with a copy of the report?---That would
13 have only occurred within the last three to four weeks.

14 We were not aware of the existence of the report until we
15 were advised by the CFA that it had existed and that a
16 copy had been provided to the Commission.

17 So the report's existence was brought to your attention as part
18 of preparing for giving evidence in the Royal Commission,
19 is that right?---Yes.

20 Have you had an opportunity to read through the report before
21 giving evidence today?---Yes, I have.

22 Do you have some concerns about some factual matters and the
23 accuracy of some factual matters in the report?---Yes, the
24 tanker crew do have those concerns.

25 So not just you, but other members of the crew have expressed
26 concerns?---Yes, that's correct.

27 You have forwarded those concerns to the CFA?---Yes. We have
28 had two meetings with CFA senior officers regarding the
29 report.

30 What have they indicated to you will be the process that will
31 be followed by the CFA?---There has been a review of the

1 report. I was shown a copy of that yesterday afternoon
2 and with one of the other brigade members we went through
3 that report and both of us were satisfied that its content
4 reflected the concerns that we had raised and the material
5 we had presented to the investigator.

6 So that I can get this right, you have seen a later version,
7 have you, of the report, later than the one we have been
8 provided with?---Yes, that's correct.

9 Which incorporates the concerns that you have raised?---Yes,
10 that's correct.

11 Commissioners, I understand that version of the report will be
12 provided to the Commission and when it is we will seek to
13 have it added to the exhibit.

14 CHAIRMAN: Yes, thank you.

15 MR ROZEN: You have had no involvement in relation to the
16 investigation reports into either the Hazelwood tanker or
17 the Boolarra tanker?---No, we have not.

18 If a similar process has been gone through, then we will adopt
19 a similar course in relation to those reports.

20 CHAIRMAN: Yes, thank you.

21 MR ROZEN: They are the matters for Mr Chesterton.

22 Mr Livermore has some questions.

23 <CROSS-EXAMINED BY MR LIVERMORE:

24 Mr Chesterton, Mr Ray Beaton was, what, the sector commander in
25 the area in which you were working?---He was the strike
26 team leader for the strike team that we were part of.

27 Had you worked with him before?---Not before.

28 At paragraph 10 of your later statement you say you told

29 Mr Beaton about what you had heard on the radio about

30 Boolarra?---Yes, I take it that was the ABC Radio.

31 You discuss with him that that meant the wind change might be

1 10 or 15 minutes away?---Yes.

2 It was as a result of that discussion that he told you that the

3 house that he was directing you to had a swimming pool at

4 the end of it and that it was a fairly clear area around

5 the house?---Yes.

6 And you had a tanker full of water at that stage?---Correct.

7 When you got to that house, was there a fairly clear area

8 around the house?---Yes. I was quite satisfied on arrival

9 that we had a very suitable cleared area around the house.

10 You then manoeuvred the tanker into a position predicting the

11 wind change coming from the south and bringing the fire

12 with it?---Yes, that's correct.

13 In terms of fuel around the tanker, are you able to paint a

14 picture for the Commission as to whether it was embers

15 flying through the air or was it fuel around the tanker

16 that was igniting that surrounded the tanker?---The tanker

17 was on an area that was sort of gravel, stone and

18 extremely low grass that would have only been perhaps

19 10 millimetres high. So there was no material to burn

20 around the truck and certainly within 10 to 15 to

21 20 metres, depending on which aspect of the house you look

22 at, there were garden beds around the house that had bark

23 chips and some small shrubs.

24 So it was embers flying through the air coming from all

25 directions that was the problem?---Yes, and that certainly

26 meant when they landed that they set fire to the bush and

27 scrub and what have you around, which then seemed to

28 happen very quickly and surrounding us within a matter of

29 seconds.

30 In relation to the crew members, you were in the cabin. Was

31 there anyone else in the cabin with you when the ember

1 attack occurred?---Not at the ember attack stage.

2 Who do you understand was on the back of the tanker at the time

3 the ember attack occurred?---At the time of the ember

4 attack, I was not sure of the exact location of where the

5 crew were.

6 Sorry, I didn't word that properly. Since then, have you found

7 out who was on the back of the tanker at the time of the

8 ember attack?---Yes. Mr Inglis told me he was on the back

9 of the tanker.

10 Anyone else?---There was no-one else on the back of the tanker

11 at that time.

12 Have you found out subsequently that the other members had got

13 off the tanker, what, to get the hoses ready to - -

14 -?---Yes, they had gone out to do some setup work, yes.

15 The ember attack arrived so quickly and so severely that they

16 didn't have the time or opportunity to get back onto the

17 back of the tanker?---Yes, that's my understanding from

18 talking to those people.

19 They sought refuge in the house until the ember attack had

20 passed?---Yes. One of them had to seek refuge in an area

21 outside of the house and then when safe to do so he moved

22 into the house via the broken window that the two other

23 people had entered via.

24 But it was clear to you when you were tasked to go to this

25 house that Mr Beaton regarded it as a safe place to be,

26 taking into account that you had a full tank of water when

27 the wind change arrived?---Yes, that's correct. The house

28 also had an inground lap pool that was completely full, so

29 that was a reserve supply of water.

30 Just in terms of your training, is it part of the CFA's basic

31 training of volunteers as to what to do if a situation

1 develops like the one that you found yourself in?---Yes.
2 We do a burnover drill where we use fog nozzles and fire
3 blankets on the back of the truck in a simulation of
4 protection against a burnover-type incident.
5 You understand that's what Mr Inglis did, but he was the only
6 one on the truck?---Yes, that's correct.
7 The fog nozzles, if I suggest to you, would have not only
8 protected the members on the back of the truck but would
9 have protected the truck as well if there had been the
10 other two on the truck with their nozzles operating as
11 well?---Yes.
12 And you think it is probably because there was just the one
13 nozzle operating that meant that the truck received the
14 sort of damage that you have referred to?---I think a lot
15 of the damage that did occur probably would have occurred
16 regardless of the fog nozzle, because again the fog nozzle
17 was protecting the occupants in the rollover protection
18 area. Because of the severe wind that the fire created
19 I didn't hear any water falling on the cabin of the truck
20 and I would have thought it perhaps was providing
21 protection in the immediate zone of the hose operator, but
22 to go further than that in the conditions we experienced,
23 I think the water would have been evaporating before it
24 could get very much further out from there.
25 Because what's supposed to occur as well, if there is more than
26 one fog nozzle on the back, someone is supposed to direct
27 part of that over the cabin to help protect the people in
28 the cabin as well?---Yes.
29 I gather from your evidence that you reacted in accordance with
30 the training that you had been given, taking cover and
31 covering yourself in the cabin?---Yes, that's correct.

1 Protection from radiant heat.

2 Were you involved in the Ash Wednesday fires?---No, I wasn't a

3 member of the CFA at that stage. I was living in

4 Melbourne.

5 You have been a member of the CFA for in excess of 20-odd

6 years?---Yes.

7 Have you ever seen fire behaviour of the kind that you

8 witnessed on 7 February before?---No.

9 The other tankers that have been the subject of the reports

10 that Mr Rozen referred to, were they working, to your

11 knowledge, around the same area that you were

12 working?---I knew that the Hazelwood North was working in

13 the area that we had worked with them earlier in the day

14 in some blacking out duties. We then subsequently found

15 that they were at the next house at I believe number 410

16 Glendonald Road.

17 They survived as well?---Yes, that's correct.

18 Thank you, Mr Chesterton.

19 MR ROZEN: Nothing arising from that, Commissioners. Subject

20 to the Commissioners having any questions of

21 Mr Chesterton, could he please be excused?

22 CHAIRMAN: Thank you, Mr Chesterton.

23 <(THE WITNESS WITHDREW)

24 CHAIRMAN: I think we may be having Mr Gissara, but I think our

25 shorthand writer needs a break.

26 MR ROZEN: Yes. Just before the shorthand writer has a break,

27 I might just complete the tender of statements that relate

28 to the evidence that the Commission has just heard.

29 There are three statements that we seek to tender

30 from members of Mr Chesterton's crew. The first is a

31 statement of Mr Norman Inglis which appears at

1 (SUMM.044.003.2720_R). I tender the statement of
2 Mr Inglis.
3 #EXHIBIT 419 - Witness statement of Norman Inglis
4 (SUMM.044.003.2720_R) and attachments.
5 MR ROZEN: The second statement is a statement of Mr Andrew
6 Lawrence at (SUMM.044.003.2157). I tender the statement
7 of Mr Lawrence.
8 #EXHIBIT 420 - Witness statement of Andrew Lawrence
9 (SUMM.044.003.2157) attachments.
10 MR ROZEN: The third and final statement in this group is a
11 statement of Lindsay Osborne, (SUMM.044.003.2260).
12 #EXHIBIT 421 - Witness statement of Lindsay Osborne
13 (SUMM.044.003.2260) and attachments.
14 MR ROZEN: If it is suitable to the Commission, perhaps a short
15 break at this time and I understand Mr Gissara has
16 arrived.
17 CHAIRMAN: Yes, a short break.
18 (Short adjournment.)
19 MS DOYLE: If the Commission pleases, I call Mr Frank Gissara.
20 If Mr Gissara could come forward, please.
21 <FRANCIS UWE GISSARA, affirmed and examined:
22 MS DOYLE: Thank you, Mr Gissara. Can you just state your full
23 name?---Francis Uwe Gissara.
24 And you presently live on Traralgon-Balook Road in Traralgon
25 South?---Yes.
26 Although, at the time of the fires in February, you were
27 renting a unit at 120 Old Callignee Road in
28 Callignee?---Yes.
29 With the assistance of solicitors for the Royal Commission,
30 have you prepared a witness statement that you have with
31 you?---Yes, I have.

1 Are the contents of that statement true and correct?---Yes,
2 they are.
3 I tender that statement.
4 #EXHIBIT 422 - Witness statement of Francis Uwe Gissara
5 (WIT.112.001.0001) and attachments.
6 MS DOYLE: Mr Gissara, if we go back to the time of the fires
7 on 7 February, you were renting a unit in which you lived
8 with your wife, Stephanie, and your two young children
9 aged 4 and 2?---Yes, I was.
10 The unit you lived in was a granny flat attached to a larger
11 house on the property owned by your aunty and
12 uncle?---Yes.
13 You and your wife also owned at that time and you still own the
14 property at 67 Traralgon-Balook Road?---Yes.
15 That property was affected by the fires on the 7th, but it was
16 a vacant lot?---Yes.
17 The unit and the house that you were living at on Old Callignee
18 Road was destroyed by the fires on 7 February?---Yes.
19 I take you back to the house itself, the house you were living
20 in at Old Callignee Road. The property was pretty big,
21 about 10 acres all up?---Yes, it was 10 acres.
22 Can you tell us about the property. We will have a look at
23 some photos in a moment, but there was the main house that
24 your aunt and uncle were in?---Yes.
25 What was the main house built of?---It was all built of cedar,
26 I think, so it was all timber.
27 It had an inground swimming pool?---Yes, had an inground pool.
28 And the unit that you and your family lived in, what was that
29 made of?---That was all timber as well. It was under the
30 same roofline as the main house.
31 If we look at paragraph 5, you describe some of the other

1 aspects of the property. If you look at paragraph 5 of
2 your statement, you point out that the land surrounding
3 the house and the unit was clear in every direction for at
4 least 20 metres except for one bushy tree on the corner
5 and some small garden plants around the house. What was
6 on that cleared area?---There was a fair bit of sandy dirt
7 and to the far end of the house was grass.
8 Did you keep the grass fairly well mowed?---Yes, the grass was
9 mowed regularly.
10 Apart from the area around the house, was the rest of the
11 property fairly thickly covered with gum trees and wattle
12 trees?---Yes, it was all - I think it had been cleared
13 20 years earlier and then that was it, so it had 20 years
14 of growth on it.
15 What about the way the property lies. Is it on a slope?---Yes.
16 The house is on top of it and it comes up from like a
17 gully.
18 How far back from the road was the main house set?---Maybe
19 25 metres, 20 metres.
20 Was there a verandah around the main house?---Yes, there was a
21 verandah around the whole house.
22 With some decking?---Yes. It had treated pine decking.
23 There was also a large tin shed on the property about 40 metres
24 from the house?---Yes.
25 What did you have stored in the shed?---There was paint,
26 motorbikes, a fair bit of timber and two fibreglass boats
27 right next to it and a camp trailer.
28 The pool that was behind the house, was that connected to a
29 concrete water tank?---It had the main water tank and then
30 the concrete tank next to it which had a hose that fed the
31 pool whenever you opened up the valve.

1 Then there was also 40 metres away from the house another
2 concrete water tank. Tell us about that tank. How much
3 water could that store?---That was 10,000 gallons.
4 A round water tank?---Yes, it was round.
5 How high was that tank?---It was 1800 high and 6 metres wide or
6 round.
7 How thick were the concrete walls of the tank?---Four-inch.
8 Do you know how long that tank has been there or how old it
9 is?---It would have been 20 years, so, yes, about '88, '89
10 they were built.
11 You have brought in for us today some photos to assist in
12 understanding the layout of the house and also how it
13 looked after the fires. We will just look at those now.
14 That's obviously showing the inground pool. Mr Gissara,
15 in your statement you explain that on 7 February you used
16 the water pump. Where was the pump located while you
17 fought the fire?---Just in front of that potplant on the
18 pavers there. Almost half on the timber deck and half on
19 the pavers was where the pump was and that was hooked into
20 the swimming pool.
21 The way this photo works, has this been taken from someone
22 standing at the back of the main house?---Yes, up on the
23 verandah.
24 We will look at the next photo. We are jumping around a bit in
25 terms of the order of events. This is the house after the
26 fires on 7 February. We can see in the foreground a large
27 concrete tank. Is that the one that we will hear about in
28 a moment that you sheltered in on the day?---No, that was
29 not the one. It was the same size as that one, but not
30 that one.
31 That's the one that feeds into the pool?---Yes.

1 We will look at the next photo. Again, that shows the
2 destruction after the fires. We will look at the next
3 photo. What are we looking at there?---That's the tank
4 that we got in, which is about 40 metres from the house,
5 so that's taken from sort of between the house and the
6 tank.

7 It is hard to see, but is that the road out the front there in
8 front of the tank?---Yes, that's the road, so the tree
9 lines are along the road which is those trees are around
10 4 metres, 3 metres wide and that's the road there.

11 Old Callignee Road?---Yes.

12 We will look at the next photo. Those are the photos that we
13 have available. I want to, just before we go to the
14 events of the 7th, ask you about your firefighting
15 experience. Have you had any experience or training in
16 fighting fires?---No, I never did. I signed up with the
17 CFA about six years ago, I think, but then moved away, so
18 I never done any training or anything, so I never went to
19 any meetings or anything.

20 Did you and your wife have a fire plan before 7 February? What
21 were you planning to do if a fire threatened the
22 property?---Just send my wife and kids away and I was
23 going to hopefully put the fire out.

24 Did you have anything at the property that would help you to
25 try to put the fire out?---Just the hoses, had fire
26 extinguishers and some sprinklers and a lot of water.

27 Your aunt and uncle who lived in the main house, do you know if
28 they had a fire plan?---I think they did. He was a member
29 of the CFA for 20 years maybe, 15 years, so I'm not sure
30 if they had one, but I think they would have.

31 But, as it turns out on the 7th, they were away on

1 holiday?---Yes, they were up on their way to Queensland.
2 They were at Coffs Harbour.

3 If you had found yourself in a situation where you needed to
4 fight the fire, what was going to be your source of
5 water?---We had the pump hooked into the pool and then the
6 main tank draining into that pool and then that was all
7 the water we had and then a few fire extinguishers, nine
8 litre fire extinguishers, and that was it.

9 On 6 February you were on a camping trip with your family,
10 brother-in-law and other friends at Stratford caravan park
11 down near the Avon River. That's about an hour's drive
12 from Callignee. Had you initially planned to spend the
13 whole weekend there?---Yes. We were going to just stay
14 there probably until Sunday or late Saturday night and
15 then head home.

16 Your plans changed. Why did you change your plan for the
17 weekend?---I got a phone call from a friend who lives in
18 Glengarry and he said he could see smoke, it was heading
19 in our direction and it looked fairly big.

20 He called you, what, at about 1.30 on the Sunday?---Yes, it was
21 around 1.30 Saturday arvo.

22 You and your wife and kids drove back towards the Callignee
23 property?---Yes. We'd already had a bit of stuff in the
24 car, so we just put the rest of the stuff in and left
25 there and arrived home at around 3 o'clock.

26 Could you hear the ABC broadcast on your way home?---Yes, we
27 had it on the radio and also the UHF in my car, so we were
28 listening to people talking about them there on that as
29 well and on the radio.

30 Do you remember anything about what you heard on the
31 radio?---That there was a fire burning from Churchill and

1 it was heading towards our area, but wasn't affecting us
2 or anything. That was really all that I remember at that
3 time.

4 Did you hear something at some stage that there might be a
5 problem with reception on the ABC?---Yes. I reckon that
6 was around 5, 5.30 that they said they were going to most
7 likely lose reception because the tower was going to burn
8 out. If they did, they said another station to go to,
9 which we done that, and we still had reception.

10 When you got home, which you think was just after 3, could you
11 see any smoke and could you see any flames?---Couldn't see
12 any flames. Could see smoke up on the back hills, which
13 I'm not exactly sure how far it was. It was only a few
14 Ks, I'd say, from our place, but couldn't see any flames
15 at all and couldn't really smell the smoke, could just see
16 a lot of it.

17 What did you do then? Did your wife and children decide to
18 go?---Yes, Steph and the children got in the car and they
19 went into her sister's house.

20 Where does her sister live?---In Traralgon.

21 I think you mention in your statement before going they put a
22 few photo albums, the children and your pet, the dog, into
23 one of the cars?---Yes.

24 What did you do after that?---I just put on my work clothes and
25 then rang my mate and said if he could come out and help
26 me put some hoses, we already had hoses there, and make
27 sure the tank was running, the pump I mean, and - - -

28 Was the mate you called Brett Crosby?---That was Brett Crosby.

29 When he arrived I think you say it was about 4 o'clock. He had
30 actually seen your wife, Stephanie, driving the other
31 way?---Yes, he passed them. As they were heading in, he

1 was on his way out.

2 After Brett arrived, some other people turned up. Who were

3 they?---Paul Andreou, Colin Aylett and Tony - I'm not sure

4 what his name was. I'd never met two of them in my life

5 until they turned up that day. I only knew Paul.

6 Do you know how this came about? Had Brett asked them to

7 come?---No. My uncle used to work with Paul and then he

8 knew, Paul, that my uncle was away and he thought we were

9 camping, so he come out to check on the house, see what

10 was happening.

11 So his link to the property was more that he knew your uncle

12 would be away and he might be able to save the house for

13 your uncle?---Yes.

14 You'd only met Paul and Tony a few times before?---Yes.

15 So by this time of the afternoon there is five of you there;

16 you, Paul, Colin, Tony and Brett. What did you

17 do?---I think we put a ladder up, filled the gutters up

18 with water, sort of hosed off the verandah, made sure the

19 gutters were full and put a little bit of water in and

20 that was all.

21 You put the fire pump on the verandah. You showed us earlier

22 in the photo where that was?---Yes.

23 That's a decision you now regret. Why is that?---Because

24 probably it wouldn't have burnt. It might have, but it

25 would have lasted a bit longer if it was tucked away,

26 because that timber deck is actually what caught first on

27 the whole house, so then the pump burnt pretty early.

28 Did you keep listening to your UHF radio during the

29 afternoon?---Yes, we listened to that all up until

30 6 o'clock, I think, 6.20, as the fire hit.

31 What, if anything, did you hear during the afternoon that was

1 relevant to you?---There were just people in different
2 areas, I suppose, all around the valley talking where they
3 were, but we didn't know that they could see the fire and
4 where they were, so we knew if someone said a road you
5 would know where that road was, so we sort of knew where
6 the fire was roughly, plus the radio was giving a rough
7 idea.

8 You say in your statement you were listening out for predicted
9 wind changes. Why were you keeping an ear out for
10 that?---It was either on the UHF or on the radio they said
11 that it had gone past - it had gone to Mount Tassie, which
12 is behind me, and it had gone past there, which is past my
13 place, and that if the wind did change around, that it
14 would blow it back towards Traralgon South and where
15 I lived, so that's just listening out for that to see if
16 it did.

17 On either the ABC Radio or UHF radio do you remember hearing
18 any mention of Callignee?---Yes, I don't really - not
19 100 per cent sure, but I'm pretty sure I did a few times.
20 I heard Traralgon South a bit.

21 At paragraph 18 of your statement you say that by 4.30 you had
22 done about as much as you could, so you sat around for a
23 bit. Who did the catering?---Paul was pretty hungry so he
24 went into my aunty's house. I rang my aunty, just because
25 I had no food, I'd been camping, and he went and got some
26 cheese and biscuits from their place and we just sat at
27 the end of the verandah and listened to the radios.

28 At that stage was your feel that you'd done as much as you
29 could and you really had to just wait and see?---Yes. We
30 thought - I didn't really know what to expect but
31 I thought we were pretty well covered.

1 You mentioned the chips and biscuits but you didn't mention the
2 beer. You got a couple of beers out as well?---Yes,
3 because I had a full esky from camping so there was a
4 couple of beers in there and a few water bottles, so
5 probably had two or three beers each.

6 Yes, you make that clear; no-one was drunk?---No, no-one was
7 too drunk or drinking like excessively until later that
8 night, which was when we got back into town.

9 You and Mr Crosby, Brett, went and sat up on the roof at some
10 stage while you had your beers?---Yes. We could see the
11 smoke on the hills in the distance from there.

12 And it started to get a little bit dark at one stage?---Yes,
13 around 5.30 it started to get pretty black and pretty
14 windy.

15 Did you still think that the fire might go past you unless
16 there was a wind change?---Not really sure if I was
17 thinking - I don't really know if I was thinking it was
18 going to go past. I thought we were going to see
19 something. I just didn't think it was going to be what it
20 was.

21 At paragraph 19 you say at about 5.30 things started to change.
22 Were you still up on the roof at that stage?---Yes,
23 I reckon about 5.30 we were still sitting up on the roof
24 or on the guttering of the roof, where the other boys were
25 just down on the ground there.

26 You say you lost power to the house at about that stage?---Yes,
27 lost power around then.

28 And it also went dark. Did you do something to make sure you
29 could still see?---Yes. In my camp trailer I had some
30 fluorescent lights that run off car batteries, so we
31 hooked them up at each end of the verandah so we could

1 see, so we had one at the pump and one where we were
2 sitting so we had a bit of light.

3 How was the noise of the fire at that stage? Could you hear
4 anything?---I don't think it was really the fire then. A
5 lot of wind. You could hear wind at that stage.

6 At paragraph 20 you say while you and Brett were up on the roof
7 you suddenly saw a big fireball come out of the trees to
8 the south-east about a kilometre away and then it
9 disappeared back behind the trees?---Yes.

10 So that was about a kilometre away from your house?---Yes,
11 around a kilometre. Like, Sunday Road, which links the
12 road we were living on, follows the gully down and it was
13 in the bottom of the gully about a kilometre away,
14 800 metres.

15 And then a few seconds later Colin had news from the front
16 gate. What happened then?---He was running up yelling
17 something out and by then we'd seen it and he'd obviously
18 been - which is, so, 150 metres from the house, so he'd
19 seen it as well like looking down Sunday Road. So he was
20 coming up to let us know that it was coming.

21 You went down the ladder and made a call to your wife's
22 parents. Where did they live at that time?---They live a
23 kilometre up the road from us where we were living.

24 On Old Callignee Road itself?---Yes.

25 And you got through to your mother-in-law. What did the two of
26 you discuss?---It was very quick. I just said, "The
27 fire's coming. I've got to go." Then I ran back outside.

28 By the time you got outside, a whole lot of trees had already
29 burst into flames?---Yes, the bush was burning and the
30 bushes around the shed were already burning, so I wasn't
31 inside 40 seconds to a minute, tops, and it was already

1 there.

2 You had gone down the ladder and gone inside?---Yes.

3 And then the ladder blew off and Mr Crosby was still up on the

4 roof?---Yes, so he just jumped off.

5 Didn't hurt himself?---No, he didn't hurt himself.

6 And he started working with the hoses?---Yes. There was a hose

7 at the corner of that house, so he just grabbed that.

8 You grabbed a fire extinguisher. What did you do then?---I ran

9 to the shed where there was, like, some sort of piney tree

10 and I started squirting that out and then ran back to the

11 house.

12 So for a while the five of you were working on dealing with

13 things that were on fire, dealing with embers?---Yes.

14 There sort of wasn't a lot of embers, like the embers sort

15 of only came 30 seconds, I reckon, before the fire, and

16 then it was the fire.

17 It didn't take long before your fire extinguisher ran out of

18 water?---No, it didn't take long at all.

19 After that happened, the verandah caught fire and then what

20 happened to your water pump?---The verandah caught on fire

21 and then the pump caught on fire and then we just had no

22 water, and that was all.

23 So, although there were 50,000 litres of water right there, you

24 couldn't access it?---Couldn't access any of it. Couldn't

25 use it.

26 You say in your statement you'd been fighting the fire for

27 about 20 minutes but once the pump was destroyed you

28 wouldn't be able to save the house?---No. We had

29 no - nothing at all we could have done.

30 You talked about the option of going to the dam. How far away

31 was the dam?---I reckon the dam is about 40 metres from

1 the other end of the house where my aunty and that lived,
2 just on the edge of the grass and the bush.

3 Were the five of you together at the time or were people spread
4 out around the property?---No, we'd already agreed that if
5 something went wrong we'd just meet up at my corner of the
6 house and then decide what we'd do, so we were all there
7 at the time and they asked me what we should do.

8 And you said initially, "Let's go and hide behind the concrete
9 water tank"?---Yes, I just assumed being concrete that we
10 could sit behind it because the fire was coming from the
11 other side of the hill that the tank was on, so I thought
12 if we sat behind the tank we should be right.

13 So you say in paragraph 24 you sort of wet your heads with
14 water from the esky, wet your heads and your shirts, and
15 sat behind the tank?---Yes.

16 Was sitting behind the tank - did it work?---No. I reckon
17 probably our clothes were dry within a minute, probably.

18 And things were getting too hot, so what was the next option?
19 What was your next plan?---I'd told Brett earlier there
20 was a manhole on top of the tank and then just said,
21 "Well, let's get in there."

22 So Brett climbed up onto the top of the tank?---Yes, he got on
23 top of the tank.

24 How did he do that without a ladder?---He'd probably six and a
25 half foot, maybe, so he just climbed up there.

26 The manhole lid, you think that weighs about
27 20 kilograms?---Yes, it's around 20 kilos.

28 And, as far as you know, hadn't been opened for many
29 years?---No, it had never been opened, my uncle said, so
30 been there 20, 21 years and never been opened.

31 How did Brett go opening that?---First he couldn't open it and

1 then he just didn't give up and got it open and it come
2 open.

3 Have you tried after the fires to open the lid again?---Yes, we
4 jammed it back in and tried and no one could really - no
5 one could get it off. Even Brett had trouble getting it
6 back open. So I suppose it was just adrenaline that
7 helped him get it out.

8 So once he gets it open, the rest of you climb up onto the
9 tank, so you boosted each other or used the esky to climb
10 up?---Yes.

11 And you all jumped into the tank?---Yes, we all just jumped in
12 there.

13 Now, Paul left his mobile phone up on the roof of
14 the tank?---Yes, he's just pulled his out of his pocket
15 and sat it on the top and then jumped in.

16 Maybe to stop it getting wet, but what happened to it?---It
17 just melted. It didn't catch fire or anything, just sort
18 of went out of shape and melted, didn't work.

19 When you jumped down into the water, how high up on your body
20 did it come?---It was up to my waist or just above my
21 waist.

22 What was the temperature of the water like when you first
23 jumped in?---The water was freezing in there, it wasn't
24 warm at all. It was cold.

25 As things went on, did the water warm up?---No, the water
26 didn't warm up, but the concrete walls were pretty warm.
27 They were hot and the roof was hot, but the water itself
28 was cool the whole time.

29 You say the water was up to your waist. How much room did you
30 have between you and the top of the tank?---The same. It
31 was roughly half full, so a bit higher than me, from my

1 waist up.

2 You said the walls got warm. You say in paragraph 26 of your
3 statement that might be because there was a tree next to a
4 part of the wall that was actually on fire?---Yes, there
5 was a tree to the side of the tank and the shed was only a
6 metre from the tank as well, which was full of odd timber
7 and stuff that was burning.

8 Could you hear what was going on outside while you were in the
9 tank?---Just there was a lot of noise and a lot of things,
10 a lot of fuel cans were blowing up and the cars, their
11 tanks blew up, so there was a lot of noise.

12 You think that the walls of the tank might have even cracked a
13 bit, but they didn't actually split so the water got
14 out?---Yes. The back side of the tank probably lost about
15 10, 15 millimetre of concrete in an area around a metre,
16 like it blew off, just was popping off, and a bit on the
17 front done the same as well.

18 For you guys inside the tank, what was it like in there? What
19 was the temperature like and the smoke like?---The smoke
20 in the air was still hot inside the tank and the smoke
21 was - when we first opened it up it wasn't real thick in
22 there, but once we opened the lid, which the lid I think
23 is maybe 500 by 300, the little manhole, once we opened
24 that and it also had the breathers around it, it must have
25 drawn more smoke into it. We didn't want to put the lid
26 black on in case we didn't have any air and couldn't get
27 it back open, so it got pretty smoky inside there as well.

28 So while you're in the tank you've got the lid open to allow
29 for some air and there is also ventilation holes around
30 the tank?---Yes.

31 So smoke was getting in through all of those?---Yes. Smoke was

1 still coming in and we just covered a few of them up what
2 we could.

3 Covered them with your wet T-shirts?---Just with shirts, yes.

4 And did you also take turns to stand on each others' shoulders
5 and stick your head out of the manhole to look around and
6 get some fresher air?---Yes, we just - you'd pop your head
7 out, like someone would boost you up and you'd have a look
8 out and just have a look what was happening and get a bit
9 - the air out there seemed to be a bit fresher than it was
10 inside the tank. It was a bit stale inside there.

11 How was everyone in the tank travelling? Was anyone panicking
12 or did you feel you'd be able to ride it out inside the
13 tank?---Probably the first five minutes in the tank we
14 weren't sure, but then after that we were pretty
15 confident. Tony might have been a little stressed. He
16 was sort of yelling out a bit of stuff, like worried
17 someone was drowning, yes, but I thought once we were in
18 there - maybe the first five minutes was a bit, but after
19 that it was pretty confident we'd probably be right.
20 Maybe get burnt if we had to get back out.

21 Do you know how long you were in the tank for?---I'm guessing
22 about an hour and 10, hour and 20.

23 So you think you got in there about 6.50 and you were in there
24 for an hour, hour 10 or 20?---Yes.

25 At paragraph 29 you say you got out of the tank about 8.10.

26 Between your group you had three cars and two had exploded
27 while you were in the tank?---Yes.

28 But the UHF radio in Brett's car was still working?---Yes. For
29 some reason his car didn't even burn, which was parked
30 right next to the other two in the photo that burnt.

31 Were you able to contact someone on the radio?---Yes. I think

1 Paul might have went and rolled the car down. He didn't
2 want to start it in case it blew up and so he rolled the
3 car to the tank and we were on channel 4 from the repeater
4 and just radioed for someone and then the CFA got on and
5 just made sure that we were all right.

6 So you could speak to someone who was with the CFA?---Yes. We
7 got onto the CFA. They were down at Traralgon South at
8 the time.

9 Although they said to you they might not be able to get in,
10 about five minutes later a CFA fire truck came up to the
11 property?---Yes. They said they wouldn't be able to come
12 in because it was still burning too much, and then if we
13 were going to be all right we would just have to hang out
14 there until they could, and then I think that was - they'd
15 come up to the top of - I don't know what the name of the
16 road is, the big hill they call it, and within five
17 minutes they'd turned up at our place.

18 And do you know who they were or which crew they were?---They
19 were from the Callignee CFA, so I knew Leigh Bastion, so
20 he knew his way around the area, so he was on one truck
21 and there were a couple of four-wheel-drives as well with
22 them, CFA four-wheel-drives as well.

23 You say in paragraph 29 what they said to you was that, "The
24 road's clear, you can travel out in Brett's car if it's
25 working"?---Yes, they said that they weren't going to
26 follow us out, that we'd be able to get out, that there
27 was nothing on the road. If any trees did fall, just
28 stop. It shouldn't flare up again to what it was, and
29 "You should be right".

30 Before you left you asked if the CFA crew could go and check on
31 your in-laws up the road?---Yes, because I knew they were

1 up there.

2 Had they saved their house?---Yes.

3 You travelled out. Perhaps if we just go to the maps attached

4 to your statement. There is one at page 0010. We will

5 just get that brought up on the screen. The "A" shows

6 where your house was?---Yes.

7 On Old Callignee Road. When you left, did you head out down

8 Old Callignee Road or Sunday Road?---We went down Old

9 Callignee Road.

10 And you drove up effectively towards the top of the map to get

11 out or did you go down?---Yes, to the top we went.

12 And headed out to Traralgon and you stopped at the traffic

13 lights at Traralgon-Balook Road and it turned out your

14 wife, Stephanie, was waiting there?---Yes. We got there

15 and my wife was there.

16 And you hadn't been able to get hold of her but she was waiting

17 at the traffic lights?---Yes.

18 After such a big day, as you say in paragraph 30, you ended up

19 going back to Brett's shed with all of your wives to have

20 a beer and talk about how lucky you had all been?---Yes.

21 We just went back there and had a few beers and talked

22 about it, talked about maybe what we could have done a bit

23 better.

24 If we move to today, you and your wife are now building on the

25 Traralgon South property?---Yes, we're building there now.

26 You are presently living in a shed built on that

27 property?---Yes.

28 As you say there, you didn't have insurance for your things

29 which were destroyed but you have received some grant

30 money from the government?---Yes, we received grant money,

31 stuff from just people.

1 You have started the building on that block and do you have a
2 feel for when it might be finished?---No. No, I don't
3 know. My wife doesn't work, so I don't know.

4 Thank you, Mr Gissara. Are there any questions for Mr Gissara
5 from the Commissioners? Thank you, Mr Gissara, for your
6 time and we know that you had to come here straight from
7 work, so we appreciate you doing that. May Mr Gissara be
8 excused?

9 CHAIRMAN: Yes, thank you, Mr Gissara. You are excused.

10 <(THE WITNESS WITHDREW)

11 MS DOYLE: We are on schedule in terms of the witnesses we
12 intend to lead, Commissioners, so we can resume at 9.30
13 tomorrow and we are confident we can finish all of the
14 Churchill evidence tomorrow, save for the witness
15 Mr Jeremiah, who will need for reasons of his availability
16 to be put off until back in Melbourne in late October.

17 CHAIRMAN: All right. We will adjourn now until 9.30 tomorrow
18 morning.

19 ADJOURNED UNTIL THURSDAY, 22 OCTOBER 2009