

TRANSCRIPT OF PROCEEDINGS

CORONER'S COURT OF THE
AUSTRALIAN CAPITAL TERRITORY

MRS M. DOOGAN, CORONER

CF No 154 of 2003

CANBERRA

INQUEST AND INQUIRY INTO
THE DEATH OF DOROTHY MCGRATH,
ALLISON MARY TENNER,
PETER BROOKE, AND DOUGLAS JOHN FRASER
AND THE FIRES OF JANUARY 2003

DAY 50

Monday, 10 May 2004

[10.08am]

THE CORONER: Just before we start, Ms Cronan,
Mr Lakatos, I would like you to inquire of the
5 Chief Minister whether or not he wishes to return
to this inquiry to give evidence about the
contents of his letter to me of last Tuesday. I
say that because the Chief Minister has been
explaining his position to the media in various
10 interviews to the press. I wish to afford him the
opportunity, if he wishes, to likewise explain or
give some further evidence to this inquiry.

In view of the evidence Mr Keady gave last Friday
15 and the Chief Minister's earlier comments, neither
I nor counsel assisting see the need for
Mr Stanhope to be recalled. But if he is of a
different mind on the subject, then I am prepared
to accommodate him. I would appreciate it if you
20 could make those inquiries and let me know, please
Mr Lakatos.

MR LAKATOS: That will be done. I should say that
Mr Lasry gave the same offer to me and Mr Johnson
25 last week. I rather thought we conveyed what we
thought was the position. That apparently is not
so. We will pass it on and ask the question
again.

30 THE CORONER: Thank you. Yes, Ms Cronan.

MS CRONAN: I call Nicholas Lhuede.

<NICHOLAS AUBIN RENE LHUEDE, AFFIRMED

35

<EXAMINATION-IN-CHIEF BY MS CRONAN

MS CRONAN: Q. Would you please tell the Court
your full name?

40 A. Nicholas Aubin Rene Lhuede.

Q. Your current occupation?

A. I am the fire management officer with
Environment ACT.

45

Q. What is your professional address?

A. Level 1 MacArthur House, Lyons.

Q. You have made a statement in relation to this inquiry which is [ESB.AFP.0001.0231]. This is a statement which has about 81 paragraphs and bears your signature on 8/12/2003. Have you had an opportunity to go through that statement since you have signed it?

A. Yes, I have.

Q. Is there anything in that statement that you now wish to alter or to correct before you give evidence?

A. Yes, there are a number of paragraphs I would like to change.

Q. Tell her Worship which paragraphs you would like to change.

A. Go to paragraph 32. In that paragraph the incident action plan for the Gingera fire was actually produced by Felicity Grant in the planning team not myself as may be implied.

Q. What is next?

A. Paragraph 43, the next incident action plan I prepared for the Stockyard/Gingera fire was finalised on the 15th. I commenced planning on the 12th but it was finalised on the 15th.

Paragraph 51 at 7.30am not "PM". Paragraph 61, the Stockyard Gingera fire I believe merged on the 15th not the 16th, as I have stated.

Paragraph 65, I would like to omit the words in the first sentence from: "In light of the abandonment of the proposed back-burn off Lick Hole Road and Leura Gap trail".

In paragraphs 66, 67, 68 and 69, the meeting where we discussed the prediction of where the fire would reach was actually on the Friday the 17th, the evening meeting on that night.

I believe Mr Gellie offered an opinion at that meeting that it could reach the urban interface by 6 o'clock.

45

Q. On Friday the 17th?

A. Yes. That was at that afternoon meeting.

Q. Any further corrections?

A. They are the ones that I am aware of. I think it is correct now.

5 Q. We will go through the statement. Before we start, you also participated in a taped record of conversation with Constable Mark Travers on 13 February earlier this year?

A. That's correct.

10

Q. That is at [DPP.DPP.0007.0332]. Have you similarly gone through the transcript of that record of conversation before coming to court?

A. Yes, I have been through that.

15

Q. Is there anything in that document you would like to alter or correct?

A. No, nothing that I am aware of.

20 Q. You say in paragraph 5 of your statement that at the time of the January 2003 fires you were employed by the Environment ACT as the fire management officer with ACT Parks and Conservation Service. You were appointed to that position in
25 September of 2002.

Before that you had employment with New South Wales State Forests for 7 to 8 years in a range of roles. The last 4 or 5 years were focused on
30 harvesting planning management of native forests on the New South Wales north coast. Could you outline in slightly more detail what roles you did perform when you were working with the New South Wales State Forests?

35 A. My last job before I came to the ACT was as harvest planning manager in north-east region. That involved the planning and scheduling of harvesting operations in native forests in the plantations for the north-east region in New South
40 Wales State Forests. That was my primary duty. However, fire and fire suppression activities were also a core part of my duties. They took priority when fires did occur. I was involved in fire suppression, fire management activities as
45 required.

Q. Over what kind of period were you involved in

fire suppression activities, was it the whole 7 to 8 years?

A. Yes, at differing levels.

5 Q. When you say "at differing levels", could you outline sequentially what involvement you had with fire suppression?

A. In my first position when I was based at Bombala - my first position at Bombala, quite
10 limited duties there because there weren't many fires in the period. But I was involved in stand-up and some suppression activities whilst employed at Bombala. I was two years there.

15 Then I moved to Bulahdelah district. Again harvest planning role. Whilst there I was involved in some prescribed burned planning. I was involved in fire suppression activities. A number of quite small fires that were suppressed
20 quickly but also a number of larger interagency fires did occur in that period that I was involved in at a planning level and initially incident control level.

25 Q. So what period are you talking about at that stage?

A. That would have been about 1997 when I was there.

30 Q. Just for the one year?

A. I was there for a couple of years. I think there was one or two big fires in that period and a number of smaller ones that I was involved in. After working in Bulahdelah, I was in Newcastle
35 for a year. I recall I had fairly limited involvement in fires at that stage and then moved to Coffs Harbour where I was there for two-and-a-half years. Each of the years I was there, we had quite active fire seasons in and
40 around Coffs Harbour.

While there I fulfilled a number of functions, including divisional commander and also planning on the Incident Management Team for some
45 section 44 fires. So there was quite extensive involvement. Two of those fire seasons did run probably for a period of six weeks, I suppose, and

during that period that was a fairly significant focus of my activities.

5 Q. So you were involved in a planning role in fires being managed by the New South Wales Rural Fire Service over that period?

A. Yes. That's correct. Yes.

10 Q. Did you have incident control system training at that stage?

A. I had received AFAC 404 training. I can't recall when, but it was some time in my period while working at Coffs Harbour.

15 Q. The AFAC 404 training, what does that involve?

A. It looks at incident management, looking at the roles and functions of the positions within an Incident Management Team.

20 Q. So you have had experience over the eight-year period from the range of activities from crew member, RAFT crew member up into the Incident Management Team level?

25 A. Yes, that's correct, although I actually never did a RAFT fire when I walked in. Most fires with the State Forests are vehicle based, but in essence, yes.

30 Q. Before you came to Canberra you had no RAFT experience?

35 A. I had actually done RAFT training with State Forests. That would have been in the mid-'90s. In terms of actual fighting of a RAFT fire with State Forests, it was rarely necessary because it had quite an intensive road network as a result of the harvesting activity. So most fires were often vehicle and using heavy machinery. Very rarely did we walk into a fire in that distance and use hand tools.

40

Q. When you said you did some RAFT training, what kind of training did you receive?

45 A. It was run by the Rural Fire Service. I think it was two to three day training down in I think Wadbilliga National Park down on the South Coast. That involved navigation, aerial support and suppression strategies for remote and dry

firefighting.

Q. I think that is pretty covered in paragraph 7
of your statement. In paragraph 8 you say over
5 the last three years you were mainly involved in
incident management teams. You came to Canberra
in September 2002?

A. That's correct.

10 Q. Although you hadn't had a formal role in fire
management with New South Wales forests, that was
the position you came to when you came to
Environment ACT; is that right?

A. That's correct.

15 Q. If we can go to paragraph 10 of your
statement, you say that the bushfire fuel
management plan had been completed and released
for community input. Is it the case that after
20 your arrival you didn't have any opportunity to
have any input into that before it was actually
completed?

A. Yes, that would be correct. The bulk of the
document and the strategies and plans had been
25 completed at that stage.

Q. You also in your role as fire manager became a
member of the Land Managers Fire Working Group?

A. That's correct.

30 Q. Could you tell her Worship briefly what that
group is set up to achieve?

A. That group had membership of the land
management agencies within Department of Urban
35 Services and also ACTPLA at the time. Its job was
to undertake the coordination of fire management
activities among the land management agencies in
the ACT. So it looked at issues such as
coordination of training, the development and
40 coordination of fuel management activities and
pre-season training. So refresher training and
fitness assessment would be some of the main
functions. Its function was to co-ordinate the
fire management activities of the land management
45 agencies.

Q. It worked in ESB as well as the --

A. There is a separate body. They are two meeting groups. There was a meeting with just the land managers as I have just described, and following that meeting there was a meeting with
5 Emergency Services. That had representatives from Bushfire Services on it and, again, that was a coordination role for land managers to meet with ESB on a regular basis to discuss fire management issues.

10

Q. So does the Land Managers Fire Working Group, that is separate, different, from the land managers fire liaison group, which includes ESB?

A. Two separate meetings, yes.

15

Q. In your experience, were they comprised of essentially the same group of people?

A. Yes. The fire working group was comprised of representatives from Parks and Conservation,
20 Forests, Canberra Urban Parks, Cityscape and the planning and land authority. Those same people met subsequently with Emergency Services.

Q. So you met monthly with those two groups since
25 September?

A. Yes, they met monthly, yes.

Q. Can you recall discussions at those monthly meetings of either or both of those groups about
30 the coming fire season being a particularly troublesome - predicted to be a very extreme fire season?

A. Yes, I believe Mr McRae at those meetings did provide at every meeting regular weather updates
35 and forecasts looking at some of the long-term scenarios and weather predictions forecast for the season. He did identify at those meetings that we had gone through an extended dry period and that it could be a significant fire season.

40

Q. In relation to your department at least, was there any special preparations being made in relation to the fact that it was going to be a fairly extreme fire season?

A. We did undertake some further planning in
45 terms of looking at Namadgi and developing a pre-suppression plan for there, mapping some of

the areas. In terms of our fuel management activities, it is quite difficult to recall what specifically we carried out in that period because I had only recently arrived. But I'm fairly sure there was some additional works and there had been some additional funding provided to undertake those works in the previous months prior to the fire season. So there was some additional or some fuel management activities being undertaken in that period particularly.

Q. Perhaps if I could show you a document which is [DUS.AFP.0001.0291]. These are the minutes from the Land Managers Fire Liaison Group which incorporates ESB on the 21st of November 2002. There is a report at page 0292 from Mr McRae where he reports:

"64 days since rain - none in last 48 days which means ... the big timber is now dry. BKDI is 65 mm and according to met bureau DF is 9 however soil dryness is 160mm which gives a DF of 10. Water storage is less than 60 per cent total capacity and river hydrology is similar."

Is that the kind of information he would typically give, to your recollection, at the meetings after your arrival?

A. Yes.

Q. It also says:

"New 1:25,000 maps ACTION: Nick Lhuede to supply maps to ACT Forests."

Maps have become an issue, some type in this inquiry - do you know what that is a reference to, the supply of maps to ACT Forests?

A. I believe the GIS operator with Parks and Conservation Service, Graham Hirth, had been working closely with the mapping authority in providing new 1:25,000 scale maps around that period. At that stage I believe four of the new maps - it wasn't the full set, but a subset of the ACT 1:25,000 scale maps was nearing or was at completion. And I believe that was a reference

for me to, through Graham Hirth, ensure that those maps were supplied to ACT Forests.

5 Q. They were different from your normal 1:25,000 topographic maps that you would find in the shops?

A. No. They were updates of those 1:25,000 scale maps.

Q. With what kind of new information on them?

10 A. They were under a different grid system to the previous 1:25,000 scale maps and they also had orthophoto on the back of those maps as well.

Q. What is an orthophoto?

15 A. It is an aerial photo of the ACT. So I believe that is referring to the standard mapping authority 1:25,000 scale maps, and the provision of those updates as they came through.

20 Q. Apart from the two updates that you have just mentioned, was there anything else?

A. Not that I can recall in terms of the 1:25,000 scale maps, no.

25 Q. Do you know if they were completed?

A. I can't recall at this time whether or not they were provided. I believe they were.

30 Q. You have mentioned the Namadgi pre-suppression plan. Could you describe what the pre-suppression plan actually was?

35 A. The Namadgi pre-suppression plan was a large map developed showing Namadgi National Park and Tidbinbilla Nature Reserve. It was prepared to show the existing roads within Namadgi National Park as well as at some level the categories of those roads as to what type of vehicles could travel down them. It was also prepared to locate watering points, helipad locations, some strategic
40 and significant sites from the land manager's perspective and other relevant fire suppression information.

45 Q. Who was preparing the Namadgi pre-suppression plan?

A. That was primarily what Graham Hirth was preparing. His job is GIS operator with Parks and

Conservation.

5 Q. If I could show you a minute dated
November 2002 which is [AUS.AFP.0035.0016]. If
you could have a look at the paragraph commencing
with the word "background". This is actually a
minute from Geoff Wells to Maxine Cooper. Have
you seen a copy of this minute before?

10 A. Yes, I have.

Q. When did you first see this minute?

A. I can't exactly say the time, but it would
have been around the time it was prepared.

15 Q. It identifies the need for the development of
the Namadgi National Park and Tidbinbilla Nature
Reserve pre-suppression plan was highlighted
during the development of the bushfire fuel
management plan 2002-2004. Do you know, say if
20 you don't because you only joined the department
in September, whether or not there had been a
pre-suppression plan prepared previously?

A. I don't know.

25 Q. You don't know?

A. I don't think there was. I don't believe
there was.

30 THE CORONER: When was this minute prepared?

MS CRONAN: This is November 2002, your Worship.

35 Q. Then at 0018 it says under "recommendations":
"... the plan is an ongoing project and that
a working draft will be available by
29 November 2002;

40 That some issues may take several years to
address depending on funds availability; and.

That a proposed works plan and indicative
costings will be prepared by March 2002."

45 That should probably be 2003; would you agree?

A. Yes.

Q. Do you know firstly if the working draft of a Namadgi pre-suppression plan was actually completed before that fire season?

A. Yes, it was.

5

Q. How was it distributed?

A. I believe there are about nine copies of the plan made and it went to the District Serve, Parks and Conservation Service as well as the agency representative folder for the Parks and Conservation Service.

10

Q. Was it distributed at all to ESB and Forests?

A. I'm not sure but I don't believe it was.

15

Q. Do you know what the problems in completing the pre-suppression plan was at that stage?

A. Can you elaborate on that, sorry?

20

Q. It says here "some issues may take several years to address", what kind of issues were they talking about?

25

A. In relation to some of the information that was still being sought, I believe some of that was in relation to the sensitive areas from a park management perspective. That was an ongoing process of gathering that information in, as well as identifying additional suppression issues on the plan. So looking at possibly some helicopter sites, we had done some work on helipads; we had done some work on those kind of issues. There were a number of areas in the plan that were still being worked on and would be added to over time.

30

35

Q. When you joined Parks and Conservation, as well as having a role of fire management officer, did you also have a role as a member of the Parks brigade?

A. Yes, I was a member of the brigade.

40

Q. What was your duties in relation to the brigade?

45

A. Because I had come in quite late, I was just as a member of the brigade. I didn't have any formal duties within the brigade structure.

Q. So you were essentially a firefighter?

A. As a firefighter, yeah.

Q. Were you given any particular training in relation to firefighting when you joined the ACT?

5 A. We did some fitness assessment. There was some pre-season training carried out, which I think was a day or half-day session with members from the Parks and Forest brigades. In addition to that, there was also I think a half-day RAFT
10 training exercise that was carried out.

Furthermore, there was incident management training undertaken in 2002. I am just trying to recall whether I did the planning course at that
15 stage or not. I think I might have been at that planning course as well that was carried out by ESB for the planning officer.

Q. I will ask you to have a look at
20 [ESB.DPP.0001.0001]. It is the first page of a paper on the SMT role in ICS. Have you seen that document before to your knowledge?

A. I may have. I can't recall.

25 Q. When you did your planning training, did you receive any training in relation to how an Incident Management Team in the field should interact with the Service Management Team at Curtin?

30 A. There was a separate training day that I didn't mention previously held at Curtin that did actually go into the relationship between the SMT and the IMT in the field.

35 Q. Did you attend that day?

A. Yes, I did attend that day. I think it was a Saturday I went to it.

40 Q. Were you given instruction there in relation to things such as who was responsible for formulating incident action plans?

A. I believe that was brought up but I can't specifically recall as to what level of detail it went into.

45

Q. Did you get an understanding from your training as to who was responsible for formulating

incident action plans?

A. Yes, the training did make it clear that the IMT was responsible for preparing IAPs.

5 Q. Who conducted the training?

A. That training was conducted by Rick McRae.

Q. That is the IMT on the fire ground?

A. Yes.

10

Q. Did you participate as well in the Namadgi fire workshop in November 2002?

A. Yes, I did.

15 Q. Did you participate in a desktop exercise entitled "the Namadgi burn scenario 2002"?

A. Yes, I did.

Q. That was a desktop exercise, was it?

20 A. Yes.

Q. Do you recall, sir, that there was a number of hypothetical scenarios which were workshopped. If I could take you to [DUS.AFP.0001.0601]. If we could go to 0604, do you see the "situation 1" information contained on that page?

25

A. Yes.

Q. At 1325 hours the fire was reported as being in the Orroral Valley/Tidbinbilla area. There was also smoke simultaneously reported in the Mt Namadgi area. Can you recall what was the desktop or hypothetical response to that situation 1?

30

35 A. No. I can't specifically recall that. There might be some notes in any other minutes of that meeting.

Q. You can't now recall how that fire was responded to in the workshop?

40

A. Beyond saying, given the scenario that was painted, there was significant concerns with the possible impacts. I believe there was a strong view that rapid suppression should be required for separate fires. But beyond that, I can't remember the specifics of the discussion.

45

Q. In relation to the training you received on the role of the SMT and the ICS when you came to Canberra, can you recall if there was any significant differences between how the ICS system was operating in the ACT as opposed to what you had been used to in New South Wales?

5

A. In terms of the IMT and the ICS system, fundamentally the roles and functions were quite similar as to how it operated in New South Wales.

10

Q. What about the SMT?

A. Yes, the SMT was unique to the ACT and at the levels that I worked in New South Wales there wasn't an equivalent to that.

15

Q. If we could go then to paragraph 20 of your statement. You say that during business hours you were the contact person for Environment ACT. That is on stand-up days, is it?

20

A. Yes, and during the fire season.

Q. All throughout the fire season?

A. Yes.

25

Q. Outside of business hours, the agency representative is responsible for receiving any calls from the duty coordination and arranging Parks brigade response to requests for additional firefighting resources. Who was the agency representative during that fire season, can you recall?

30

A. There are a number of agency representatives.

Q. They are on a rostered basis?

35

A. On a rostered basis.

Q. Brigade units are not contacted directly by ESB in any instance; was that the situation?

40

A. No, that's not correct. In terms of a response to a fire, the agencies are contacted directly by ESB through COMCEN and responded to a fire.

Q. The brigades themselves, the units --

45

A. The units are responded. However, if ESB require additional resources to what has been stood up, so what is available, they work through

the agency representative to call on additional personnel or units.

5 Q. Paragraph 24 you say that you could see the
Stockyard Spur fire from your office at Parks
Central on Athllon Drive and you discussed it with
a number of staff during the course of the day.
At the time the easterly conditions were pretty
10 benign and there was no immediate threat to assets
as the fires appeared to have started in remote
areas of Kosciusko and Namadgi National Parks.
However, you participated in a discussion with
Group Captain Peter Galvin and Deputy Chief Fire
Control Officer Arthur Sayer, and you all agreed
15 that the existing conditions relating to the
extended drought and the time of year warranted a
significant response. Can you recall the details
of the discussion you had that afternoon, this is
on 8th of January, with Mr Peter Galvin and Arthur
20 Sayer?

A. Broadly we discussed the location as best we
knew of the fires and the conditions at the time
being in middle of summer. I did discuss with I
think Arthur Sayer the potential suppression
25 strategies for that fire that could be undertaken,
but they were just discussions that we had. We
had no suppression responsibility for those fires.

30 Q. What did you talk about, the location of the
fires and suppression strategies?

A. In terms of the location, since it was fairly
early on we were trying to find out exactly where
they were, cause we could just see a bit of a
whiff of smoke coming up from the hills in one
35 location - that is the Stockyard Spur fire. In
terms of suppression, we did talk about what
methods could be used. So I believe we did
discuss the potential use of heavy plant being
used on those fires for suppression to open up
40 some roads and eventually construct fire breaks
around those fires.

Q. Did you have at that stage a fair idea of the
location of the actual fires?

45 A. Yeah. Pretty accurate location of the fires.

Q. Is that the extent of those discussions that

you can recall?

A. Yep. That's essentially the areas we talked around, yes.

5 Q. You say that that afternoon Peter Galvin and yourself started identifying who could be called upon as crew, even though you had not yet received a request from ESB to do so. Was that in addition to the crews that Parks had stood up that day?

10 A. Yeah, that's correct. We just went through the names of staff who were available so that if we were called upon to provide extra we could provide them within a reasonable time frame.

15 Q. You say you identified personnel especially to form two RAFT crews with six in each who could be dispatched to the fires. When you say you identified those people, did you contact them and ascertain that they were actually available that
20 afternoon to form a RAFT crew?

A. Yeah, I believe that's what we did.

Q. So you had two RAFT crews ready to go in addition to the crews that were stood up?

25 A. Yes, yep.

Q. They could have been dispatched to the fires at about what time are we talking?

30 A. I couldn't say exactly what time. It would have been in the early to mid-afternoon, I would imagine. I can't recall.

Q. Would they have been available to attend those fires overnight, if necessary?

35 A. Yes.

Q. However, you do not recall receiving a request that day for any resources in addition to those that had already been stood up. Did you receive
40 the request the following day and those two RAFT teams were deployed on the 9th; is that right?

A. Yes, we did receive a call for RAFT crews, whether they were exactly the ones we had identified the previous day - probably different
45 make-up but we did provide RAFT crews the following day, I believe.

Q. Can you recall now who contacted you from ESB in relation to crews that afternoon?

A. It would have been the duty co-ordinator. I can't recall who it was.

5

Q. What information were you given in relation to where the crews would be going and what they would be required to do?

A. We were requested to provide the crews. I can't recall exactly what the request was. I suppose in the past, and since then, the request has been - it gives information as to where they would be going, potentially how long they are likely to be out for and where the fire is. However, those RAFT crews when they arrive or are provided to Emergency Services, they are given a full briefing on that type of information as to where the fire is and what the exact suppression strategies would be. Those discussions aren't necessarily had with the agency representative or with myself. My role in that function is to provide the resources primarily to ESB.

Q. Were you asked to provide an incident controller or an Incident Management Team for the next day?

A. I can't recall. I don't believe we were asked to provide an Incident Management Team. Officers may have already been requested to attend, and I believe some were. And over I think the next day myself and some others - or over the following days others were called in to assist in Curtin.

Q. Did you contact Brett McNamara after you received a phone call from the duty coordinator?

A. I can't recall if I contacted Brett specifically. I don't think I did but I may have.

Q. What did you do to organise the RAFT crews for the next day?

A. Myself and I believe I was being assisted in this but I can't recall who by, did ring around through the districts of Parks and Conservation Service to ascertain the availability of staff and let them know that they would be required. That's the way we go about gathering additional resources.

Q. Were you essentially just telling the people to attend at a certain area for deployment say at 6 o'clock the next day?

5 A. Yes. And giving them an idea as to how long they would be out, generally what fire they would be going to but not specific detail operational information.

10 Q. The people that you identified to go out as a RAFT team member, do you have some sort of way you can check on their fitness levels before you contact them?

15 A. Yeah, we did. We kept a database of the arduous/moderate training levels that staff had attained. We drew the people for the RAFT crews off that list.

20 Q. It is my understanding that if you deploy people as a member of the RAFT team you have to have an arduous fitness level; is that right?

A. That's correct.

Q. You would have only sent out people with an arduous fitness level?

25 A. Yes.

Q. You then go on to say in paragraph 26:

30 "Although we did not have the level of operational detail regarding the location and the extent of the fires that was available to the Bushfire Service, Peter Galvin and I still assessed the potential of the fires to spread and the issues associated with their
35 containment and control. We took some time to ascertain what the location of the fire appeared to be and to determine what strategies might be deployed, what roads
40 could be used as potential containment lines for suppression."

Can you be more specific in relation to what strategies and containment you identified as being available the afternoon of the 8th with Mr Galvin?

45 A. What Peter and I discussed were the use of tractors to either I think upgrade road or construct new trails for the suppression of those

fires. We couldn't undertake at that stage any detailed analysis because we didn't have a base where we were, which was separate to Curtin. We didn't have the detail, size and extent of the
5 fire. It is actually quite difficult to map suppression strategies in that situation. You need to know the extent of the fire, the topography around it and so forth. But based on Peter's knowledge of the country and the
10 surrounds, we were able to have perhaps some broad understanding of what strategies could be applied in terms of the construction of containment lines and suppression strategies.

15 Q. So you were looking at that stage of using existing roads and cutting tracks with dozers?

A. Potentially, yes.

Q. If it wasn't suppressed?

20 A. Mmm.

Q. Initially?

A. Yes.

25 Q. You go on to say:

"On Thursday morning, 9 January on arrival at work, I checked up on the status of the fires overnight and who had been deployed and
30 where."

Later that morning you received a call from the Bushfire Service asking you to go to ESB to assist in the planning unit, and that is where you
35 remained for the next 21 days. When you arrived at work on Thursday morning, on the 9th of January, the status of the fires you checked on, you were able to see, I suppose, then that the fires had spread somewhat overnight?

40 A. No, I wasn't able to determine that just from the smoke. There was still smoke coming up from Stockyard that you could see from the office. When I arrived, I wasn't aware of how much they had spread.

45

Q. When you say "I checked on the status of the fires overnight", what did you do to find out what

the status of the fires was?

A. From memory I called up Emergency Services. I can't recall who I would have spoken to. It would have been, I imagine, the duty coordinator just to
5 discuss the size and location of those fires and try to get a better - a bit more information on the size and the location.

Q. Were you told then that all three fires were
10 still burning and there was some spread at that stage?

A. Yeah, I think so.

Q. You were told grid references or locations of
15 where the three fires were?

A. I think given locations or grid references. I can't recall exactly in what form the information was.

Q. You were also told what had been deployed to
20 all three fires during that day?

A. Yes, I think we had that information.

Q. You went to ESB at Curtin at about noon and
25 was briefed by Rick McRae, planning officer, as to the situation of the three fires in the ACT. Can you tell us what information Mr McRae gave you at that point?

A. Probably quite similar to what we have just
30 been discussing. Again, the location of the fires and the extent of the fires at that stage.

Q. Would you have a look at document which is
35 [DUS.DPP.0001.0008]. There are a couple of things that I want to ask you about this document. Is this a document that you routinely provide if there is a fire in the ACT?

A. Yeah, I initiated preparing that document
40 probably around November/December earlier in the fire season to provide information to the executive director of Environment ACT as to fire management issues and any issues going on in the territory at the time.

45 I prepared them generally weekly. I think there was some fortnightly when things were quieter. They are to provide information to the executive

director.

Q. You have included in this current situation report 3 fires in the ACT and also the McIntyre's Hut fire. What was your reason for including the McIntyre's Hut fire in the report at that stage?

A. Primarily because of its location to the west of Canberra and the potential that it may have implications for the ACT.

10

Q. You go on to report to your executive director:

"Main concern remains New South Wales fire, with relatively large area burnt yesterday whilst a significant threat at this stage with prevailing southerlies, however return of north north-west wind patterns may present a threat to the ACT - see weather below".

20

What kind of threat were you anticipating or envisaging at that point?

A. It was potential for that fire to, under the influence of a north north-westerly wind, move into the ACT.

25

Q. Now under the section "resource deployment Parks and Conservation" you have got:

"At this stage, limited deployment of Parks and Conservation crews with ESB recognising the potentially large resource requirement for McIntyre's Hut fire. Parks and Conservation is reviewing availability of all staff for firefighting at this stage, and possible requests at the weekend."

35

What does that mean in relation to limited deployment because ESB recognising a potentially large resource requirement for McIntyre's?

40

A. The deployment related to the amount of crews that had been requested and tasked to ESB. So it was saying there was firefighting staff still available at that stage within Parks and Conservation Service. In terms of the potentially large resource requirement for McIntyre's Hut, I believe at the time there were discussions about

45

the ACT providing firefighting resources to New South Wales. I wasn't involved in any of those discussions or discussions of those strategies, but I believe when I wrote this I was aware of those discussions and the potential deployment to McIntyre's Hut.

Q. The staff that you did have available, the crews that you did have available that weren't being used on the ACT fires, did somebody at ESB tell you, "We won't use them at this stage because we might need them for McIntyre's Hut at some stage"?

A. I don't recall that being specifically stated.

Q. So you go on in paragraph 29 of your statement to say:

"Hilton Taylor from ACT Forests was also there. He was working specifically on planning issues for the Bendora fire and considering strategies for containment."

You commenced working on similar strategies for the Stockyard Spur and Mt Gingera fires and did so throughout that Thursday and into Friday. You were appointed as a situation officer for those fires reporting to the planning officer Rick McRae. What broadly were your responsibilities in the role of situation officer at Curtin over the first couple of days?

A. It was to gather relevant information as to the location of the fire and fire behaviour and undertake predictive analysis of that fire as to its rate of spread and behaviour and consider containment strategies and a range of options for containment of those fires or - those fires is correct.

Q. If I could show you a document which is [AFP.AFP.0003.0390]. This doesn't appear to have been prepared by you. But were you shown this document at all on the 9th whilst you were in the role of situation officer? It is a sitrep for the Stockyard Spur fire.

A. If you could just go down the page, please.

MR WATTS: Perhaps my learned friend could identify whose document it is.

5 MS CRONAN: At the bottom it appears, if we go right down to the bottom --

THE WITNESS: I can't recall seeing that.

MS CRONAN: Q. You can't recall seeing that?

10 A. No.

Q. Can you recall being given the information on the afternoon of the 9th that the crews were withdrawing from the fire as they were fatigued?

15 A. No. I can't recall being provided that information.

Q. What information were you given, if we can take the Stockyard fire first, to begin planning for the strategies of the Stockyard Fire?

20 A. I believe at that stage there had been some - I'm not sure - aerial observation of the fires that gave location of the perimeters, location of those fires. That may have been supplemented by
25 some field information coming in as to again the location and issues associated with fire behaviour. That would have been the main information that I started working with, as well as maps of the area and weather forecasts that
30 were available to start looking at strategies.

Q. At paragraph 30 of your statement you say to perform your functions as situation officer you required good onsite and forecast weather
35 information, operational information about matters such as the location of the fire edge, status of the roads, forest fuel load and type, safety areas, fallback points, water points, fire behaviour. Were you able to obtain the
40 information that you needed that afternoon?

A. Not immediately, but we did gather that information over a period of time, a period of days. Some of it was already available; some of it needed further verification.
45

Q. In paragraph 31 you say you were able to plot the exact location and extent of the fire onto a

1:25,000 topographical map over several hours and complete those maps. You then worked on the containment strategies for the two fires and discussed those strategies with Mr McRae and
5 Mr Hilton Taylor. Do you know what happened to the map that you plotted?

A. The map that we plotted much of that on was up on a wall in Curtin. It remained there pretty much for the period. I don't recall exactly
10 what's happened to that one, no.

Q. You haven't seen it since?

A. I'm trying to recall. I think I have seen it. I might have reviewed it in the last week or so.
15

Q. We might have a look during the morning tea adjournment.

A. Okay. Sorry, I suspect that map is a massive compilation of four or five different 1:25,000
20 scale maps folded up that we plotted on, which filled up half the wall.

Q. You worked on containment strategies for both the Gingera and Stockyard fires. What strategies
25 were you talking about using at that point?

A. At that stage we were looking at the preliminary identification of trails that may have existed in the area or where we might be able to put in trails. We may have also discussed the use
30 of RAFT crews to undertake direct attack. We were also looking at water bombing parts of that fire as well.

Q. Did you know what was actually happening firstly on the Stockyard fire that day?
35

A. Could you elaborate on that more?

Q. How was the suppression effort going on Stockyard on the 9th? Did you have that
40 information as of the afternoon of the 9th?

A. I can't recall specifically receiving that information as to how the suppression strategy was going out there.

45 Q. Did you have enough information on the afternoon of the 9th to have a view as to whether or not RAFT teams would be able to conduct any

useful or effective suppression on the Stockyard fire?

A. No, not that I could recall.

5 Q. Did you discuss the use of a dozer on that fire with Mr McRae that afternoon?

A. I may have, yeah. We did discuss a range of possible strategies and the use of heavy plant most likely would have come up in those
10 discussions.

Q. The reason I am asking you to dredge your memory is that I don't appear to be able to locate any written situation analysis reports for the
15 9th. Is it the case that you didn't reach the stage where you could do a written situation analysis report?

A. That may have been the case. I can't recall whether or not I had completed a situation report
20 for then on the 9th.

Q. Were you able to form a view about whether or not RAFT teams would be able to effectively - would be able to suppress the Gingera fire
25 successfully at that stage?

A. No. I wasn't - I didn't have enough information to make that call at that stage on the
9th.

30 Q. When you say you didn't have enough information, can you recall what information was lacking at that point?

A. It would be, I suppose, more quite specific field information as to the nature of the
35 topography and hence the ability to use RAFT crews and hand tools to create or put in containment lines. I didn't have that type of information. Also some of the more quite site specific fuel load information around those areas as well. I
40 wouldn't have had that information either to be able to make those specific calls.

Q. So in terms of the planning function, is it the case that your role at that stage was
45 limited - one of identifying potential containment lines as they became necessary for the information of Mr McRae rather than making decisions on

strategies yourself?

A. Yes, it would be reasonable to say that.

Q. You go on to say in paragraph 32:

5

"At the same time I worked on an incident action plans for each of the fires that addressed the proposed containment lines and how to construct them."

10

You recall now that that was a lady called Felicity Grant who prepared the incident action plan?

A. No, she prepared the incident action plan for 15
Gingera. I prepared the IAP for the Stockyard fire.

Q. You prepared one on the 9th?

A. I believe, yeah, 9th or 10th there was one 20
prepared.

Q. Sorry, that task spread over the 9th and the 10th.

A. Yes. 25

Q. What did the incident action plan that you prepared contain?

A. It would have contained - I would have had a 30
map of the location, probably a map showing location of the fire and extent of the fire, also showing possible containment lines that could be used. It would have had some information on fire behaviour, probably predicted rates of spread, written information on containment strategies and 35
options.

Q. Perhaps if the witness could be shown [ESB.AFP.0110.0300]. I think I have identified the documents that you are referring to now. Does 40
this appear to be a copy of a containment strategy for the Stockyard fire that you prepared on the morning of the 10th of January?

A. Yep. Prepared that.

Q. If you could interpret for us from that map 45
what proposed containment lines you were recommending at that stage?

A. At that stage, and again it comes back to the lack of site specific information, it was based on the contours and some existing roads. The black crosses are showing the proposed control lines.

5 This map I think demonstrates that there was still further information to be gathered, because a lot of those containment lines haven't actually been tied off to another containment line.

10 So take, for example, the wavy line below the fire, which is the red dotted line, that just runs down to that ridge. So it was looking at potentially using some of that topography, using plant in those areas to cut a control line or make
15 a control line and potentially tie it off to a creek or a natural feature.

The Xs running north-south up and down the page along the Ginini Trail that is identified there,
20 that is utilising an existing or an old dormant trail in the area as another potential containment line.

Q. Could we slow down a little bit. The Ginini Flats Trail, the north-south one, that was dormant at that stage?

A. Yes. It had overgrown. You could drive to a certain point but you couldn't get all the way through it.

30 Q. The proposed containment trail ran from the west to the east, is the start of that on the western edge the Stockyard Spur trail?

A. Yes.

35 Q. As it continues to the east the proposed containment lines is what area? It is not still the Stockyard Spur trail, is it?

A. No. Again, as I said earlier, it was
40 identified off a topographic map as potentially being suitable for putting dozer or heavy plant down. Again, still need to tie in to a natural feature.

45 Q. Whilst they are not there, this plan says the area is suitable to get a dozer in to put them in; is that right?

A. To the extent that I have identified it without field inspection, yes.

5 Q. If we could look at the northern section of the plan, so if we scroll up. You can use your icons on the top of the screen and turn your map around. You have got some proposed containment lines running essentially north-east of the Ginini Flats Trail. Can you tell us what was in that
10 area at that stage?

A. I have no knowledge of any - there is no existing trail along that one running north-east. Again, it was just a location identified based on the topographical maps that may be suitable to put
15 heavy plant down to create a containment line. Again, it doesn't tie off to anything - it doesn't link to another feature that could also be used as a containment line.

20 Q. So there is no eastern containment line identified at that stage?

A. Not at this stage. The eastern containment would have been considered the Corin Dam and the Cotter River --

25

Q. I see.

A. -- which aren't shown on the map.

30 Q. Do you know if the Corin Dam could be worked off by firefighters at that stage? Do you understand what I am getting at?

A. No.

35 Q. The western bank of the Corin Dam such that firefighters would be able to work along the banks if they needed to conduct back-burning or suppression activities at that stage?

A. Hadn't considered that in developing the strategies. I can't say yes or no.

40

Q. You hadn't considered --

A. Hadn't considered working off the bank, no.

45 Q. The river either at that stage?

A. That's correct.

Q. This document with its two pages, as I

understand it, is a complete document in itself,
or was it attached to something else initially?

5 A. I believe it would have been attached to
something else, yeah. But it would have had more
to it than that - it did have more to it than
that, I believe.

10 Q. It says it is prepared at 8.30 in the morning
and signed by yourself on the front page. Can you
recall what else may have been attached to this
document at that point?

15 A. I believe there was attached to that a
situation analysis form that would have been in
written form which outlined the objectives and
strategies that we were looking at applying for
that fire.

20 MS CRONAN: Is that a convenient time,
your Worship?

THE CORONER: Yes. We will take the morning
adjournment.

25 **SHORT ADJOURNMENT** [11.26am]

RESUMED [11.45am]

30 MR MILDREN: Before you resume, might I seek
your Worship's leave to appear for Mr Lhuede.

THE CORONER: You are not appearing for Mr Lhuede,
Mr Watts?

35 MR WATTS: No, not as far as I am aware. I am
appearing for Mr Taylor.

40 THE CORONER: Yes, that leave is granted
Mr Mildren. You may appear for Mr Lhuede. Yes,
Ms Cronan.

MS CRONAN: Thank you, your Worship.

45 Q. We need to clarify something that Mr McCarthy
brought to your attention over the morning tea
adjournment; is that right?

A. Yes.

Q. If you could scroll down the map that we are looking at, can you see there is a time on the eastern side of the fire perimeter of "0730 11/1"; is that correct?

5 A. Yes.

Q. If we could go to the previous page which is 0300, do you see at the top of the AIIMS document to which that map is attached it says "date
10 prepared 10/1, 0830 hours". Having had a look at both pages together, do you have something to say about what day this actual map was prepared by you?

15 A. Yeah. I believe after looking at this map and looking at a situation analysis form, that date should read "11/1". I think that is consistent with the fire reach shown at 7.30 on 11/1.

Q. We will go back to the afternoon of 10th
20 January. If I could show you [ESB.AFP.0110.0307]. This is an AIIMS document which appears to be prepared on 10 January at 1815. If we go to the next page, it attaches a similar map to the one we went to before morning tea. Do you know if this
25 is the first actual map that you prepared in relation to the containment of the Stockyard Spur fire?

A. I believe it was one of the first maps that was produced for the Stockyard Spur.

30

Q. I was showing you 0307. Could you describe for her Worship what are the containment lines that you are proposing in relation to the Stockyard Spur fire?

35 A. I believe this map was prepared following an aerial observation of the fire on that afternoon. What I have identified on that map is the south-east running trail coming off Stockyard Spur as one potential containment line. I find it
40 quite hard to read that. And also the potential of a possible trail where it says "possible trail" in the middle top of the map.

Q. Is that the Ginini Flats trail?

45 A. Coming off Ginini Flats trail that runs past the arboretum and then runs in a north-easterly direction as another area that could be a possible

trail.

Q. So you have identified a possible trail running north-south and one running south-east.

5 Are they the only two possible trails that you had identified at that stage?

A. In addition to the trails already marked, yes.

Q. The two trails already marked being the Ginini
10 Flats trail and the Stockyard Spur trail?

A. Yes.

Q. You worked on this document with Mr Arthur Sayer; is that right?

15 A. Yes.

Q. If I could take you to [ESB.AFP.0110.0856]. This appears to be a standard AIIMS fire situation analysis form.

20 A. Yes.

Q. If we could go to the next page at 0857. Did you prepare this document yourself, sir?

25 A. Can you just scroll down, please. No, I didn't.

Q. Do you know who prepared this document?

A. No, I don't.

30 Q. Did you have any input into the preparation of the document? Perhaps if I show you the entire document. Did you have any input into the creation of that document?

35 A. I can't recall having any input into preparing this.

Q. Who else apart from Arthur Sayer was working with you on planning for the strategies for containment of the Stockyard Spur fire?

40 A. There were a number of - Arthur and myself were, from memory, the ones tasked to prepare the strategies. However, there were other people within Curtin or in Curtin who were involved in looking at aspects of the planning for those fires
45 as well. That included people such as Hilton Taylor and Felicity Grant - I have already mentioned - and others who were looking at these

fires.

Q. Would you recognise Felicity Grant's handwriting?

5 A. No, I wouldn't recognise it.

Q. So you wouldn't know if she prepared that?

A. No, I wouldn't know.

10 Q. If we scroll down the page to the section of legal constraints on suppression activities. You see there it makes a note:

15 "Suppression of fire around swampy plains due to protection of corroboree frog and protection of buildings at Mount" --

Something - could be "Ginini". Do you know what that is referring to? Were you aware of those legal constraints during your planning for the fire?

A. No.

Q. You weren't aware of those constraints?

25 A. No.

Q. They didn't factor into your planning?

A. No.

30 Q. If we could go over to the next page you will see the general control objective there is noted to be "containing the fire within dozer lines 1 and 2". If we could look firstly at alternative 1. The strategy that was being looked at there was to:

40 "Clear Stockyard Spur trail to 646662; clear Ginini Flat Road from south to arboretum, with a dozer and with estimated control being 11th of January 2003."

Is that consistent with the strategy that you were looking at as at the 10th of January; one of the alternatives?

45 A. Yes, that does appear to be broadly consistent.

Q. But there is an estimated probability of success at the bottom of the page as "low". The second alternative is:

5 "Assume fire is still south of Stockyard creek. Dozer line from Ginini Flat Road along north edge of Stockyard Creek to saddle 641673."

10 There is a note that it wouldn't have an escape route. The forces required:

"Water bombing, dozer from Stockyard Spur trail."

15 You would need dozers and tankers with an estimated control date of 14 January 2003. Was that also something within the ambit of your planning for suppression of the Stockyard Spur
20 fire?

A. Again, it appears to be consistent with the earlier map.

Q. The third alternative was:

25 "From arboretum around exclusion zone 20m for Swampy Plains corroboree frog. Will be used as burnout zone if required; In conjunction with Gingera fire assuming continues north
30 run. Doze containment line from 637640 to Mt Franklin Road at 622621."

Do you understand what the containment strategy that is being described there entails?

35 A. I would need to check it on the map to be sure with those grid references. But I believe it is aiming to keep the fire to the east of the bogs and the flats.

40 Q. That is all that it is describing in that strategy?

A. Again, without plotting those points on a map, it is quite difficult to say. I believe that's what it is saying.

45 Q. Did you know that somebody else was conducting fire situation analysis on the Stockyard Spur on

the 10th?

A. No. I wasn't aware this was being prepared.

Q. If I could show you then [ESB.AFP.0110.0309].
5 If you could just scroll down so you can see the
whole of this document. This appears to be an
AIIMS form that was written by you at 1600 on
10 January in relation to the Stockyard fire, and
attached is an ICS3.1 form in relation to that
10 fire. Do you recall creating this document?

A. Yes, I prepared that document.

Q. You say:

15 "From aerial observations conducted at
quarter to 2, the fire had greatly increased
in size from the morning 8 o'clock report;
active edge along the whole perimeter, flame
height of 1 metre; no evidence of crown fire,
20 scorch evident; fuel - ground fuels, little
to no shrub layer with snow gum."

What is that something?

A. Snowgum "black sallee north of Stockyard
25 Creek".

Q. Then "Open snowgum/mountain gum" and then what
does it say?

A. "Northern aspect has a denser canopy, south
30 slope".

Q. You had received your trail options by air at
this stage, had you?

A. Yes.
35

Q. You then say:

"Possible options will require ground
40 assessment"

If we could go over to the next page 0310, is this
the incident objectives and strategies that you
determined or recommended as at the afternoon of
10th January?

A. Yes.
45

Q. The general control objective was to maintain

the catchment and ecological values and to minimise the area burnt?

A. Yes.

5 Q. When you say "minimise the area burnt" there, were you envisaging burning out from your control lines?

A. Yes.

10 Q. So I take it then the general strategy or general objective there was to identify a containment area of the minimal size possible?

A. Yes.

15 Q. Then under strategies you say:

"Contain the fire to south south-east of Stockyard Creek and east of Mt Franklin Road; re-open Stockyard Creek Road and examine construction of spur trails from 629650 to 638642; re-open Ginini to arboretum, examine road" --

A. Construction.

25 Q. It goes on:

"construction from east of arboretum to 631677 to protect Ginini Flats" --

A. CAA tower on Mt Ginini - Civil Aviation Authority tower up there.

30 Q. Final point "no use of foam for catchment/ecological"?

A. Yes.

35

Q. Had you some information at that stage about the effect of foam as opposed to retardant on the ecological system that you were dealing with at that stage?

40 A. No specific information. However, I think in previous conversations - I can't recall specifically with whom - it was considered undesirable to use foam around the flats, in particular the Ginini Flats and Snowy Flats area, 45 for catchment purposes.

Q. Would that have meant that you couldn't use

foam anywhere on the Stockyard fire or just near those areas?

5 A. I think it is desirable not to use foam in any of those areas. However, legislatively if fire services had chosen to use foam, they could have used it in those areas. It is a recommendation, not a legal requirement.

10 Q. What do you mean by saying "no use of foam for catchment/ecological areas"? Is that a recommendation?

15 A. As a recommendation not to use foam for the management of catchment values and ecological values.

20 Q. Now, did you have an appreciation of how much work would be required to put those strategies in place at that point in time and what resources would be required? Can I ask you to consider in that question what time factor would be required as well, because they are interrelated factors.

25 A. I think in the previous page I had identified that those strategies would require fuel investigation, and we already did have an understanding that there is a time factor in constructing new roads.

30 Q. As part of your role in the planning field in this particular fire, were you required to look at recommending resources and time frames for the strategies that you were recommending; or were you just looking at what strategies might work and then leaving it to the next person to look at resourcing and time frames?

35 A. No. We were considering time-frames and yeah, to give an indication - we were recommending time-frames and broadly what resources would be required.

40 Q. So at this stage is it the case that you weren't able to say what resources would be required and what time frames would be needed because you needed to have ground observation as well as the information that you had?

45 A. Yeah, that's correct.

Q. Were you solely working on the Stockyard fire

at this stage? Was someone else working on the
Gingera fire?

A. I can't recall. Felicity Grant may have been
assisting on the Gingera fire.

5

Q. Can you recall now what strategies, if any,
you were considering in relation to the Gingera
fire?

A. Our main strategy at that stage was to keep it
to the west of Mt Franklin Road. So it was to
allow the fire to burn down to Mt Franklin Road.
As to other specific strategies, I can't recall.

Q. If we could go over to the 11th of January,
then - before we move on to the 11th, at
paragraph 32 of your statement you say:

"I worked on incident action plans for each
of the fires that addressed the proposed
containment lines and how to construct them."

Which you have corrected to say "Felicity Grant
prepared the IAP for Mt Gingera" and then it goes
on:

25

"This task spread over 9 and 10 January. On
Friday, I believe I provided Rick McRae with
an IAP for the Stockyard fire to submit for
approval by the incident controller Mr Peter
Lucas-Smith at the afternoon Service
Management Team planning meeting. This
pro forma for IAPs was different to those I
had previously experienced in New South
Wales. There was no opportunity for
electronic format for these plans until I
used the New South Wales format as night
planning officer on Sunday, the 19th of
January."

40 Do you recall physically preparing a written IAP
for Stockyard for the planning meeting on the
10th?

MR McCARTHY: With respect, your Worship, my
learned friend has already taken the witness to
the very document that was prepared at the time of
1800 hours. In my submission, it seems a little

odd to be asking the witness about a document he has already been taken to for that meeting.

5 THE CORONER: That's right. Is that the document you are referring to, though, Ms Cronan?

MS CRONAN: I will clarify that.

10 Q. By the reference in paragraph 32 to an incident action plan, are you referring to the AIIMS forms that I have already taken you to for the afternoon of the 10th?

A. Yes, as well as the map.

15 Q. Did you have experience in preparing incident action plans in New South Wales?

A. Yes.

20 Q. As you point out in your statement, this is different from the incident action plans you previously prepared. Did somebody instruct you to prepare the incident action plan, as you call it, in this particular format on 10th January?

25 A. Yes. In the IMT planning training that I previously mentioned Rick McRae provided, that was a pro forma that we were shown in that process - or in that training, sorry.

30 Q. In the incident action plans that you had previously prepared in New South Wales, you had been required to include not only strategies and objectives but also resourcing and time-frames; is that right?

A. In some cases, yes.

35

Q. Now, did you attend the afternoon planning meeting on the 10th of January?

A. I may have. I don't recall.

40 Q. Do you know if these incident objectives and strategies were in fact approved by the incident controller, Mr Lucas-Smith, that afternoon?

A. No, I don't.

45 Q. Were you told at any time whether any of those strategies and objectives were approved by Mr Lucas-Smith?

A. No, I wasn't.

Q. If you go to paragraph 33 of your statement, you say when you arrived at ESB at about noon on
5 9 January, you were concerned that procedures were not in place for the provision of operational maps to a standard necessary for field operations. You say:

10 "A key function of a planning unit is to prepare and provide operational and strategic information through operational maps and IAPS."

15 Did you see that on 9 January as a key function of the planning unit at Curtin at ESB at Curtin?

A. Yes, I did.

Q. You say:
20

"In the absence of electronic mapping systems, operational maps may be simply prepared on 1:25,000 topographical maps identifying at a specified time the fire
25 edge, proposed and actual containment lines, water points, sector lines and fallback points. These features, once known, can be fairly quickly drawn onto the topographical map and then copies made through a
30 photographer copier."

You expressed the availability of that option to Mr McRae, did you?

A. Yes.
35

Q. Can you recall what his response to that suggestion was?

A. As I have said in my statement, Mr McRae had already been in contact with the GIS operators
40 from Parks and Conservation Service and I believe ACT Forests, and they were being brought in to Curtin to prepare those operational maps.

Q. Was there any discussion about using
45 topographical maps to send out into the field in the meantime before the GIS maps were prepared?

A. No, I can't recall it.

Q. So at the end of the 10th, you arranged for a reconnaissance trip with Mr Sayer to be done on the following day on the 11th and finished work that night at about 8pm. You were aware at that stage that the only planning for the Stockyard and Gingera fires that was being done was being carried out at ESB at Curtin; is that correct?
5 A. I believe so, yes.

10 Q. There was nobody out in the field doing any planning work on either of those fires at that stage?
A. Not that I was aware of.

15 Q. So on Saturday the 11th of January you commenced work at 7.30, checked on reports in from the field and other operational information received overnight and generally updated yourself of what had occurred in the past 12 hours in
20 readiness for your field trip with Mr Sayer. What did you ascertain had occurred over the 12 hours since you had been at ESB when you arrived on the 11th?
A. I can't recall specifically.

25 Q. You say in paragraph 37 whilst you were doing your reconnaissance with Mr Sayer some crews from tasked to the Mt Gingera fire. Did you have contact with those crews that morning?
30 A. Arthur Sayer did.

Q. So you didn't have any yourself?
A. I might have briefly said hello to a few people. But I didn't know the people who Arthur
35 was talking to.

Q. What crews were present whilst you were there?
A. I can't recall.

40 Q. When you say Mr Sayer spoke to crews about the fire behaviour and their strategies for containing the fire, can you recall what the conversation was; what was said at that stage?
A. As I have previously said, the crews were
45 monitoring the fire as it backed down or travelled down towards Mt Franklin Road from the west. So they were just monitoring the fire as it came down

and self-extinguished on the road edge.

Q. They were monitoring the eastern containment line; that was the eastern containment line for
5 the fire at that stage?

A. Yes, that's correct.

Q. Were there any strategies for containing the fire on the western, northern or southern
10 perimeters at that stage?

A. No, not that I was aware of at that stage, no.

Q. You say Mr Sayer was the divisional commander for the Mt Gingera fire. What was your
15 understanding of who was the incident controller of the Mt Gingera fire?

A. I can't recall specifically. It might have been Arthur was actually termed the incident controller not the divisional commander for that
20 fire. I can't recall exactly what his title was for that fire. I think it was incident controller at that stage. That is an error in my statement there. It probably should read "incident controller".
25

Q. I think there is some confusion about the way some of these terms have been used. I want to clarify, there was no IMT or planning unit in the field at all for either the Stockyard or the
30 Gingera fires whilst you were --

A. No, there wasn't.

Q. This is on the morning of the 11th. Did the crews that Mr Sayer spoke to have copies of the -
35 sorry, you only did the plan for Stockyard the day before?

A. That's correct.

Q. That question is not relevant any more. Did they appear to have copies of any IAP that, say, Ms Grant had prepared on the afternoon of the
40 10th?

A. I didn't see any, no.

45 Q. Were you aware of what was contained in the IAP she prepared in terms of containment strategy for the Gingera fire at that stage?

A. Broadly.

Q. Broadly, what was the strategy?

5 A. I think broadly it was to allow the fire to come down onto Mt Franklin Road. That was the eastern break. But I can't recall specifically what was at that stage being planned for the northern, western and southern breaks.

10 Q. So did you have a look at the north-western and southern flanks of the fire while you were doing your reconnaissance?

15 A. No. Because it is actually quite steep terrain. The southern flank is quite steep, as is the western side. I think I might have looked at it from the air later on. And the northern side of it, again I didn't look at it to identify any containment lines.

20 Q. What information did you obtain about the Gingera fire on your reconnaissance that assisted you then to go forward with your plan?

25 A. I wasn't specifically seeking information on the Gingera fire at that stage.

Q. You say at paragraph 38:

30 "Arthur Sayer and I then travelled back north along the Mt Franklin Road to the Stockyard Spur fire and then turned right onto the old fire trail travelling along Stockyard Spur as far as the track would allow us. We then walked from there approximately 1 kilometre to the fire edge. No crews were deployed to
35 the fire at that time. The overall strategy at that time was to focus resources on the Bendora fire and to assist the New South Wales authorities in their efforts to contain the McIntyre's Hut fire."

40 Who had told you that the overall focus for resources at that stage was to resource the Bendora and the McIntyre's Hut fire as opposed to the Stockyard Spur fire?

45 A. I can't be sure, but I believe Rick McRae had passed that on to me.

Q. When he told you that, did he give you any indication to assist you in the forward planning as to what resources might become available, and when, for dealing with Stockyard Spur and Gingera?

5 A. No, not that I can recall.

Q. So you say you inspected the Stockyard Spur fire and found it burning at low intensity along the ridge, although you did not observe the fire to the north-west side of the spur. Flame height ranged between 30 centimetres and 1 metre in height. The fire extent was approximately 10-12 hectares. You crossed the fire edge into the burnt area and walked along Stockyard Spur to the north-eastern edge. Can you recall approximately what time of the day this observation was occurring?

15 A. No, not exactly. Early to mid-afternoon.

20 Q. At that stage it seems from your description that the fire was behaving fairly benignly; is that the case?

A. Yes, it was fairly quiet.

25 Q. So you discussed possible strategies for the containment lines. What containment lines did you look at at that stage?

30 A. We looked at the ones - basically looking at just the topography and the landscape to identify areas where it might be possible to use heavy plant to construct containment lines; considering the condition of any existing trails or overgrown dormant trails that were in the area.

35 Q. You say you walked along a number of the ridge lines to check that they were suitable for construction of containment lines. You were considering containment lines approximately 1 kilometre from where the fire edge was at that time. We will move to your map shortly and you can perhaps explain that better when we get to the map.

45 Did you at that stage as at the 11th, I think you said you were there in late morning/early afternoon, consider whether or not RAFT teams could be used in the suppression or containment of

the Stockyard Spur fire at that stage? Was that still a viable option or was it too big?

A. I can't recall discussing using RAFT crews at that stage.

5

Q. You then drove along Mt Franklin Road to the Mt Ginini gate, then east to the Ginini Flats then to the Stockyard arboretum. Did you drive along the Mt Ginini trail - you described it earlier as a dormant trail?

10

A. Along part of it. You could go along it - yeah, as I said about 3K in my statement. We travelled along it for approximately 3 kilometres, and then it became overgrown.

15

Q. Is that the trail you are describing in paragraph 40 of your statement?

A. Yeah, that's right.

20

Q. You were able to drive as far as the Stockyard arboretum. You did that to explore options for dozer construction of containment lines to the north and east of the Stockyard Spur fire. You were also considering:

25

"... a possible containment line to the west of the Stockyard Spur in order to keep the fire from burning into the sphagnum bogs that are important for the water catchment area and high ecological significance."

30

You identified a suitable north-south trail west of the fire to act as a containment line to keep the fire from extending into the bogs. That's the Ginini Flats Trail?

35

A. Yes.

Q. It goes on:

40

"The trail was overgrown and finding its southern exit onto Mt Franklin Road did pose some difficulty, however it generally appeared to be well formed and could be cleared with a light dozer. Observation of the north-western edge of the fire on Stockyard Spur did exhibit some intense behaviour, with some crown fire development

45

in areas of higher fuel loads".

When you were identifying these containment lines, did you have some idea of potential or likely rate of spread of the fire at that stage?

5 A. Yes, it was considered.

Q. Were you therefore then identifying time frames you would need to work within and resources you would need in order to make the containment lines you were looking at viable options?

10 A. Yes.

Q. You still had concerns regarding containing the fire to the north-east and considered the Corin Dam and Cotter River would form suitable containment lines. However you had concerns that the Cotter River would be insufficient to hold the fire because of its low level and the extremely dry fuel loads at the time.

I think I asked you before if you had some idea about whether or not that area you were concerned about could be patrolled on foot by firefighters. I asked you that about the Corin Dam. The area that you describe as being of concern in paragraph 41, did you have some idea about whether or not that could be patrolled by crews?

25 A. We didn't consider that.

30

Q. Didn't?

A. At that stage.

Q. Did you have any alternatives that you could fall back on?

35 A. We hadn't developed those alternative strategies at that stage, no.

Q. You went back to ESB and you worked through till 10.30 that night. If I could take you back to [ESB.AFP.0110.0300] at 0301. Sir, as I understand it, this is the map that you actually prepared on your arrival at ESB that morning before you did your ground observations; is that correct?

40 A. Yes.

Q. We have already gone through it; we don't need to go through it again. That is what you had in mind as the containment before your ground observations?

5 A. Yes.

Q. From your ground observations, were you able to confirm whether or not that was in fact a viable strategy?

10 A. In part, yes.

Q. Did you do another AIIMS form with a map attached after your ground observations that evening or did you stay with the one you had done in the morning?

15 A. I can't recall doing another one following the field inspection.

Q. Is there something on that map that you determined from your ground observations to be not viable?

A. From memory, the control line running north-east of Ginini Flats Trail, I think ruled that out after that inspection.

25

Q. The north-east of --

A. Off Ginini Flats Trail.

Q. That whole line from Ginini Flats Trail?

30 A. Yeah, I think so. I can't recall specifically.

Q. Can you recall why it wasn't thought to be a viable option from your ground observations?

35 A. It may have been topographical issues, rock and so forth.

Q. Had you identified through your observations that day any viable alternative containment lines for the northern sector?

40 A. No, we hadn't at that stage following our field inspection.

Q. If I could take you to [ESB.AFP.0007.0421]. I have taken you to a three-page document, sir, which appears to be what you have described as an incident action plan for the Gingera fire prepared

45

at 9am on the morning of the 11th by Ms Felicity Grant. I take you to page 0420. Are you able to describe for her Worship what the containment strategy is as of 10 to 9 on the morning of the
5 11th for the Gingera fire?

A. It's difficult for me to comment. I didn't prepare this map.

Q. Can you read it?

10 A. No, but again, as I said, I didn't prepare it. The only comment I could make is that there are some terminology of a containment line running onto Mt Gingera. But as I said, I didn't prepare it so it is difficult for me to comment.

15

Q. If we could go then over to page 0419. The general control strategies that Ms Grant seems to determine on are:

20 "Water bombing north flank; clean up trail to Mt Gingera with RAFT crew; apparent back-burn ceased report."

Did you through your ground observations with
25 Mr Arthur on the 11th determine - I think I have asked you that - any threat, control objectives and strategies for the Gingera fire?

A. No, I was looking at the Stockyard fire.

30 Q. You say in your statement at paragraph 42:

"On arriving back at ESB, Arthur Sayer and I spent time transposing the information we had obtain and marking the proposed containment
35 lines and strategies on suitable 1:25,000 topographical maps."

Did you do that for both fires, the Stockyard and the Gingera fire?

40 A. I can't recall. I know we transposed the information relating to Stockyard. I can recall doing that. I can't recall doing Gingera, no.

Q. You have been through all of the maps recently
45 that were collected by the AFP from the ESB? Were you able to locate that particular map you refer to in paragraph 42?

A. Again, I think much of that information was put onto the very large folded map that was set up in the planning room - there was a number of, I think four or five or more of 1:25,000 maps stuck together. We just transposed it.

Q. Sorry?

A. And we put the information on that map.

10 Q. Is that it --

A. No, no. It is a large folded map sheet, a number of map sheets joined together.

Q. You haven't seen that recently?

15 A. No. I saw that last week in at the AFP with the information. It is not in that pile, I don't believe.

Q. Sorry?

20 A. It is not there, but I have seen it recently.

MS CRONAN: I might have that looked at over the luncheon adjournment.

25 THE CORONER: You think you saw it at the AFP.

A. Yeah. It is a grouping of about 6 or 7 1:25,000 scale mapping sheets. It is very large they are all sticky-taped together and folded up. That was the map that we worked on for Stockyard. I think the same map was used for Bendora as well. Generally working on clear transparent overlay and doing our working on that.

MS CRONAN: Q. On Sunday the 12th of January, you returned to ESB at 10am and commenced preparing incident action plans based on the information obtained the previous day. This was the incident action plan that you finalised then on the 15th of January; is that right?

40 A. Yeah, that's correct.

Q. On further reports and information obtained from the field regarding events overnight; can you recall what information you obtained when you arrived on the morning of 12 January in relation to - was it just the Stockyard fire or the Stockyard and Gingera fires?

A. I can't recall specifically what information was sourced when I came in that morning.

5 Q. You say in paragraph 44 that you also put
considerable effort into proposed containment
lines further away in the belief that the
practical reality of things was that strategies
for containment lines further away were more
likely to be successful given the extent of trail
10 upgrade or construction that would be required to
implement these strategies.

Are you there suggesting that, with the resources
being deployed all through Bendora at that stage,
15 you would be unlikely to be able to put the
control lines that you had previously identified
into place before the growth of the fire made them
redundant, so to speak?

A. Yes, that's correct.
20

Q. Were you considering at this stage that there
was any viable alternative back-up containment
lines which may prevent Gingera and Stockyard
fires joining?

25 A. No, not at that stage. If either one of them
crossed Mt Franklin Road then it would be quite
difficult to stop containment, and given the
relative closeness of the fires and the
time-frames involved as well.

30 Q. Is it fair to say that, as at the 12th, your
forward planning was taking into account
essentially that those two fires would inevitably
join?

35 A. Yes, that's correct. I have said that in the
statement.

Q. Paragraph 45:

40 "Part of the functions of the situation
analysis report is to provide different
options with a percentage observation of
prospects of success for each option. So it
was incumbent upon you to provide primary
45 containment lines as well as fallback
containment lines."

You completed the incident action plan that day that covered both the Mt Gingera and Stockyard Spur fires and provided it to Mr McRae. Can you recall what your situation analysis was for that afternoon? Sorry, I haven't been able to locate a document that could assist.

5
A. No, I can't. In the correction I made to my statement on paragraph 43, I stated that I finalised an incident action plan on the 15th.
10 That would equally apply to what I have said in 45. So that is actually the 15th.

Q. Did you attend the SMT planning meeting on the afternoon of the 12th or is that on the 15th as well?

15
A. I attended a number of the planning meetings during that period. I can't recall specifically whether I was at the one on the 12th.

20 Q. You go on to say in paragraph 46:

"The incident action plan proposed construction of a containment line from Mt Franklin east to Stockyard Creek and then another containment line constructed along Stockyard Spur from the eastern side of the fire edge along Stockyard Spur to the Stockyard Creek to link up with the trail coming east from Mt Franklin."

25
30
I might just pop forward a bit to the 15th so we can follow what you were doing. Could the witness be shown [ESB.AFP.0004.0242]. This appears to be a fire situation analysis form which is completed or dated on the 15th of the 1st at 1430 hours. It appears to have been prepared by Mr Simon Tozer. Is that the document that you are referring to as having worked on and completed by you on the 15th?

35
40
A. Yes. I believe so.

Q. If we could go back to the statement. You say:

45
"At this stage we recognised the high probability that the Stockyard Spur and the Mt Gingera fire would link."

As I understand it that recognition came to you on the 12th; is that correct; that is not transposed to the 15th as well?

5 A. No, we were aware that that was a possibility - a possibility.

Q. So at that stage as at the 12th, you were looking at containment lines to treat the two fires as a single fire. They were the Lickhole
10 Gap Road from Corin Dam through to the Cotter Hut Road, west along the Cotter Hut Road to Leura Gap and then along the Leura Gap fire trail to the Goodradigbee River. You say that the river would then form a containment line to the west up to
15 where it met Harry's Spur Fire Trail that came across from west to east to link up to the Mt Franklin Road. But you realised at that stage, did you, that there were problems with treating the Cotter River as the western containment line?

20 A. Yes.

Q. Did you look towards finding a viable alternative or fallback for a western containment line if the Cotter River had failed?

25 A. Yeah. There was other consideration given to Cotter Hut Road, to the east of the river, Corin Dam Road as well. Smoker's Gap fire trail was also considered to the east. There were a number of trails to the east of the Cotter River that we
30 considered.

Q. Sorry, when I said "as a western containment line", I meant as an eastern containment line. But you understood me to ask as an eastern
35 containment line.

A. Yes.

Q. So you say that there were discussions at the SMT meeting that night and they seemed to be
40 satisfactory to all concerned. This is on the 12th as well?

A. It might have been later than the 12th, probably the 13th or the 14th.

45 Q. Sorry?

A. I can't recall whether it was exactly the 12th.

Q. Can you recall whether or not there were discussions about the prospects of success of the strategies that you and Mr Sayer had proposed for the Stockyard fire at that stage; whenever the meeting took place?

A. Yes, we did consider the probabilities of success of the various options.

Q. Is it likely that the meeting you are referring to there in paragraph 48 actually took place on the 15th?

A. Yes, that would be correct as well. It would have been when we put the incident action plan up and the strategies up.

Q. What discussion can you recall about the probabilities of success of the various options that you had come up with?

A. The probabilities are documented in the incident action plans which are a subjective assessment. We did go through each of the strategies that we had proposed and the fallback options and identified a likelihood of the success of those various options.

Q. Perhaps if we could go back to [ESB.AFP.0004.0242]. These are the strategies that you were working on generally from the 12th through to the 15th; is that correct?

A. Yes.

Q. This is the first formal incident action plan typed document that you had come up with?

A. Yes, in this form.

Q. Were you working there with Simon Tozer on the project?

A. Yes, for a short period he was working there.

Q. Was anybody apart from yourself, Simon Tozer and Arthur Sayer working on Stockyard; can you recall?

A. There may have been assistance from Felicity Grant and Graham Hirth in preparing some of that document and some of the maps as well.

Q. Over that three-day period, is it the case

that you were no longer working on Gingera, just solely on Stockyard?

A. We were working on both of them combined, yes.

5 Q. So you were working essentially as a group then, were you?

A. Yes, yes - and others had input into that process as well, including Hilton Taylor also provided comment and input.

10

Q. So the first strategy that you came up with was:

15 "Keep the fire within the following trail lines:

Eastern sector - dozer trail from Corin Dam north to its intersection with the Mt Franklin spur trail."

20

That was an alternative to the Cotter River, was it? That dozer trail, I take it, would be just west of the Cotter River; is that right?

25 A. That doesn't appear to be correct from my recollection of it. The proposal was to take a - sorry, yeah, I suppose if that trail is along Stockyard Spur as far as it can get down towards the Cotter River which would link across with Mt Franklin Road, yes. That is broadly correct.

30

Q. That dozer trail needed to be constructed from --

A. No, that was an upgrade of the Stockyard Spur trail.

35

Q. The Stockyard Spur trail would need to be extended --

A. Yes, extended beyond the northern edge of the fire.

40

Q. You were also looking at the Corin Dam as a viable eastern containment line?

A. Yes.

45

Q. And the Cotter Road to its intersection with the Leura Gap Fire Trail?

A. Yes.

Q. That, I take it, was already in a condition where it could already be used as a containment line without too much work; is that right?

A. I couldn't comment. I hadn't inspected that.

5

Q. The southern sector, you were looking at Leura Gap Fire Trail to the New South Wales border and then to the Goodradigbee River. What condition was the Leura Gap Fire Trail in at that stage?

10 A. I didn't inspect it. I believe it was overgrown.

Q. It would need to be opened up?

A. Yes.

15

Q. Do you know if work was being done on that at that point?

A. I know work was done on there. I can't say exactly when that work commenced or finished.

20

Q. Then it says:

"Western sector (within the ACT - most of this is in New South Wales) Mt Franklin Road from Gingera to Mt Franklin."

25

Obviously that was a containment line that was in good condition at that stage, was it?

A. Yes.

30

Q. And northern sector you have identified:

"Dozer trail down Mt Franklin spur to meet the northern end of the eastern sector."

35

You would need to actually put that in --

A. Yeah, that was a new trail proposed.

40 Q. And you have identified the likely weak points of the strategy with an estimated control date of 17 January 2003. With your control size of 1500 hectares. When you say an estimated control size in this kind of document, what do you mean by "control"; does that mean you have just put your
45 containment lines in, or you have put your containment lines in and you have burnt off?

A. It would be containment lines in and an edge

burnt off those lines so the fire is contained within a blackened or a burnt perimeter.

5 Q. So did you do an estimate of resources that you would need both in dozers and crews to achieve that?

A. No.

10 Q. You have got an estimated probability of success of 50 per cent, which is not very encouraging. Why did you think there was only a 50 per cent success estimated in putting in that containment strategy in?

15 A. I didn't actually write that report and provide those estimates. I believe other documents probably even had it lower. To answer your question, the --

20 Q. What was the problem?

A. The problem is just based on the conditions, the use of the time frame to get the containment lines in and secured, the use of some natural features as containment lines as well, so they would have the risk of failure as well in
25 addition.

Q. It was a very big task you were looking at achieving. At that stage were you aware of the weather forecast that was coming?

30 A. Yeah, I was aware of the forecast.

Q. You would have been aware that you were looking at a north-westerly change at some point down the track in any normal event?

35 A. Yes.

Q. This first alternative strategy, that takes into account the Stockyard Spur fire as it was known at that stage incorporating the Gingera fire as well; is that right?

40 A. I'm not sure.

Q. If I could take you to the alternative two column. The second alternative you have got is:

45

"Keep fire within the following control lines:

Eastern sector - Cotter River between Bendora
and Corin Dams."

5 Which I think you have said was always identified
as an alternative but not a good one. The
southern sector the same as alternative 1. With
the western sector:

10 "Goodradigbee River between its intersection
with the Leura Gap Fire Trail north to its
intersection with the Honeysuckle Creek fire
trail."

15 Northern sector - same as alternative 1 - if
it jumps the Mt Franklin spur it will be
allowed to burn into the Bendora fire."

20 So you were envisaging there the possibility that
the Stockyard Spur fire would further join up with
the Bendora fire at that stage; is that correct?

A. It wasn't considered a high probability at
that stage though if it did cross Mt Franklin -
what we call Mt Franklin spur - and it also
crossed the southern containment of Flat Rock,
25 well then there is nothing between it in terms of
containment.

Q. But that northern sector needed to be
completely created at that stage?

30 A. Yes. That was a new road.

Q. That was a serious risk then at that stage if
you didn't get that particular containment line in
and burnt off?

35 A. Yes.

MS CRONAN: Is that a convenient time,
your Worship?

40 THE CORONER: Yes. We will take the luncheon
adjournment.

LUNCHEON ADJOURNMENT [1.01pm]

45 **RESUMED** [2.06pm]

MS CRONAN: Q. In alternative 3 on that fire

situation analysis form there is no probability of success estimation there. Do you recall now what the estimation of the probability of success for that alternative was?

5 A. I can't recall specifically. I believe it was higher than the previous two but it still wasn't at 100 per cent surety.

10 Q. You say at paragraph 48 of your statement that that was discussed at the SMT meeting that night and seemed to be satisfactory to all concerned. Although that part of the statement was dealing with the 12th of January, was that discussion taking place on the 15th?

15 A. Yes.

Q. In relation to this incident action plan?

A. Yes.

20 Q. Can you recall now which of the three alternative strategies was adopted?

A. We adopted the first alternative, the first strategy.

25 Q. You say that strategy 1 had a 50 per cent chance of success and therefore, I take it, 50 per cent of failure of that strategy. Did you personally or were you aware of any other people having a plan for what would occur if the strategy
30 didn't succeed?

A. No. The alternatives listed there were the strategies that we decided to undertake.

35 Q. There were no other plans, apart from what is listed in this particular document?

A. No.

40 Q. Was there a discussion at that SMT meeting about how that particular strategy could be achieved in the necessary time frame? Was there any discussion as to what the time frame was that you had to implement that strategy?

A. Yes, I think there would have been.

45 Q. Can you recall what the time frame was?

A. No.

Q. Did they have a discussion about what resources they would put on the Stockyard and Gingera fires to implement the strategies?

A. Again, I believe those issues were discussed.

5

Q. But you can't recall the specifics?

A. But I can't recall the specifics.

Q. You say in paragraph 49:

10

"Upon that plan being approved, it was then for Operations Unit to take the plan and put it into effect."

15 You recall them all taking copies of the incident action plan for implementation. So it was effectively their job then to locate the resources and put it into effect within the required time-frames.

20 A. Yes.

Q. You spent the rest of the afternoon assisting new members of the planning unit and bringing them up to speed and finished work at 9.30pm. On Monday, the 13th of January, you were again at ESB at 7am and you say:

25

"I spoke with members of the Mapping Unit ... about the preparation of operational maps for those in the field, which would allow them to implement the incident action plan prepared the previous day."

30

There are some parts of your statement which are now in context slightly confusing, because you have now said the incident action plan wasn't prepared until the 15th. Can you recall what your discussion about the maps was, who you spoke to, and what was the requirement for the maps on the 13th?

35

40

A. Again, I can't recall the specifics of it. I believe there was a general discussion about the provision of operational maps.

Q. Was the planning unit actually preparing GIS plans at this stage to send them out to people in the field?

45

A. I'm not sure.

Q. Had somebody in the field spoken to you about a lack of operational plans at that stage?

5 A. Some time within that period, yes, the issue had been raised by field people coming in.

Q. You go on to say you also prepared on the 13th more detailed information regarding the
10 construction of the containment lines to assist those in the field who had the job of doing the work. What essentially did you do in relation to preparing those maps as of the 13th - should that still be the 13th at that stage?

15 A. That is in paragraph?

Q. Paragraph 51.

A. Yeah, that was still around the 13th. It was specifically in relation to the trail that
20 required construction down Mt Franklin spur and using aerial photography and maps to try and determine a route for that trail to be put in.

Q. So that is in reference to you preparing the
25 incident action plan, which eventually was approved on the 15th; is it?

A. Yes, part of that incident action plan.

Q. You travelled the field by helicopter and took
30 notes about the feasibility of your proposed containment lines in terms of their likely success and difficulties with the terrain that might be encountered by bulldozers. You then say in paragraph 52:

35

"The bulk of the proposed containment lines seemed feasible, however it appeared that difficulty might be encountered with the terrain in constructing the northern
40 containment line from Mt Franklin Road east to the Stockyard Creek."

Can you say what that difficulty was?

A. It was relating to the topography of the area.
45 It was very steep and quite rocky in areas.

Q. Were there some dramatic drops that a dozer

might not be able to traverse?

A. Yes. It was a fairly difficult proposal.

5 Q. There were no realistic alternative lines at that stage, so you decided to stay with that particular strategy?

A. Yes.

10 Q. Then you spoke with Mr Peter Buetel, I imagine to talk about resourcing that strategy with dozers?

A. Yes.

15 Q. In paragraph 53 you say you attended the 4.30 SMT planning meeting and reported your observations. Either at that meeting or the meeting on the 14th you expressed concern that no work had commenced to construct the containment lines proposed in the incident action plan
20 provided and approved at the meeting on the 12th and stressed the limited time you had available to do that job and then burn off from the lines back towards the fire before the fire reached the trail. When you say you had concerns that no work
25 had commenced in relation to the IAP, as you were working on the IAP prior to its approval on the 15th, were you communicating the planning you were doing to somebody in operations to implement?

A. Yes, that's correct.

30

Q. How were you communicating with them? Were you handing them maps; talking to them verbally; or what was happening?

35 A. Verbally, and there would have been some maps provided.

Q. So as you tracked or planned the containment line, you would pass that over?

A. Yes.

40

Q. And continue as you went. Can you recall who you spoke to about the fact that the containment lines weren't being implemented?

A. No, I can't.

45

Q. You stress the limited time that you had available. What was your understanding of the

time frame that you had to achieve those
containment lines as of the 13th?

A. It related to the distance of the proposed
containment lines to the fire edge and the
5 likelihood of success using those containment
lines. So the longer that it went on without some
of those being put in place, the less likely the
success of those containment strategies were.

10 Q. At that stage the fire weather was still
fairly benign, would you say?

A. Yes.

Q. Were you anticipating that to deteriorate?

15 A. Yeah, at some stage.

Q. Do you now recall whether you had a specific
number of days that you estimated you had before
the fire spread would reach the containment lines
20 you identified at that point?

A. No, I can't recall how many days it would have
been. I would have to refer to the met bureau and
the information coming from there.

25 Q. You go on to say you believe plant had been
allocated and there were "legitimate logistical
and operational problems holding things up". Did
you have an idea of what the logistical and
operational problems were?

30 A. No. I believe they were associated with -
some of the track construction and widening on the
Bendora fire were the main problems.

Q. So there was a limited number of dozers
35 available?

A. (witness nods).

Q. You finished your shift on the 13th at about
10pm. You returned at 7.30am the next day and you
40 updated yourself with developments overnight in
relation to all the fires. Had there been any
developments overnight in relation to the fires?

A. I can't recall any specific developments that
were of importance.

45

Q. If I could take you to [ESB.AFP.0110.0782].
If you could have a read through the sections

heading "Stockyard Spur fire" and "Gingera fire".
It appears that the report that went to the
morning planning meeting simply indicates or
outlines that those fires are still there and
5 their rate of growth - no work is actually being
done on them at that point in time; is that your
understanding?

A. Yes.

10 Q. At paragraph 56, you are again concerned that
operational maps of the kind described in
paragraph 10 were not being prepared either within
a relevant time frame or with sufficient
information to be useful to those in the field.
15 Does that comment relate solely to the fires that
you were interested in or is that a general
comment?

A. No. I can only comment on the fires that I
was involved in. So it just relates to those.

20

Q. So you had no knowledge of what was happening
out at Bendora?

A. I was aware of what was happening with Bendora
but I wasn't directly involved in the planning and
25 the work for that fire.

Q. At the bottom of that paragraph you mention
computer difficulties creating delays in producing
the maps. Do you know what those computer
30 difficulties were?

A. They related to some incompatibility of IT
systems between the land management agencies and
Curtin and also some of the base information had
been lost just prior to the fires. Some computers
35 were stolen from a depot in Athllon that had some
of the relevant information on it - on the 6th.

Q. You say in paragraph 57 that the questions you
were asked from several officers in the field
40 coming into ESB caused you to question the
effectiveness with which information was passing
from the planning unit through to the operations
unit to the various crews in the field. What kind
of questions were you referring to in that
45 paragraph?

A. It was in relation to just some of the overall
strategies for the fires that we had been

developing in terms of more specifically the
fallback options for containment. I think a
number of comments had been made that people were
unaware of those alternate strategies at that
5 stage. They were well aware of the initial
containment strategies and what we were proposing,
but a number of other roads were identified as
well.

10 Q. What level officers were you talking to? Were
these people that were incident controllers or
sector commanders?

A. May have been incident controller but I think
it was often more sector commander level.

15

Q. Were they people working on the Bendora fire?

A. There may have been some people working on the
Bendora fire. That's where the bulk of the crews
were tasked to the Bendora fires, so some of those
20 comments may have come from those people.

Q. You say also that the process for formal
handover of the IAP was at the 9.30 and 4.30 SMT
planning meetings; was that your understanding at
25 the time?

A. Yes.

Q. Is it still your understanding?

A. Yes.

30

Q. How does that actually operate in practice?
How is the IAP formally handed over, to your
understanding?

A. The IAPs were prepared within a planning unit
35 and provided to the planning officer. And they
would be submitted at the planning meetings and
reviewed and provided to the operations officers
at those meetings. So they were discussed at the
planning meetings. That's where the handover
40 occurred.

Q. It would then go to Tony Graham's section?

A. Yes, the operations unit.

45 Q. So you are referring there to the handover
from planning to operations in the SMT?

A. Yes.

Q. Do you know how the IAPs were being handed over to the crews out in the fire ground?

A. No, I can't comment on that.

5 Q. Did you go to the planning meeting on the afternoon of the 14th of January?

A. I'm not sure. I did attend - it's likely I did, yes.

10 Q. Can you recall hearing a discussion about Phil Cheney conducting an interview with WIN TV at the planning meeting?

A. No, I don't recall that.

15 Q. Without going to the document the Stockyard Spur fire was reported at that meeting as having a containment line being constructed by army dozers along Lick Hole Road towards Corin Dam. That day they completed about 3 kilometres of a 6-kilometre
20 line. Was that your understanding of how the work progressed at Stockyard that day?

A. Yes.

Q. It also states that Tony Graham reported the
25 two issues making operations difficult to manage that day included lack of information about the fire grounds and maps had not been updated. Do you recall that discussion taking place?

A. Not specifically.

30

Q. But as you recall it, you were handing the maps that you prepared over to operations?

A. Yes.

35 Q. Did you do that personally or via Mr McRae?

A. I don't recall specifically. I believe it would have been through Mr McRae.

Q. You returned on the 15th of January at 7.30.
40 You say in your statement you can't recall the specifics and you didn't keep any personal notes of your activities from day to day. Can you recall if you attended the planning meeting that morning?

45 A. No, I don't recall if I attended it.

Q. Were you updated in some way as of the morning

of the 15th about the weather forecast through to the following Monday?

5 A. Yes, I would have been. Prior to the planning meetings, Rick McRae I believe at that stage had organised I think Ian Mason from the Bureau of Meteorology, and he provided briefings on the weather to the planning unit. So we were given a weather update.

10 Q. So even if you didn't attend the formal planning meeting, you would be updated by Mr McRae?

A. Yes.

15 Q. Did you have an appreciation at that stage of the time frame you needed to look at in order to implement strategies that you had in place?

A. Yes.

20 Q. And did you understand that it was going to be difficult to hold those strategies after the 17th?

A. Yes.

25 Q. So you finished your shift on the 15th at 10pm. You note in paragraph 62 that considerable work had been done to construct the containment lines at that stage in the inner south along Lickhole gap and then west along Leura Gap Fire Trail. In paragraph 64 you say:

30

"Early in the afternoon of the 16th of January, I had discussions with Hilton Taylor and Nic Gellie regarding the likely rate of spread of the three ACT fires in light of the deteriorating weather forecast."

35

Were you aware at that stage that cabinet had been briefed by Mr Lucas-Smith and Mr Castle in relation to what was occurring with the fires?

40 A. No.

Q. Had anybody at ESB talked to you about what was happening with McIntyre's Hut fire?

45 A. No, not specifically, although we had received incident reports or sitreps, situation reports, from New South Wales. So we were kept up to date through that process.

Q. Were they formally sent daily or twice daily or were they ad hoc?

A. I believe they came at least daily, possibly twice daily.

5

Q. Do you know if anybody in the planning unit at that stage, we are talking about the afternoon of the 16th, was doing any forward planning in the event that McIntyre's Hut fire entered the ACT?

10 A. No, I can't recall specifically those discussions.

Q. While you are talking to Mr Gellie and Mr Taylor you say:

15

"The Bureau of Meteorology had provided us with a written report and an oral briefing about the forecasts over the following week, which included a marked shift in wind direction from the south-east to winds coming from the north-west. The change in wind direction, combined with a higher temperature and a forecast of extreme fire danger for Saturday, indicated to us that there would be a marked change in the fire behaviour and spread at that time".

20

25

Can you say what change in fire behaviour and spread you discussed at that stage?

30 A. It wasn't a formal meeting. I can't recall any specific numbers or details. But I think between Hilton, Nic and I appreciated that that shift to a north-westerly with the winds predicted would result in a significant increase in fire behaviour and movement to the east.

35

Q. Given the progress of the implementation of the containment strategy to that point, did you have an opinion about whether or not that containment strategy would be able to be successful and implemented before that weather occurred?

40

A. Yes, I did.

45 Q. What was that opinion?

A. That at that stage it still might be possible but that it would be a fairly risky or it would be

difficult to be successful.

Q. It would be close?

A. Yeah, it would be close. That's in relation
5 to the Stockyard fire that I am talking about.

Q. Which is the Gingera/Stockyard?

A. The Stockyard/Gingera, yes.

10 Q. If I could ask you to have a look at
[NRF.AFP.0001.0255]. If you could just scroll
down that document. It is unsigned, sir. Have
you seen that document at all before?

A. Yes.

15

Q. Did you have some input into it?

A. Yes.

Q. Did you work on it alone or did somebody else
20 work on it with you?

A. I worked on that, and it drew on a lot of
information in the previous plan that we went
through that Mr Tozer and I did.

25 Q. I won't take you through it again in detail --

A. The strategies are essentially the same.

Q. Your probability of successes have changed in
relation to your strategy 1. It is now a 30 per
30 cent probability of success. What factors had
changed in relation to how work was progressing or
how the weather was progressing that caused you to
change that probability?

A. It says under the issues section "strong north
35 to north-westerly winds predicted for Saturday,
Sunday and Monday" and the risk that presented to
the south-east containment lines along Lickhole
Creek.

40 Q. Like as you said before, it would be very
close at that stage?

A. Yes.

Q. You have got a probability of success greater
45 in strategy 3 which is 90 per cent. But the way I
understand it is that you continued to pursue
strategy 1?

A. Yes.

Q. Is that because strategy 3 was simply too big an area?

5 A. Yes.

Q. You say at paragraph 65 of your statement that you spoke to the SMT:

10 "... about the rate of spread of the Stockyard fire and proposed containment strategies."

You then say:

15

"I spoke about the prospect of the fire jumping those lines and alternative containment strategies, although they involved the fire burning out a very large amount of country because of the adverse weather forecasts and the absence of any real options for containment lines along the way further south."

20

25 So I take it you conveyed to the SMT the change from 50 per cent to 30 per cent chance of success at that meeting?

A. Yes, I believe I would have.

30 Q. You then go on to say:

"At that meeting either Hilton Taylor or Nic Gellie spoke about our predictions of fire spread from Bendora to McIntyre's Hut fire in light of the deteriorating weather conditions."

35

You say that should have been on the evening of the 17th?

40 A. That was on the evening of the 17th, yes.

Q. We will come back to that. The same for paragraph 67?

A. Yes.

45

Q. And 68?

A. Yes.

Q. So you attended the SMT meeting on the afternoon of the 16th. Can you recall whether or not anybody was briefed at that planning meeting about the fact that cabinet had been briefed and the urban fire brigade had been briefed?

5 A. I can't recall any mention of that.

Q. Were you aware that the urban fire brigade had been briefed about the McIntyre's Hut fire at that stage?

10 A. No.

Q. Did you attend the morning planning meeting on the morning of the 17th of January, on the Friday?

15 A. I may have. I can't recall specifically.

Q. Do you recall hearing Mr Lucas-Smith at any stage that morning specifically at the planning meeting raising concerns regarding the aerial incendiary back-burn operations for McIntyre's Hut fire and potential for uphill runs for spotovers of potentially 10 kilometres per hour with a north-west wind?

20 A. No, I can't recall that being discussed at the meeting.

Q. At some stage during that day, did you, Mr Gellie and Mr Taylor - or any of you - start making mapping predictions about what would happen if the McIntyre's Hut fire was impacted on by a north-west wind?

30 A. On the Friday?

Q. On the Friday.

35 A. Yes, we did. Later in that day.

Q. When did you first become concerned enough to start doing that?

40 A. I can't recall exactly. It would have been mid-late morning into the early afternoon when we started working on that - possibly later even.

Q. I think you spent the morning looking at planning issues relating to the fact that the back-burn for Stockyard didn't proceed on the night of the 16th?

45 A. Yes.

Q. In paragraph 72 you say:

"We (in the planning unit) had done contingency planning for this event" --

5

I think you are referring to the Stockyard fire spotting east across Corin Dam:

10 "-- however the rapid escalation of events meant that no work had been done to construct the identified lines as realistic containment lines on the ground."

15 What eastern fallback position had you identified on the eastern side of the Corin Dam at that stage?

A. If I can refer to the map there - the Cotter Hut Road and Smoker's Gap trail.

20 Q. At paragraph 73 you say you received reports that the fire had spotted across constructed containment lines and several places to the east and to the north and that the lines were effectively broken. No realistic planning work
25 was done that afternoon for the purpose of containing the fires because of the extremely rapid escalation of events. The focus moved from fire containment to asset protection. It was over some time during this period that you started also
30 mapping predictions for McIntyre's Hut?

A. Yes.

35 Q. The only mention that I can see in your statement about that is back in paragraph 66. It just talks about the predictions that you have made. What I am trying to establish is what kind of work the three of you did throughout the day in order to be in a position to discuss that at the afternoon SMT?

40 A. We looked at some potential spotovers of the McIntyre's Hut fire and started modelling potential spotting distances and rates of spread under the wind conditions - wind direction and
45 wind strength - that had been provided to start preparing some estimates as to when it might arrive at particular locations.

Q. Did you do that off your own bat or were you instructed by somebody to do that?

A. No, we had been instructed to do that.

5 Q. Who instructed you?

A. I think it was Rick McRae. It was a job we were tasked to carry out either through Rick or Peter.

10 Q. And can you recall approximately at what stage during the day you were tasked to do that?

A. Again, I can't recall clearly. I think I said probably late morning or early afternoon we started looking at that - it might have been late
15 afternoon. It is really difficult to recall.

Q. Did the three of you work on that together or separately?

A. We worked on it together.
20

Q. What model did you use for the rate of spread?

A. I believe - well, it was the McArthur model of rates of spread.

25 Q. Were you of the understanding at that point in time that the McArthur model was a reliable model or that there were in fact problems with it?

A. We were aware that there were some problems with it, particularly for large intense fire
30 behaviour and spotting distances that it may underestimate them.

Q. Were you able to take those problems into account in your planning that afternoon or did you
35 just stick to the straight model?

A. From memory, I think we stuck reasonably well to the model.

Q. If I could ask you to have a look at
40 [ESB.AFP.0110.0976]. Is that a document that was prepared by you?

A. Yes.

Q. Did you do a risk analysis for the purpose of
45 attending the afternoon SMT meeting?

A. It was for provision to the planning officer.

Q. Mr McRae?
A. Mr McRae, yes.

Q. Using the McArthur model you predicted at
5 2000 - what is that word after 18/1, is it
Mt Stromlo?

A. Go down to number 4, it says "18/1 summit
Mt Stromlo" then a range of locations.

10 Q. You predicted at the top of that 2000 ACT/New
South Wales border; is that 2000 on the 17th?

A. Look, I'm not sure. If we could scroll up -
yeah, I'm not sure what that refers to. I suspect
15 it could be at 2000 on the night of the 17th at
the border, but I'm not sure.

Q. If you go to the next page which is
[ESB.AFP.0110.0974] - although it is the same
document.

20

MR PHILIP WALKER: Just before the questioning
resumes, there seems to be a bit of a problem on
some of these computers getting up the documents
being called for. I don't know if somebody can
25 have a look at that.

THE CORONER: You don't have that on your screen?

MR PHILIP WALKER: No. We are stuck on a few
30 documents back and it hasn't come up in the usual
fashion.

MR WATTS: So are we.

35 THE CORONER: I think there was a problem this
morning, as I understand it.

MR MCCARTHY: It might be of some benefit to these
people, particularly because the documents go
40 backwards.

THE CORONER: They do. I don't know if they have
been referred to before. It might be just as
convenient to perhaps take the short adjournment.
45

SHORT ADJOURNMENT

[2.46pm]

RESUMED

[2.57pm]

MS CRONAN: Q. Just one more thing about the model that you used for the predictions. You were
5 aware when you did the predictions, were you, that there were a number of areas where there were grasslands as opposed to forest between the ACT border and the urban edge of Canberra?

10 A. Yes.

Q. Did you adjust your modelling in any way to use the CSIRO grasslands fire spread meter?

15 A. No, I don't think we did adjust it for grasslands. We may have stayed with the forest predictions. Hilton and Nic Gellie may be able to give you a bit more information on that.

Q. So if I could take you back to [ESB.AFP.0110.0974]. You have got the estimated
20 fire spread to Narrabundah Hill pines at 2000 on the 18th and Stromlo treatment at 1800 on the 18th. You don't actually say in your message form anything about the urban edge of Canberra, do you? Was there any reason for that?

25 A. No. Just wasn't specifically identified reaching the urban edge. We just identified the Narrabundah Hill pines, I suppose, as the last easternmost component of the rural land to be affected.

30 Q. You took these predictions from a map that you and Mr Taylor and Mr Gellie were working from; is that correct?

35 A. Yes.

Q. If you could have a look at the map, which is present in court. For the record it is [ESB.AFP.0110.1035]. Can you tell the Court how
40 the markings on that map were constructed?

45 A. Things were developed from - it is a fire path analysis. That analysis was undertaken by taking single point locations through a fire - for a spot fire coming from either McIntyre's Hut or the Bendora fire, and then applying rates of spread models to that spot ignition to track it through the landscape under the prevailing wind conditions. So the McArthur fire meter would

provide a rate of spread, and from that single point spotover you are able to predict where that fire is likely to reach within a given time frame. It is done as an arc, widening obviously because
5 it is a model and there is a degree of variability in that.

So from that we were able to - as I said, Hilton and Nic did a lot of work in putting this
10 together. They were able to predict the path or the rate of spread of the fire.

Q. It has got on the arc the fire impacting on the urban edge of west Belconnen - is it at 2000
15 on the 18th?

A. That map I don't think specifically shows that. The urban edge on that map is the red, and I can't see on that one being specifically identified as reaching there. There might be some
20 marks, but I can't see from here.

THE CORONER: Do you want to have a look at the larger map, Mr Lhuede?

A. Yes.
25

Q. Please do.

A. (witness looks at the larger map) yes, probably best to talk to Hilton and Nic about that, because there are a couple of marks there.
30 But the actual arc of the fire spread shows it to that point only.

Q. You attended at the planning meeting at ESB on the evening of the 17th of January?

A. Yes, I believe I did attend that meeting.
35

Q. That map was presented to the planning meeting by somebody in your team; is that correct?

A. Yes. I think either Nic or Hilton presented that map. I can't exactly recall.
40

Q. You recall Mr McRae giving the prediction that there was a potential for fire to reach Uriarra by midday tomorrow, Cotter Pub and Reserve by 1600,
45 Mt Stromlo and potentially Narrabundah Hill by 2000 hours?

A. Yes. Yes, I'm pretty sure that was done.

That was consistent with the advice I gave in the message form.

5 Q. Did you hear anybody at that meeting do any forward planning to effectively contain or suppress or stop the rate of spread of that fire in any way?

10 A. At that stage it was a prediction as to where the fire could run and based on that prediction I can't recall specific planning, although we were tasked to start looking at the assets within that arc that is shown on the map. And undertake a risk assessment for the purpose of property protection, yes.

15

Q. Was your planning unit tasked with doing any planning other than for the purpose of property protection that night?

20 A. I can't recall. I was undertaking property protection planning. I can't comment on necessarily on what others were tasked to do.

Q. What did you do personally after that meeting?

25 A. I think continue to look at those rates of spread. There had been some maps produced that showed the location of properties in the rural area and other assets. And, yeah I think from memory this carried on into Saturday morning going through and actually looking at those properties and identifying those assets.

30

Q. Did you hear any talk of people or anybody being tasked for planning property protection along the urban edge of Canberra?

35 A. No, I can't recall that.

Q. So what time did you finish work that night?

40 A. I can't recall exactly. It says 9 o'clock in my statement, paragraph 75.

40

Q. You returned at 7.30 the next morning and you updated yourself on developments overnight and became aware that the Stockyard fire had made a significant run eastwards towards Mt Tennant. Was there any planning done overnight that you were acquainted with the next morning on how to deal with the runs that the Bendora and Stockyard fires

45

had made overnight?

A. I'm not aware of any planning done overnight or what --

5 Q. In any event, the planning as you undertook it that morning was in terms of property protection rather than containment?

A. Yes. It was identifying assets at risk, property protection.

10

Q. Did you talk to Hilton Taylor when you arrived that morning?

A. On Saturday? Yeah, I would have talked to Hilton on Saturday morning.

15

Q. Are you aware what duties he was performing that morning?

A. I believe he was involved in similar duties.

20 Q. Could you have a look at [ESB.AFP.0110.0693]. Were you shown this document on the morning of the 18th?

A. I don't recall seeing it.

25 Q. If you could scroll halfway down the page. Were you made aware prior to or at the planning meeting that morning that there was now in existence a forecast or a prediction that the fire could impact on the Canberra rural/urban interface from Hawker to Weston Creek around 1500 that
30 afternoon?

A. I can't recall that prediction.

35 Q. Was anybody in your planning unit, as far as you were aware, planning for the impact of the fire on the urban edge that morning just in your planning unit?

40 MR WHYBROW: I object. Unless it is put on the basis of there being hindsight, the question was:

"Was anybody planning for the impact of the fire on the urban edge."

45 We haven't had any indication from this witness yet that he reached the point where he knew as a certainty or even a real probability that there

would be an impact. The question contains an assumption, in my submission, and I object to it in that form.

5 THE CORONER: Unless it is anybody in the unit apart from Mr Lhuede.

Q. Because you said you hadn't seen this minute; is that right?

10 A. I can't recall seeing it. We may have discussed those issues, but I didn't write it and I don't believe it was sent to me. It was sent to the planning officer. So I can't recall ever seeing it.

15 MS CRONAN: Perhaps I could ask a question to clarify it.

Q. Were you aware from your predictions that you had done with Mr Taylor and Mr Gellie on the afternoon or evening of the 17th that there was a potential for impact of the McIntyre's Hut fire on the urban edge of Canberra?

20 A. Yes, I think because we had said that the fire may reach Narrabundah Hill, which bounds the urban edge, although we didn't state explicitly it would impact on the urban edge. In stating it would reach Narrabundah Hill at that time, I think it could be implied that, yes.

25 Q. Did you attend the planning meeting on the morning of the 18th?

30 A. Again, I may have. I can't recall specifically whether I did or I didn't.

35 Q. Can I ask you, did you or anyone else that you are aware of in the planning unit that you were working in do any planning as to what to do in the event that the McIntyre's Hut fire had an impact on the urban edge of Canberra?

40 MR WATTS: I object to that. How can he answer that question with great respect? The question was:

45 "Can I ask you, did you or did anyone else that you are aware of in the planning unit"--

Anybody he is aware of, does he mean aware of the person or aware of the precise circumstances whether that planning was done and clarify exactly how he would know that.

5

MS CRONAN: Q. Did you personally do any forward planning on what you would do in the event that there was an impact of the McIntyre's Hut fire on the urban edge of Canberra? Did you do any planning for that event?

10

A. No, I didn't.

Q. Are you aware if anybody else in your planning unit was doing any planning for that eventuality or potential eventuality?

15

A. No, I'm not aware of whether they were or they were not.

Q. Could you describe for her Worship what you personally did do for the rest of the day on the 18th of January.

20

A. Through the morning of the 18th I continued identifying assets at risk to the west of the Canberra urban interface and writing down that information. Later on in the day - oh, we did - I did actually end up going out to Curtin horse paddocks at about 11 o'clock to just have a look to the west. That was with Hilton Taylor and Nic Gellie. Returned back into Curtin. I'm not 100 per cent clear on what I did but continued to look at the risk assessment, tried to monitor the path of the fire just from radio traffic and what the fire was doing, where its location was - trying to obtain that information probably from radio traffic but also from any other tools that may have been available in terms of linescan data.

25

30

35

Q. You say in paragraph 79 you spent the afternoon mapping the arrival of the fire after you went and had a look at it at the urban edge --

40

A. That's after it did actually hit the urban edge and it did start - well, after it had hit the urban edge is what that paragraphs refers to. In terms of mapping, it was myself and another person whose name I can't recall - we were just listening to the bushfire radios and the fire brigade radios and trying to keep track of where the damage was

45

occurring.

Q. So prior to the fire impacting on the urban
edge, you say you were tracking and listening to
5 the radio channels using linescan data?

A. Yes. If there was any available, we would
have used that.

Q. Were you passing that information on to
10 anybody?

A. I can't recall specifically - may have been
passing it on to operations but they were fairly
busy as well.

15 MS CRONAN: Thank you, I have got nothing further.

THE CORONER: Yes, Mr McCarthy, any questions?

<CROSS-EXAMINATION BY MR McCARTHY

20

MR McCARTHY: Q. Mr Lhuede, you were asked
questions very early in the morning about the
information you received regarding the efforts to
suppress the fire at Stockyard Spur on 9 January.
25 Am I right to understand that you were aware that
Brett McNamara was out on the Stockyard fire that
day with some RAFT crews endeavouring to control
that fire by direct attack?

A. I recall there being crews tasked to that
30 fire. I can't specifically recall whether I knew
it was Brett McNamara as IC out there but I do
recall RAFT crews.

Q. You knew there were RAFT crews out there. You
35 also understood, for your planning purposes, that
those crews had not been successful in bringing
that fire under control?

A. Yeah.

Q. And that that was by reason of the remoteness
40 of the fire, the terrain and the fire activity?

A. Yes.

Q. That was essentially what led you to recognise
45 that any efforts to bring the Stockyard fire under
control needed to be done by indirect attack in
terms of the use of containment lines?

A. Yes.

Q. As a result of that information you were in a position with Arthur Sayer to take the steps that you described on the 10th and 11th to work out proposed containment lines?

A. Yes.

Q. Am I right to think that, for all practical purposes, you had the information that you needed about that fire in order to know for planning purposes what needed to be done in an effort to bring it under control?

A. Yes.

15

Q. Likewise, am I right to understand with respect, that you were aware that crews were out on the Gingera fire on the 9th of January?

A. Yes. I believe they were.

20

Q. And in broad terms what they were endeavouring to do was to keep the fire west of Mt Franklin Road?

A. Yes.

25

Q. And that was the general agreed strategy for that fire?

A. Yes.

30

Q. So again for planning purposes, you knew that that was what was in place and that was the agreed strategy?

A. Yes.

35

Q. When you and Arthur Sayer went out there on the 11th, that was the strategy that was being used when you stopped to speak to the crews?

A. Yes.

40

Q. That strategy was being successfully employed at that stage?

A. At that stage, yes.

45

Q. Just a small matter: if I could take you first to paragraph 48 of your statement. You have given evidence earlier that the chronology of this is somewhat out and that the discussion with the SMT

meeting that night should in fact refer to the 15th of January, not the 12th?

A. Yes.

5 Q. Am I right therefore to understand that, in paragraph 53 of the statement at line 5 where you talk about the SMT approving the incident action plan at the meeting on 12 January, that should similarly refer to the 15th of January?

10 A. Yes, that's correct.

Q. Over on paragraph 61 - and perhaps this was clarified right at the very beginning of your evidence - the reference to the merger of the 15 Gingera and Stockyard fires is an event that you understood to have occurred overnight on the 14th and 15th?

A. Yes.

20 Q. Coming then to paragraphs 64 and 65 of your statement - you have indicated the references to paragraphs 66-68 should specifically refer to what occurred on the 17th of January, not the 16th; is that right?

25 A. Yes.

Q. Would it be fair to say that what you talk about in 64 and 65 are much more pertinent to what was occurring on the 17th of January as much as 30 they may have occurred to a lesser degree on the 16th of January?

A. Yes. Although in relation to paragraph 65, we did at that planning meeting on the 16th talk specifically about issues relating just to the 35 Stockyard fire.

Q. I don't disagree with that. Take 65 then. If one puts back in the words that were originally there:

40

"... in light of the abandonment of the proposed back burn off Lick Hole Road and Leura Gap Trail."

45 Then that paragraph taken in total would accurately describe what was occurring at the 6pm planning meeting on the night of the 17th?

A. Again, similar issues were discussed and those issues were discussed.

5 Q. Except for the fact that, by the night of the 17th, those issues and in particular the prospect of the fire jumping those lines had become much more apparent and much more real because of the abandonment of the proposed back-burn; would that be fair?

10 A. Yes. Yes.

15 Q. During the late afternoon on the 17th, it was becoming clear that the risk of the fires making runs to the east was becoming a much more real possibility than it was previously; is that true?

A. Yes.

20 Q. To that end the planning section was making efforts to try to ascertain assets that were at risk at that time?

A. Yes.

25 Q. Could I take you to document [ESB.AFP.0110.0978]. Do you have that there?

A. (witness nods).

Q. Do you have that there?

A. Yes.

30 Q. Perhaps before I ask you questions about it, what I have actually taken you to is a three-page document which moves from 978, 979 and 980.

35 Perhaps if you have a look at those three pages and then I will ask you some questions about them. Do you have the hard copy there by any chance?

A. I think I do. They are different numbers.

Q. In any event --

40 A. I do have it.

Q. Is this a document that you prepared on the 17th of January at 1700 hours, namely 5 o'clock?

A. Yes.

45 Q. In it you talk about:

"Threat reduction risk analysis - Stockyard

Spur outbreak - tasking" --

What is the next word, can you read that?

A. "Recommended" I think it is.

5

Q. "recommended for PM 17 January". Then you talk about behaviour predictions for 2000 hours on 17 January.

A. Yes.

10

Q. Through those three pages you give details about the assets that were seen to be at risk at the time that you wrote that message?

A. Yes.

15

Q. Speaking generally, they all involve assets that are in the general area of the Tidbinbilla Valley, Corin Dam, Mt McKeachnie and areas certainly west of the Murrumbidgee River?

20

A. Yes. This message related specifically to an outbreak of the Stockyard Spur fire.

Q. But at 1700 hours these were the kinds of things that you saw to be under threat?

25

A. Yes.

Q. Am I right to understand, therefore, that the fire behaviour from there started to increase quite dramatically; is that a fair comment?

30

A. Yes, it is.

Q. One of the consequences was that the planning meeting, the SMT meeting, was postponed from 4.30 to 6 o'clock in order to enable this new and unexpected development to be taken into account; is that a fair statement?

35

A. I believe they were the reasons, yeah, from what I recall.

40

Q. One of the quite important and urgent tasks that the planning section needed to do for that 6 o'clock meeting was to bring to the meeting predictions about where the various fires and in particular the McIntyre's Hut fire was going to travel?

45

A. Yes.

Q. You have given evidence earlier that the map across on the wall that we can all see - having document number [ESB.AFP.0110.0135] - is the map that the planning section prepared for that purpose?

5 A. Yes.

Q. What essentially needed to be done was to put together a collective view to put up to Rick McRae as the planning officer and then for him to take that information to the SMT?

10 A. Yes.

Q. The document that my learned friend Ms Cronan took you to earlier at [ESB.AFP.0110.0976] and [ESB.AFP.0110.0974] where you set out your predictions as at 1800 on 17 January reflects the predictions that the planning section, the three of you working together, came up with?

15 A. Yes.

Q. That was the information that was subsequently conveyed to the SMT meeting that night?

20 A. Yes.

25

Q. I am right to understand, am I, that those predictions were predictions based upon an uncontained fire spread?

A. Yeah, an uncontained spotover, yes.

30

Q. When you use the word "uncontained", do you mean therefore if nothing was done in an endeavour to try to stop these fires and we just let nature run its course, that's as far as you thought the fires would reach?

35

A. Yeah, that's the principle we applied when doing that.

Q. Would it be fair to say in your mind these are the predictions you had as a collective group for, to use an expression, a worst case scenario; in other words, if these fires ran their course?

40

A. Yes.

Q. In order to put together the information which is contained in your message, as situations officer after Rick McRae, you spoke about the fact

45

that yourself, Hilton Taylor and Nic Gellie discussed generally what the options and what possibilities might arise for the spread of the fire; is that right?

5 A. Yes.

Q. And different opinions were put forward, amongst the three of you, as to what might or might not happen?

10 A. Yes.

Q. The purpose of the discussion was to arrive at a collective firm view that could then be put forward to the SMT or to Rick McRae and then to the SMT that night?

15 A. Yes.

Q. So over then in paragraph 66 in line 3 you say:

20

"I recall a prediction noted on a map that if the fires broke their containment lines" --

And where they would run. Is that reference to "the map", the map that you have been taken to earlier today?

25 A. This one here (pointing)?

Q. Yes.

30 A. Yes.

Q. The map at [ESB.AFP.0110.0135]?

A. Yes.

Q. Nowhere on the map is there any prediction that the fires could reach the urban interface by 6pm on Saturday, the 18th; that's right, isn't it?

35 A. Yeah, that's correct.

Q. What in fact is the case is that that opinion expressed there is in fact something or one of the views that was expressed whilst yourself, Hilton Taylor and Nic Gellie were meeting earlier on to decide what you had actually put forward?

40 A. Yeah, it was. Yes, it was one of the views of the three of us.

Q. To the best of your recollection, that is the view that Nic Gellie put forward?

A. I'm not sure. I think it was Nic but it could have been Hilton.

5

Q. But you are not sure?

A. No. I can't say for certain.

Q. In any event, it wasn't the view put forward?

10 A. It wasn't the view I put forward in those message forms about the prediction on Friday night.

MR McCARTHY: Thank you, your Worship. I have
15 nothing further.

THE CORONER: Thank you, Mr McCarthy. Mr Pike?

<CROSS-EXAMINATION BY MR PIKE

20

MR PIKE: Q. Mr Lhuede, just to assist me, what is your call sign, if you have one?

A. Then or now?

25 Q. Sorry, then of course.

A. Then - I actually can't recall.

Q. I might see you about it afterwards.

30 A. Yeah, see me afterwards. I would have to check some documents. It might have been Parks - I can't recall, sorry.

Q. Don't try to guess. You have told us in your statement, paragraph 20, that part of your
35 responsibility as the fire management officer was to receive calls from the duty coordinator at ESB when resources are required. That is during office hours?

A. Yes.

40

Q. The agency rep then takes over that role after hours?

A. Yes.

45 Q. And it was in that capacity, I take it, as you have told us in paragraph 25, that you received the request on the 9th of January for RAFT teams.

Do you see the final sentence in paragraph 25 that makes reference to that?

A. Yes. That would have been from the duty coordinator COMCEN to make that request.

5

Q. That being an officer, as you are the appropriate person for the duty coordinator to speak to?

A. Yes.

10

Q. That request is made and then you action that request?

A. Yes.

15

Q. You wouldn't happen to recall where those two RAFT teams on 9 January were sent, do you?

A. No, I don't.

MR PIKE: Yes, thank you, your Worship.

20

THE CORONER: Mr Whybrow?

MR WHYBROW: Thank you, your Worship, I have no questions.

25

THE CORONER: Mr Walker?

<CROSS-EXAMINATION BY MR PHILIP WALKER

30

MR PHILIP WALKER: Q. Mr Lhuede, just a couple of preliminary questions first of all. You mentioned some loss of information as a result of incompatibility of a computer and I think stealing of a computer. What exactly was the information that was lost?

35

A. There was some data prepared by Graeme Hirth that I think related to some helipad locations. It might have also related to some road classifications and standards that had been on his desktop computer at Parks and Conservation headquarters. The office was broken into on 6th January, and that hard drive I believe was stolen. He had to rebuild that information. That was some of the lost information in that regard.

40

Q. The impact of that loss was what in terms of your operation?

A. I would have to check - Graham would probably know better - but we were able to get some other information that was still able to provide road locations and some other information that was
5 satisfactory. It wasn't as detailed as the information that had been lost in electronic format but we still had the information in map form, hard copies anyway.

10 Q. The road locations you are talking about, where are we talking about them as being?

A. In Namadgi National Park and in the vicinity of the fires.

15 Q. You said you were able to work around it by looking at some hard copies, I think, but it didn't have all the information that was current?

A. It did not - I don't think it had all of the current information. There was, I believe, some
20 categories of roads that had been developed specifically for that purpose that he didn't have, and it meant we had to chase that information up by discussing it with people who originally assisted us in developing - or assisted Graham in
25 developing that map.

Q. There has been some discussion, as you have heard mentioned earlier on, about maps and inadequacies of maps and so forth. Do you know
30 whether the loss of this information had a direct impact on the - I withdraw that and start again.

Did you receive any form of complaint or something that maps were inadequate, which would have been
35 solved had you had the information that you understood to be in this computer?

A. No. I didn't receive any direct information that related to that loss of information.

40 Q. In paragraph 53 of your statement, I just need to understand something. You said you made a correction that the incident action plan you were working on was approved by the 15th. That's the case, is it not?

45 A. Yeah, it was provided on the 15th.

Q. In the opening words of your paragraph there,

you talk about attending the SMT planning meeting at 4.30pm and you said:

5 "Either at that meeting or at the planning meetings at 9.30am and 4.30pm on the following day, (14 January), I expressed my concern that no work had commenced to construct the containment lines proposed in the incident action plan".

10

Now, as you have made the correction, the incident action plan is a document still in progress on the 14th, isn't it?

A. Yes.

15

Q. Does that mean you were referring to containment lines which were proposed in a document which was not yet complete; or does there need to be some adjustment to the time you raised this?

20

A. No. What you said is more accurate in that the development of that incident action plan that was finalised on the 15th - we developed it over a series of days and there were a number of strategies in that plan that could actually be progressed before finalisation of it.

25

Q. That included the work and the location of containment lines; is that right?

30

A. Yes, some of those - some of the existing roads that were there.

Q. The incident action plan, I gather, was something which was to be initially submitted to Mr McRae and then ultimately approved; is that right?

35

A. Yes.

Q. That occurred on the 15th?

40

A. Yes.

Q. Was there any approval of the location of these containment lines at the point in time you raised it at the planning meeting?

45

A. I can't recall specifically whether those lines had been approved.

Q. If you go to document [ESB.AFP.0110.0775]. While that is coming up, the containment lines that you had in mind were containment lines in relation to Stockyard Spur fire?

5 A. Yes.

Q. And Gingera or just Stockyard Spur?

A. Stockyard Spur in this case.

10 Q. I just want to take you to the paragraph under the heading "Stockyard Spur" which you can see on the first page of the meeting at 1600 on the 14th. That refers to the construction of a containment line at Stockyard Spur fire. Do you see that?

15 A. Yes.

Q. Is that which is described in the first paragraph under that heading something different to that which you were referring in your paragraph 53?

20 A. I'm just thinking. I think I also had some concerns at about that time on Stockyard Spur and work being carried out along Stockyard Spur.

25 Q. What I am trying to really get to, Mr Lhuede, is: is there some error perhaps as to date or something of that nature in your paragraph 53, now that you have read the paragraph under the heading "Stockyard Spur" in the planning meeting; or is there something I am missing?

30 A. The statement there on the 14th --

Q. I should say in fairness you did mention the 9.30, and we will come to that in a moment. This seems the most germane to the issue at the moment?

35 A. I still recall concern and it may have been on the 12th or the 13th --

Q. It could have been at an earlier time?

40 A. It could have been at an earlier time. The concern there was yes there was work being done along Lick Hole Road by the army dozers. There was also work that needed to be done along Mt Franklin spur and along Stockyard Spur as well.
45 But I may have expressed those concerns a couple of days earlier.

Q. It is just that your passage says:

5 "I expressed my concern that no work had commenced to construct the containment lines proposed in the incident action plan."

I gathered that has got to be subject to some uncertainty now; is that right?

10 A. When that concern would have been expressed, it would have related to the work off Mt Franklin and along the Stockyard Spur. There are a number of containment lines --

15 Q. I appreciate that. I just interpreted your words as if nothing had started --

A. In that respect, yes, that is incorrect. Some work had been done in the area.

20 Q. If we go to your document [ESB.AFP.0110.0976], just above halfway there at your point 4 you show on the 18th at 2000 a fire prediction uncontained at summit Mt Stromlo. I don't quite understand how that relates to what you show on [ESB.AFP.0110.0974], where at 2000 you have listed
25 Narrabundah Hill pines. Are you able to tell us what the difference is between those two listings?

A. Look, I can't explain specifically why there is a difference on those two.

30 Q. Let's just look at the documents. The first of these two documents is in fact 0976, isn't it, that's the commencement of the document; is that right?

35 A. The previous page that was up is the first page of a two-page document, yes.

Q. Perhaps if we get that up again and we will work through it. The prediction was your prediction?

40 A. No. It was the prediction that Nic, Hilton and myself had discussed and the predictions are shown on that map that is up there at the moment. That's what it is based upon.

45 Q. Is that where the fire front was expected to be at a particular point in time?

A. Yes.

Q. So, if your prediction was correct and the fire was uncontained then you would expect the front to be at Stromlo at 2000, is that right, on a worst case scenario?

5 A. That's what it said. However it does go over on the other page to put it --

Q. I am going to work through it, Mr Lhuede.

10 A. That's right. That's what it says there, yes.

Q. What's the word just below the word "Stromlo", where it says "exposure to" - mine is not clear?

15 A. "Exposure to uncontained fire", I think that said. That was going through looking at the assets or the specific assets at risk.

Q. Do I gather you then list assets which face some risk as opposed to where the fire is actually at; is that right?

20 A. Yes. It is again the times against the asset. So, for example, Uriarra homestead 18/1 is a prediction when the fire could be at Uriarra homestead on the 18th of the first.

25 Q. That's where I had some difficulty. You said at point 4 of the page you thought the front might be at the summit of Mt Stromlo. You said that certain assets might be at risk. There is a difference between the front being somewhere and an asset being considered to be at risk; is there not?

30 A. I would consider that an asset, a structure, is at risk when the front reaches it. So if a large front approaches and is close to an asset, then that is significantly at risk.

Q. The assets could be at risk before that time, though; is that right?

40 A. In relation to what this document is doing, which is a fire prediction, I'm predicting the risk of a fire front reaching those locations.

Q. If you go to 0974, that is the continuation of this document; isn't it?

45 A. Yes, it is.

Q. You are not able to say why Narrabundah Hill

5 pines are listed there. I am wondering whether it was that 2000 might not actually be the front of any fire but just simply an asset that was considered to be at some risk at that time?

5 A. No. Because the heading of that column - the bad writing that it is - was "expected exposure to an uncontained fire".

10 Q. In the middle of the second page there are some words which are crossed out. "Nothing directly under threat until AM 18/1". Did you write those words?

A. It's my handwriting, yes.

15 Q. That was a view you held at some particular point in time?

A. Yes.

Q. You have crossed that out.

20 A. It may have been me who crossed it out. I'm not sure. I can't recall crossing it out. I may have; I may not have.

25 Q. The recommendation which was below, which again is crossed out says "recommendation aggressive water"; is that right?

30 A. It looks like I started writing something and in that case I may have stopped it. It is not a completed sentence. Again, I can't say for certain whether I crossed that out or not.

35 Q. That is in fact exactly what happened with the McIntyre's Hut on Saturday the 18th, isn't it, there was water bombing throughout the course of the day?

A. I can't comment on that. I wasn't involved in operations.

40 MR PHILIP WALKER: I have nothing further.

THE CORONER: Thank you, Mr Walker. Mr Watts?

45 MR WATTS: Thank you, your Worship, just very briefly.

<CROSS-EXAMINATION BY MR WATTS

MR WATTS: Q. Mr Lhuede, the forms you were preparing up until the 15th were in fact situation analysis forms; were they not?

5 A. Yes. They were some of the forms being prepared, yes.

Q. You are familiar with the AIIMS - ICS forms?

A. Yes.

10 Q. And you are familiar with form ICS5.0 which is the fire situation analysis form?

A. Yes.

15 Q. That's the form that has on it at some point on page 2 a range of three alternatives?

A. Yes.

20 Q. The purpose of that is for somebody in your situation to develop options and look at a range of options; is that so?

A. Yes.

Q. That's the real purpose of that form, to set out options for consideration?

25 A. Yes.

Q. You were a situation officer in the planning section?

30 A. Yes.

Q. As was Hilton Taylor?

A. Yes.

Q. Under the control and direction of Mr McRae?

35 A. Yes.

Q. Was your job as a situation officer to look at various options and fill these forms in for the purpose of consideration by those above you?

40 A. Yes.

Q. It is the role of the planning officer above you and the Service Management Team to then look at those options and then come up with a plan to decide which of those options should be adopted?

45 A. Yes.

Q. Certainly not your job to make an executive decision as to which of those options should be decided upon; that would be correct?

A. Yeah, that's right. That's correct.

5

MR WATTS: Yes, thank you.

THE CORONER: Mr Craddock.

10 **<CROSS-EXAMINATION BY MR CRADDOCK**

MR CRADDOCK: Q. You told her Worship this morning about these 1:25,000 scale maps. I think you said something to the effect of some new maps having been received by the time of the fires starting on the 18th of January and some not; do you recall that?

15 A. Yes.

20 Q. Is it the case that there are 16 of those 1:25,000 scale maps that together cover the whole of the ACT?

A. That sounds about the right number, yes.

25 Q. Those are the maps that I think you referred to as having been stuck together in order to produce a very large map that was put up on the wall in the ESB for the purpose of planning and so forth?

30 A. Yes.

Q. I think that you have seen in the middle of the day one example of that composite plan?

A. Yes.

35

Q. I think this one here, Ms Drew has been carrying around in her handbag?

A. That looks like an example of one of those composite maps, yes.

40

Q. Is it your understanding that responsibility for producing those maps lies with the New South Wales Department of Land and Property Information?

A. Yes.

45

Q. As at the commencement of the fires on 8 January, the new versions of those maps were in

the process of being completed and issued and that some had been provided to the ACT?

A. Yes.

5 Q. Is it the case that at that time only about four or five of those new 1:25,000 scale maps had been provided?

A. Four is the correct number, I recall.

10 Q. Four?

A. Yes, I think it was four.

Q. And they happen to be those that lay to the south-east of the ACT?

15 A. Yes.

Q. The new 1:25,000 scale maps that were in production with the Department of Land and Property Information that covered the remainder of the ACT had not been delivered?

A. No, not at the time of the fires.

Q. They all arrived after the fires later in 2003?

25 A. Yes.

Q. Could we have displayed please [ESB.AFP.0110.0300]. We may be able to do this without the map. We will see if we can be descriptive - people used to do that in courts.

This morning you were shown on the screen a map and it had some handwritten notations on it. It was identified as a map upon which you had made handwritten notations describing potential containment lines; do you recall that?

A. Yes.

Q. You were also asked some questions about on the one hand operational maps and, on the other hand, strategic maps?

A. Yes.

Q. The map that was shown to you this morning, just to distinguish it, was not one of the Land and Property Information Department 1:25,000 scale maps; is that right?

A. I'm not sure. I would have to see the original or a copy of it. I don't think it was. I think it was just either one that had been produced in at Curtin or it may have been a photocopy of one of those maps; I'm not sure. It is only a small section of a map.

Q. Let's see if we can distinguish between electronically produced maps and those that you buy at the shop that are published by the Land and Property Information Department. There was a capability at the ESB in the planning department to produce electronically maps of portions of the ACT?

A. Yes.

Q. I think Mr McRae had brought in a couple of people whose jobs included the production of such maps?

A. Yes.

Q. For the purpose of producing the map that you were shown this morning on the screen that had your handwritten notations upon it, I suggest to you that one of those maps was produced electronically and given to you, and you then used it for the purpose of making your own annotations on it for the purposes of your planning exercise; is that right?

A. Again, I think that's correct. Without seeing the original map, I believe that to be correct.

MR MCCARTHY: I apologise for interrupting my friend. It does concern me that there were two different maps being discussed this morning, one created on 10 January and another one created on 11 January. I don't think the line of questioning necessarily bears on it, given that he is not referring to one map or another, but it might assist if it is brought up. I have the correct reference for it. It is [ESB.AFP.0110.0300] at 0301. I am assuming that is the one my friend is referring to. The other one is the same except it is 0308. Perhaps if the first one could be tried, and we will see if that is what my friend is referring to.

MR CRADDOCK: It is. I am indebted to my friend.

Q. Now we have a map on the screen. That is the map that I was asking you some questions about.

5 A. Yes. That's produced at ESB, that map.

MR CRADDOCK: It has now gone 4 o'clock. But just to get us to a point --

10 THE CORONER: I think we should finish, if we can. It is probably desirable.

MR CRADDOCK: I won't be very long. We have staff here. I am not going to go any further than your
15 Worship wants me to go.

THE CORONER: I think you should just continue. I am sure we can make arrangements for people to continue.

20

MR CRADDOCK: I won't hurry but I won't be long.

MS CRONAN: Can I indicate I would be seeking a brief break of two or three minutes before I
25 re-examine.

THE CORONER: All right. I understand. Mr Mildren, would you prefer to finish this afternoon?

30

MR MILDREN: Yes. I am due in Sydney tomorrow. So I would prefer to continue.

THE CORONER: That is what I thought. If that is
35 convenient for everybody we will sit on for a little bit. So just continue please, Mr Craddock.

Q. Is this the map for the 10th or the 11th - are you able to say, Mr Lhuede?

40 A. I think this was probably --

MR McCARTHY: If I can assist. I do this because I believe it did get somewhat confusing this morning. This is the map that was produced on the
45 11th. The witness corrected the fact that the cover page saying 10/1 should refer to 11/1.

The following map produced at 6.15 with cover page
"Arthur Sayer" was the map produced on the 10th
but which I think the witness was saying he had
put some annotations and he and Mr Sayer produced
5 it collectively.

MR CRADDOCK: Q. Is it the case that this map is
one of those electronically created things; in
other words, printed off a computer at the
10 planning unit at the ESB and given to you and
either used directly or photocopied but, in any
event, used by you for the purpose of working out
proposed containment lines?

15 A. Yes, it was.

Q. In other words, it isn't one of the 1:25,000
scale maps that are published by the Land and
Property Information Department?

20 A. No.

Q. One of the differences between those Land and
Property Information Department published maps and
these computer generated maps from the planning
unit is, as is apparent from the map, that many of
25 the features aren't reproduced on the computer
generated map; in other words, road names and the
like; is that right?

A. That's correct.

30 Q. I appreciate these are very useful for
planning and drafting purposes, but the better map
for a feel, I would suggest, is the published
version from Land and Property Information which
does contain all of those features written upon
35 it; do you agree?

A. Yes.

Q. Can I take you to the question of predictions.
You, Mr Taylor and Mr Gellie were working on
40 predicting fire behaviour for the purpose of
trying to estimate where the fires might reach if
they were left to nature?

A. Yes.

45 Q. You were asked what model you used and you
said that you used the McArthur model?

A. Yes.

Q. Did you have an alternative model that was approved for the purpose and that you had been trained to use?

A. No.

5

MR CRADDOCK: Thank you, your Worship.

THE CORONER: Thank you, Mr Craddock. Yes, Mr Mildren.

10

MR MILDREN: Just one question.

<CROSS-EXAMINATION BY MR MILDREN

15 MR MILDREN: Q. Mr Lhuede, is there anything that you feel as though you wish to clarify in your evidence that you haven't had the opportunity to clarify after being asked questions by all these gentlemen?

20 A. No.

MR MILDREN: Thank you.

THE CORONER: Yes, Ms Cronan.

25

MS CRONAN: I wonder if I could ask your Worship to go off the bench for a couple of minutes so that I could put some maps to Mr Lhuede.

30 THE CORONER: We will take a brief adjournment.

SHORT ADJOURNMENT

[4.06pm]

RESUMED

[4.11pm]

35

MS CRONAN: Thank you, your Worship.

<RE-EXAMINATION BY MS CRONAN

40 MS CRONAN: Q. Mr Lhuede, you referred this morning in your evidence to a large map that was on the wall of the planning unit which was an amalgam or collection of a number of 1:25,000 maps that you had on the wall?

45 A. Yes.

Q. You said that you believed you saw that large

map out at Winchester Centre recently?

A. Yeah, well - after seeing another large map, I think I was mistaken that the one I saw was an operational map. There were other composite maps out there though.

Q. You have now had a look through, have you, a group of other similar types of maps that the police have brought from the Winchester Centre and you have identified some of those maps as coming from planning as opposed to operations?

A. Yes.

Q. You are looking at a map currently, are you, which is a part of that planning map showing the Stockyard Spur fire?

A. Yes.

Q. Could you describe or show her Worship what the lines drawn on the overlay indicate to you?

A. On that overlay there is an onion ring concept and it is showing the fire development over a number of days as the fire has got larger. In addition to that, it has some predictive analysis on it to ascertain time frames when the fire would be at a particular location. That was used in determining the time that we had to look at construction of tracks and so forth in that area.

Q. Is it the case that you changed the overlay sometimes or that you just continued to work with the one overlay?

A. I think we did change the overlay from time to time. But that one is relatively early on in the piece, I think, that overlay that is on there at the moment.

Q. So is that then, do you think, the part of the map relevant to Stockyard Spur fire that you were describing this morning in your evidence?

A. Yes. It is part of that map.

MS CRONAN: I tender that map at this stage, your Worship, and we will arrange to have that put on the system.

THE CORONER: Is it just the top map there?

MS CRONAN: Just the top map. I will just place
the AFP number on the record. It is 002.004.

5 THE CORONER: That map showing the Stockyard fire
with the identifying number 002.004 will become
exhibit 0051.

15

25

35

45

**EXHIBIT #0051 - MAP SHOWING STOCKYARD FIRE WITH
THE IDENTIFYING NUMBER 002.004 TENDERED, ADMITTED
WITHOUT OBJECTION**

5 MS CRONAN: I have no further questions.

THE CORONER: Thank you, Mr Lhuede. Mr Lhuede,
you are excused. You are free to leave, thank
you.

10

MR WATTS: Your Worship, it was my understanding
this morning that Hilton Taylor would be the first
cab off the rank today and he has been here all
day. My understanding is that he's first
15 tomorrow. But can I inquire about Superintendent
Newham because he was due to be called tomorrow
and I suspect he may not be reached. It is really
not fair for him to sit around all day here if
there is no chance of him being reached.

20

MS CRONAN: I expect that he will be reached. It
may be that Mr Taylor and Mr Gellie will take most
of the morning, but I would anticipate Mr Newham
will be reached tomorrow afternoon.

25

MR PHILIP WALKER: Your Worship, in Mr Taylor's
statement, both in the original and his amended
statement, there are a number of references to
notes which I have certainly not been able to
30 obtain from the system. There are references in
paragraph 31 of the amended statement --

MR WATTS: I don't want to interrupt my friend,
but the situation with those notes is that they
35 cannot be found. According to my client, they
were part of the documents in ESB which were
taken. He doesn't know where they are, and I
understand from counsel assisting that a search
has been made and no-one knows where they are.

40

MS CRONAN: Yes.

MR WATTS: The extent of the notes is that there
is a diary, which I have custody of at the moment,
45 which makes a note that he made notes. It is a
note about a note. But those notes are just not
available.

THE CORONER: They can't be found. They are not in the custody of the police, is that what you're saying, Ms Cronan?

5 MS CRONAN: No, they're not.

MR McCARTHY: Your Worship, sorry to interrupt but, again, it is a matter of planning, to use a pertinent word: am I right to understand that no
10 witnesses beyond Peter Newham will be called tomorrow? It just assists everybody if that is the case.

THE CORONER: I would think that if we get through
15 Mr Taylor, Mr Gellie and Mr Newham, that would probably be a good time to stop anyway. If we do run out of witnesses, we can play some more tapes for those who want to sit and listen to some
20 tapes.

MR McCARTHY: Thank you, your Worship.

THE CORONER: We will adjourn until tomorrow morning at 10.

25

**MATTER ADJOURNED AT 4.18PM UNTIL TUESDAY
11 MAY 2004.**

30

35

40

45

MR CRADDOCK: Before we start the evidence a
matter of importance has been brought to my
5 attention by Mr Lasry. I think he has only done
so because he is jealous of my haircut. He has
indicated to me there might be an error in the
transcript at page 4972.

10 Where it says at line 30:

"I appreciate these are very useful for
planning and drafting purposes but the better
map for a feel" --

15

I think that should read "for the field".

THE CORONER: Yes, that should read "for the
field".

20

MR PIKE: There is one further transcript
correction. It arose in yesterday's
cross-examination by Mr McCarthy. He made
reference to a number of maps. One in particular
25 he made reference to was [ESB.AFP.0110.0135].
That is the reference that appears at pages 4957
and 4958. In fact, that is an incorrect reference
to the map. The map should be
[ESB.AFP.0110.1035]. It occurs on only those two
30 pages of the transcript.

MR LAKATOS: In relation to your Worship's
comments yesterday morning, my instructions are
that the Chief Minister would not, unless required
35 by counsel assisting or your Worship, come to give
further evidence. His position is and has been
that the letter which was tendered, the exhibit
number which now escapes me, in fact comprises the
evidence he would give. And consistent with the
40 procedure adopted in relation to other witnesses,
I take it that would be evidence which this court
would take account of.

THE CORONER: Thank you. Do you wish to say
45 anything to that, Mr Lasry?

MR LASRY: No, no, your Worship. I noted

your Worship's comments and left it to a significant extent to Mr Stanhope. He has taken the option of not wishing to come and give further evidence. I don't want to be heard to say he should necessarily. We have a record of his position. As my learned friend says, it is in the letter.

10 THE CORONER: Thank you for that, Mr Lakatos.

MR LAKATOS: May it please, your Worship.

MR LASRY: I call Hilton Taylor.

15 <HILTON LESLIE TAYLOR, AFFIRMED

<EXAMINATION-IN-CHIEF BY MR LASRY

MR LASRY: Q. Mr Taylor, is your full name Hilton Leslie Taylor?

20 A. Yes.

Q. What is your present professional address and occupation, Mr Taylor?

A. It is 25 Blaxland Crescent, ACT in Griffith.
25 My occupation is as strategic planning and harvesting manager, ACT Forests.

Q. Mr Taylor, did you make a statement for the purpose of this inquest on 29 August of last year, which you signed I think on that date; is that right?

30 A. That's correct.

Q. The document is [ESB.AFP.0108.0076]. Have you since examined that document and on the 7th of May this year signed what might be described as a modified version of the document?

35 A. Yes.

Q. As I think happened in one previous case I think with Mr Cooper, the process was that the text of the original statement has been adapted and so it can be seen by underlining amendments have been made; is that right?

40 A. That's correct, yes.

Q. I take it that statement represents, to the

best of your recollection, the relevant events for the purpose of this inquest; is that right?

A. Yes.

5 MR LASRY: I don't know if your Worship has the amended version. I will hand one up and I tender it as an exhibit.

10 THE CORONER: Mr Taylor's amended statement will become exhibit 0052.

**EXHIBIT #0052 - MR TAYLOR'S AMENDED STATEMENT
DATED 07/05/04 TENDERED, ADMITTED WITHOUT
OBJECTION**

15 MR LASRY: Q. Your history has been a history of involvement in the forestry industry; is that right?

A. That's correct, yes.

20 Q. You hold the qualifications of Associate Diploma of Applied Science in Forestry obtained from the Forestry Training Centre in Gympie in Queensland and also a Bachelor of Science in Forestry from the Australian National University; is that right?

A. Yes.

30 Q. You have a number of academic awards and employment awards for your involvement in forestry?

A. Yes.

35 Q. That's been your constant career; is that so?

A. That's correct.

Q. And from 2001 until now, you have been employed by ACT Forests?

A. Yes.

40 Q. As the manager of strategic planning and harvesting, as it is correctly described?

A. Yes.

45 Q. In addition to a significant career and qualifications which has included work in other countries, including South East Asia, New Zealand,

Sri Lanka and places of that kind which are set out in a document that I am about to tender, you have some firefighting qualifications as well; is that right?

5 A. Yes.

Q. You are accredited in the basic firefighting modules 1-4 of the ACT Bushfire Council in September 2001?

10 A. Yes.

Q. You have done several ICS training courses and I think also emergency incident training and you are accredited, am I right, as a planning officer level 2 under the emergency incident control system as at September 2002?

15 A. Yes.

Q. Are there any other firefighting qualifications that you have, apart from this long list of qualifications that you have got?

20 A. During both my Associate Diploma and my university degrees, I completed units in fire behaviour, fire management, fire weather during those parts of those courses.

Q. You have provided a copy of your curriculum vitae, much of it is to do with your forestry career but it outlines your career in all its broad detail; is that right?

30 A. The curriculum vitae provided only really goes back to 1991, or thereabouts. The years from the late '70s through to then where I worked in Queensland and New South Wales is not included in detail there.

MR LASRY: I will tender this curriculum vitae of Mr Taylor's. I assume this has been provided by Mr Watts and I assume that copies have been made available or can be made available to those at the Bar table.

THE CORONER: Mr Taylor's curriculum vitae will be exhibit 0053.

45

**EXHIBIT #0053 - CURRICULUM VITAE OF MR TAYLOR
TENDERED, ADMITTED WITHOUT OBJECTION**

MR LASRY: Q. Your experience is set out in paragraph 5 of your statement. Just very briefly, your experience as you just said in the timber industry has been since the 1970s including in southern and central Queensland in harvesting firewood, fence posts in sawn timber. You were then part of the Queensland Forestry Department and you worked with them through until 1985. You also set out some other detail there leading to your graduation from the Australian National University in 1988; is that correct?

A. Yes.

Q. Coming to these fires, as you described in paragraph 8 of your statement you were at work on Wednesday the 8th of January and you were, as you say, stood up at about 11am for firefighting duties; is that right?

A. Yes.

Q. What does that actually mean insofar as what actually happens when you are stood up for firefighting duties?

A. That morning I was rostered on for standby on that day, and at stand-up time myself and the other person on that unit that I was assigned to prepared all our personal protective equipment and the unit to ensure that it was ready to roll at any time if it was called during the day.

Q. That is because the day was a day of orange state of readiness, is that correct?

A. As I recall, yes.

Q. You became aware of the fires later in that day, and in paragraph 12 you make reference to the fact that having become aware you were expecting to be called and were not called. In particular, what you say about that in paragraph 12 is that:

"I and other Forestry staff had seen the smoke from two fires. Mt Coree fire tower had radioed fires on similar bearings, but Mt Tennant had radioed different fires on quite different bearings suggesting there were three and possibly four fires burning. We were therefore surprised at being stood

down."

Why were you surprised about that and does it relate to previous practice or some other expectation that you would have had in your circumstances?

5 A. Being stood up in a unit ready to roll and located on the western side of Canberra at the Stromlo Forestry headquarters, we would be a likely unit to be called to any fires that
10 afternoon.

Q. Have you since inquired as to why it was that you were not called that afternoon? Did you raise the issue with anybody since the 8th of January?

15 A. Not specifically why we weren't called, no.

Q. On the 9th of January, the following day, as a result of a request via a phone call which you refer to in paragraph 15, you attended at the ESB planning office at about 2 o'clock in the afternoon; is that right?

20 A. That's correct.

Q. And the phone call, I should make it clear, which you refer to in paragraph 15 was a phone call from Tony Bartlett and the request was that you make yourself available to assist in the planning office at Curtin - no doubt because of your previous experience as a planning officer and your accreditation; is that correct?

25 A. Correct.

Q. You say in paragraph 16 that you presented yourself at 2 o'clock. Do you recall now that you also had Felicity Grant with you?

35 A. Felicity arrived at around the same time. Whether we travelled there together or at a similar time, I can't recall.

40

Q. She has made a statement and refers to what followed. Her statement is at [ESB.AFP.0108.0251]. She says in paragraph 8 of that statement that on the 9th of January she went to work at ACT Forests headquarters:

45

"At approximately 2pm I was informed by

Hilton Taylor that I was to meet him at ESB, to assist with duties in the planning office".

5 Is that right, did you arrange for her to attend there also?

A. Yes.

10 Q. According to her you went there independently. She goes on to say in that paragraph. I will read what she says:

15 "When I arrived at ESB Rick McRae met Hilton and I at the front door and gave us a general guided tour in which we were briefly shown into the COMCEN room and directed to the planning office. The planning office where we were to be situated was adjacent to the logistics room and basically opposite the door into the COMCEN hallway. Other people were already in the planning room, including headquarters volunteers and staff. I don't remember any names of the people who were in the room. Hilton and I remained in the make-shift planning office when Rick McRae left. He did not tell us what tasks or duties to perform."

25 Do you agree with her description of what happened at that stage?

30 A. Yes.

35 Q. Is it the case that, having been shown around and shown to the planning office, you weren't given a list of things that were required to be done either by you or by Felicity Grant?

A. Not immediately.

40 Q. What did you do when you got there?

A. It is my recollection that I commenced gathering information about the fires, maps, working out where they were and starting to put together in my own mind what needed to be done within the planning office.

45

Q. So far as the issue of any direction as to tasks and so on to which Ms Grant refers, I should

ask you this: would you have expected to have been given a list of duties you were then required to perform?

5 A. At some stage. The planning office was in its embryonic form at that stage. We presented ourselves there I think at Tony Bartlett's request initially. I'm not sure what generated that request. I certainly would have expected clear directions at some time.

10

Q. Did you get some clear direction over the next few hours or that day?

A. If I recall, yes.

15 Q. What was the clear direction and who did it come from?

A. From Rick McRae is where it came from, and the clear direction for myself was to start doing situation analysis of the fire and to become part of the situation unit.

20

Q. You refer to doing that work in paragraph 17 of your statement. In paragraph 18 you say:

25 "Although I knew the function of the situation unit - you are now referring to the situation unit within this planning office - it was unclear to me how information was disseminated from the unit and I couldn't follow how the incident control system was functioning around me. For example, there was an incident controller in the field, with one incident controller for each fire, but it appeared there was also an incident controller back at ESB which made it unclear to me who we were working and reporting to. It was also not clear to me how or whether information that we provided to the planning officer, Rick McRae, and through him to the SMT was getting through to the incident controllers in the field."

30

35

40

Was that a confusion that arose in your mind soon after you arrived and started work; or are you there describing something that continued to puzzle you over the next few days?

45

A. It was something that continued to puzzle me.

Q. How should it work? Just describe how you would have expected it to have worked?

5 A. The issue that I had was that I could not discern the role of the SMT clearly in my mind, in the absence of a field IMT that was adequately resourced to produce incident action plans.

10 Q. Did you understand that there was a field IMT adequately resourced to produce incident action plans or your understanding was that there wasn't such resourcing?

A. I understood there wasn't such resourcing.

15 Q. So it having become something of a question mark in your mind, did you raise with anyone, either Mr McRae or anybody else, the process by which in particular information was being disseminated?

20 A. No. I think it is fair to say that I focused on the role that I was there to do, which was within the situation unit to produce the information coming out of that unit.

25 Q. When you compiled the information, who did you provide it to?

30 A. To the planning officer, Rick McRae. I also from time to time during the fire provided information out of the situation unit directly to the operations unit, if required or if I felt it necessary, and from time to time I presented information to the SMT meetings as well.

35 Q. We will come to some of those in a minute. But was your confusion as to what was happening in the next step; in other words, once you provided information at any of those points, how that information was then being passed into the field?

A. That's correct.

40 Q. Is that what you didn't understand?

A. That's correct.

Q. Did you ever understand that between the 9th of January and the 18th of January?

45 A. Not entirely.

Q. At all?

A. I was aware that there was meetings between field incident controllers and members of the Service Management Team from time to time, and I took it from that that those meetings were passing
5 information from the SMT to the field incident controllers.

Q. Part of the complexity of this - that I think you have already referred to - is, as I follow
10 particularly by reference to paragraph 20 of your statement, you didn't understand what the relationship was between each Incident Management Team and the Service Management Team; is that right?

15 A. That's correct.

Q. You refer to that. Did that confusion include confusion as to decision-making; in other words, the ability of incident controllers to make
20 significant decisions in the field. Whether they were making them, as it were, subject to review by the SMT; was that the sort of problem that you had perceived?

25 A. No. I wasn't aware of the exact issues that the incident controllers in the field were facing because I wasn't in contact with them.

Q. You also refer in paragraph 21 to an absence of overnight planning. The 9th of January was the
30 first day that you were there, so the night of the 9th of January was the first night that you would have been aware, I take it, that there was no overnight planning?

35 A. That's correct.

Q. As far as you understood, that continued for some time?

A. That's correct.

40 Q. In paragraph 21 you point out that, in the absence of overnight planning, no incident action plans were in place for day shifts in the field which started at 6am. Once you were aware that there was no overnight planning and therefore no
45 incident action plans being produced as a result, again was this something that you discussed with anyone about establishing the reason why there was

no overnight planning?

A. I do recall some discussion about this point, yes.

5 Q. Who with?

A. I think it may have been with Rick McRae, and it was in the context of eventually resulting in a roster for when people were going to be in the planning office and not in the planning office.

10 But I do not recall exactly when that occurred.

Q. Is this something you would have made a note of?

15 A. I understand the roster was documented. That exact conversation is something I don't recall making a note of.

Q. Do you have any idea at all as to when you had the conversation in relation to the time at which you commenced to work in the planning unit; in other words, how long afterwards?

A. I suspect it was on the afternoon before Dave Jamieson spent his first evening in the comms room.

25

Q. Tell us about the conversation you had about that with Mr McRae. What did you say to him and what did he say to you?

30 A. I cannot recall the exact words obviously. The context if I recall is should there be an overnight planning or an overnight Incident Management Team. I don't think I specifically singled out planning. And I think the context of the reply was along the lines of "at this stage
35 the fires are quiet overnight and the resources perhaps aren't available to man this thing day and night at this stage," as I recall.

40 Q. Was that the extent of the explanation and discussion, as best as you can recall?

A. I think it went on to say briefly that we will put in like a nightwatchperson to fill that role at the moment and they can call upon others if the situation develops or requires it.

45

Q. That didn't solve your concern about the absence of overnight planning in order to

facilitate the commencement of work by the day shift though; did it?

A. No.

5 Q. Because a nightwatchman presumably was going to be significantly occupied with dealing with both the radio and the telephone and may not have had either the qualifications, knowledge or anything else to do planning work as well; is that
10 correct?

A. That's correct.

Q. So your problem in effect wasn't solved for some time?

15 A. That's correct.

Q. Mr Taylor, I want to jump forward, if I can, to the 17th of January and in particular to paragraph 34. Paragraph 34 refers to a meeting
20 that you attended at Queanbeyan with the New South Wales Rural Fire Service, and you have made some amendments to that paragraph which are of some significance. The paragraph now reads:

25 "At about 12.30pm, I went out to Queanbeyan for another meeting with the New South Wales Rural Fire Service. I can no longer recall who else attended or details about what was
30 discussed but, again, recall leaving the meeting with the impression that Rural Fire Service felt that the McIntyre's Hut fire could be contained. I made notes about the meeting when I returned to ESB and these
35 notes will be amid the documents seized at ESB."

Were you the only ACT person at that meeting as far as you can recall?

40 A. I can't clearly recall. I attended at least two meetings in Queanbeyan and at least one, or perhaps both, of those meetings somebody else attended from ACT with me. I think at least one of those meetings, it may have been Nick Lhuede who attended with me.

45

Q. I'm sorry?

A. It may have been Nick Lhuede who attended with

me at at least one of those meetings.

Q. Were you there in your capacity as a planning officer?

5

MR WATTS: Sorry, he wasn't actually a planning officer.

MR LASRY: Q. Sorry, as part of the planning unit. Were you there in your capacity, quite right, as a member of the planning unit at ESB?

10 A. That's correct.

Q. Were you there for the purpose of - liaison with New South Wales planning was part of the reason for you being at that meeting?

15 A. Part of the situation unit's role is to gather information from whatever source it can glean that information. I was there on an information gathering exercise.

20

Q. We are talking about the 17th, but up until the 17th had you had regular or frequent contact with the planning section at Queanbeyan?

25 A. From time to time, yes. Understanding that I think on the 15th and 16th I was rostered off for those two days. In the lead-up to that, I had been in contact with RFS in New South Wales, and then again on the 17th.

30

Q. Perhaps I can just slightly amend the question I asked you. Whether you or somebody else, did you understand that there was a regular liaison between the ACT planning unit and the equivalent planning unit at Queanbeyan?

35

A. It was periodic. I don't know whether it was regular on a scheduled basis.

Q. As at the 17th of January within the planning unit at ESB at Curtin, had you been involved in planning for the possible consequences in the ACT from the McIntyre's Hut fire? I appreciate you were concerned about the McIntyre's Hut fire, and you said that you were, but was there any planning going on that you were involved in or that you knew was going on?

40

45 A. Not to my recollection. The planning that was

undertaken was for the fires within the ACT up until that stage, as I understand it.

Q. Well, in the days prior to --

5 A. Excuse me, can I add one further point to that?

Q. Certainly.

10 A. I know that there was activity being undertaken by ACT Forests on their north-western boundary with the use of dozers throughout that fire period. I think there was actually a dozer destroyed on the 18th that was still working in that general area. So there was thought an
15 activity being put in. I think that was more of an ACT forest nature than an ESB nature.

Q. Mr Cooper has been here. You may have been here when he gave his evidence and described his
20 very strong desire to protect the ACT pine forests and has given evidence that he was particularly concerned about the possibilities for those forests from the McIntyre's Hut fire. I think it is fair to say, isn't it, that those measures were
25 being taken as a result of that concern?

A. Of his and others within ACT Forests.

Q. Yes, I am sure he is not the only one that was concerned, but that's the way he described it. My
30 question was more to do with whether within the ESB planning unit or planning office there was any planning being done for the possible consequence of the McIntyre's Hut fire crossing the border as at the 17th?

35 A. No, not to my recollection.

Q. Did you know whether or not your equivalents or the people doing the equivalent work that you were doing at Queanbeyan up until the 17th had any
40 plan which catered for the possibility that McIntyre's Hut fire would break its containment lines and enter the ACT; was that ever discussed with you by them?

45 A. I don't think so, no.

Q. After your return from Queanbeyan, you say in the amended paragraph 35:

"My diary notes indicate that after returning from Queanbeyan, I spent time modelling and forecasting fire behaviour before attending the regular 4.30 Service Management Team meeting. On this occasion, I believe the meeting was taped, or at least I have a recollection of a tape-recorder being on the table in the meeting room. Before the meeting I presented a report on behalf of the situation unit to Rick McRae in which I predicted that if left unchecked the McIntyre's Hut fire would be at Uriarra Settlement by noon on Saturday and then on into Stromlo Forest and into the adjoining Canberra suburbs by around 2000 hours that Saturday. It is minuted that Rick McRae presented this information at the meeting. However, Rick McRae's presentation was possibly augmented with some input from me, presenting this information to the meeting in map form."

I just want to ask you about your recollection first of all of the tape-recorder. Is that a clear recollection that you have?

A. Certainly at some stage during the SMTs, I have a recollection of as you walk in the main door on the left-hand side on a table a black tape-recorder about three-quarters of the size of that (indicated) sitting on the table. I think it was from around that meeting on that I recall it being there. It may have been to tape the meeting or it may have been for other purposes.

MR LASRY: I should say, your Worship, we are unaware of any taped recordings of these discussions. Obviously if they exist we would be very pleased to receive them. I think before I saw it in Mr Taylor's statement, I was unaware that it was suggested that they were recorded. I suppose I should say, perhaps to some extent without much prospect of success, that if there are tapes relevant to this period we would like to have them.

Q. I will show you briefly the minutes of that meeting. Before I come to the minutes, I will

show you one other document for the 17th of
January. If we could have [ESB.AFP.0110.0933].
This is actually out of order. This is after the
meeting, I am sorry. The document that is on its
5 way to the screen, Mr Taylor, is a message form I
think signed by you at 1915 on 17 January. You
have simply written on that form:

10 "A key requirement is that each asset in the
fire footprint is assessed for protection
potential and access."

Do you recall writing that document?

A. Yes, I do.
15

Q. Obviously that is your handwriting and your
signature?

A. Yes.

20 Q. Tell us how you came to write that message
form, please.

A. Following the SMT meeting that afternoon, that
was one of the issues that was discussed and I
noted it and actioned it by passing that minute
25 from planning to OPS.

Q. That has gone via Mr McRae, hasn't it, he has
written something underneath?

A. It appears so, yes.
30

Q. What he has written is:

35 "Recommend that: a protocol (?based on New
South Wales) be used for 'triage' tonight.
This to be done by field crews. Kel is
looking at the protocol now."

Did you understand what that protocol was about
and how it would work?

40 A. No, I didn't. I don't recall seeing that. I
suspect that is something Rick has written on its
his way to OPS after I have handed it to him.

45 Q. Perhaps we will go to the minutes briefly
[ESB.AFP.0110.0865] at 0866. While that is
coming, I understand, Mr Taylor, that you prepared
a map for demonstrating at the evening planning

meeting the rate of the predicted rate of spread of the fires?

A. That's correct, yes.

5 Q. I gather it is one of those on the stand there. Can you see that map, Mr Taylor?

A. Yes, I can.

10 Q. We had some evidence from Mr Lhuede about that yesterday. But is that the map?

A. Yes, it is.

15 Q. Was that map produced and discussed in the course of the meeting on the night of the 17th; do you recall?

20 A. If I recall some time on the afternoon of the 17th we had a request from Rick McRae into the situation unit where there was a number of us working, particularly Nic Gellie, myself and Nick Lhuede, to urgently look at where the fires were likely to be by Saturday afternoon. And if I recall, the meeting may have even been postponed while we urgently prepared or did some thinking about this. I suspect there were other reasons
25 why the meeting may have been postponed also.

30 Q. Indeed the regular 4.30 meeting that you refer to in paragraph 35 was actually held at 6 o'clock, so that obviously accords with your recollection. Can you just explain to us the way in which that map was created, the way in which you generated the information that is on the map and, as far as you are concerned, what it describes. You can go to the map if you need to.

35 A. The map was developed by taking a point at which the fire was at or likely to be at at the time we were developing the map, applying rates of spread from that point radiating out and estimating that if at X kilometres an hour in Y
40 hours it would be that far from where it started, scaling that distance on the map and drawing an arc.

45 The concept of an arc is that that can take account of wind change or a shift in direction. It can also take account of the fact of topography because the fire may run more quickly uphill in

one direction than another. And it can also take account of the fact that the point that you actually start the fire at may not be exactly where it runs from. So a line of the arc then
5 becomes an approximation or a line of best fit where you think it might be at a particular time.

Q. In order to make that calculation, what information were you using and how were you
10 calculating the rate of spread and the potential that is shown on that map?

A. The calculation was being undertaken using the fundamentals of the McArthur meter, I think version 5. At that stage I suspect we were using
15 largely the forest fire danger meter rather than the grassland forest fire danger meters, given the rush we were doing this in. That was also corrected by some local knowledge about fuel types, slopes and likely or forecast weather
20 changes during the period. So it is an approximation based on Nick Lhuede, Hilton Taylor and Nic Gellie's experience, combined with the McArthur meter.

Q. Was the local experience insofar as you describe it as having a corrective effect, does that tend to increase the rate of spread in these particular circumstances?

A. In some circumstances uphill westerly aspects
30 with heavy fuel loads, absolutely correct. In other areas, we might wind it back a bit.

Q. What forest fuel load were you working on at the time you were preparing those predictions?

A. It varied. Some of the fuel loads in the high country were quite low, in the high single figures or around maybe 10 tonnes to the hectare; whereas in some of the south easterly aspects in the ash type forests, the fuel load was much higher -
40 perhaps into the tens of tonnes per hectare.

Q. In relation to some subsequent predictions that you made, particularly on the Saturday morning, at the time you were making these
45 predictions were you aware of Mr Cheney's Project Vesta work and information that was available at that stage - that is, at the time you were making

these predictions - about the possible error particularly in the MacArthur forest meter, an error which, as I understand it, in those circumstances tended to underpredict; was that something you were aware of then?

5 A. I was aware that the work was either going on or had been done. I didn't have access to it at the time. Through discussions with Nic Gellie, Nick Lhuede and myself, we may have subconsciously taken it into account but certainly not actively or proactively.

Q. I think that work suggested that in particular circumstances so far as the forests were concerned the rate of spread might underpredict by a factor of 3. I take it you weren't imposing numbers like that necessarily on your predictions at that stage?

15 A. The multiplier effects of slope and terrain on the listed numbers on the McArthur meter can be in excess of a factor of 3 for steep areas and steep slope. So we were taking those sorts of factors into account.

20 Q. The particular paragraph which is on the screen from the minutes represents Mr McRae's statement of the potential of the fire as it says in the second half of the first paragraph:

25 "There is the potential for the fire to reach Uriarra by midday tomorrow, the Cotter Pub and Reserve at 1600 and Mt Stromlo and potentially Narrabundah Hill by 2000 hours. Planning is to provide a map of predicted unattended rate of spread."

30 Is that the map (referring to [ESB.AFP.0110.1035])?

35 A. It is my understanding that that map was done on the Friday afternoon not --

Q. This is another map that has got to be prepared?

40 A. Or requested.

45 Q. Were you or someone else in your section then requested to prepare the map that is referred to

in that minute in relation to the planning part of the meeting?

A. Our section certainly continued working on predictions for the next morning meeting.

5

Q. In relation to paragraph 35, you have added to the statement, I think, that the information based on that map and based on your calculations was presented by Mr McRae. And your belief is - I assume from the amendment, Mr Taylor - that you had some input into that presentation at the meeting itself; is that right?

10

A. That's correct. My original thought was that I had actually presented the map at the meeting, but then the minutes indicated that Rick McRae had made a presentation along those lines. I suspect it was a joint presentation which often occurred at those SMTs.

15

Q. The SMT meeting on the night of the 17th, was it quite a large meeting with a lot of people present?

A. Yes.

Q. Approximately how many would you think were there?

A. In the order of 30, I suspect.

25

Q. Were a number of those people participating by asking questions and engaging in discussion or was it effectively a briefing session?

30

A. It was largely a briefing session, but there was some discussion as well.

Q. After that meeting you went back, as you say in paragraph 36 to modelling, and in particular the modelling you were then doing after that meeting was the Stockyard Spur fire, but it was the fire that resulted from the joining of the Stockyard Spur and Mt Gingera fires; is that right?

35

40

A. That's correct, yes.

Q. On the following day on the 18th, you attended the morning planning meeting and you also by then, as you have described in paragraph 38, had some concerns about what you describe in that paragraph

45

as an "imbalance of resources"?

A. That's correct.

5 Q. You wrote a memo in relation to that which you asked at least one other person to sign. Can you recall was that prior to the meeting or as a result of the meeting?

10 A. The time at the top of the memo indicates it may have been commenced prior to the meeting. But my recollection is that the second and third points in the memo were as a consequence of the meeting.

15 Q. The minutes for the meeting which I ask to be brought up are [ESB.AFP.0010.0266]. Have you had a look recently, Mr Taylor, at these minutes to establish which came first - the meeting or your memo?

20 A. I've looked at both and thought a lot about this in the last week and I suspect that I commenced writing that memo at around 9 o'clock. I may have even got the first point written and I suspect that was as a consequence of a discussion with Tony Bartlett who had been in the helicopter
25 that morning, and I suspect at that time I may have encountered Tony Graham somewhere in the building and passed that first point to him. He's noted and signed it. I then suspect that I went on to compose the rest of that minute subsequent
30 to the meeting.

35 Q. Perhaps while the minutes remain on the screen, the memo that you wrote is brief enough and is [ESB.AFP.0110.0693]. This is your message form dated 18 January at 9am; is that right?

A. That's correct.

40 Q. Under "Points to note", the first point is:
"Reports of active fire in the Uriarra Two Sticks area."

Which is then initialled by Mr Graham as "noted"?

45 A. That's correct.

Q. Why did you write that particular point?

A. As I recall, that was a report back from I

think Tony Bartlett who had been in the helicopter that morning and done a reconnaissance flight, and I met him in ESB that morning prior to the planning meeting.

5

Q. Point two says:

10 "This fire under the influence of westerly/north-westerly fire weather has the potential to impact on rural lessees, the Canberra rural/urban interface from Hawker to Weston Creek from around 1500 this afternoon."

Point 3 is:

15

"This fire needs to be resourced as a priority."

20 In relation to point 2, can you describe to us the calculation or the work that you did in relation to the McIntyre's Hut fire that went into you reaching that conclusion and writing this memo?

25 A. Yes. Broadly, I continued to use this map that we had prepared on the Friday afternoon as a base. I re-looked at the issues, where the fire was, how it was travelling and still arrived at the fact that I thought it would be around the Uriarra area around midday. From Uriarra to the western parts of the urban interface were around 30 the 12-15ish kilometre distances and largely grasslands in between with some pine forest in the Stromlo area.

35 With grassland rates of spread for the forecast weather conditions and the types of slopes that were involved from the Murrumbidgee up to the edge of Canberra, I guessed that rates of spread could be somewhere in the 3 to 9 kilometres per hour rate. I picked a middle number around 5 or 6, 40 applied that to a distance of about 15 kilometres, worked out there was about 3 hours-ish of travel time from midday to somewhere around 3 o'clock to the western edge of Canberra.

45 Q. Was that work done by you only or in conjunction with anybody else; was there, for example, computer modelling of any kind used for

this purpose?

5 A. I had been using a computer spreadsheet, which was just a McArthur meter taken out of a round slide rule format into a spreadsheet. I had been using that continuously throughout the fire. Nic Gellie also had a GIS based model that he was drawing likely fire movements on.

10 From time to time we were preparing information separately and then discussing and seeing where the overlaps were, where the concurrence was and discussing whether there were any differences. Normally the two systems were coming up with similar answers.

15 Q. So this was a document prepared with the agreement of Mr Gellie. He agreed with the prediction that was incorporated in paragraph 2?

20 A. I suspect not. I think I may have done that probably in closer association with Bob Wilcox, I suspect, given that he is a cosignature, coauthor of this.

25 Q. Had you had any discussion at all with Mr McRae about the view that you express in this memorandum or this message?

30 A. No. And if I recall the reason that Bob Wilcox signed the thing is I was taking, if you like, counsel from him. He was an experienced senior RFS planning officer. On that Saturday and in the time leading up to that as things became very busy in the Emergency Services Bureau and with the nature of the building, it wasn't always easy to locate Rick. I felt this was fairly
35 urgent and wanted to get it out. I discussed it with Bob Wilcox and got him to sign it in the absence of being able to locate Rick at that time.

40 Q. This was information that was for the operations section?

A. Absolutely.

Q. And particularly for Tony Graham, I assume?

45 A. For the operations officer.

Q. Operations officer, yes. Do you know what became of this document after you signed it? Had

Mr Wilcox signed it?

A. Yes. I walked it to operations. It was handed to Tony.

5 Q. And he has initialled it or signed it with some information there, I assume. Is that "units" he is describing there being dispatched?

A. My understanding of those notes is has has put "Molonglo 3, Jerra 10, 21 dispatched" meaning tha
10 tthey are volunteer units. It looks like a volunteer officer and two units that have been dispatched.

Q. Were you standing there with him when he wrote
15 that on it and signed it; or was that something written on the document subsequently?

A. I don't recall witnessing him writing that on there or dispatching those units.

20 Q. Paragraph 3 in the message form says --

MR WATTS: Could this be brought up on the screen, please.

25 MR LASRY: Sorry. It is [ESB.AFP.0110.0693].

Q. Just perhaps going back to your statement for a moment, Mr Taylor, in relation to the preparation of this document. It is dealt with in
30 paragraph 38 with some slight amendment and reads:

"I attended the SMT meeting that morning. Again, I believe the meeting was taped, or at least I have some recollection of a
35 tape-recorder being on the table in the meeting room. The Service Management Team queried the assessment I had made the previous day about the likely path and timing of the McIntyre's Hut fire. I again provided
40 my prediction if the fire was left unchecked. Of note that Saturday morning was that there were a lot of resources at the southern end of the ACT around Tharwa, to the extent that I thought there was an imbalance and so I
45 actually wrote a memo and got it signed by Rick McRae, and/or Bob Wilcox outlining concerns of the situation unit about this

5 imbalance of resources to the southern end as
opposed to the northern/western edge of the
city and the fact that the north-western
portion of the fire complex had the greatest
potential to cause loss of life and property.
I suspect this imbalance was because the
McIntyre's Hut fire was being managed by New
South Wales, leaving ACT to deploy more of
its resources to the south."

10

That's right; isn't it?

A. That's correct.

15 Q. That's what led you to write this document,
and in particular it led you to write point 3:

"This fire needs to be resourced as a
priority."

20 A. That's correct, yes.

Q. In writing that, Mr Taylor, what did you
actually have in mind would happen?

25 A. I was concerned for rural properties in the -
let me step back. In my mind at the time was that
there were a lot more resources seemingly in the
south. I was possibly unaware of the extent or
number of resources that were in the northern and
western parts of the ACT but I was aware of the
30 properties in that area, the rural villages, the
lessees and also the interface of the urban area.
I expected that property protection in that area,
if the McIntyre's Hut fire took a run, would be a
priority that needed to be given a high level of
35 consideration.

Q. Mr Wilcox is from the planning section of the
New South Wales Rural Fire Service; is that right?

40 A. That's correct.

Q. He was at your office at the time you wrote
this note?

A. That's correct.

45 Q. Had you discussed with him or did he provide
you with any information from the New South Wales
point of view as to what they thought the

behaviour of the McIntyre's Hut fire would be over the balance of the 18th of January?

5 A. No. And I should point out that he was working with us in the ACT as a quasi ACT officer at that stage. He wasn't a liaison officer or a representative. He was from Ballina and in our office working with us as more resources.

10 Q. You make the point in paragraph 41 and this has been subsequently amended:

15 "I don't think anybody comprehended, or could have comprehended, the rate at which the McIntyre's Hut fire jumped the Murrumbidgee River and came across the open ground between the Murrumbidgee corridor and Stromlo Forest. This happened during the early afternoon. The fire just seemed to burn across bare ground defying all the models."

20

As it turned out, Mr Taylor, your prediction in that message form was pretty accurate; wasn't it?

25 A. That was a prediction of unchecked fire behaviour.

Q. Yes, I appreciate that. But in effect what you predicted is what actually occurred?

A. Yes.

30 Q. At the time that you wrote this, or for that matter on the previous evening, had you turned your mind to the possibilities for the western suburban edge of Canberra, particularly when you wrote this message form you are predicting an impact on the urban interface from Hawker to Weston Creek. But were you considering what the effect of that impact might be?

35 A. No. In the context that I believed the fire progress could be checked on the grasslands.

40

Q. Were you aware of any plan within your planning section, planning unit, that catered for the need to do that, either on the 17th or 18th of January?

45 A. Not a detailed plan. Certainly not an incident action plan for that. But I do recall discussions of various containment lines,

including the large power line that ran through the Uriarra pine plantation, the Brindabella Road and the Murrumbidgee River all being considered as potential or possible containment lines. Now I'm
5 not sure whether that was ever formalised into a plan, but it was certainly part of discussions that were undertaken.

10 Q. Who was involved in those discussions that gave consideration to those particular containment lines or possible containment lines?

A. At least members of the situation unit. And I can't say who that was. I do recall perhaps -
15 there must have been broader discussion of that because I recall from Neil Cooper's evidence that he was concerned about using the Brindabella Road as a potential containment line and what that meant for our pine plantations north of Brindabella Road.

20

MR LASRY: Thank you, your Worship. I don't have any further questions for Mr Taylor.

25 THE CORONER: Thank you, Mr Lasry. Mr Archer, do you have any questions?

<CROSS-EXAMINATION BY MR ARCHER

MR ARCHER: Q. Do you have your statement there, Mr Taylor?

30 A. Yes, I do.

Q. Can I take you to paragraph 35. That prediction of the fire reaching Stromlo Forest and into the adjoining Canberra suburbs by around 1800
35 hours, was that a prediction that you repeated or was repeated at the planning meeting that night - is it 1800 or 2000 hours?

A. It is 2000 hours as per the amended version of my statement.

40

Q. Can I then take you to the following morning. So far as the prediction at the planning meeting that morning was concerned, did that see the prediction come forward to 1800 hours?

45 A. As I understand it or recall, there was some discussion about the prediction on the Saturday morning and it was, if I recall, both a subjective

and qualified discussion. And the unclear nature of that in part led me to putting in writing what my thoughts were about that.

5 Q. Is it your recollection that there was some debate at that meeting about when the fire might reach that point adjoining the suburbs of Canberra; is that your recollection?

10 A. In the context that it is an inexact science, of course. No-one could predict exactly when it was going to arrive there.

15 Q. What I am asking you, was there debate that was verbalised at that meeting about where the fire would be at a particular point of time?

A. I don't recall debate, no.

20 Q. You have seen the minutes of that meeting, haven't you?

A. Yes.

25 Q. You have read over them this week. The minutes of that meeting record that the impact was likely to be about 1800 hours?

A. I think that's correct, yes.

30 Q. Could the document [ESB.AFP.0110.0693] be brought up, please. In answer to some questions from Mr Lasry, I think your position now is that you think that point 1 of that message form was developed prior to the planning meeting and was signed off prior to the meeting?

35 A. That's the only way I can explain the time of 9 o'clock being when the memo was commenced, and my clear recollection that the other two points were written subsequent to the planning meeting.

40 Q. The signature of Mr Wilcox seems to be timed. Do you agree there is an entry there that seems to read, I might be wrong but it might be 0900 or 0800?

A. That's what what it appears, yes.

45 Q. Does that affect your assessment as to when this was prepared?

A. No. I suspect he probably glanced at the top of the form to determine the time.

Q. In timing his signature, as it were, you think he might have just looked at the top of the form, looked at 0900 and signed accordingly?

A. Yes.

5

Q. This document was handed to Mr Graham?

A. Yes.

Q. Can you say in relation to point 2 then at what time it was that that point would have been completed on the form?

A. I suspect immediately after the planning meeting. I recall having a discussion with Tony Bartlett and Neil Cooper at the end of the planning meeting, still standing in that room at the table, and then exiting the meeting and writing the document immediately.

Q. So what time in your mind then was that point filled out on the form?

A. Possibly around 10.

Q. It was walked around to where Tony Graham was?

A. That's my recollection, yes.

25

Q. Did you have any other discussions with people outside the planning area that morning as to the prediction contained at point 2?

A. Outside of the planning area?

30

Q. Yes.

A. Possibly with Tony Bartlett and Neil Cooper in that discussion following the planning meeting.

Q. Did you have any discussions with people who had direct operational responsibility that day, for example, Mr Prince from the ACT Fire Brigade?

A. Not that I recall.

Q. So far as the planning meeting that morning was concerned, did you express a view in relation to that issue about unattended rate of spread and where the fire might be at a particular point in time?

A. Yes. In accordance with my statement, yes.

45

Q. Were there other points of view that were

expressed at that meeting?

A. I suspect not. At the time it was a large meeting, a busy meeting, with a lot of information to get through. I probably made, as I said
5 before, a subjective and qualified statement that afternoon and I think in the meeting it is minuted that I said around 1800 hours. When I had to commit pen to paper and really think about what it was that I wanted to say, I obviously revised that
10 to 1500 hours perhaps as a worst case scenario.

Q. After the meeting had concluded?

A. Yes.

15 MR ARCHER: Yes, thank you, Mr Taylor.

THE CORONER: Mr Lakatos?

MR LAKATOS: Yes, thank you, your Worship - very
20 briefly.

<CROSS-EXAMINATION BY MR LAKATOS

MR LAKATOS: Q. We were told yesterday that that map on the wall, which I think is
25 [ESB.AFP.0110.0135], was a map the markings on which you contributed to putting on; is that so?

A. Yes.

Q. The arcs, as I think you told us this morning,
30 represent your estimates using the modelling of the outer edges of where the fire might get to at relevant points of time which are similarly marked on the map; is that so?

A. Yes.

35

Q. There is a sort of a segment, a cheese segment, if I can call it that, looking at the McIntyre's Hut depiction; what does that segment represent?

40 A. As I explained before, the arcs or the wedges - to do a model like this it is a hypothetical. You need some assumptions. The wedge is to take account of the fact that the wind may change direction and/or the topography between
45 the point of where the fire is coming from, origin, to where it is going to be may run off at different rates of spread uphill and downslope in

different areas, therefore, making further out you go the less the exact the likely impact point is, hence the widening of the wedge.

5 Q. May we take it that the wedge represents your best estimates based on your calculations of where the fire would go; is that a fair statement?

A. Yes.

10 Q. Outside the wedge are areas where, at least properly read, the diagram indicates you don't think unless there is a dramatic change of wind direction the fire might go; is that so?

15 A. No. I think you were half right. It is where it most likely would go. Outside the wedge it still could go.

Q. The further outside the wedge, the less likely, according to your modelling?

20 A. Yes.

Q. So that if one looks at the arc for 2000 hours, it appears to touch, if my view of it is right, the western edge of Belconnen or pretty close to it; is that right?

25 A. That's right. That's the most northerly extent.

Q. Properly read, with a view of what you had in your mind at that time, that map does not predict, does it, as a matter of high probability or even mild probability that the fire would reach the western edge of Belconnen?

30 A. No, properly read that indicates a low probability of reaching up there.

Q. Because it is very close to the edge of the arc a fairly low probability on top of that; would you agree?

40 A. Yes.

Q. The last matter I want to raise with you, Mr Taylor, is the minute of the 18th of January at 9am which you have been asked many questions about. It is document [ESB.AFP.0110.0693] which is on your screen. I think you have indicated that the science of predicting the spread of fires

is an inexact science?

A. Yes.

5 Q. One makes a number of assumptions, some of which may prove to be true and some of which may prove not to be true?

A. Yes.

10 Q. Based upon those assumptions, one makes the best estimate one can as to where the fire would go?

A. Yes.

15 Q. In point 2, which seems to be the critical point of this document, you indicate that the fire, as we understand it the McIntyre's Hut fire:

20 "... under the influence of westerly/north-westerly fire weather has the potential to impact on firstly rural lessees - then there is a comma, or perhaps should be, do you agree - the Canberra rural/urban interface from Hawker to Weston Creek from around 1500 this afternoon."

25

A. Yes.

30 Q. I think your evidence to Mr Lasry was your starting point for that calculation was that the fire would be at or around Uriarra at about 12 o'clock - midday that day?

A. That's correct.

35 Q. You have then indicated the various rates of spread that you chose to in fact insert into the equation to get to that result.

A. Yes.

40 Q. You make no differential in that note, do you, between when the fire would reach the rural lessees and when it might reach the Canberra rural/urban interface?

45 A. I think - well, it was my intention that from Hawker to Weston Creek from around - so it is that part of it that refers to the 1500 hours.

Q. Obviously it is a note that you made in a

rush. Certainly if one was reading that document without having spoken to you, one might be a little confused as to when the time the 1500 hours - let me withdraw that and put it properly.

5 If one reads that document there may be some confusion as to when the fire would reach the rural lessees as opposed to the Canberra urban interface, given that there is only one time stated on the document.

10 A. Yes, there is potential for that.

MR LAKATOS: Yes, thank you.

15 MR LASRY: Before the questioning continues, there was one matter that I meant to ask this witness which I omitted. Perhaps I should do it before the rest of the cross-examination. I should have done it before my learned friend started. If your Worship is content for me to do that.

20

THE CORONER: Yes.

<FURTHER EXAMINATION-IN-CHIEF BY MR LASRY

25 MR LASRY: Q. I asked you some questions earlier about Felicity Grant who has made a statement to this inquest [ESB.AFP.0108.0251]. Have you had the opportunity of reading that statement?

A. No, I haven't.

30 Q. She makes during the course of her statement in describing her role in the planning office a number of criticisms of the office and, to some extent, criticisms of Mr McRae. And perhaps she can be asked more particularly about that. There is a couple of matters that I wanted to ask you about which are set out in paragraphs 33 and 34 of that statement page 0259. In that part of her statement she says:

40 "I knew from my ICS training that Rick McRae would act as the planning officer. I was under the impression that the role of the planning officer was to co-ordinate the activities and strategies of the planning office for the benefit of both logistical and operational tactics. At my time in the planning office, Rick gave me minimal

directions. If anything, his actions at this time confused the situation within the planning office."

5 Pausing there, do you have a view first of all as to the level of direction that you were given by Mr McRae and the effect of his direction during the time that you were in that office?

10 A. I guess I was in a situation where I was given one clear instruction, and that was to operate within a situation unit. And fortunately I was reasonably familiar with those roles and buried myself in that and continued to do that.

15 Q. For the purpose of the work that you were doing in the situation unit, you spent some time with maps, and she refers to electronic maps that were stored on Mr McRae's computer. Did you have first of all a need to refer to electronic maps
20 that were stored on the computer?

A. As we've heard in other evidence, the maps were an issue throughout the fire. But the issue was that from time to time we would have liked to have been able to produce purpose generated
25 planning maps rather than relying on generic maps that are bought off-the-shelf, which often have joins in the middle of fires or adjacent to fires, in between fires and containment lines, and things like that. I think it refers in my statement to a
30 visit to the Queanbeyan RFS headquarters and seeing their GIS mapping capabilities there. I recall some degree of envy at the quality of maps they had. They were electronic purpose generated
35 maps.

Q. Did you understand whether or not it was possible to generate those kinds of maps at ESB in Curtin?

40 A. I understand it was possible. There were some technical glitches. I didn't concern myself with what the nature of those glitches were.

Q. In paragraph 34 Ms Grant is critical in relation to issues of leadership and direction "in
45 terms of the objectives of the office". Now particularly with the benefit of being able to look back at that period between the 9th and the

18th, do you have a clear understanding now as to what the purpose was of the work that you were doing between those dates; in other words, what the objectives of the planning office were?

5 A. My understanding of the objectives of the planning office were to gather information from all sources available, assimilate that information and develop out of that information likely scenarios and potential alternative positions that can be taken forward. Particularly that was the role of the IC of the situation unit within the planning office.

15 That information should then be fed up along with other units within the planning office to develop in association with other members of the Incident Management Team an incident action plan. The first part of that is selecting out of the alternatives the situation unit puts up which alternative should be developed further. And for that strategies, objectives and tasks should be developed associated with a communications plan, a logistics and resource plan and detailed maps and scheduling of operations for the next shift.

25 Now for that to occur you need information funnelling in from various areas. I understood it is the planning officer or the leader of the planning unit to collate, co-ordinate and drive that planning process to produce the IAPs.

30 Q. So as far as you are concerned, the incident action plans to which you refer were documents that ultimately should have been prepared at Curtin as a result of the work that was being done by your unit and, as you say, other information funnelling in?

A. In the absence of facilities in the field --

40 Q. In the field, yes.

A. --for incident action plans to be generally developed there, I believe that it was the role of - it should have been a function that was carried out in Curtin, yes.

45

MR LASRY: Yes, thank you, your Worship.

47

THE CORONER: Mr Archer, are there any questions arising from those extra questions?

5 MR ARCHER: No, there is not.

THE CORONER: Mr Lakatos?

MR LAKATOS: No, there is not.

10 THE CORONER: Mr Pike?

MR PIKE: I am going to ask if I can go after my learned friends. I have a few things to check in the transcript.

15 THE CORONER: Mr Walker?

<CROSS-EXAMINATION BY MR PHILIP WALKER

MR PHILIP WALKER: Q. I will just read
20 paragraph 34 of your statement, Mr Taylor, to you. It concerns the meeting at 12.30 in Queanbeyan on the 17th:

25 "I can no longer recall who else attended or details of what was discussed but recall leaving the meeting with the impression that Rural Fire Service felt that McIntyre's Hut fire could be contained."

30 I appreciate what you said in the opening part of that sentence. I just ask whether you have any recollection of what you were told which led you to that impression?

A. I think I specifically asked the question
35 "have you got it under control" or "is it going to break out?" They indicated I think at that stage that they were still undertaking burn out or planning to undertake further burning out operations and they didn't state overtly or to me
40 covertly that "no, we really haven't got this thing, it is out of the box".

MR PHILIP WALKER: Thank you. That is all I wish to ask.

45 THE CORONER: Thank you, Mr Walker. Mr Craddock?

47

MR CRADDOCK: It is 11.30 that coincides happily with the need for me to ask for an opportunity to get some instructions.

5 THE CORONER: That is fine.

MR CRADDOCK: The witness has referred to some conversations.

10 THE CORONER: We will take the morning adjournment.

SHORT ADJOURNMENT [11.27am]

15 **RESUMED [11.42am]**

MR LASRY: Just while Mr Taylor is being recalled can I mention two matters, neither of which concern him. Mr Newham is a witness to be called later in the day. We have located some notes relevant to him, and I think they have been distributed. They are not yet on the system.

20 The other matter is in the original list of witnesses for this week, I think I had announced that I had included Superintendent Lines from the ACT police. I have re-read his statement this morning and, for my part at least, do not now see the need to call him. We would be relying simply on his statement. I don't propose to call him, unless someone else in this room thinks he should be called.

25 THE CORONER: They can just let you know, Mr Lasry.

<CROSS-EXAMINATION BY MR CRADDOCK

MR CRADDOCK: Q. Mr Taylor, are you aware of a computer based mapping program called MapInfo?

40 A. Yes, I am.

Q. Are you aware of a company called Rapid Map Global?

45 A. I believe that may have been the company that was called in to assist during the fire.

Q. They were a consultant to ESB and provided on

a roster system people to work in the planning section doing mapping using the MapInfo program; weren't they?

5 A. I can't say. I don't recall that company name.

Q. You don't recall the company name?

10 A. Not specifically the company name that was called in to be consultants for ESB.

Q. You know there was a company that was called in to do consulting work on mapping for ESB during the course of the fires?

15 A. Yes, that's correct.

Q. With mapping officers in there on a roster?

A. That's correct.

20 Q. Did you know that they were the same consultant who was doing the mapping for the Rural Fire Service at Queanbeyan?

A. No, I didn't.

25 MR CRADDOCK: Thank you, your Worship.

THE CORONER: Thank you, Mr Craddock.

MR PIKE: I don't need to ask any questions, your Worship.

30 THE CORONER: Any re-examination, Mr Lasry?

MR WATTS: Sorry, your Worship --

35 THE CORONER: Sorry, Mr Watts.

MR WATTS: I have no questions.

40 THE CORONER: Yes, Mr Lasry.

<RE-EXAMINATION BY MR LASRY

45 MR LASRY: Q. When you were asked a question by, I think, Mr Walker you were referred to the paragraph in your statement referring to some confidence - I forget exactly how you put it in your statement - that the McIntyre's Hut fire would remain contained or was contained. Perhaps

I should actually quote you the passage.

5 In paragraph 34 as amended you say that you left
the meeting at Queanbeyan with the impression that
RFS felt that the McIntyre's Hut fire could be
contained. Mr Walker drew your attention to that.
I think you said in answer to him that you
certainly didn't get the impression from what they
were saying that the fire was "out of the box", I
10 think is the phrase you used.

Throughout this inquest we have been reminded of
the difference between containment and control.
You obviously understood that difference when you
15 were involved in that discussion at Queanbeyan on
that day?

A. Yes, I did.

Q. On the evidence it would seem the real
20 question was not so much whether the fire would be
contained, because that means keeping it within
containment lines; the real question was whether
or not there was a significant risk that the fire
would breach those containment lines. Was that a
25 topic of discussion when you were at Queanbeyan on
the 17th of January?

A. As I recall that day, I think that was around
lunchtime that meeting.

30 Q. Yes - 12.30 you say in your statement.

A. At that stage I think they were still burning
out or planning to burn out the area and thinking
that they were going to keep it within the
containment lines that they were working to at
35 that stage.

MR LASRY: Thank you. Thank you, your Worship.

40 THE CORONER: Thank you, Mr Lasry. Thank you,
Mr Taylor, you are excused. You are free to
leave, if you wish. Thank you.

<THE WITNESS WITHDREW

45 MR LASRY: Ms Cronan will take the next witness,
your Worship.

47

MS CRONAN: I call Mr Nic Gellie.

<NICHOLAS JAMES HOLMAN GELLIE, SWORN

5 **<EXAMINATION-IN-CHIEF BY MS CRONAN**

5

MS CRONAN: Q. Please tell the Court your full name?

A. My name is Nicholas James Holman Gellie.

10 Q. Your current occupation?

A. I work as a landscape ecologist at home.

Q. You are a principal consultant in relation to that, are you?

15 A. That's correct.

Q. Now, sir, we have on the system a copy of your curriculum vitae which is [ESB.AFP.0111.0316]. I won't take you through it in detail, but could you briefly outline for her Worship your qualifications and experience in this field.

20 A. I completed a degree in Bachelor of Science and Forestry in 1977, a four-year degree at the Australian National University. From there I worked in Tasmania as a fire research officer with the Tasmanian Forestry Commission for a period of on and off for six years, mainly on contract. I was involved with basic fire research to do with fire ecology of button grass moorlands, the application of prescribed fire in heathland, forest and woodland types throughout Tasmania, and also development of guidelines for prescribed burning and aerial ignition with other members of the team.

35

In 1983 I moved on to New South Wales where I became a fire management officer for the Blue Mountains National Park for the National Parks and Wildlife Service. I worked there for a period of 12 years and developed systems of fire appraisal and fire management that was able to combine both ecological, social and cultural values in a way that minimised impact.

45 In 1995 I moved on to Queanbeyan and became a manager of the Natural Heritage Unit, and subsequently a manager of the Comprehensive

Regional Assessment Unit which undertook comprehensive regional assessments of forests for two regions of New South Wales. In 2000 I was offered a voluntary redundancy package, which I
5 took, and became a consultant working from home.

Q. You reside currently in Ainslie?

A. I do.

10 Q. You were residing there in January 2003?

A. I was.

Q. I think in your statement you say that you self-activated in relation to the bushfires in the
15 ACT on the 16th of January; is that correct?

A. That's correct.

Q. What caused you to effectively self-activate on that day?

20 A. Well, given that I had been involved in fire emergencies in New South Wales and in Tasmania, I felt that I had something to offer. I contacted Rick McRae and offered my services, and Rick said, "Yes, come over and please join us". So then I
25 went over there.

Q. Did you have an understanding yourself of the situation before you rang Rick McRae?

30 A. I had a fairly good idea from media reports and also from my observations about fire activity in the Brindabella Ranges that fires were fairly active. And I felt there was a need - given that I knew that there was an impending weather change that weekend that perhaps I could offer my
35 services.

Q. Was that the extent of your knowledge at that point before you actually went to ESB?

A. That's correct.

40

Q. When you arrived at ESB you were given a briefing, I understand?

A. That's correct.

45 Q. Who gave you the briefing?

A. Rick McRae showed me around where we worked in the planning room and showed me the location of

resources and introduced me to other people present.

5 Q. Did he give you some directions as to what role you would be undertaking?

A. My principal role was to aid in the prediction of fire behaviour and spread of fires as part of developing scenarios as input into incident action plans.

10

Q. Before we go on, I will ask that your statement be brought up on the screen, [ESB.AFP.0111.0308]. You made a statement in relation to your involvement in the planning section of the ESB in January 2003. That is dated 17/11/2003. Have you had an opportunity recently to go through that statement?

15

A. Yes, I have. I just would like to make a few amendments to it, if that is possible.

20

Q. What would you like to correct?

A. In the question related to "who is your immediate supervisor and if applicable whom were you supervising," I want to point out in the second sentence there that I have "instead of the supervisory role" I would like to put "people in that supervisory role changed".

25

Q. Anything else you would like to alter?

30

A. Further down at the bottom of the page, to change "I was mapping and situation officer", I would like to change it to "I had a fire behaviour prediction and mapping role".

35

Q. Is that all?

A. At this stage, yes, thank you.

Q. In practical terms what were you doing when you were at ESB on the 16th of January?

40

A. My first task was to find out where everything was and to try and locate the resources needed to undertake the work. Other people in the unit pointed me to systems which they had set up on computers and on maps. I then worked out what I needed to undertake that role.

45

I then was briefed in the afternoon by the

situation officer to prepare a scenario for Stockyard Creek. I then took most of the afternoon, having appraised myself of the field intelligence about what was happening with that
5 fire, and prepared a fire scenario. At the senior management team meeting that evening, I then briefed people present about the potential of that fire and the likely perimeters of it.

10 Q. Can you describe essentially what you saw the likely perimeters of the fire to be at that stage?

A. I saw that if in fact it breached containment lines to the south and to the north of Corin Dam because there was a significant area of fuel
15 unburnt between proposed perimeters and the location of the fire and under the forecast conditions on the Friday, which was forecast to be extreme, I considered that we were likely to have spotting and break-out of the fires at a number of
20 locations. I then used the --

Q. Could I stop you there. At what stage did you understand the eastern containment line of the Stockyard fire to be?

25 A. It was pretty much the road leading down from the Corin flats to Corin Dam and then the Cotter Dam there further to the north.

Q. And you were predicting at that stage spotting
30 over of that eastern containment line?

A. That's correct.

Q. Could you continue - sorry, I interrupted you.

A. Basically, having worked out where the spots
35 were likely to occur, I then applied basic measures of spread for uphill runs towards the top of the range in the northern part of the outbreak and predicted that the fire could potentially spot over further towards Mt Tennant. At that stage I
40 hadn't anticipated that the fire would continue to run late in the evening on the Friday. So I had the fire moving over towards the top end of the Orroral Valley to the north. In the south I had the fire moving to the top of the range by that
45 evening.

Q. Did you have a prediction as to when that fire

spread would occur on the evening of the 16th?

A. On the evening of the 16th, I anticipated the fire spread would have been by about 7 o'clock at the top end of the Orroral Valley and the top end
5 of the range further south.

Q. At about 7 o'clock on the 17th?

A. Mmm.

10 Q. Do you recall who was present at the afternoon planning meeting when you gave that briefing?

A. It was all the people - the various agencies and people involved in the senior management team - about 30 people present.

15

Q. Was there any discussion that you can now recall about planning for the eventuality that you just predicted?

A. I can't exactly recall what was said because
20 at that point I just sat down and let the meeting proceed. I think there were some questions about my predictions. I basically outlined the rationale for the predictions and then sat down.

25 Q. Was there any serious debate contradicting your predictions at that meeting?

A. I can't recall any.

30 Q. Was the Stockyard fire the only fire that you worked on on the 16th of January?

A. That was the one that at the time had the focus of appraisal. So I basically focused on that, yes.

35 Q. What time did you leave ESB on the 16th?

A. I left at around about 9 o'clock.

Q. You arrived again on the 17th to assist?

A. That's correct.
40

Q. What time did you arrive?

A. At around about 9 o'clock.

45 Q. At that stage what was your role going to be for the 17th of January?

A. Pretty much to gather fire intelligence from the field, as much as we could from field reports,

from available fire weather forecasts from the met bureau, and to try and work out the trends in fire weather for the day. And from that the fire predictions based on likely fire outbreaks in the
5 Stockyard and Bendora fires.

Q. Now, firstly, how were you gathering field intelligence?

A. Mainly through field fire reports that came
10 back from the field via operations. We were also --

Q. Physically what was occurring? Were you getting pieces of paper?

A. It was mainly through pieces of paper and
15 intelligence gathered by other people in the unit. Then I was able to take that and incorporate it into my models of fire behaviour and fire
prediction.

20

Q. So essentially you were able to get grid references or landmark descriptions as to the current fire situation when you arrived the next morning?

A. That's correct.
25

Q. You had an up-to-date weather forecast?

A. That's correct.

Q. What kind of mapping equipment were you using at that stage?
30

A. Well, I basically used what maps we had available. I thought the scale that was best to use was the 1:100,000 map of the territory because
35 it had the seamless coverage of the whole area and provided the best base from which to work. I also brought in my own laptop. As the result of work I had been doing with the New South Wales National Parks and adjoining areas, I had integrated
40 knowledge of the vegetation, the terrain and background resource information to help me appraise the type of country I was working in, the type of vegetation, fuels.

45 I then tried to work out as much as possible what information was held in Emergency Services Bureau in terms of fire history mapping. I tried to

obtain as much up-to-date knowledge of that as I could. I then integrated that with what I had on my laptop, what other people had in the planning unit, and then we pretty much worked cooperatively during the day to inform each other about what was going on.

So I was mainly relying on what people were telling me, what information we could get also from the Yarrolumla Incident Management Team. We had a liaison officer, Keith McDougall, who I made numerous requests to try and get the status of fires they knew and any plots in terms of satellite mapping, et cetera, that would help us in our development of scenarios.

Q. You say you were working cooperatively. Could you describe how you were physically located in relation to the other people you were working with?

A. On the Friday I think we had moved into our new planning room that was set up for that purpose. I was located next to the contract team MapInfo who was setting up there as well. We set up some central tables in the office where the situation officer and assistant were working on. I set myself up in a way that I could interact with people that made sense with minimal movement, minimal disruption to my work.

Q. You were working with Hilton Taylor and Nick Lhuede at that stage?

A. That's correct.

Q. Was there anybody else you can recall working with on the 17th?

A. I just seem to recall that there were other people present in the room, but their names just escape me at the present because it has been a year since I was there. I just recall that I felt we were a bit underresourced for the situation and perhaps we needed more people.

But when you come into a new office and you are a volunteer, you don't have necessarily the social networks or the knowledge that other people do of the situation in it. So you really rely pretty

much on what people tell you and then you have to then work out yourself where things are. And then find out who is the person in logistics who can get you the maps or who the person in operations
5 who is supposed to be contacting.

Q. When you first arrived, you say you obtained the maps you needed. Did you have any difficulty in doing that?

10 A. It took me a little while to gather up the necessary maps.

Q. How did you go about doing it?

15 A. Mainly through logistics, who were very helpful, through the situation officer who pretty much knew where things were and --

Q. What did he get you? What did he supply you with?

20 A. Basically I supplied myself pretty much with everything I needed. I felt that I needed to operate independently. People were pretty busy anyway, and I didn't want to interrupt them too much in their work.

25

Q. Can you tell us what logistics gave you in terms of maps?

A. They just gave me basic maps of 1:100,000 scale which enabled me to work on.

30

Q. So a shop-bought map?

A. Yes.

Q. It wasn't a computer generated map?

35 A. No, it wasn't a computer generated map.

Q. You mentioned that the computer mapping people were present in the same room. Were they on the 16th and 17th generating operational maps that
40 could be used by your unit?

A. I can't recall whether they actually produced anything on the 16th. I know that on the 17th they were trying to set up and engage in producing maps. Initially we needed access to things like
45 large A zero plotters and other printers. I recall there were some technical difficulties that they were experiencing.

Q. So is the answer to that question is no, they weren't?

A. No, they weren't.

5 Q. If I can take you back to the morning of the 17th, obviously you are more familiar with the setting in which you were working at that stage. Were you given a specific task when you arrived in the morning in terms of which fire to focus on?

10 A. We mainly focused again on the Bendora and Stockyard fires.

Q. When you say "we", were you working as a group or were you working fairly independently making
15 input into the group?

A. At that stage we started to work cooperatively as a group. So it was pretty much toing and froing and discussing ideas about what might happen during the day.

20

Q. What kind of modelling were you yourself using as an integrated part of that group?

A. Well, I used some of the tools which Hilton Taylor had set up and were very useful. I also
25 had a lot of background knowledge about spread in similar vegetation types where I had worked previously in Tasmania and the Blue Mountains. And I had to sort of adapt somewhat my knowledge to the ACT and try and make it so that the
30 predictions were as close as possible to what could be expected. You are always doing this kind of matching between a prediction and then verification.

35 So I spent a lot of the day going over the maps from the previous incident action plans and from previous situation reports to try and work out what was happening under given situations in a given vegetation type in order to give the best
40 estimates I possibly could for subsequent fire predictions.

Q. Did you attend the morning planning meeting on the 17th?

45 A. No, I didn't.

Q. At some stage during the day on the 17th, were

you asked to do some rate of spread predictions in relation to McIntyre's Hut fire as well as Bendora and Stockyard?

5 A. That happened later in the afternoon, I think just prior to the senior management team meeting to work with Hilton Taylor and Nick Lhuede to prepare a fire scenario to take to that meeting.

Q. To take to the afternoon planning meeting?

10 A. Mmm.

Q. Who asked you to prepare that?

A. It was done as a collaborative effort.

15 Q. Sorry, who asked you to actually do it?

A. Well, as I recall Nick said, "We have to prepare this," and I think as a result Rick McRae requested us to prepare the scenario.

20 Q. You had an up-to-date weather forecast at that stage?

A. We did.

25 Q. You had an idea of exactly where the McIntyre's Hut fire was when you commenced the modelling?

30 A. We had an idea of one outbreak of fire which was on the boundary of New South Wales and ACT adjacent to the pine forest. At that stage we didn't have any other intelligence to guide us as to the extent of the outbreak of the McIntyre's Hut fire.

35 Q. Did you have up-to-date intelligence as to where the fire as opposed to any spotovers was at that stage?

A. No, we didn't.

40 Q. Did you liaise with New South Wales Rural Fire Service in order to obtain that information?

45 A. I seem to recall I asked Keith McDougall to see what information - up-to-date situation reports - that we could get from New South Wales at that stage while we were doing that work. They didn't arrive.

Q. Did you get a written sitrep from New South

Wales at any stage on the 17th that you can recall?

5 A. I cannot recall getting an up-to-date situation report because I would have immediately jumped on it in terms of preparing a revised scenario.

10 Q. What fire spread meters did you use to do your modelling on the afternoon of the 17th. Did you use the McArthur meter?

A. We used the McArthur grassland and forests meters - as I recall I did.

15 Q. You used the grassland and the forest fire rate of spread meters?

A. Yes.

20 Q. Did you actually do your modelling using the meter yourself or did you have a computer model that you input data into?

25 A. Well, basically what we did, we worked out what the expected worst conditions were for the Saturday and we also had to take into account this uncertainty - this is one of the issues with any fire predictions - you need to have very good reliable field information. At that point I felt uncertain as to the information we received about outbreaks of fire at McIntyre's Hut. It was very difficult to know the extent of the fire, because 30 if it had broken out and was quite large it meant that the possible spread for the following day would be even larger. We were just basically working on a single outbreak.

35 Q. A single outbreak into the pines?

A. That's right.

40 Q. So you were modelling from a single outbreak into the pines near the border in the Uriarra pine forest?

A. That's correct.

45 Q. Which is pretty much what happened on the 18th?

A. That's correct.

MR WATTS: I hesitate to interrupt my learned

friend but I think there is a transcript matter.
On page 5028 the question is: "You used the
grassland and fire rate of spread meters". I
think his answer was "grassland and forest". He
5 was referring to the two kinds of meters, as I
recall his answer.

THE CORONER: Yes, it was.

10 Q. That's what you said, isn't it, Mr Gellie, you
used the grassland and the forest meters?

A. That's correct.

MS CRONAN: Q. You had a fairly expert knowledge,
15 did you, of what was in between the ACT border and
the urban edge in terms of grassland and forest
land?

A. At that stage I used a graphical image taken
in about 1998, a Landsat image showing the extent
20 of pine forest and of grassland. I used that to
work out the likely vegetation in the path from
the spot fire that we had located on the ACT/New
South Wales border.

25 Q. Were you aware at that stage that some of the
grassland that the fire would potentially travel
through was in fact eaten-out grassland?

A. I was aware of that.

30 Q. So you used the eaten-out grassland rate of
spread?

A. On the basis of my knowledge of using the
McArthur grassland meter, I used the McArthur
grassland meter mark 3 which doesn't take into
35 account fuel state as much in terms of rate of
spread and of my experience of fires up in the
Hunter Valley in 1994 where I observed from a
helicopter fires burning in very heavily grazed
country. I used that knowledge to say to the
40 others, "Well, I think it is actually going to
burn through the grazed-out country under the
conditions because it is an extreme forecast for
tomorrow".

45 Q. At that stage can you tell us what you
expected the fire danger index to reach on the
18th when you were doing this modelling?

A. We expected the range of fire danger indices to be somewhere between 50 and 70 based on the information given by the met bureau, and we used that as a possible worst case scenario. Although I
5 think at that stage there was also - given we didn't know how certain the Rural Fire Service were containing the fires at McIntyre's Hut, we weren't quite certain at what time of the day it would break out, which then would affect where it
10 would travel to later in the day based on the expected rate of spread and fuel conditions.

Q. Were you familiar at that stage with the CSIRO grassland fire spread meter?

15 A. You are talking about the mark 5 McArthur meter?

Q. I don't know what mark it is.

A. There are a number of different models.
20

Q. The one that was published in 1997.

A. I think the ones that we had in the office were this one - grassland fire danger meter mark 4 - and we also had the McArthur forest
25 danger meter mark 5.

Q. You actually have the meters that you used here with you in court?

A. That's correct.
30

Q. Would I be able to have access to those?

A. Sure.

Q. I won't take them from you and tender. I will
35 just read onto the record that you used the grassland fire danger meter mark 4, which was from the CSIRO, Australian Division of Forestry, Bushfire Research Unit and the forest fire danger meter mark 5 is also from the CSIRO; is that
40 correct?

A. That's correct. And I would also add that we used the mark 3.

Q. The mark 3 of which meter?

45 A. The grassland meter. These are also published as equations in the scientific literature.

47

Q. Sorry?

A. They are published as mathematical equations in the scientific literature. That's how they can be put onto a spreadsheet to work out what the
5 diurnal changes in spread are.

Q. You said earlier in your evidence that when you were doing this modelling you told somebody that, based on the fire danger index or the
10 general conditions that were forecast, you didn't consider that it would stop in the grasslands, it would in fact spread through the grasslands; is that correct?

A. That's correct.
15

Q. Can you tell her Worship what your opinion was about that firstly and who you told?

A. Well, basically it was done as part of development of the scenario. If the fire had
20 stopped on the grasslands then it is possible that some parts of the Murrumbidgee corridor wouldn't have burnt. Under the extreme fire conditions that we expected, Hilton, Nick and I considered that we had to consider the worst case scenario
25 and that should be presented to the meeting. We still had a lot of uncertainties about where the fire might spread to because we hadn't had detailed knowledge of where the fire was in the hills behind Uriarra Settlement.

30 So we were working with some uncertainties about the state of fuel condition. I just had to think of the worst possible case given that the vegetation on lessees' properties may have been
35 heavily grazed. I had to consider that there might have been gullies where grazing had been excluded or where fire could spread through areas that had been very heavily grazed. That is just the nature of any landscape. It won't be all
40 uniform.

Q. In the grassland fire spread meter, does that predict a rate of spread for what kind of terrain - average terrain or?

A. Basically the meter starts off by giving you a
45 prediction of fire spread under flat or undulating country. You then take into account slope

factors, if necessary, to adjust that spread and then work out what is the likely spread under a given set of conditions.

5 Q. So what rate of spread did you predict for the eaten-out grasslands in the ACT when you did your modelling on the afternoon of the 17th of January?

10 A. Depending on the wind speed, which can be very variable even on a day of extreme fire danger, somewhere between 3 and 7 kilometres per hour.

Q. What rate of spread did you use for the forest land between the border of the ACT and the urban edge; what did you predict?

15 A. Well, given that it was mainly pine forests between where the spot fire was, the Murrumbidgee corridor and Mt Stromlo, we had to use what was also available in the literature about spread of fire through pine forests and we did use a
20 guesstimate. We thought somewhere between 4 and 6 kilometres an hour.

Q. If I could just draw your attention then to [ESB.AFP.0110.1035]. We have had evidence about
25 this map that I think you have heard from Mr Lhuede and from Mr Hilton Taylor. Did you contribute with those two gentlemen to the creation of that prediction of fire rate of spread?

30 A. Yes, I did. I seem to recall Nick basically got the map up, and we then discussed the likely scenario under those conditions and put our best estimates, given the variability of spread across the terrain, to work out where in fact the fire
35 might spread to.

Q. Did all three of you generally concur in those estimates?

40 A. Well, as part of working collaboratively with other people, we decided that would be our best estimate at that stage and that further refinement would be necessary because we had a very limited time in which to prepare a proper scenario map.

45 Q. You stopped your prediction of the rate of spread on that map at 2000 hours. Is there some reason for that?

A. Generally speaking around about 2000 hours in the evening one tends to get an abatement of fire spread and intensity, and depending on what other field factors are happening - such as change in weather such as you might get a change occur
5 around that time - we felt around about 8 o'clock was a reasonable time to assume when field fire crews could start to work on uncontained edges and start to do some containment action.

10

Q. In your opinion was containment action going to be possible prior to a change in weather around 2000 hours?

A. Given the conditions were forecast to be
15 extreme from about midday all the way through until about 5 o'clock in the evening, we anticipated that the fire would continue to burn fairly intensely. Although there may have been areas particularly on the flanks where you could
20 have worked as the wind tends to die later in the afternoon.

In terms of the head fire and dealing with it, it was considered with the predictions made that it
25 was unlikely that anyone could do direct attack or attack the head fire.

Q. And if they attempted it, what was the likely rate of success?

30 A. Zero.

Q. And that would be the case even in the eaten-out grasslands, wouldn't it?

A. I can't exactly comment on the eaten-out
35 grasslands. But in detail of course you need to know the state of the vegetation in the particular part of the landscape where crews might be working. But if the conditions continued to burn as they did, then it would be unlikely that any
40 fire crews would be safe working in paddocks where they had to open up gates and cross through fences and so on and to be able to have good egress; that is, escape routes back out of it.

45 Q. That was your opinion on Friday afternoon when the anticipated fire danger was 60 to 70?

A. 50 to 70.

Q. In the event, what was the fire danger index rating that was experienced on the 18th?

5 A. I seem to recall it was 78, but it really depended on where you were on the day. If you were at the top of the Brindabellas, because of the gradients in temperature, humidity and wind speed, you would get a different value at 1500 metres compared to 650 metres in the plains of Canberra.

10

Q. When you were doing this modelling, were you aware of the work that was being done in relation to operation Vesta?

15 A. I was aware of it but, again, one has to incorporate that into your thinking, into your approaches and your methods. You also have to have a period whereby you need to use it in the field for a number of fires before you can be confident about the system that you are using.

20

The other factor is in 1998, which was my last emergency I attended in the Blue Mountains, I had not been engaged on any work and had just been concentrating solely on trying to complete complex regional assessments and then trying to set up my business and do basic ecological work.

25

Q. So is it the case that you just had a general awareness there was a problem with the McArthur index that Vesta was looking into?

30

A. I can't comment specifically about the problems with McArthur. All through my career as a fire management officer/fire research officer, we were aware about the limitations of the McArthur model to a wide range of vegetation types and we knew that you had to calibrate the model to suit your particular field conditions. In this case, we knew that in certain vegetation types where the model had been developed by McArthur it was appropriate; in others it possibly wasn't. You just had to be mindful of the possible errors associated with your predictions by applying it to vegetation types it perhaps wasn't meant to be worked for.

40

45 So that's why I brought on my experience of mapping the perimeters of fires under emergencies,

looking at how fast they spread under the worst possible conditions, integrate that knowledge and compare that with the predictions that you were getting with the McArthur fire meter.

5

Q. You were in effect calibrating your own model that afternoon?

A. We were all calibrating our models because when conditions get very severe, you start to get into a realm where mass fire behaviour starts to occur and a whole new system of fire behaviour - process of fire behaviour starts to become involved.

15 Q. By creating its own weather?

A. By creating its own weather and also the factors associated with spread of fires through different fuel types, it starts to become somewhat difficult to assess and predict.

20

Q. Did you attend then the afternoon planning meeting of the Service Management Team at ESB?

A. No, I didn't.

25 Q. So you weren't present when they were briefed in relation to that map?

A. No, I wasn't.

30 Q. What did you continue to do for the rest of the evening on the 17th of January?

A. After the meeting Nick, Hilton and I went back and tried to revise our map and to work on a new fire scenario. It was anticipated that there would be a need for it the following day. So we refined those predictions to try and work out what was happening based on more field intelligence.

40 Q. Did you do that in relation to the Stockyard Fire and Bendora fire as well as the McIntyre's Hut fire?

A. Yes, we did. As a bit of a reality check Hilton and I went up at around about 7 o'clock to Curtin Hill and looked at the Brindabella Ranges to see what was actually happening. All that day we had spent in the office trying to work out what might happen. And we noticed that further to the south the Stockyard fire had moved onto the hills

and across the Corin Road and was moving towards Mt Tennant.

5 We had also had information from someone in a helicopter who had been giving us information about the spread of that fire. It meant that the previous day predictions that I made about the outbreak were reasonably close, although we hadn't expected the fire to run late into the evening.
10 And that's what we were observing, the convection column to the west of Mt Tennant moving fairly solidly towards the escarpment.

15 And then we noticed, for instance, the break-out on the northern end of Bendora. It looked like it was moving up the slopes on the western side of the Tidbinbilla Range. And then there was also considerable fire activity in the McIntyre's Hut area.

20 So we took that knowledge back and then we went back and sort of tried to work out what might happen for the following day. But by that stage we were probably all getting fairly tired, so
25 between 9 and 10, I think, we finished our work and said that we really needed to work on this in the morning after we got more field intelligence.

Q. And a further weather forecast as well?
30 A. And updated weather forecasts and the like, yes.

Q. Did you do any work that evening on trying to identify possible means of containing any or all
35 of those fires?

A. No, I didn't. I considered my role to be primarily in the fire prediction area. As I had other people in the unit who had roles - to work with, I considered that it was best for me just to
40 focus on --

Q. I am not suggesting you should have but I am asking you if --

A. The other thing is that I wasn't actually
45 asked to either, so I tended to just focus on the work that I had in front of me.

47

Q. So you arrived in at ESB on the 18th of January?

A. That's correct.

5 Q. What time did you get there?

A. Around about 9.30. I had gone up to the top of Black Mountain the night before between 10.30 and 11 just to appraise myself of the situation of the McIntyre's fire.

10

Q. What did you see?

A. I could see there were several lines of fire uncontained, and it did cause me some concern.

15 Q. Could you tell where they were from Black Mountain?

A. They were to the west of Uriarra on the slopes leading down to the Mountain View property, I think, and possibly towards Uriarra itself. It was fairly difficult at that stage because it was fairly dark. But given that I had looked to see where the fires were on the map in the office, I had a fairly good idea where they might be.

25 Q. What was occurring at ESB when you arrived on the 18th at about 9.30?

A. Well, I was aware that a senior management team meeting had just taken place. I was at that stage trying - for a day of extreme fire weather, I was trying to get my system even better in place as I knew we were dealing with a situation where we could expect very intense fire activity.

35 Q. What was the index predicted when you arrived at 9.30; can you recall?

A. No, I can't exactly recall. It was actually contained on a computer I had which had a diurnal change in fire danger index based on the weather conditions and the fuel conditions expected at different elevations. As we are dealing with now a range of fuel types in a range of country, different slopes and aspects and curing conditions, I needed to actually expand the capability to cover a range of different vegetation types.

45

Q. Did you focus on any particular fire when you

were working on the morning of the 18th?

A. All I did at that stage was try to gather as much fire intelligence as I could about what was happening.

5

Q. In relation to all of the fires?

A. All of the fires - to try and work out what were likely fire predictions for those fires.

10 Q. If we could just focus then firstly on the McIntyre's Hut fire. Did you update your assessment on the rate of spread for the McIntyre's Hut fire on the morning of the 18th?

15 A. Yes, I did. I considered that, based on the likely outbreak of a McIntyre's Hut fire, it could enter Holder or Duffy at 1600. I considered it would reach the urban interface.

20 Q. When did you make that updated assessment? What time?

A. It was getting around about 11 o'clock. Somewhere between 11 o'clock and 12 o'clock.

25 Q. Who did you brief on your updated assessment?

A. It was mainly Nick and Hilton, and I think Bob Wilcox was present as well.

30 Q. Did they tell you what, if anything, they did with the information you had given them?

A. No.

35 Q. Did Mr Taylor mention to you at that stage that he had done an undated assessment of a potential impact at 1500 hours that afternoon?

A. I can't recall actually talking to Hilton about that particular briefing note.

40 Q. After you did the updated assessment on McIntyre's Hut fire what did you do for the remainder of the period, say up to 3 o'clock that afternoon?

45 A. Well at that stage things were getting pretty hectic. I think by that stage we kind of reverted to emergency mode to try and work out where the fire might impact in Canberra not only from McIntyre's Hut but further to the south from the Bendora outbreak and then further to the south the

Mt Tennant - well, it was actually the Stockyard complex fire that had reached Mt Tennant potentially could burn across the Murrumbidgee towards Williamsdale.

5

Q. I think at 11 o'clock you had predicted Holder and Duffy would be impacted at 1600 hours. Was that the first time you had identified specific suburbs as opposed to the western side of Canberra city?

10

A. Well, I considered that to be the number one area of impact. It was also possible that the fire could have reached Kambah and further south in Tuggeranong.

15

Q. What I am asking you: was that the first time that you personally identified specific suburbs as potentially being impacted upon?

A. As about between 11 and 12, that's correct.

20

Q. So you spent the rest of the morning revising your predictions and looking at where a specific impact may occur?

A. Broadly just outlining broad scenarios where the impact might occur.

25

Q. It says in your statement at page 4:

At 1200 hours revised forecasts to indicate that fire would enter the north-west corner of Duffy by 3pm."

30

Who did you give that information to?

A. Again, it was just relayed to people within the planning room. I can't specifically recall who I gave that information to. But basically I was just trying to focus on the likely perimeters of the fire, where it might impact and passing that on where I thought appropriate.

40

Q. You continued to do that until it actually impacted at approximately 3pm?

A. We monitored the fire's progress right into the suburbs. In fact, I predicted the fire would be at the top of Mt Stromlo at 3 o'clock with spotting very shortly after. I can recall a liaison officer from the ACT urban fire brigade,

45

Ian Moore, being present when I made that particular calculation.

Q. Can you recall what time that was?

5 A. It would have been around about 2.30, I think.

MS CRONAN: Thank you, sir. I have got no further questions.

10 THE CORONER: Yes, Mr Archer?

MR ARCHER: Yes, thank you, your Worship.

<CROSS-EXAMINATION BY MR ARCHER

15 MR ARCHER: Q. Do you have your statement with you?

A. I do.

Q. Could I take you to page 4 which is
20 [ESB.AFP.0110.0308] at 0310. I want you to reflect further on some questions just asked by Ms Cronan. That is on the screen in front of you.

A. Yes it has "18 January 0900-2230 hours".

25 Q. You will notice first of all that the time frame that you are talking about there is 0900, although you indicated just a moment ago that you arrived at 9.30. Is it possible that you might have arrived a bit earlier?

30 A. No.

Q. Apart from people within the planning team, did you at about that time speak to operational firefighters and discuss with them what your
35 predictions were for that day?

A. I can't specifically recall discussing my predictions with operational firefighters. There were people coming in and out of the unit, as you may appreciate, and it was very difficult to know
40 sometimes who was supposed to be present in the planning room and who wasn't.

Q. You indicated in respect of the second dot point under that same date that that recalculation
45 occurred some time between 11 and 12 that morning?

A. That's correct.

47

Q. Can you be any more precise than that?

A. No, I can't.

Q. You indicate in the third dot point:

5

"At 1200 hours revised forecast to indicate that fire would enter the north-west corner of Duffy by 3pm."

10 You say at 12pm - I assume that is an estimate. Is that the time at which the process of revision started or had you finished your process of revision at about 12 o'clock?

15 A. I had finished my process of revision by about 12.

Q. Who did you tell that information to?

20 A. I seem to recall passing it on to the situation unit. But I can't particularly recall who it was.

Q. How would you have done that?

A. Just verbally.

25 Q. And you can't recall who you spoke to?

A. No, I can't.

30 Q. You made reference not directly responsive to a question from my friend that you hadn't seen a particular memo. Were you in court this morning when Mr Taylor was giving his evidence?

A. Yes, I was.

35 Q. May the witness be shown [ESB.AFP.0110.0693]. Do you see that document? Is that the memo that you referred to just a moment ago, that you hadn't seen that document before?

A. No. I hadn't.

40 Q. Have you discussed it since that day with Mr Taylor?

A. No, I haven't. I basically saw this document for the first time yesterday.

45 Q. I assume you knew of its existence for the first time yesterday; is that right?

A. That's correct.

Q. Going back to the review you did at 12 o'clock, do you recall receiving any reaction from people within the planning unit to that revised prediction?

5 A. I think they already had their idea that there was a potential for the fire to reach the edge. So I can't recall there being any particular reaction from the rest of the unit.

10 Q. They may have, and indeed they had, suggested that even before - and you would concur - there was that potential for impact upon the western fringe. The time frame I am interested in. So far as your prediction that the fire would enter
15 the north-west corner of Duffy by 3pm, do you recall whether or not there was a reaction to that indication?

A. No, I can't.

20 Q. You talked about when you were discussing that map, for example, working cooperatively with other people within that unit. With that sort of spirit of co-operation in mind, when you put that revised prediction to them, is it something they agreed
25 with or not agree with?

MR PIKE: I object to it. If the witness can't recall whether there was any reaction to the indication, then he is at best speculating as to
30 whether there was agreement.

THE CORONER: That is probably a fair comment, Mr Archer.

35 MR ARCHER: Q. Perhaps I could ask the same question a different way and see if it invites a response. Were you at that time, as a unit, independently working on predictions so far as the fire behaviour was concerned?

40 A. Independently --

THE CORONER: Independent from whom, I suppose.

THE WITNESS: Yes.

45

MR ARCHER: Q. Mr Taylor or Mr Lhuede --

A. My role there was to provide my assessment of

5 expected perimeters of the fire, and I just seem
to recall there being quite a lot of activity in
the room at the time, and people's attentions were
pretty much focused on the fact that the fire had
crossed - had broken out by that stage from
Uriarra Settlement and there was a lot of concern.
I suppose what we were trying to do was to then
work out what might happen based on the likely
scenario now that it had happened. That is, I
10 suppose I was working on my predictions somewhat
independently at that point, because there was
no-one else available at that point to discuss it
and to compare notes.

15 Q. So far as the prediction of impact on the
western fringe, do you recall at all that morning
speaking to anybody about what the fire might look
like at the point of contact with the western
fringe?

20 A. Under the expected conditions of the fire
burning in the pine forests at that stage, under
that, by now we had the expected fire danger index
of around 50 or thereabouts. I knew that it was
going to be a fairly intense fire.

25 Q. What I asked you was: did you communicate that
state of knowledge to anybody outside the planning
unit?

A. No, I didn't.

30 MR ARCHER: Yes, thank you.

THE CORONER: Mr Lakatos?

35 MR LAKATOS: I don't have any questions, thank
you.

THE CORONER: Mr Pike?

40 MR PIKE: Nothing, thank you, your Worship.

THE CORONER: Mr Whybrow?

MR WHYBROW: No, your Worship.

45 THE CORONER: Mr Walker?

47

MR PHILIP WALKER: No.

THE CORONER: Mr Watts?

5 MR WATTS: No, your Worship.

THE CORONER: Mr Craddock?

MR CRADDOCK: I do have potentially some questions
10 but I am going to need to take some instructions.
I note the time.

MR PIKE: I note my friend's timing. It has
15 always been impeccable.

MR CRADDOCK: I may not have any questions. There
is one aspect I need to speak to my client about.
Given the time that may be asking this witness to
20 come back at 2, if that doesn't put him out too
much. If it does, I am happy to --

THE CORONER: What I might do - I don't really
want to keep Mr Gellie over the luncheon
adjournment and have him come back at 2 if there
25 is no reason or no need for him to do that.

Q. I presume you would like to be away as soon as
possible too, Mr Gellie?

A. Yes, please.
30

THE CORONER: What I might do is go off the bench
very briefly. You can see whether or not you do
have any questions and, if possible, I think it
might be desirable if we can excuse Mr Gellie
35 before lunch. If you do have a number of
questions, well then, so be it. I will just go
off the bench briefly.

SHORT ADJOURNMENT.

40

THE CORONER: Yes, Mr Craddock

<CROSS-EXAMINATION BY MR CRADDOCK

MR CRADDOCK: May we have displayed
45 [ESB.AFP.0014.0353]. I will show the document to
the witness. I know I will get into trouble if I
try to tender it --

MS CRONAN: I think the first page might be
[ESB.AFP.0110.0911].

5 THE CORONER: Is it the document that is on the
screen now, Mr Craddock?

MR CRADDOCK: I think it is. If you stop there,
that is all we need for the purpose of this
question.

10

Q. That is not your document, it is certainly not
your writing. I want you to assume that it is a
document that was produced by Mr McRae on the
morning of the 18th of January 2003 and a document
15 which details taskings for the unit. The
situation was that you were not a member of the
ESB. Your role was to be there in order to offer
an independent view using the modelling that you
had available to you; is that fair?

20

A. That's correct.

Q. So that if, if possible, an alternate or an
independent view would be given to planning, and
planning would then take account of a number of
25 viewpoints as to fire spread; is that the role
that you saw yourself as undertaking?

A. Yes.

Q. If you assume, as I have suggested to you,
30 that the document that you have before you details
taskings for the morning of the 18th of January,
item 2 seeks the development of a footprint of the
fires as at 1500 and Nick and Hilton seem to be
tasked to do that. Now your name doesn't appear.
35 My question for you is: do you recall being
involved together with those other two persons in
at least setting out to produce a footprint of the
fire as at 1500 on the 18th?

40

A. I can't specifically recall being involved
with this 1500 footprint. I notice there it has
"Nick and Hilton". Whether it was me or it was
more likely to be Nick Lhuede and Hilton Taylor
who were requested to do this. It is very
difficult to know at that stage whether I was
45 involved in this. If someone had given me the
note in front of me and presented it and said,
"You have to do this," I as a volunteer would have

said, "Fine. Right. Let's do it. What's the time frame? What sort of product do you want? What sort of additional information do you need?" I would have probably sought clarification. I can't
5 actually remember whether I was actually involved in this.

Q. It is a pretty good chance that the Nick referred to there is Nick Lhuede rather than
10 yourself?

A. That's correct.

Q. You being the independent element within that unit at the time. What really happened to the
15 capacity of you yourself and the others within the planning unit in terms of your ability to plan the forward spread of these fires after outbreaks on the morning of the 18th?

A. I think we pretty much went into tracking mode
20 rather than predictive mode - well, tracking and predictive to verify predictions as they were occurring. For instance, we had a break at 1415 that afternoon. We had a report that there was a fire at Huntly's. Based on that and another
25 report of the fire crossing the Murrumbidgee somewhat earlier, we knew that the spot fires could potentially converge on Mt Stromlo and be there much earlier than we anticipated.

Q. What was it that forced you into tracking mode
30 rather than predictive mode?

A. I think just the nature of the circumstance of what was happening around us. There was fires
35 breaking out not only at McIntyre's but Tidbinbilla and further to the south at Tharwa. We were just forced into assessing as best we could the likely spread based on the new information we were getting.

Q. Is it the case that there was a lot of new
40 information coming in from all sorts of places and, in terms of ability to predict, you were overwhelmed by the rapidly changing circumstances at the time?

A. I was still able to keep track of where the
45 fire was going up over the top of Mt Stromlo leading up in the period where it crossed the

Murrumbidgee further to the north. I think there was some further outbreaks reported at Uriarra Crossing at about 1.30. So we were using all that information as best we could to try and track the fire and its likely impact. But whether we could actually feed back quickly enough to enable operations to then respond to that information, it was just moving too fast and with such intensity that it was very difficult, I think, to get the information there in a timely fashion.

Q. So on the 18th, assuming that Nick and Hilton were tasked to produce a footprint of the fire at 1500, is it the case that the rapid development of the fires made it practically impossible for them to really produce a useful product?

A. I think if you were going to produce a product, you have to make sure that you got it right and it was in a format that was easily interpretable and easily understood by people outside the unit. And I think there was insufficient time to really prepare something that could be used as a planning document.

MR CRADDOCK: Thank you. Thank you, your Worship.

THE CORONER: Thank you, Mr Craddock. Yes, Ms Cronan?

MS CRONAN: No re-examination, your Worship.

THE CORONER: Mr Gellie, thank you for your evidence. You are excused. You are free to leave.

<THE WITNESS WITHDREW.

THE CORONER: We will adjourn now until quarter past 2.

LUNCHEON ADJOURNMENT [1.17pm]

RESUMED [2.17pm]

MR LASRY: I call Superintendent Peter Newham, please.

<PETER ERIC NEWHAM, SWORN

<EXAMINATION-IN-CHIEF BY MR LASRY

MR LASRY: Q. Mr Newham, is Peter Newham your
5 full name?

A. Peter Eric Newham.

Q. Are you an acting superintendent in the ACT
fire brigade?

10 A. I am now a substantive ranked superintendent.

Q. Is it right to describe that position as being
the operations position, the operations officer?

15 A. There are three superintendents. I am
currently looking after fire safety and risk
analysis. I previously as an acting
superintendent was in the operations area.

Q. Indeed that was the position you were in at
20 the time of the fires in January 2003; is that
right?

A. Yes, that's correct.

Q. I have just been handed your curriculum vitae,
25 Mr Newham, which I think demonstrates that you
have been a firefighter in one capacity or another
in the ACT since August of 1978; is that correct?

A. That's correct.

30 Q. You have held the ranks of station officer,
district officer, manager and, as you have said,
acting superintendent and now a substantive rank
of superintendent; is that right?

A. That's correct.

35 Q. This also sets out other details, which I
won't go through in detail, of your education and
qualifications, command and control development
courses, both in Victoria, Canberra and Tasmania.
40 And some service highlights which included having
you as the commander of the ACT task force in the
1994 Sydney bushfires, the 1997 Thredbo landslide,
the 1999 Sydney hailstorm incident and you were
also a member of the organising committee for the
45 2000 Olympics events conducted in Canberra. I
think that is probably sufficient for those
purposes.

MR LASRY: Your Worship, I will tender if I might Mr Newham's curriculum vitae.

5 Q. Before I hand that up, we have had produced to us this morning, Mr Newham, copies of your notes which I think are copies in part of your diary relevant to the period; is that also correct?

A. I wasn't aware who had them.

10 Q. I will ask you to look at that and tell me if I am right that they appear to be photocopies of your diary for the relevant period in which you have made various notes?

A. That's correct.

15

Q. I think with an email or a message at the end; is that right?

A. I haven't seen the email before.

20 Q. Is that not your document?

A. The diary is mine, but the email isn't.

MR LASRY: For the purpose of the exhibit perhaps the last two pages ought to be disregarded at
25 least as part of this exhibit. What has happened is that a search has been made to see what notes there are in relation to Mr Newham, and it has also called up two message documents dated
30 16 January. If they are not his documents, they shouldn't be tendered as part of the exhibit so I will remove them. Your Worship, if I could therefore tender Mr Newham's curriculum vitae and the notes that I have just asked him about.

35 THE CORONER: Mr Newham's curriculum vitae will be exhibit 0054 and the notes taken by Mr Newham in the diary will be exhibit 0055

40 **EXHIBIT #0054 - CURRICULUM VITAE OF SUPERINTENDENT PETER NEWHAM TENDERED, ADMITTED WITHOUT OBJECTION**

EXHIBIT #0055 - DIARY NOTES OF MR NEWHAM TENDERED, ADMITTED WITHOUT OBJECTION

45 MR LASRY: Q. For the purpose of this inquest and the broader investigation behind the inquest, you provided information in three forms. First of

all, you have provided what is effectively a statement, although it is information laid out chronologically and also includes your response to a number of questions that were asked of you; is that correct?

5 A. Yes.

Q. Have you seen that document? I am happy to show you mine, although I have marked some parts. I will perhaps have it brought up on the screen. The document number is [AUS.AFP.0071.0012]. Do you see that document, Mr Newham?

10 A. Yes.

15 Q. You have seen that before?

A. I have.

Q. There are I think 12 pages attached to that front page that you are looking at now. You signed that on 11 June of last year; do you recall?

20 A. I remember doing the document. I don't remember the exact date of signature.

25 Q. I wonder if we could go forward to 0023 to confirm that is Mr Newham's signature.

A. That's my signature.

Q. Have you had the opportunity to read through that material before giving evidence today?

30 A. I have. The copy I have kept for myself didn't have a signature block.

Q. As far as you are aware, the information in there is true and correct?

35 A. Yes.

Q. Then you were interviewed twice by members of the police investigation team. Once on the 18th of March 2003 by Constable Mark Travers and Detective Senior Constable Ian Faulds. That is [ESB.AFP.0049.0264]. Have you had an opportunity to have a look through that interview, Mr Newham?

40 A. Yes.

45 Q. And finally, a significantly longer interview on the 16th of October 2002.

MR WATTS: That should be 16 October 2003.

MR LASRY: I will have to get the number for your Worship.

5

MR WATTS: It is [DPP.DPP.0004.0038].

THE CORONER: Thank you, Mr Watts.

10 MR LASRY: Q. Have you had an opportunity to look through that as well, Mr Newham, as well?

A. I have.

15 Q. Obviously, as your counsel says, the date of that interview should be 16 October 2003; is that right, not 2002?

A. 2003, yes.

20 Q. Otherwise you have information that was extra terrestrial. If we can perhaps go back and deal with this briefly and chronologically. If you have copies of the documents that you want to refer to, by all means do so. I know the original of your diary is here. Perhaps that could be
25 handed to you. (handed)

The information in the statement, if I can call it that - the first document - is essentially taken from your diary notes, is that correct, in order
30 to recall what happened?

A. Which information?

Q. The information in this document, the first one I showed you with that signature on it?

35 A. It is information possibly out of my diary and recollections of what --

Q. And recollection. The first thing I wanted to ask you about was your diary records for Monday
40 the 13th of January 2003 that you attended a briefing which you also refer to in your statement [AUS.AFP.0071.0012]. At 0014 you say:

45 "At 0930 hours I attended a ACTRFS briefing which was conducted in the executive conference room at North Curtin. These meetings were being conducted twice daily and

provided me the opportunity to gain information on the status of the bushfires burning in the Namadgi Nature Park and Brindabella Mountains. (The minutes of these meetings were recorded and detailed issues addressed at the meeting)."

So as a matter of course, Mr Newham, you attended the planning meetings?

10 A. Not every one but where possible, yes.

Q. You or someone on your behalf?

15 A. Again depending on what other activities were happening in the building, but we tried to have someone at the meeting.

Q. At that time as acting superintendent, were you stationed at Curtin in the ESB building?

20 A. I was.

Q. Physically how far away were you from, for example, the office of any of the senior bushfire people such as Mr Lucas-Smith, Mr McRae or Mr Graham?

25 A. The offices are in various parts of the building. It is the old school at North Curtin. So in proximity it would be 45, 50 metres.

30 Q. Do you share everyone else's criticism of that building in terms of layout and convenience?

A. I do.

35 Q. The next thing I wanted to ask you about briefly was on the 15th both in your statement and in your diary you refer to attending a briefing meeting conducted by the bushfire people at 9.30. This was the day of the helicopter crash, I think; is that right? Sorry that was the 13th. I withdraw that.

40

What your note records is you attended the briefing meeting conducted by the ACTRFS, and the Chief Minister, Mr Stanhope, attended this meeting; is that right?

45 A. That's my recollection; that is correct.

Q. Can you remember what you were told at that

meeting?

A. No.

Q. No recollection whatsoever?

5 A. My recollection of Mr Stanhope was because that was the first time I had actually met him. It was one thing that was just on that day. I met the Minister. He was at the meeting. The details of the meeting --

10

Q. Was the meeting the usual operational or planning meeting that you were attending once or twice a day; or was it a special meeting?

15 A. No. From my recollection, it was just the meeting held each day.

Q. How many people were at the meeting?

20 A. I don't recall. I would say on a different day varying numbers of people. I don't recall exact numbers. I wasn't keeping tab on numbers of people at different meetings.

Q. You have no particular recollection of what was discussed?

25 A. No.

30 Q. Mr Newham, we have some minutes of that particular meeting. I don't want to spend a lot of time on this. I want to be clear whether you are right in your recollection that this is the meeting that Mr Stanhope actually attended and stayed for the duration of. If I could ask that [ESB.AFP.0110.0142] be brought onto the screen.

35 I'm not quite sure what the most effective way of dealing with this with you is, Mr Newham. The minutes indicate that the meeting followed broadly discussion about objectives, strategies, fire operations, and with some description further down
40 page 1 on the McIntyre's fire in New South Wales.

Over on the following page 0143, a gentleman from the Weather Bureau briefed the meeting and the weather outlook was discussed. Over on the
45 following page, 0144, a number of planning issues were raised such as Monday being the operational deadline to secure operational strategies.

Further down the page, discussion about media and discussion indeed about the Chief Minister's office receiving calls in relation to the helicopter rescue and things of that kind. Does
5 that refresh your memory about the meeting on that morning?

A. Not specifically.

Q. Can you recall those things being discussed at
10 that meeting?

A. Not specifically, no.

Q. Your recollection at least is that the Chief Minister was there for that meeting?

15 A. I have written it in my diary as something at the time obviously I recalled. I have written it in. I have got notes relating to weather. Each afternoon there were minutes of the meetings given out, so information I'm recalling would be by way
20 of minutes or by what I have in my diary.

Q. The next thing that I want to ask you about was the 16th of January. On the 16th of January, the significant event that day that you have got
25 recorded in your diary and to which you refer in your statement is the briefing that was given primarily by, I think, Mr Lucas-Smith on the afternoon of the 16th of January; is that correct?

A. That is correct.

30

Q. You have a recollection of that, I take it, Mr Newham, of what occurred?

A. I remember the meeting.

35 Q. Indeed, the recorded conversation that you had with Constable Travers and Detective Senior Constable Faulds on the 18th of March 2003 was about that meeting, wasn't it?

A. Yes, that is correct.

40

Q. Going to that, [ESB.AFP.0049.0264] I will perhaps read some portions of it and then ask you some questions as we go through. You were asked about the meeting and who was present and then at
45 question 26 you were asked:

"Q. Can you tell me what information was

conveyed during the course of the meeting?
"A. No, not specifically. The meeting was pretty much - it was a lot of questions just being asked in a general sense, you know, in regard to firefighters coming from external, Uriarra, Eurobodallah Shire and other places and about the actual nature of the management team. And I think about the actual - people were starting to realise just how large an incident was. So from the fire brigade I think we were seeking to see what type of strategies and what sort of resources were going to be utilised. I mean it was pretty evident that it was at - by that stage there was quite a mound of external resources from the fire brigade point of view what we were trying to do was line up what it was that we needed to do and to increase our support if needed."

So just pausing there, the purpose of you being present at this meeting, I take it, Mr Newham, was so that the urban fire brigade would perhaps get a greater understanding of where this particular bushfire crisis was at and how the urban brigade might be affected; is that correct?

A. We had officers that were curious and wishing to understand what was happening within the management of the fires. The Fire Commissioner and I decided to bring those people together so they had an opportunity to ask first hand questions that may be pertinent or that they wished answered, yes.

Q. By the 16th of January was it apparent to the ACT Fire Brigade that there was a genuine prospect that these fires might have consequences for the urban area?

A. I don't recall in that content. I recall my opinion, my observations, that they were significant fires. But not having a background in bushfire fighting or wildfire fighting, I accepted the fact that they were large and very difficult to contain.

Q. But being on the western side of Canberra and being large and difficult to contain given the

extreme weather conditions, was there any recognition up to the point of this meeting that the fires might actually have some effect on the suburban area that you were responsible for?

5 A. No, not particularly so in that they would actually have an impact on our jurisdiction being the actual urban residential. I think there was an acceptance that they were still largely within the Namadgi National Park, but the area is so big.

10

Q. Mr Newham, I realise it was clear that no effect was being suffered by the suburbs as at the 16th. I am just seeking to understand whether by that stage you or your colleagues in the urban fire brigade were wanting information because, among other things, you saw that there might be some potential for an effect on the suburban area - not that there was an effect at that stage but that there was that potential if the situation got worse.

20

A. My actions were based on the fact that if the Rural Fire Service was going to escalate or commit more resources of having an ability to be able to backfill into our own environment because we had committed to fill that gap between the urban and the areas where the fires were currently at that stage, I believe. So my actions as a superintendent of operations was to ensure that if we were going to have to resource more - and that's pretty much the content of some of the station officers that we had at the meeting - that was our concern.

30

Q. You go on in the answer that you gave to question 26 in that interview to say:

35

"By way of questions I would probably have to be asked what sort of things because there was a lot of things made, Peter Lucas-Smith was just giving an overall background of what was happening. He'd made a point that it was quite a large fire. He made points when asked that the tactics used were by way of using containment lines as their major strategy to combat the fires. He made mention that by way of experience that fires of this type and particularly more recently

40

45

the ones that had been fought down on the South Coast had had very little success using direct method."

5 Stopping there. Do you still recall that being said during the course of this discussion?

A. That's my interpretation of what was being said.

10 Q. You continue:

"... direct attack methods and that they had taken some amount of that information and were using that strategy to fight this fire. 15 By saying that they were putting a lot of thought into the type of containment lines and those issues, so there was a lot of talk along that line about not being able to just rush in and use direct means of attack to 20 extinguish the fire."

Perhaps I will keep going:

"But as said that at this stage information 25 that he had from the Weather Bureau indicated the conditions were likely to worsen. He had already said that there was a likelihood Friday through until Saturday, Sunday Monday were all going to be days of extreme fire 30 danger in as far as that the elements as far as the winds, it was dry, and more importantly there was no predicted rain, no rain predicted. So he said those plus the high temperature would make handling the fire 35 continue to be difficult."

And in the next answer in answer to question 28, Peter was asked a question and I think you are describing about the possibility of the fire 40 breaking containment lines. You say:

"Peter said that that was a possibility. He made a mention to say that the amount of fire that was involved, or the areas of fire that 45 were involved were quite substantial, and that there was every possibility they could pose a threat. But in saying that there was

many questions asked by various people as to different aspects of it."

5 So is it a fair summary of your recollection that
in that part of the conversation, he having
described the containment lines and the method of
indirect attack on these fires, an issue arose as
to the prospects of the fire breaking the
10 discussion revealed as a genuine possibility?

A. That's correct.

15 Q. You are then asked at question 29 whether
there had been discussion about previous fires the
ACT had experienced. Rather than perhaps read the
answer that you gave to that, can you actually
recall what he said about the fire history in the
ACT and how that was relevant to the information
that was imparted to you on the 16th?

20 A. I have only got my recollection. I can't say
Peter Lucas-Smith said this in these words. He
said they had inherently been difficult to
contain. It would be largely dependent upon the
prevailing weather conditions and they could
25 change. Therefore that made them unpredictable.

30 Q. There has been - somewhat in prospect really -
some evidence about this, that one of the things
that Mr Lucas-Smith did was to go through in some
descriptive detail the previous fires in the ACT
as far back as 1939. Do you recall that material
being placed before the meeting by him?

35 A. Not specifically each of those fires. I was
involved in fires in and around ACT/Queanbeyan
back in the '80s, and from my experience of that I
think I was more focused on the ones I had been
involved with. I have never been involved in any
large wildfire campaigns. So a lot of what was
said to me I was taking on face value.

40

Q. In the last part of your answer to question
29 - you were asked a question about previous
fires - at the top of the page 6 of the interview
you say this:

45

"If there's nothing there - you are referring
to what Mr Lucas-Smith was saying - that's

going to combat the fires then, cause they're not going to be put out by rain, well they're certainly going to continue to burn until they run out of fuel or something else intervenes. So I think if I have separated what Mr Lucas-Smith said I think he was indicating that intervention by firefighters wasn't going to have any real significant impact on the fires. I took that to mean well the fires will continue to burn until something in that element changes; either that or we get rain."

That's where your conversation with the interviewing police officer goes on to the prospects of rain. The choices were either rain falls, which was most unlikely as at 16 January, or something else happens. What was the other alternative that would get control of these fires, to your recollection?

A. Some of the back-burn - not back-burning, the containment lines. I had not first hand been out into where they were, so any information I was getting was pretty much just from trying to observe maps. I had believed that the strategies involved in using containment lines were going to be the only --

Q. The only strategy?

A. The only strategy.

Q. If the containment lines were breached, did you have an understanding as to how that would be coped with?

A. No.

Q. At question 32 you were asked:

"Q. Mr Newham, was there any indication made about the likelihood of the fire impacting on the ACT urban environment?

"A. Mark, that had been a point of conversation. I can't exactly recall whether it was out of this exact meeting or some of our own meetings that or some of our own discussions with my own fire brigade colleagues that we had already looked at

scenarios of where the area likely to be exposed and, well, I suppose, historically we've always looked at those areas that impact on the urban interface. So while we weren't looking at specific areas we were more concerned that the areas that were along from the top of Belconnen all the way through down to the bottom end of Tuggeranong were areas that we could have, that we may have to look at some sort of fire suppression activity."

Then over the page you say:

"At the meeting with Peter Lucas-Smith I think again it was mentioned that the whole interface was an area that if there were fire runs could be impacted. But there was no suggestion that I can recall that said "Look, that's going to happen categorically, there'll be houses or certain - or the actual urban interface will be impacted."

I will take from that answer a couple of things that I will put to you and ask you to comment on. The first thing was that it is clear that the possibility of an effect on the urban environment was a subject of discussion at this meeting; wasn't it?

MR PIKE: I object to the question. The passage in the TROC that my friend has read out --

MR LASRY: I won't hinge it to the witness's answer. I have read the answer. I will ask him a question direct.

Q. Mr Newham, is it the position that during the course of this meeting one of the things that was discussed by Mr Lucas-Smith and others who participated in the discussion was the risk that there would be some impact on the Canberra suburbs?

A. That was discussed. It was raised.

Q. As far as you can recall, who first raised that?

A. I can't recall.

Q. Did someone ask you --

A. And we had a lot of people at that meeting.
5 So it was --

Q. For example, did Mr Lucas-Smith raise it as a possibility?

A. He may have discussed it as part of an answer.
10 I don't believe he posed it as a question or as a scenario, but I can't recall.

Q. Once there was any sort of discussion about a possible effect on the urban area, I take it,
15 Mr Newham, that that would have heightened your interest?

A. Sorry, could you repeat that? I missed it.

Q. Certainly. Once this briefing session reached
20 a point where the subject for discussion, whoever was talking, was the risk that the urban area might be affected by these fires, I assume that would have heightened your interest?

A. I believe - and I am recalling my own thoughts
25 on it - that it highlighted that the fires were still largely uncontrolled and that none of the strategies had been that effective and that, yes, they would continue to burn. And still maintaining my own belief that they had a
30 possibility, but my possibility was that they could leave the Namadgi park. But where and how that would be, they were my thoughts.

Q. In question 32 you were asked whether there
35 was an indication made about the likelihood of the fire impacting on the ACT urban environment. So the question you were being asked there was whether or not there was an indication or a discussion about the fire actually affecting the
40 ACT suburbs; that's clear, isn't it, that's what you were being asked?

A. That's correct.

Q. And you said in the first response to that,
45 referring to the question at line 8:

"Mark, that had been a point of

conversation."

A. Within the meeting --

5 Q. Yes.

A. It may have been a point of conversation but how and who --

10 Q. That is what I am asking you. When you say it had been a point of conversation, was it a point of conversation in this meeting on 16 January?

A. I can't recall the actual conversations. So --

15 Q. I understand that.

A. When I was interviewed by the AFP officers, I am unclear as to whether that was information that had been discussed after that event or whether that was something that was taken out of that meeting. There had been a lot of discussion in the time after about many incidences and things that occurred. I haven't got an absolute clear recollection of that.

25 Q. You know Mr Peter Cartwright?

A. I do.

Q. He was at the meeting, wasn't he?

A. Yes, yes.

30

Q. He has yet to give evidence, but he has made a note in his diary [ESB.AFP.0026.0195]. That note says the following - I will stop during the course of reading it and ask you whether you agree with it. First of all it starts under the heading "meeting at Curtin for D/Os":

35

"Peter Lucas-Smith briefed the meeting on fires in the Brindabella."

40

You would agree with that?

A. Yes.

45 Q. He continues:

"Two fires had merged."

47

Do you recall being informed that two of the fires, Mt Gingera and Stockyard, had merged into one fire?

5 A. I wasn't aware exactly those two. I knew that they were two separate fires - Stockyard --

Q. It continues:

10 "Approximately 50/50 chance fires would break containment lines with strong, westerly winds."

Is that consistent with your recollection?

15 A. I made my own note or recollection of that. I think I said something similar, certainly not as comprehensive as Peter has done in his notes.

Q. It continues:

20 "Showed extent - I think this is describing what Mr Lucas-Smith did - of fires on map from 1939, 1952 and 1985."

25 Do you agree or otherwise disagree that is what happened in the briefing session?

A. I can't recall it precisely but it is written very - they are his notes.

Q. It continues:

30 "Possibility this fire could do same."

35 So he is recording, as I take it - and it will be clarified in his evidence - Mr Lucas-Smith as saying there is a possibility that these fires will do similar or the same as had occurred in those years; do you recall anything like that being said?

40 A. Not in precise words but I would say that was consistent.

Q. Continuing on:

45 "Advised didn't want to alarm public and media."

Do you recall that being raised?

A. Not in that specific term.

Q. Continues on:

5 "This information - it is an abbreviation for
information - not to leave room."

Remember anything like that being said?

A. No, I don't.

10

Q. Do you say that wasn't said?

A. No, I don't say it wasn't said.

Q. You just don't recall.

15

A. If I might just clarify: I also have a role
as operations acting superintendent at the time.
I can't categorically say that I was in the room
the whole time of the meeting. The very nature.
So if I'm unsure, if there are parts - I'm not
20 saying that that happened here. The meeting by
the way was a briefing session, so it was not
something that I thought - well any more than
information.

25

Q. Mr Newham, don't misunderstand me, I am not
criticising you for a lack of recollection; I am
simply seeking to jog your memory from what
appears to be the contemporary note of someone
else who was present and asking you whether what
30 was written is consistent or not consistent with
what you can remember. If there were periods of
the meeting when you were out of the room, that
may of course explain a lack of recollection.
That is what you are saying; isn't it?

35

A. Well, if there are parts - I mean Peter
Cartwright takes very - has got precise notes. I
have no reason to say any other.

40

Q. But at the moment you are here and he is not.
I am just asking you whether you recall anything
consistent with his notes. You don't recall the
phrase or words which had the meaning in that
sense "advised didn't want to alarm public and
45 media". That is not something in your
recollection; is that right?

45

A. Not in that term, no.

47

Q. You do refer to that in your interview with the police. We will come to that in a moment. And then:

5 "Said he would deny it if it got to the media."

Do you recall anything like that being said?

A. Not - no, I don't.
10

Q. And then:

"Suburbs at possible risk from Namadgi fires were west suburbs of Tuggeranong and Weston
15 Creek."

Now doing the best you can, can you remember that there was or was not any discussion in terms of that last sentence - "Suburbs at possible risk
20 from Namadgi fires were west suburbs of Tuggeranong and Weston Creek"?

A. I don't recall it in that context, sir.

Q. Well, do you recall any context?

A. No, I don't. No.
25

Q. I want to see if I can understand the answers you gave to the questions after the one that I just asked you about. As I follow what you were
30 saying to the police in this conversation, at some point there was some discussion about a possible risk to the urban interface; is that right? I am referring particularly to question 32 at the bottom of page 6 and the top of page 7?

A. Sorry, question 32?
35

Q. Yes.

A. Sorry which?

Q. Have you got on the screen in front of you the top of page 7?
40

A. Yes.

Q. I am giving you a minute to read that so that I can ask you the question again. Having looked
45 at that and having had Mr Cartwright's note read and taxing your memory as best you can, are you

able to say whether in the course of this briefing there was a discussion about a possible impact on Canberra suburbs?

5 A. I don't recall it in the meeting in that content. I have made reference to it in the notes. Whether that was something in information when I spoke to the detectives. But at that actual meeting, it is not something I recall as clear.

10

Q. It doesn't have to be clear. At the moment, Mr Newham, I am trying to understand whether your evidence is that you sat through this briefing with Mr Lucas-Smith - or those parts of it that you sat through, if you weren't there for the whole thing - and that you have no recollection of Mr Lucas-Smith saying, or it being a topic for discussion, that there might be an impact on the suburbs; that is not something you can remember coming up in the meeting; is that what you are saying?

20 A. It may have come up in the meeting. My recollection and how I saw it was that there was a possibility - a strong possibility that the fire would break out of the Namadgi.

Q. Yes.

30 A. That is something I thought consciously about it in the content of the fire and certainly not actually houses on fire in the suburb.

Q. Let us just work through that. I am sorry to be tedious about this but I want to be clear I understand what you are saying. If it was clear that the fires were going to break their containment lines, it begs the question I suggest to you of what happens then. So if there was a risk that the fire would break its containment lines or break their containment lines, did someone at the meeting raise the question of what would be the next thing that would happen?

40 A. I don't specifically remember anyone saying that, but it may have been raised.

45 Q. Did it cross your mind that that is something you wanted to know?

A. In my mind I thought a break of the fire was

going to be a break of the fires possibly out into the lower lands. Certainly didn't have it in the context that it would be an impact into the urban environment.

5

Q. Mr Cartwright's notes tend to suggest that there was some discussion about the effect on the urban environment; doesn't it?

A. That's correct.

10

MR LAKATOS: Your Worship, I object with respect. My friend has had a go trying to extract a recollection from this witness over the last about 5 to 10 minutes. With respect, there comes a point of time when he simply has to accept the answer given. We have been through the notes. My friend has given a sterling effort and the witness has given his evidence. There comes a point where the repetition becomes oppressive. I object to it.

20

MR WATTS: I also object to that question because the implication of that last question is well this is what Mr Cartwright says so therefore how can you disagree with him. That's the implication of that question. I think it is inadmissible.

25

MR LASRY: I am happy to respond but I would rather do it in the absence of the witness.

30

THE CORONER: Mr Newham, would you leave the room just for a short period.

(The witness leaves the hearing room)

35

MR LASRY: Your Worship, I have to say, I haven't analysed the transcript of course as I have been asking the questions. Perhaps it is the afternoon and we have been here for a long time now, but I am not at all clear what this witness's evidence is. In my submission, for someone, a senior officer in the urban fire brigade to be at this meeting and to be having this kind of discussion and to be answering questions about the possibility of an impact on the urban environment using words like "not specifically" and "not in that context", when it is clear that I am simply

40

45

seeking to establish and asking him to test his memory as to whether in fact that was a topic for discussion. As the cross-examiner, if you like, I am having some difficulty accepting it. In my
5 submission, the witness isn't really grappling with the question. If your Worship's impression is at odds with mine, I am more than happy to desist. Certainly if you are not being assisted by this, I will desist.

10

THE CORONER: I am not very clear either because I recall an answer that Mr Newham gave to a very early question where he said it was raised but he wasn't sure whether it was in answer to a question
15 asked by somebody or whether it was some information that was volunteered by Mr Peter Lucas-Smith. I am not very sure either, because he does seem to have adopted that the topic was discussed. It is just that he can't remember
20 specific details of the discussion and he can't remember whether it was in answer to a question by somebody or whether it was information that was volunteered.

25 That's the situation that I am left in about that particular topic and whether it was raised or not. So I would be assisted if it was clarified as well. If it is clarified by putting somebody
30 else's recollections to him, then it might just assist him. I don't know that he has dealt with that very well.

MR PHILIP WALKER: Your Worship, before the question proceeds, perhaps the clarification may
35 come a lot more easily and a lot more quickly if the questions which were asked were in fact non-leading ones. If they went something along the lines of "Look at that and see if it assists your recollection. Tell us what was said on that
40 topic," rather than fairly tightly worded leading questions which put propositions to the witness. It would surely make it easier to find out what is in this man's mind - rather than him possibly being confused by being asked to accept
45 propositions either put by Mr Lasry or perhaps by implication which might drawn from notes written by Mr Cartwright, if he was simply asked what his

recollection was we would get it straight from the horse's mouth.

5 MR PIKE: Perhaps I can be heard because I think I was the first person who objected to this line of questioning. I objected at the point where Mr Lasry had cited the passage which appears at page 6 in the answer to question 32. Then the question was asked:

10 "I will take from that answer a couple of things that I will put to you and ask you to comment on. The first thing was that it is clear that the possibility of an effect on
15 the urban environment was a subject of discussion at this meeting."

I object to that because that was, with respect, completely --

20 MR LASRY: I withdrew the question. This is a waste of time.

25 MR PIKE: I would ask my friend to let me finish.

THE CORONER: That question was withdrawn, Mr Pike.

30 MR PIKE: Yes, that question was withdrawn but what it shows is the train that my friend wished to follow in relation to eliciting a particular answer. This TROC was given on 18 March last year, two months after the events. His answer to question 32:

35 "Mark, that had been the point of the conversation. I can't recall exactly whether it was out of this exact meeting or some other meetings that some discussions were put
40 by my own fire brigade colleagues."

That makes it abundantly clear, in my submission, that at that time two months afterwards he was having difficulty with that recollection. And to
45 that end asking further leading questions particularly in relation to somebody else's notes can only serve, in my submission, to complicate

matters.

THE CORONER: Thank you, Mr Pike. I will allow
Mr Lasry to question Mr Newham a little bit
5 further because I am certainly not clear as to
what he does recollect from the answers that he
has given to these questions.

MR LASRY: I am grateful for the coaching that I
10 have had from my learned friends and I will
endeavour to make them straight forward.

THE CORONER: Thank you, Mr Lasry.

15 MR WATTS: Can I renew my objection to that
particular question: the indication which was that
"this is what this man says, therefore how can you
disagree with him." That was the implication in
the way the question was put, in my submission.

20

MR LASRY: He has already given that evidence
that, if Mr Cartwright has made a note, then in
effect he gives way to it.

25 THE CORONER: He followed that by saying that he
wasn't there all the time because he may have been
coming and going. He did say that Mr Cartwright
is a very meticulous - that is my word - a fairly
conscientious notetaker.

30

MR WATTS: There is no problem in him putting what
Mr Cartwright said and what do you say. But the
question that you sometime hear in courts is, "If
he says that, how can you say that?" which is
35 quite an inappropriate question.

THE CORONER: I am sure Mr Lasry will take account
of what you said, Mr Watts.

40 (the witness returns to the hearing room)

THE CORONER: Thank you, Mr Newham.

MR LASRY: Q. Mr Newham, let me ask you in the
45 simplest and most straightforward terms that I
can: during this briefing provided by
Mr Lucas-Smith, did he or anyone else at the

meeting, to your recollection, raise the prospect of these fires having an effect or impact on the Canberra suburbs?

5 A. Yes, it must have been raised. In what content and how, I do not know.

Q. You say it must have been raised. I take it that phrase is not a product of your memory but rather --

10 A. No, it is --

Q. -- other information that you have had made available to you.

15 A. Well, I am confused as to whether information was at the time --

Q. All I want to know is whether you can recall it.

20 A. Not in specific terms.

Q. Well, you said that before. I don't know what you mean by "in specific terms". Either it was raised and you remember it being raised; or you don't remember it being raised. Can you recall it as a topic being raised in that briefing?

25 A. I can recall it as a topic. I can't recall a specific person saying that information and how it was raised.

30 Q. Recalling it as a topic, as you say you do, did that generate in your mind some interest because of the consequences for the urban fire brigade?

35 A. I think I said earlier that I was conscious that the fires were still large and I was conscious of the fact that they had a potential. But to a particular outcome, no.

40 Q. Did you take away from this meeting any feeling that there was now a need to plan for a possible effect on the Canberra suburbs?

45 A. I took away from the meeting the feeling that we needed to plan for greater escalation, that the fires still being where they were and still of the magnitude they were, we would need to resource ourselves just to maintain our capability.

47

Q. And do I understand that what you are saying in that answer is what you were referring to earlier; that is, a greater escalation or a greater - I think you used the word - backfilling.
5 Is that the kind of greater escalation that you are referring to?

A. That is correct. Our commitment to that fire campaign was that we would look after an extended interface area. I was expecting that we may have
10 to have a greater involvement if the fires did break out of the area of containment in Namadgi, that it was likely that we would have to send some of our resources further out and subsequently have to backfill them to maintain our station coverage.
15

Q. Later on the 16th or on the 17th, was there any discussion that you took part in or any meetings or any planning activities that you were involved in for the urban fire brigade that began
20 to cater for the possibility that suburbs might be affected by this fire?

A. For a greater escalation - I haven't looked at the notes in front of me, referred to mine, whether it was on the afternoon of the 16th.
25 I believe we had a planning meeting to look at several escalation requirements, just things that we would possibly need to do. Again in an informal content, this was our own management team. There was some amount of pre-planning if
30 there had to be or if there was an escalation.

Q. I wanted to ask you about some questions and answers you gave in the later interview in October 2003. This is document
35 [DPP.DPP.0004.00338]. You were asked in that interview at question 90 on page 27 - I presume it will be somewhere around 0063.

MR LASRY: Your Worship, it is quarter past 3 and
40 we have been going for an hour. If your Worship wanted to take a break, it might be useful for the witness if he had a chance to look at this material, particularly questions 89, 90 and 91 during that break.
45

THE CORONER: We will take the short break.
47

SHORT ADJOURNMENT

[3.12pm]

RESUMED

[3.19pm]

5 MR LASRY: Q. Mr Newham, in the later tape
recorded record of conversation at question 90 - I
think you have had a chance to have a look at
questions 90, 91 and 92 and your answers - I want
to refer briefly to those and ask you a question.
10 Question 90 asked you:

"Q. When was the first time you would have
thought the fires were going to impact on
Canberra, like when did you suspect that they
15 would enough to increase your resources?

"A. Peter Lucas-Smith spoke to that meeting,
I think it's on the Thursday, was it Thursday
the 16th or was it - yeah, yeah.

20 "Q. Yeah, yeah.

"A. And he was fairly honest, he sort of came
in and he said there's a range of things that
can happen now. The behaviour of the fire
has been - it's accelerated, it's done a
25 range of things, and I think he increased my
interpretation of that the fire was volatile
and that the fire was - that they didn't have
control over - as big a control over it was
as they might have thought they initially had
30 in place. I think that was probably evidence
that a lot of the things they had in place
hadn't worked and now there was going to be
an element of, it's up up now to a range of
things could happen."

35 Then over at page - I won't read the rest of that
answer necessarily - just to put this in proper
context, the questioner went back to the original
question and said:

40 "Q. When did you think the fires were going
to impact, or if there was a chance the fires
were going to impact on a Canberra suburb?

45 "A. Not until Saturday, Matt, really. I mean
I could - I could say, oh, look given my
experience I thought it was highly likely on
Friday."

Then you go on to talk about going out to dinner and things of that kind. I want to understand from you what that all adds up to. Does it all add up to, from your point of view, first of all
5 that there was no certainly in your mind about an impact on the suburbs until Saturday; is that one thing we can draw from those answers?

A. That's my belief, my evidence, my thoughts.

10 Q. You said before the break the topic of an effect on the suburbs was discussed at the meeting on the 16th. That's all you can recall about that that it was discussed. Was there a point between the Thursday and the Saturday where, albeit not a
15 certainty, but it was obvious that it was a genuine risk - if you like, a realistic risk?

A. I believe that when we had deployed resources out on the Friday night there was a possibility. My recollection of that, they conducted
20 back-burning and other activities during the night and just my conversations with some of the people that had been involved, my own people had said, "Well, it had been a tough night," but at that stage I still believed that they were contained -
25 or not contained but they were still burning within the actual mountain range. I didn't at that time, Friday night, believe that they were going to hit the suburbs.

30 Q. Now, you said before the break that after the meeting on the 16th of January you went back and there was a planning meeting within the urban fire brigade; is that right?

A. Yes, sir. That's correct.

35

Q. Is that referred to in your notes in your diary? It is referred to certainly in what I have called the statement where you say:

40 "At the conclusion of this meeting staff from the ACTFB again met and defined specific roles and functions for ACTFB officers."

45 You were to be the operations officer; Mr Canham was to be the logistics officer; and Mr Mike Collins was to be the planning officer; is that right?

A. That's correct.

Q. Does that mean that an Incident Management Team was formally established at that point?

5 A. I believe it was a strategy. I think it was a way of co-ordinating our resources. I believe that we had already given a commitment. We were already staffing the water tankers on a full-time
10 overtime basis. We had out of the normal rostering with increased personnel. It was a way of then being able to actually prepare and plan. Again my thoughts and actions were more involved around maintaining that gap than being able to
15 provide an increased level of response should we have to extend out further than the interface area. But at that time it was geared around providing resources within the city, within the urban area.

20 Q. I wonder if I could ask you to have a look at document [ESB.AFP.0110.0860]. This document is the incident action plan dated 17 January at 4.30pm. Do you recognise that document?

25 A. I may have seen it. I don't recall it clearly. I haven't got a copy of that document.

Q. You haven't --

30 A. I haven't got a copy of that document. I may have seen it at the time.

Q. Before I start to deal with the document, do you recall participating in any way in the formulation of this incident action plan or would that have been someone else's work?

35 A. Under elements, I can't say exactly who had information into it. I would accept the fact that I would have been briefed. I don't recall actually sitting and being part of actually its development, no.

40

Q. The "situation" is described as follows:

45 "Due to prevailing and forecast weather conditions fires in the Brindabella Mountains and Namadgi National Park are approaching Canberra from mountains approximately 20 kilometres to the west, with spotting near

Tidbinbilla and the Corin Dam.

Control lines have been established in order to contain the fires to the mountains. At present all bushfire resources are committed to the firefighting operations in the mountains, however if spotting occurs in front of the fire or breaches of the fire line that bring the fire closer to Canberra, the ACT Fire Brigade is the primary response agency for the Canberra urban area and some properties east of the mountains close to Canberra."

Now, at the time that was written, Mr Newham, obviously the possibility of a risk to the urban area is within the compass of this incident action plan; isn't it?

A. I think the plan recognises that there are structures. It doesn't say to me that it in any way said that it was imminent that we would have fire in the area.

Q. I appreciate that. Indeed, it doesn't say it is imminent. I am simply putting to you that the document is including the Canberra urban area as something which is relevant because it is relevant to your response, to your jurisdiction?

A. That's correct.

Q. It goes on:

"Spot fires may occur up to 10-15 kilometres in front of the fire. Predominant north-west winds are likely to initially cause grass fires within 5 kilometres of Canberra's western boundary, and later to structures and bushland areas within the Canberra urban area."

So that is dealing with what might occur within the urban area?

A. Well, again, sir, the urban area to us with that extended interface is out to the remote and those other properties. So they are for us classified as structures. Still assuming that to be structures in that extended interface area that

we had taken responsibility for.

Q. You say the words set out in that paragraph do not refer to anything east of, for example,
5 Eucumbene Drive or Warragamba Avenue?

A. I don't specifically say that. That's what they are making mention to. I am assessing that as being any of those properties from that
10 interface area outward.

Q. It then goes on to say:

"There are a number of isolated structures that include Mt Stromlo water treatment works
15 and the Observatory, the Tharwa village, Lower Molonglo water treatment works and other significant buildings such as Lanyon Homestead."

20 They are, of course, as you say outside the urban area; that's clear, isn't it?

A. I classify those as being external.

Q. Now the strategy is:
25

"To protect life, property and the environment within ACT boundaries and to assist the Rural Fire Service in protecting life, property and the environment outside
30 the ACT boundaries.

Incident operations officer may redeploy resources from the main fire fronts in response to changing conditions or as
35 additional resources become available.

Staging points for ACTFB resources may be situated at strategic locations outside the Canberra urban rural interface in order to
40 assist firefighting operations. These could be located at Kambah fire station and Tharwa depot."

The response for structures in the built-up area as per SOP4 - standard operating procedure 4 -
45 cottage fires, 2 pumpers for first alarm. That is the standard operating procedure, is it?

A. That is the standard, correct.

Q. In the built-up area?

A. Within the urban area, that's correct.

5

Q. Outside the built-up area, as per that same standard operating procedure, two pumpers and a tanker for first alarm.

A. That's correct.

10

Q. Now, apart from the formulation of this incident action plan - I should add although I didn't read it there is a similar response for grass and bushfire - at 4.30 on 17 January what else was done to prepare for whatever the risk was to the Canberra suburban area?

15

A. I would have to have a look at the remainder of that response plan, because that was part of the planning cell's task. I haven't got a copy of that.

20

Q. I will hand you mine, if there is anything in there that assists you to answer the question. Are you able to tell us apart from the creation of that plan from recollection what --

25

A. Could you repeat the question, sorry?

Q. Yes. The question was: apart from the formulation of that incident action plan with a view to at least the possibility of some effect on the Canberra suburbs, what else was done from 4 o'clock on the 17th of January onwards, if anything?

30

A. There were activities. I haven't got a record of what those were. I believe they would be contained within an overall planning strategy. I haven't got a copy of that. Operationally we had things in place already. As I said, increased staffing and we had spare motors that had been checked out mechanically to ensure that they were operationally sound. As far as - there were different people doing different tasks. There were logistics looking after certain factions.

35

40

Q. When did it first become obvious to you that a fire of significant proportions which would damage a large number of houses was going to hit the

45

suburban area? At what point in the chronology did you become aware of that?

A. My personal thoughts, my personal belief, my personal exposure?

5

Q. I just want your personal recollection.

A. On Saturday.

Q. What time?

10 A. I believe late Saturday, somewhere mid-afternoon I had returned from Uriarra. I had actually seen the first of what was then known to me to be a part of the fire front of which particular fire and how - exactly where that was, but that was at Uriarra I think at approximately 15 1300 hours. Somewhere around about that on the Saturday.

Q. Just so I am clear about this, until then how did you assess the risk to the suburbs, that is damage to houses?

MR WATTS: I object to that. At which stage? Two days before or three days before?

25

MR LASRY: Q. Between the time of your trip to Uriarra and going backwards on the Saturday, had it occurred to you at all during the day on Saturday that there was a risk to suburban Canberra; that is, to houses and other buildings in the urban area?

30 A. I believe that there was a risk to the extended interface that we were talking about.

Q. I am talking about built-up area, Mr Newham.

35 A. Sorry, the structures that we were looking to with Cotter pumping station and places like that. I had probably a thought that they were in danger. At that time - I still did not believe that the homes and the areas of residential structures were going to be hit with the firestorm or with any fire.

Q. Until the trip to Uriarra; is that --

40 A. It was later - even coming back I didn't believe that I was riding in front of a firestorm that would subsequently hit the suburbs of the

ACT.

Q. So on Saturday morning, to take my learned
friend's point as a point of reference, at
5 lunchtime on Saturday the areas such as Duffy or
the areas in Weston Creek weren't areas that you
thought were at significant risk?

A. I can't say from a particular event. I would
say --
10

Q. From this fire?

A. From the very nature of their exposure they
have always posed a risk to any fires coming from
the west. But I didn't believe at any time on
15 that Saturday morning when I went out with my
colleague Darryl to make our own assessment of
where and what the threats might be that I was
either putting himself or myself in danger.

Q. Let me ask the question in another way: at
20 any time on Saturday morning, did you believe
there was any chance at all that there were a
large number of houses that could be damaged in
the Weston Creek area, for example?

A. No.
25

Q. You didn't believe that?

A. I didn't believe at that stage that events
would happen that would have those houses on fire.
30

Q. And you certainly weren't planning for that
eventuality, I take it?

MR WATTS: I object to that. With respect he is
35 not in charge of planning. He was an operations
officer. Someone else was in charge of planning.

MR LASRY: Q. Did you know whether anyone was
planning for that eventuality?

A. I don't believe they were planning for actual
40 fire impact. We had always continued to plan for
an ability to escalate our resources to look after
the urban responsibility.

Q. Mr Newham, was it your view in the week
45 leading up to the 18th - lest I be criticised for
not being specific enough - say between the

meeting on the 16th and Saturday the 18th, was it
your view that these fires were essentially the
business of the Bushfire Service and certainly not
the responsibility or the problem for the urban
5 firefighters?

A. They are the legislative responsibilities of
the Rural Fire Service.

10 Q. You know Mr Prince and also Mr Hobbs in your
service?

A. Yes, sir.

15 Q. Do you recall any discussions with them,
particularly I think on the Friday the 17th of
January, about the need to recall staff within the
urban fire brigade because of the risks posed by
these fires; can you recall either of them
discussing with you a need to recall staff?

20 A. I don't recall specific conversations. I know
that we put recall provisions in, because looking
on the Friday the 17th I've got one of my diary
entries. Again probably because I was running
operations, I have actually got people filling
25 response roles or people pre-allocated response
roles.

Q. Have you had the opportunity or have you had
drawn to your attention the record of conversation
between the police and Mr Prince?

30 A. Sorry, sir?

Q. Have you had the opportunity of being made
aware of the contents of a record of conversation
between the police and Mr Prince?

35 A. No.

Q. You have got no idea what he said to the
police?

40 A. No.

Q. In the course of the interview between
Mr Doyle and Mr Prince - the document is
[DPP.DPP.0004.0040] - and in particular at
question 96 - I want to put this to you and ask
45 you a question about it, Mr Newham. Mr Prince was
asked:

47

5 "Q. Do you think that in that first - or
Thursday, Thursday afternoon into Friday
morning anyway - that enough was being done
by the IMT - I think what is there being
referred to as the IMT within the urban fire
brigade - to put the appropriate arrangements
into place?

10 "A. No, I wasn't comfortable. ... And in
fact, what I myself and District Officer
Hobbs says - he then refers to his statement
- 'at about 1630 on Thursday the 16th of
January 2003, District Officer Hobbs and
myself had a brief discussion with Peter
15 Newham advising him of our concerns around
the fire and that there was a need to be
fully prepared for the possible impact.
Mr Newham stated that in his opinion the
fires were the responsibility of the ACT
20 Bushfire Service and that the fire was not
impacting on the city and at this time it was
business as usual. Mr Newham is the acting
superintendent in charge of ACT Fire Brigade
operations. A position which he has held
since July 2000. He recently got promoted to
25 superintendent and is now in charge of risk
and analysis and is not in that operations or
response to the deployment area'. - then he
goes on to say - no, I wasn't comfortable. I
would have preferred to probably work into
30 the evening on that particular night to
ensure the availability of resources and that
information was going to be sent out."

Do you recall a conversation of that kind?

35 A. Not in that content, no. Again, the handling
and the deployment of the operational vehicles
would have been my responsibility. If I said I
was comfortable with that, then I believe that
that is something that I must have - that I
40 obviously made a decision on.

Q. Do you believe that you did express the view
that since the fire was not impacting on the city
at that time it was business as usual; can you
45 recall saying something like that to Mr Prince?

A. The activities of the fire brigade were
ongoing. There was a lot of other activities

happening that were totally unrelated to the fires of maintaining the operational capability of the nine stations, those resources under my responsibility. That was my main concern.

5

Q. The last thing I want to put to you from this is a few pages over. At question 112, Mr Prince is explaining what he understood your reaction to be and then he was asked the question.

10

"Q. So do you think it was inappropriate, his reaction and response? I mean given the fact that the ACT Fire Brigade is being alerted to the situation there must be the potential for those fires -- Mr Prince interrupts with his answer --

15

"A. I probably would have at least contacted a number of people and had them ready at 8 o'clock on Saturday morning, based on the fact that it is Saturday and Sunday - so my opinion was it would have been better to have those crews made available for 8 o'clock on the Saturday, and if we had prepared for that on the Friday, we would have been in a better position."

20

25

What do you say about that?

A. That may have been Mr Prince's concern. I am just looking back on the Friday - for the Monday and Tuesday of my own notes, I have Peter Hobbs as the rostered duty officer for those times. Peter actually said to me that he intended to go away on the weekend. Therefore I actually recall putting him back those two days with a view of saying to him that I thought with the information that I had that Monday had the potential to be a day of higher risk. So Peter chose to go away.

30

35

I was comfortable with the resources we had. We had a provision, we had all of our available water tankers stood up and we had our spare appliances on standby. Our staffing alone - and for the days we had that campaign is quite taxing on the firefighters to maintain that level of capability - or to increase it and maintain it is difficult. So I made a decision I believe that we had the capability at that time was appropriate.

40

45

MR LASRY: Thank you very much, Mr Newham. Thank you, your Worship.

THE CORONER: Yes, Mr Archer.

5

<CROSS-EXAMINATION BY MR ARCHER

MR ARCHER: Q. Mr Newham, in relation to Saturday the 18th of January - do you have your statement in front of you there?

10 A. No.

Q. If document [AUS.AFP.0071.0012] be brought up. At 0016 you say that you went to the planning meeting that was conducted at 9.30 that Saturday morning?

15

A. Yes, sir.

Q. Were you in court today and yesterday listening to the evidence of Mr Lhuede and Mr Taylor?

20

A. I was not, no.

Q. Did you go to the planning meeting that was conducted at about 1800 hours the night before?

25

A. I did not.

Q. Did you get a briefing from anybody who did attend on behalf of the fire brigade that Friday night?

30

A. I don't recall any specific details of it. I knew we had crews that had been active in firefighting activities on the Friday night. But details of the actual planning meeting, I can't recall.

35

Q. And so far as your attendance on that Saturday morning was concerned, do you recall those conversations that occurred about projected rate of spread of the fires and where the fire might be at a particular time?

40

A. I didn't consciously pay a lot of attention. The Saturday morning, it was very congested. It was very busy in the actual planning room. I can't say that I specifically took any details.

45

In fact, it is probably one of the elements that prompted me to go and actually have a look out towards the Cotter Uriarra area.

Q. In the 4th paragraph under that heading, you say:

5 "At the meeting we were informed that the weather predictions over the next days was going to present conditions for days of high fire danger, with Monday the 20th predicted as a day of extreme fire danger."

10 Having left that meeting, was that your assumption that Monday presented the greatest risk?

A. That was on evidence that was given by the Bureau of Meteorology. That was all I was going on, their predictions of what they were
15 forecasting.

Q. You went for a drive with Mr Thornthwaite, made some observations and came back to Curtin after that?

20 A. I was called back to Curtin. That's correct.

Q. Mr Thornthwaite was then dispatched to the Duffy area to make contingency arrangements out there; is that correct?

25 A. He was briefed by myself and Fire Commission people and then he was the officer in charge of resources, that's correct.

Q. Was he the most senior person out at Duffy that afternoon?

30 A. In a fire brigade context, he was.

Q. You were at ESB at Curtin that afternoon, were you?

35 A. I was. That's correct.

Q. Was the information coming back as to what was happening at Duffy a bit spasmodic - difficult to appreciate what was going on on the ground?

40 A. I would expand more than difficult, very complex, very difficult, very confusing.

MR ARCHER: Yes, thank you, your Worship.

45 THE CORONER: Yes, Mr Lakatos.

MR LAKATOS: Thank you, your Worship.

<CROSS-EXAMINATION BY MR LAKATOS

MR LAKATOS: Q. Can I direct your attention to one matter. Do you still have your diary in front of you?

5 A. I do.

Q. I wonder if you would turn up 15 January just to clear up one matter for my sake. Are the entries in that diary correct in the sense that the times on the printed form indicate the times when the events you have recorded happened generally or not?

10 A. No. If you are matching sequence against time, no.

15 Q. For example, 9.30 does indicate, does it not, that a briefing of the planning meeting took place and the minutes of that meeting tend to suggest that 9.30 was when that started. So that has fortuitously lined up, has it not?

20 A. The meetings were programmed for a specific time each morning because on some occasions, one or twice, they were actually changed because of certain reasons. But in the main they were held at 9.30.

Q. And I think you have given evidence that this was the first date on which you personally met the Chief Minister?

30 A. Yes.

Q. That was a memorable occasion for you, I guess, by reason of that fact alone?

35 A. Yes, it is, by reason of writing it down. There was no other reason particularly that I recall. It was just a meeting with the Minister. I mean, it was a little bit of small talk from the Minister. So I mean that was probably something that I recalled, obviously.

40 Q. Can I put this proposition to you: such evidence as there is before this inquiry as to the Chief Minister attending any planning meeting on that day seems to suggest that he was at or around the Curtin facility to take a helicopter ride to, as it were, reconnoitre where the fires were but he did not attend the planning meeting. If you

accept that as a general summary, can I ask you
this: do you think you may be mistaken as to your
conclusion in your witness statement that the
Chief Minister attended the planning meeting on
5 that particular morning, the 15th of January?
A. I can only go by my recollections. If it was
recalling the Minister being there and meeting him
and making an assumption he was at the meeting - I
was an observer at the meeting. So if I have made
10 a - misjudged that, that is possible.

Q. I suppose, once again, all I am asking is
whether or not that is a possibility within a
range of possibilities

15 A. That is a possibility.

MR LAKATOS: Yes, thank you.

20 THE CORONER: Mr Pike?

MR PIKE: Nothing, your Worship.

THE CORONER: Mr Whybrow?

25 MR WHYBROW: Nothing, your Worship.

THE CORONER: Mr Walker?

30 MR PHILIP WALKER: Just a couple.

<CROSS-EXAMINATION BY MR PHILIP WALKER

MR PHILIP WALKER: Q. The fire brigade has
responsibility for the Pierces Creek settlement;
is that right?

35 A. It has. That's correct.

Q. And the Uriarra Settlement?

A. That's correct.

40 Q. They are both west of the Murrumbidgee?

A. That's correct.

45 Q. The Stromlo Observatory, Tharwa, Hall, Stromlo
Forestry settlement - responsibility for all those
areas?

47 A. For structural firefighting, that's correct.

Q. It also has responsibility for farm houses on any rural property; is that right?

A. Structures, that is correct.

5 Q. And places like Cotter pumping station - any building really; is that right?

A. Building, vehicles, appliances.

10 Q. So even utility structures and that sort of thing - a transformer or something like that might be important to the fire brigade; is that right?

A. We would attend a call to a fire involving any of those.

15 Q. So that being the case, it would be perfectly appropriate for the fire brigade to be interested in the fire a long time before there was any consideration of that fire actually affecting the suburbs if it was out the west; is that right?

20 A. No. I don't believe we would send resources out to a potential for a fire. We respond --

Q. If there was a fire.

25 A. If there was a fire, notification of a fire.

Q. But my point was: if there was a fire in the west, you might be interested and want to know about the potential for buildings and structures that might require your services; there would be nothing unusual about that, would there?

30 A. We would try and avail ourselves of a structural that would come under our jurisdiction. you had better rephrase the question because I don't understand.

35 Q. What I am saying is: your interest starts with these fires a long, long way before we reach the Canberra suburban area, doesn't it?

40 A. Our interests, our responsibility - a structure is our responsibility. So a structure on fire is our interest, our responsibility, that's correct.

45 Q. I think the answer to my question is yes, then, is it not?

A. Yes, we would be interested in structural or other utility that was on fire.

Q. But the briefing that occurred on the 16th of January, you said in your record of conversation [ESB.AFP.0049.0264]:

5 "Mr Lucas-Smith may have said this
information is for the people of this
meeting. I don't recall him actually saying
'and no-one else shall ever know'. I think
10 it was more by 'Look, this is what I am
telling you. I am briefing you and the
information is pretty much for the people in
this room.' But on the same hand I don't - I
don't recall any suggestion or anything
15 saying 'and no-one else must know'."

That's your recollection of the way the
information was conveyed to you?

A. No, I don't know. I don't know whose
information that is.

20 Q. Well, I am reading to you from the record of
conversation you had with the police. That's your
answer at question 39. I will read the question
which was asked of you:

25 "Q. "Mr Newham, was there anything and was
there any mention made of the information
being portrayed to the media?

"A. Um --

30 "Q. Or any issues regarding information that
came to that meeting?

"A. Ar, well, I don't really specifically
say, look, this is not going to be said.
35 Quite often it may have been through the
other briefing meetings that we attended with
the rurals that they said 'oh, well the media
will probably have an interest in this' and
to be honest Mark, I wasn't paying much
40 attention because there was media handling
it. I think in - in this particular content,
Peter Lucas-Smith may have said, um, this is
for information of those people this meeting.
I don't recall him actually saying 'and
45 no-one else shall ever know'. I think it was
more by, 'Look this is what I'm telling you -
you're - I'm briefing you and the information

is pretty much for the people in this room'
but on the same hand I don't - I don't recall
any suggestions or anybody saying 'and no-one
else must know'."

5

Is that roughly the way you understood the
information being conveyed to you?

A. I recall that because I recall conversations
where people had suggested other parts of
10 conversation. When I had my interview with the
police, I said "I didn't recall any of those
things happening." I heard they were mentioned
outside the content possibly of that meeting.
That was me saying I didn't recall. I didn't.

15

Q. Let me ask you this question: did you feel
when you left that meeting that you weren't at
liberty to use the information you received in the
briefing as you saw fit?

20 A. I would have used any information that was
said at that meeting. I wouldn't have withheld
information on any account.

Q. Did you feel under any constraint?

25 A. No.

Q. Is it fair to say that the discussion at that
meeting could be described as fairly free ranging
amongst the people who were at that meeting?

30 A. My recollections of things that I recall
indicate I believe they were. There was some of
those people at the meeting that was possibly
their first time that they had attended any of the
briefing meetings. So I would think that there
35 would be a lot of questions - just having a look
at some of those people that were present, they
had no other role as such within that campaign.
So, yes.

40 Q. It was open to everybody to have a say or ask
a question or something of that nature, was it?

A. It didn't have an agenda as such. It was a
discussion forum, a briefing session, so people
would have been able to put forward or to ask a
45 question. I wasn't conducting the meeting. I was
there myself just as a participant.

47

Q. Is it fair to say that the meeting even had some humour to it?

A. Some humour?

5 Q. Yes.

A. I can't recall that kind of thing. But I believe yes, there would be no reason why there wouldn't. Normally when we meet as a fire brigade group, it is certainly - the content of the meeting, as I said it was not formal, so I would suggest that's every likelihood.

Q. It was an important meeting but not a structured formal one?

15 A. It was a meeting the fire brigade believed important enough to saying, "We will bring some people together by way of letting them understand and get information." So, yes, it was important and I would suggest very informal.

20

MR PHILIP WALKER: Thank you, your Worship.

THE CORONER: Thank you, Mr Walker. Mr Craddock?

25 MR CRADDOCK: No, thank you.

THE CORONER: Mr Watts?

MR WATTS: Thank you.

30

<CROSS-EXAMINATION BY MR WATTS

MR WATTS: Q. With fires to buildings in an urban environment is it true that a hot day and low humidity - I withdraw that. Putting to one side the question whether a fire might come and burn a house from adjoining bush land, is it true that high temperature and strong winds and low humidity do not generally increase the risk of fires to structures and houses within an urban area?

40 A. My opinion it wouldn't be significantly, no.

Q. You gave some evidence about the areas of responsibility of the fire brigade as opposed to the Bushfire Service. As you understand it, there is a legislative base for that and there is a gazettal of your responsibilities?

45 A. That's correct.

Q. You gave evidence to my learned friend that generally it is structures that you look after?

A. That's correct.

5 Q. Houses, cars if they catch on fire and even helicopters if they go into a dam?

A. That's correct.

10 Q. During the lead-up to the 18th of January, is it true that despite the strict lines of demarcation you did provide some resources as requested of the Bushfire Service?

15 A. We assisted on Tharwa; we sent resources up there I believe on the Friday; and we had resources available for their deployment on request.

20 Q. And generally within the urban area of Canberra where there are green belt areas, is that bushland generally their responsibility?

25 A. On a normal fire season, that is correct. We look after, I suppose we would say to the fence line. There are exceptions within the city that are gazetted. But within the main we look after the urban and then don't look after from the interface out through to the grasslands through the mountains.

30 Q. During this period leading up to the 18th was there some arrangement whereby you took extra responsibility to relieve them of the obligation or the responsibility of looking after some --

35 A. I wasn't at the actual meeting where it was formalised. Mr Bennett and Mr Lucas-Smith did meet and they had agreed that the ACT Fire Brigade in co-operation would extend its area of responsibility out further. The thoughts behind that was to allow the Rural Fire Service to use their resources further out.

40

Q. In other words, you were trying to assist them as best you could?

45 A. Within the capability we have for that type of firefighting, we are somewhat limited. We don't have a huge capability for grass wildfire firefighting.

47

Q. You were asked some questions about when you became aware of the possibility of fires impacting upon, say, Duffy. I want to ask you this: having regard to the nature of the fires that struck the
5 Duffy area on the 18th, is it your opinion that the fire brigade did as good a job as it possibly could have to fight the fires in the houses that were affected?

A. I think they did better than just a good job.
10 I believe the efforts of the firefighters, given those circumstances, were extraordinary.

Q. To your knowledge, were there any resources that you had available which were not used in
15 fighting those fires?

A. We had resources available, but again we need to maintain a capability in opening - in some amount of response. So there were I think two stations left on the north side, but to ours,
20 everything that we had was in a deployment phase.

Q. The reason that those two stations were not mobilised was because there might have been fires elsewhere?

A. Sorry, I will clarify that. They were all
25 stood up and they all had an operational role.

MR WATTS: Thank you your Worship.

30 THE CORONER: Thank you Mr Watts. Mr Lasry?

MR LASRY: Two brief matters, if I might.

<RE-EXAMINATION BY MR LASRY

35 MR LASRY: Q. Mr Newham, is it within your knowledge that on Friday the 17th of January a check was made as to the serviceability of hydrants along Eucumbene Drive?

A. I recall that the operational crews had done
40 a - it may have been the day before - also had done a drive by familiarisation.

Q. Familiarisation?

A. A look at where service roads and other access
45 roads would be. That's something they do as part of their fire season preparations.

47

Q. Is that - do you know, did that happen as a result of some perceived risk on this particular day?

5 A. I believe it was as part of just a preventative, as an awareness strategy.

Q. So it wasn't as a result of the fact of the fires to the west?

10 A. I think that may have been something that we would have acknowledged. But the actual checking of the access roads and checking of those things possibly don't - as part of the considerations the planning cell did, I haven't got details that that was specifically done. But it would be in view.

15

Q. The other thing I wanted to ask you about was whether or not it is within your knowledge that an offer was made I think on the 18th, if not sooner, but possibly on the 18th from memory, that some offer was communicated that the airport fire appliances or some of them, and some of their crew, would be available to be used in the urban area; are you aware of the existence of that offer and how it was dealt with?

20

25 A. I was made aware. I received a phone call from an officer at the Aviation Rescue Firefighting Service. To the best of my recollection it was during the period when the fires storms had hit. My recollection of the conversation to the person was that at this stage the fire front had hit many suburbs. The extent of the fires was still uncertain; that there was every likelihood or there was a possibility that they themselves may - the nature of their vehicles don't make them inherently appropriate for structural firefighting as we know it. At that time we don't have communications on board with that organisation. So as an actual - as a resource or response resource no, I said to them
30 that they would be best situated where they were.

35

40

Q. Was it your view that they were not useful to form part of your effort in the suburbs?

45 A. Not in that immediate deployment stage. We were absolutely stretched with trying to maintain communications, albeit with our own, to try in any way to bring on a vehicle from another

organisation.

MR LASRY: Thank you, Mr Newham.

5 THE CORONER: Thank you, Mr Newham. You are
excused. Thank you.

<THE WITNESS WITHDREW

10 THE CORONER: Are there any matters before we
adjourn until tomorrow morning?

MR PIKE: Can I just ask your Worship, I think I
am correct in my understanding, tomorrow we have
Mr Camilleri, Mr Collins and Mr McIntyre?

15 THE CORONER: That seems to accord with my list:
Mr Camilleri, Mr Collins and Mr McIntyre.

MR LASRY: Commander Newton on Thursday. I have
20 asked, because I am extraordinarily sympathetic to
my learned friends, as they all know, I have asked
Mr Watts to inquire as to whether Mr Cartwright
might be available on Thursday, in which case we
would not have any witnesses available for Friday.

25 THE CORONER: No witness available for Friday.

MR LASRY: No. As I say, it is my learned
friends' welfare about which I am most concerned.

30 THE CORONER: I understand that. I am sure they
are very grateful to you as well, Mr Lasry. Well,
it looks as if we will be playing tapes on Friday
if we run out of witnesses. Thank you. We will
35 adjourn until tomorrow morning.

**MATTER ADJOURNED AT 4.10PM UNTIL WEDNESDAY
12 MAY 2004.**

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TRANSCRIPT OF PROCEEDINGS

CORONER'S COURT OF THE
AUSTRALIAN CAPITAL TERRITORY

MRS M. DOOGAN, CORONER

CF No 154 of 2003

CANBERRA

INQUEST AND INQUIRY INTO
THE DEATH OF DOROTHY MCGRATH,
ALLISON MARY TENNER,
PETER BROOKE, AND DOUGLAS JOHN FRASER
AND THE FIRES OF JANUARY 2003

DAY 52

Wednesday, 12 May 2004

[10.02am]

MR BARTLETT: Your Worship, I will announce my
appearance. My name is Bartlett. I am
5 representing one of the witnesses who is scheduled
to give evidence today, station officer Shawn
McIntyre.

MR MILDREN: Your Worship, I wonder if I might
10 mention my appearance. I seek leave to appear for
Mr Dannie Camilleri, who is the first witness I
understand today.

THE CORONER: Yes, that leave is granted to you,
15 Mr Mildren, and likewise to you, Mr Bartlett.

MR BARTLETT: Thank you, your Worship.

MS CRONAN: I call Dannie Frank Camilleri.
20

<DANNIE FRANK CAMILLERI, SWORN

<EXAMINATION-IN-CHIEF BY MS CRONAN

MS CRONAN: Q. Would you please tell the Court
25 your full name?

A. Dannie Frank Camilleri.

Q. You are a station officer A grade in the ACT
Fire Brigade; is that correct?

30 A. That's correct.

Q. What is your professional address?

A. 72 Kenyon Circuit, Monash, Canberra, ACT.

35 Q. How long have you been an urban firefighter?

A. I have been an urban firefighter for 22 years
and an airport firefighter for about 18 months
previous to that.

40 Q. Where have you been employed?

A. I was initially with the Aviation Rescue and
Firefighting Service in Canberra. I am now with
the ACT Fire Brigade of the ESB.

45 Q. You have been with the fire brigade here for
what - 22 years?

A. 22 - since 1983.

Q. You have made a statement for the inquiry which is dated 18 March 2003?

A. That's correct.

5 Q. Could the witness please be shown [ESB.AFP.0024.0245]. Have you had an opportunity, sir, to go through your statement recently?

A. That's correct, yes.

10 Q. Before you start your evidence, is there anything you would like to alter or correct in that statement?

A. No. No. I'm happy with my statement.

15 Q. On the 8th and 9th of January you weren't working a shift; is that right?

A. That's correct.

20 Q. But you were working on the 10th, 11th and 12th, and the duties you performed were all standard routine urban fire brigade type duties; is that correct?

A. Yes, that's correct.

25 Q. Were you given any information in those three days about what was occurring in relation to the fires out in the Brindabella Ranges?

A. No.

30 Q. Were you aware at that stage that there were fires in the ranges?

A. Yes, absolutely.

35 Q. You were off-duty again on the 14th and worked the 15th, 16th, and on those days you just attended to your normal urban fire brigade duties as well?

40 A. No, that was extra duty. We were asked to man water tankers on our days off, and on the 15th and 16th I was at the Kambah fire station as the station officer in charge of the water tankers.

Q. Did you attend - how many call-outs did you attend over that two-day period?

45 A. One.

Q. That's the one mentioned in your statement in

relation to a motor vehicle in the Uriarra Settlement?

A. Right. There was an overturned vehicle we had to right so the bushfire tankers could get through
5 because it blocked the road.

Q. The vehicle wasn't actually on fire?

A. No, no.

10 Q. Over that two-day period were you given any information about what was occurring in relation to the fires out in the Brindabellas Ranges?

A. No, none at all.

15 Q. You were off-duty on the 17th and back on duty on the 18th of January. What duties were you due to perform during that shift?

A. Just my normal station officer role. I was permanently stationed at Ainslie fire station. My
20 role there is station officer in charge of the fire station, which was a pumper and a breathing apparatus crew.

Q. What was your normal shift hours?

25 A. From 0800 to 1800 is the normal 10-hour rostered shift.

Q. That was the shift that you were expecting to perform?

30 A. Yes.

Q. How many crew members did you have under you on that day?

A. I would have had five; three on the front line
35 pumper and two on the breathing apparatus vehicle.

Q. The Ainslie station had breathing apparatus equipment attached to it?

A. Yes, that's correct.
40

Q. It had one urban pumper?

A. One urban pumper, yes.

Q. That was bravo 2?

45 A. It would be bravo 2.

Q. There is mention of bravo 27 in your

statement?

A. Bravo 27 is what is known as the breathing apparatus vehicle.

5 Q. Did you normally have a tanker attached to Ainslie station as well?

A. No. Not at that time.

10 Q. When you arrived at work, were you given any briefing as to what was happening in relation to the bushfires in the Brindabellas?

A. No. None at all.

15 Q. Were you given any sort of informal gossip type information about what might be happening?

A. No. The only information came from within ourselves, within our crew, about what was experiencing on the Friday night on the 17th. Just that there was evidence of things like leaves
20 falling in the suburbs et cetera, burnt leaves. And it was only just a general crew discussion of what we thought may be happening.

25 Q. So you attended your normal urban fire brigade duties that morning?

A. Correct.

Q. You attended four fire alarm calls in north Canberra?

30 A. Yes.

Q. And returned to Ainslie station at approximately 2.15 in the afternoon?

35 A. That's correct.

Q. At that point you still had no information about what was happening with the bushfires?

A. None whatsoever.

40 Q. You were then called to a grass fire at the Lower Molonglo sewerage treatment works?

A. Yes, that's true.

Q. Who gave you that call?

45 A. We got the call through our communications centre via the radio after we had been to a garage fire in Belconnen. We were returning back to

station when we received the call. In actual fact the message came through to check what was a smoke sighting at the Lower Molonglo treatment works, maybe a grass fire. And we had a bit of a comical
5 talk about the fact that why would they call us to smoke. Smoke was everywhere. The whole district was covered in it. It was quite an unusual call. They gave us the information based on what the 000 call was at the time.

10

Q. So how many people did you have with you in Bravo 2 when you got that call?

A. It is a station officer and three firefighters.

15

Q. What were you expecting to see when you arrived - did you have any expectation as to what you might be attending at that stage?

A. No. No. There was fairly thick smoke along
20 Stock Hill Drive. We had no idea because we couldn't see flame at this point.

Q. You drove to the sewerage treatment works, did you have any difficulty getting there?

A. Yes, we did. Just near the Belconnen golf
25 course there were spectators and people crowded on the road there just as you enter Stock Hill Drive, and they were blocking the road with their vehicles. We had to actually ask them to move
30 their vehicles so we could proceed through.

Q. Did you have your sirens on when you approached that area?

A. Absolutely. Yes.
35

Q. You still had to stop and ask them to move?

A. We still had to stop and ask them to move. They were probably 20 or 30 metres away from their vehicles.
40

Q. Did you expect that you were the only vehicle attending that call?

A. We didn't know of any other vehicle that was attending that call. We thought that we were on
45 our own.

Q. What did you see when you arrived at the

treatment works?

5 A. We had to round - just above the treatment works there is a hill. Just as you come around that hill, we were confronted by an actual fire front. My driver, who only just has been given his urgent duty driving, he looked at me. I told him to proceed through it, he had to drive through the fire front.

10 Q. Can you describe the height and depth of the fire front?

A. That one wasn't terribly high but it was - trees were involved. Probably about - maybe height of about 10 metres.

15

Q. What depth did you have to drive through?

20 A. Oh, fire front was probably about 20 metres in depth. But then there was burnt areas on the other side of it. But it was the fact that we came around the corner and didn't know one of the fire fronts was coming through.

Q. So your driver drove through that fire front?

25 A. We drove through it.

Q. Where did you go after that?

A. We stopped. We used all the water we had on the vehicle to try and put out what we could.

30 Q. Your vehicle caught alight?

35 A. Because it was about to cross over into a paddock. I then - once we run out of water, and we were pretty exhausted, even just with one tank of water because we were hit by - because of the heat and the wind and everything. Just from my familiarisation of the treatment works from years before that, there was a road that took us around the back of it. We couldn't proceed through the fires; there were a lot of trees on fire, et cetera. So we found a road and we went towards the back of the treatment works.

40 Q. Can I ask you to clarify, what were you actually putting your first tank of water onto?

45 A. Well, as I say we went through it. There was an area on the hill that was alight. But the paddock on the other side wasn't alight. So to

try and stop it from going across to the paddock, we were hitting the hill with all the hoses we had. That only lasted for about 5 minutes, I suppose, and we run out of water.

5

Q. You proceeded on the road and went to the back of the treatment work?

A. That's correct, yes.

10 Q. You had been on a familiarisation of the treatment works some years earlier?

A. Yes.

Q. Did you actually do a simulation there?

15 A. No. It was basically a walkthrough with the plant manager and he told us of all the chemicals that were stored and the type of chemicals that they keep there. That's what I always remember that he actually told me if this place ever went
20 up basically that the chemical dumps would have to be protected because chlorine as a gas, obviously, particularly with a north-westerly, would hit Belconnen and there would be mass evacuations.

25 Q. What would be the effect of the flames hitting the chlorine?

A. Oh, explosion - once it has reached its flash point it would explode. That cloud of gas would affect the west Belconnen area, Holt and towards
30 that sort of area.

Q. So you knew from that familiarisation where the chlorine was stored?

A. Yes.

35

Q. Were there any other chemicals you had been warned about?

A. No. Mainly the chlorine, that was the main one. Also they had banks of LPG cylinders on site
40 as well. They are the two we would worry about, apart from all the other treatment work gases that evolve through their plant. So the chlorine was the one I was concerned about. Plus there was diesel fuel, but diesel fuel has a different flash
45 point to chlorine. They are side by side on the plant.

47

Q. Where is the LPG gas in relation to --

A. In the same area.

Q. You proceeded to that area?

5 A. Yes. We had to cut a chain on a gate. We got into the area. And I pointed out to my crew where the chlorine gas was kept and stored, yes.

Q. Could you tell us then what you and your crew did after you arrived at the treatment works?

10 A. We found a hydrant and filled our pumper. At this point in time I was desperately trying to get hold of our communications centre with our radios and we had no communication whatsoever.

15

Q. What type of radios did you have with you?

A. We had the two. We actually have three radios. We have portable radios which aren't very strong. We have the fire engine, the pumper
20 radio, which is the main communication radio that we use, and we also have our mobile phone.

Q. Did you have a Rural Fire Service radio?

A. Yes. Beg your pardon, we have a VHS rural
25 channel. As you can imagine, we had that on. The amount of traffic that was used on the radio was quite extensive at this stage. We couldn't use that. In fact you couldn't basically get on it because of the amount of traffic that was actually
30 flowing at the time.

Q. So initially what radio did you try and use to get hold of --

A. Our pumper radio and no success.
35

Q. You still had electrical - you hadn't switched the electrical isolation switch at this stage?

A. No, that was much later.

40 Q. Do you know what the problem was with the radio at that stage?

A. I think it was a black spot and also the radio technicians do tell me that, I guess under certain smoke conditions, the radio is not as effective as
45 it could be and maybe with those weather conditions, et cetera, it does play a part in the radio transmissions.

Q. Did you just try that radio?

A. Tried that radio and had a look at the mobile phone. There was no coverage. There is no signal out there. And portables obviously are much
5 weaker than the fire engine radio, so I didn't even attempt to try them.

Q. Could you see any fire fronts from where you were at that stage?

10 A. Once we were in the compound?

Q. Yes.

A. Yes, we saw another one that was heading towards the control centre of the treatment works,
15 which is more to the southern side of the building.

Q. Where was that coming from?

A. From the Murrumbidgee corridor, from the
20 Uriarra area. Heading up towards, as I said, the southern side of the building - probably what we could see would be maybe a 200-metre front.

Q. And what flame height?

A. Extensive flame height because once it hits
25 the grasslands the flame height is not that high. But once it hits the trees and crowns there were a number of eucalypts and whatever that were crowning at the time, that could be anywhere up to
30 20 metres in height, I suppose.

Q. Was the area densely treed?

A. As I recall, no. No.

35 Q. If you could continue to describe what you and your crew did.

A. We filled up with water and I asked the crew to position the vehicle so we could try and re-route the fire as it came up the hill. We knew
40 at this stage by the people that worked at the treatment works that the substation was well alight at the base of the treatment works. There was nothing we could do about that. We wouldn't even attempt to put that out because of inherent
45 dangers with electricity, et cetera.

So I positioned the vehicle so we could try and

re-route the fire away from the control centre and basically more in a southerly direction, which we did. We stood our ground there. Of course at this stage I had no idea that there was another
5 pumper and tankers working on top of the hill more to the south. I had no idea that our crews were actually working there.

10 Q. So you were re-routing the fire front to the south?

A. Yes, just trying to redirect it. With the wind speed and the ferocity of the fire, our hoses were playing a major role there but extinguishment was virtually impossible. You could only just
15 re-direct it.

Q. So all of you worked on that effort. Did the treatment staff assist you in that?

20 A. Absolutely. Absolutely.

Q. How many staff were present?

A. I think I saw about four. They had sprinklers on and they were doing hose carrying and trying to help the load with us, with unprotected gear.
25 They knew obviously the seriousness of the situation and that we needed some help.

Q. Did they essentially work under your direction with your crew?

30 A. No, not really. I think they had their own people that were in charge of them. But if I asked them to do something, they didn't hesitate to assist. I did ask them a couple of times.

35 Q. So what happened after that?

A. After that we again needed to - we had hoses connected to the fire engine by a hydrant, so we had plenty of water available. Once we had that fire out, we then saw another fire front coming
40 this time towards the north side of the building towards the chemical tanks.

Q. Where was that one coming from?

45 A. Same direction, from down at the Murrumbidgee corridor there. I asked my main driver to position the vehicle side on to the chemical tanks so we could get our big cannon, our water monitor

on top of the fire engine, heading towards the fire to try and hit it with as much volume of water as we could. We did that. We connected up the hoses and we were hitting it with other high pressure hoses we have on the vehicle. And that's the that point in time where just as the fire was less than about 3 metres from the vehicle the fire engine cut out.

10 Q. What happened when the fire engine cut out?
A. The cause of it?

Q. The effect of it.
A. The effect of it was we were then hit with - obviously once the fire engine cuts out, that's what runs our pumps. We had no water. We were immediately hit by flames and the heat and we quickly ran to the side of the building. As we got there, we were basically thrown onto the ground and the flames came over the top of us. We were suffering from not only heat exhaustion but also difficulty in breathing. At no time had we had any chance to put breathing apparatus on. It was virtually impossible.

25 Q. What were you wearing at that stage?
A. Nothing.

Q. Were you wearing --
30 A. I beg your pardon. We weren't wearing any breathing apparatus to assist us in breathing. We had obviously our personal protection.

Q. And your helmets?
35 A. Absolutely.

Q. You were just wearing your uniform and got hit by the full force of that fire front as it swept through?
40 A. Yes, that's correct.

Q. You were knocked to the ground behind the building, did you say?
A. No, behind the fire engine and the building.
45 There were two of us who were knocked over by the force of the wind. We basically composed ourselves and went to the side of the building to

try and get some air.

Q. Were you able to compose yourself after the fire front went through?

5 A. Yes, absolutely. We composed ourselves pretty quickly, went and had a look at the area where the chemical tanks were, and the grass around the base of the containers was on fire. The flames were underneath all the tubing and the pipe work that
10 leads to the chlorine tanks.

Q. What did you do?

A. We ran out hoses from the hydrants and hit them with the hoses and our branches that we put
15 on the end of the hose. We managed to put most of it out. At this point in time, that's when I turned around and saw that our fire engine was on fire from the front of the engine.

20 Q. What did you do in relation to your fire engine?

A. Well, basically we had one hose directed onto the chemical tanks and the other hose onto the fire engine to try and put it out.
25

Q. Were you able to put the fire engine out?

A. With some difficulty. The access for the inlet was not readily accessible. We were basically just putting water down the grille, down
30 underneath. It was more so towards the right-hand front of the engine.

Q. What was the problem with the fire engine; why did it catch alight?

35 A. Embers that had come up from the fire had entered the air cleaner. When a fire engine is in pump mode; that is, it is stationary and the PTO on the gearbox that actually runs the pump, the engine does - the revolutions do increase. There
40 is a lot of volume of air being sucked into the air cleaner. As it is just a standard opening to the outside, embers can get into the air cleaner very readily, very easily. It works its way down into the tubing and into a paper air cleaner
45 element which then caught on fire.

Q. Isn't there supposed to be a filtering system

to stop that occurring?

A. A filter grill, which may have assisted us, was put on a few days after the 18th.

5 Q. So at that stage there was no filter?

A. No.

Q. After you put the fire out how was the fire behaving around the chemicals?

10 A. There was still pockets of fire around the tank. At this stage a light unit - when I say a light unit, a small tanker - came to our assistance with Station Officer John Whittle and Firefighter Summerfield. They assisted us by
15 giving us some air with some filters so we could breathe some clean air. I directed them to go around the base of the tanks and told them they could go and put the rest of that out, which they did.

20

Q. At this stage was District Officer O'Connor at the scene as well?

A. Yes.

25 Q. When did he arrive?

A. He arrived as we were fighting the second fire front, the one to the south of the building towards the control centre. I did notice that his vehicle was in the compound at that stage.

30

Q. What kind of vehicle was he in?

A. He was in a delta vehicle, which is a command vehicle.

35 Q. He wasn't carrying water?

A. No, no.

Q. Whilst Firefighter Whittle and Senior Firefighter Summerfield were working on the
40 pockets of fire near the chlorine acid tanks, did you get hit by another fire front again?

A. We then noticed that there was another fire front coming to the north. We just didn't receive one fire front that came through and went through
45 the whole building; there were four separate fires which came. They may have been started down the bottom of the valley by sparks or embers that went

ahead of the original fire front and then came through as a fire front on their own.

5 We did notice there was another one coming, and those ones were coming to the north of the building. There is a paddock which goes to the north of the building. That's where the diesel tanks are stored. We set up hose lines and used the hose lines from the hydrants again to redirect
10 the fire away from the building.

Q. How long did you conduct that operation for?

A. That particular one for probably half an hour.

15 Q. Were you successful in doing that?

A. Yes.

Q. What happened after that fire front went through?

20 A. After that we got our people together to see if the crew was okay. We were pretty exhausted by this stage, as you can imagine.

25 After the fourth fire front went through, one of my crew came and saw me and said that he could see another fire engine up on the southern side of the building. And at that point I thought, "Oh great, they have sent us some relief." Unknown to me, the fire engine up the top there burnt as well,
30 and they had been there before we were there.

Q. They had been there the whole time fighting the fire in their sector?

A. Yes, yes.

35

Q. Do you know why that fire engine burnt as well?

A. I think they had an air cleaner problem as well and also the air lines, which were plastic
40 and exposed to heat, burnt as well. They lost all their air which works all your hydraulics and everything on the fire engine, braking, et cetera.

45 Q. Do you know if they were aware you were present?

A. No, they had no idea we were there.

47

Q. They hadn't heard your attempts to radio out?

A. No, they couldn't get through either.

THE CORONER: Q. This was another urban one?

5 A. Yes, your Worship, yes.

MS CRONAN: Q. Did you speak to the commander of that vehicle?

A. Yes, Station Officer Ian Collier. I went up
10 to see him and I basically said, "Thank for coming to help us". He said, "We've been here all the time. We didn't even know you were here." And he said "our fire engine is not working now." I said, "Same as ours. Ours is burnt." His was burnt.
15 We still had a heavy tanker because he had a heavy tanker and a light unit that I explained before with SO Whittle on it. And at that point a rural fire light unit was on the scene and --

20 Q. Just arrived there?

A. They just arrived there. They told me that there is something like 50 houses burning in Duffy. That was the first that we heard that there was a problem in that Weston Creek area.

25

Q. So after you were told that there was a fire in Weston Creek, what did you do?

A. Went and saw the district officer and basically asked him whether he was aware of what
30 was happening in Duffy and that we will need to take equipment off our vehicles and put them on the tanker, particularly the large tanker, and have this crew head towards the Duffy area, as now they weren't required at the treatment works as
35 the fires have gone through. All the grasslands and trees had been burnt. There didn't appear to be a danger there. Most of it was blackened out and that we should really have crews heading out to the Duffy area.

40

Q. Did he arrange that?

A. Well, he was concerned that Stock Hill Drive may not be passable; it might be blocked due to trees. So he needed to talk to our other incident
45 commanders over in south side. I believe he went inside the building to try and do that.

47

I got in his vehicle and drove halfway along Stock Hill Drive. There were trees across the road, but I felt that our tanker was able to get through - make their way through there. I went back to the treatment works and spoke to Station Officer Collier and said, "You should have people on this vehicle heading straight to Duffy now," which is what they did.

10 Q. What happened to you and your crew?

A. We were still putting out various pockets of fire that we thought we could put out with the hoses that we had at the hydrants. After that, I mean we were at this stage exceptionally exhausted. I then went to the building and used a telephone inside the building, the land line was still working, and contacted our communications centre after about three tries.

20 Q. Can you recall who you spoke to?

A. The person that was on the other end of the phone wasn't a COMCEN person; it was someone who apparently had walked into the COMCEN and was assisting. There was no names. I didn't ask for a name. I just wanted to get the information across that we were in trouble and that maybe we need somehow to get to Duffy and assist in operations there.

30 Q. Was that person able to assist you?

A. That person didn't know who I was. He didn't know what Bravo 2 meant, which was the Ainslie pumper. I had to repeat it three times and then explain to him in, I guess, non-fire brigade terminology that I am a station officer in charge of a fire engine; this is what has happened to our fire engine; could you relay that information on to people that need to know about it.

40 Q. Was that person then able to do that?

A. I have no idea.

Q. Did you then go back to Curtin headquarters with District Officer O'Connor?

45 A. Yes, eventually. He had to leave the fire engine there obviously. We tried to secure it as best we could. We put some personal gear into the

vehicle, and Acting District Officer O'Connor drove us to Curtin where I thought we might either have a break and then be retasked or whatever.

5 Q. Who did you see when you got back to Curtin?

MR WHYBROW: I object on the basis that there has been about 50 witnesses called, and none of these people especially at Curtin have been asked
10 questions as to what was happening at about 4.30 on Saturday the 18th. I am not sure that this witness is the most appropriate one to be the first person to give evidence as to what was
15 happening at Curtin at 4 o'clock on Saturday afternoon. That seems a little bit unfair, given there were a number of other people who were there the whole time who haven't been asked questions about these issues.

20 THE CORONER: That doesn't prevent Mr Camilleri being asked the question, Mr Whybrow.

MR WHYBROW: No, but it does tend to have only one witness out of 50 who has, let's say, made some
25 strident remarks, being the only person that counsel assisting is asking these questions of. I wanted to bring that to your Worship's attention.

30 THE CORONER: Thank you, Mr Whybrow. You can ask the question, Ms Cronan.

MS CRONAN: Q. Who did you speak to when you got back to Curtin?

A. I spoke to a number of firefighters that were
35 assembled outside that basically came in off their own accord and were waiting to be tasked. These people obviously knew, you know, that they were required at Curtin, even though some of them had contacted Curtin to see where they should assemble
40 and no-one gave them any information to that. They basically did it off their own bat.

MR CRADDOCK: I object.

45 MR WATTS: I object to that as well.

MR CRADDOCK: If this is going to happen at all,

it ought to be direct. It ought not to be second, third hand hearsay or whatever this is. The witness ought to be properly directed about this evidence.

5

THE CORONER: If you can perhaps clarify.

MS CRONAN: Q. What did they tell you about --

10 MR WATTS: I object to that. "What did they" - who are we talking about? Can we have some names?

THE CORONER: Yes, I think that is important, Ms Cronan.

15

MS CRONAN: If I can finish the question, I can be quite specific about this.

Q. Firstly, can you recall now who you spoke to in that category of firefighters who had self-responded to Curtin?

20 A. I did talk to a Firefighter Mark Hudson.

Q. And did he tell you why he was there?

25 A. He was there because he needed to be tasked, and I believe he did it off his own bat to come in.

MR WATTS: I object.

30

MR WHYBROW: I renew my objection.

MS CRONAN: Q. Did he say to you about how he was tasked to come in? I know it is very hard to remember specific details of conversations.

35

A. I do. I remember.

Q. What did he tell you about why he was there?

40 A. Do you want specifically from Mark Hudson or others?

Q. Firstly, from Mark Hudson.

A. Well, the fact is that there wasn't a total recall put in place.

45

MR WATTS: I object.

47

MR CRADDOCK: I object to that. It is not responsive to the question.

5 MR WHYBROW: Your Worship, could I elaborate on my earlier objection? Again, your Worship and counsel assisting last week indicated in quite categorical terms that there is to be no slant on this inquest and nothing of that nature. These questions by Ms Cronan, they appear directed
10 towards people making comments after the fire front has gone through at about 5 o'clock on Saturday afternoon. I am not aware of any other witness that counsel assisting has asked questions of at that time frame.

15 I am concerned that the only purpose of asking this witness these questions, given his contemporaneous notes - there is no taped record of interview anything of that nature - I have no
20 idea what this witness is going to say. I am not sure if anybody else does, no idea. I object on the basis it is outside the jurisdiction that your Worship and counsel assisting have seemed to have put in place which is effectively until the
25 fire front effectively has gone through.

THE CORONER: That is not so, Mr Whybrow. Who on earth told you that the jurisdiction of this coronial stops at the time when the fire front
30 goes through?

MR WHYBROW: Your Worship, nobody has. It has been the practice that questions have not been asked after about 4 o'clock. Now, if your Worship
35 is very interested to know what this officer has to say about things that he learned coming in for the first time in this sort of situation at 4 o'clock on Saturday afternoon, then I suspect there may be applications to recall 20-odd
40 witnesses who were there the whole time and were not asked these questions.

In my submission, without any foreknowledge as to what this evidence is going to be, it being the
45 first time that this period has been covered by the inquest, certainly could be within the realms of the jurisdiction of this type of inquiry, but

as far as I am aware, it is the first time that
this time frame has been of any focus of counsel
assisting. Without any knowledge as to what this
witness is going to say, I am quite concerned as
5 to where this is going, your Worship.

MS CRONAN: Your Worship, can I just say this:
there are a number of statements that are in
evidence all dealing with factual matters about
10 what happened at ESB right up throughout the night
of the 18th. There has been a number of witnesses
who have been asked questions about what happened
over the whole period of the 18th as the fires
were dealt with and the state of emergency was
15 declared and onwards.

There is a clear issue in this witness's
statement, amongst many other issues that this
witness is going to, and in my submission, give
20 relevant evidence about. There is a clear issue
he has with the recall of off-duty members on this
day. That issue is raised in the material that
has already formed part of the brief that has been
written by Superintendent Prince, who will be
25 called on Monday. There is evidence from many
other senior firefighters about forming the IMT,
preparation for an event that they thought might
have happened on Monday perhaps, but preparing for
some potential impact on the urban edge. And
30 recall of off-duty members was one of the things
that they were progressing in preparation for a
potential impact.

I propose to ask this witness, as a senior
35 firefighter with 22 years' experience, what his
view was of the way the recall was conducted for
this fire event. It is relevant, useful and
pertinent evidence in the inquiry, in my
submission, your Worship.

40

MR WATTS: Your Worship, it may well be relevant.
The question is: how the evidence is to be
adduced. What is being asked of this witness - we
have a name of Mr Mark Hudson. If there is to be
45 some evidence as to what he did or didn't do, the
way to prove it is for Mark Hudson to be called
and a statement to be adduced. Evidence of some

chatter that took place between fire officers in the parking area, or wherever it was, about this is not the proper way to adduce the evidence. It gives us no opportunity to cross-examine those who
5 make the statement.

Of course the strict rules of evidence don't apply. I am not suggesting they necessarily should. However it is unfair, in my submission,
10 to just adduce evidence of conversations to prove some issue which obviously counsel assisting thinks is important. If it is important, people who are affected should be called so they can be properly questioned about it.

15 The statements may well have been made to this gentleman. I can't cross-examine to prove where the statements had a proper foundation. I need to cross-examine the person who made the statement.
20 My objection is on the basis of the remoteness and hearsay basis.

THE CORONER: It may be that other witnesses need to be called then, Ms Cronan.
25

MR PIKE: Might I be heard very briefly? As your Worship will recall, I appear for a number of witnesses, including Mr Bennett. As your Worship and counsel assisting will no doubt recall,
30 Mr Bennett was not separately represented at the time he gave his evidence.

I take some comfort in the fact that learned counsel assisting, all of them, when examining
35 Mr Bennett, conscious of the fact that he wasn't represented, did not take the opportunity to put any of these matters to him. The comfort I take is that in those circumstances of course there couldn't be any question of any submissions being
40 made at the end of the day critical of Mr Bennett in this regard. If my comfort is misfounded, then perhaps we better have it out on the table. Anything less than that would be a grossly unfair process.

45 THE CORONER: What do you say, Ms Cronan, just in relation to that evidence? Are there statements

from other firefighters who do give the same type of information in relation to the period after the fire that Mr Camilleri does contain in his statement, that you are going to ask him about?

5

MS CRONAN: The statement of Mr Bennett, Mr Newham and Mr Prince certainly cover that time period about what they did.

10 The more relevant time period for this evidence - perhaps I can go about it in a more general way, which is probably just as objectionable to my friends - the relevant period in relation to the recall is the evening of the 17th, your Worship,
15 and what was done in terms of alerting off-duty personnel to a possible requirement to be stood up on the 18th. So it is essentially evidence of what his understanding was of what happened on the morning of the 18th and the evening of the 17th in
20 relation to getting these off-duty firefighters into Curtin.

Q. If I could take you to --

25 MR PIKE: I wish to be heard further. I will be content with that, your Worship, for my part if there is an undertaking that there won't be any criticisms made or proposed by my friends regarding Mr Bennett.

30

THE CORONER: Nobody is going to give you that undertaking, Mr Pike.

MR PIKE: Let me ask this --

35

THE CORONER: It is very premature to even ask that.

40 MR PIKE: The difficulty is that my friends, who were conscious of all the matters in the brief at the time these witnesses were called, obviously made a conscious decision --

45 THE CORONER: How can you say that, Mr Pike? Have you spoken to each of them?

MR PIKE: Because they are competent counsel and

they obviously know the matters inside and out. There have been a team working on this matter for in excess of a year. They cross-examined Mr Bennett. They chose not to put things to him.
5 A man unrepresented at the time. All I am seeking is some fairness. I obviously can't, in circumstances where I have come in after he has given evidence, do anything to address it. Even if I had been there at the time, I would have
10 listened carefully to counsel assisting's examination. The only fair conclusion I would have drawn at the time would have been they haven't asked about this aspect of Mr Camilleri's evidence. They don't wish to put that to him. I
15 don't need to deal with it.

If ultimately there is going to be some suggestion of a submission critical, for example - and I don't know if there will be - of Mr Bennett in
20 that regard, there can't be any clearer sign of lack of fairness to Mr Bennett if that is done. All I am asking for is that concern that I have to be addressed in some way prior to this witness concluding his evidence.

25 THE CORONER: You can ask for whatever undertaking you want from counsel assisting - when I say counsel assisting, other counsel apart from counsel assisting - you can ask them for any
30 undertaking you want in relation to what they will or will not make in submissions in relation to Mr Bennett's evidence. It is not appropriate for you to ask for any undertaking from counsel assisting or from me as to what I may make of the
35 submissions that ultimately will be made on all of the evidence. So you are not going to obtain that, Mr Pike.

40 Mr Camilleri's evidence is relevant.

MR PIKE: No doubt about that. No doubt of that, your Worship.

45 THE CORONER: It is relevant in relation to what the urban firefighters did or did not know about the impending fire. That's what this goes to.

47

MR PIKE: I understand that, your Worship. With that concept I have absolutely no cavil at all. I should make it clear of course I wasn't suggesting that the Court, yourself, should be offering any
5 undertaking. That certainly wasn't what I said. I am sorry if your Worship interpreted it that way.

THE CORONER: I must have misunderstood you,
10 Mr Pike.

MR PIKE: That certainly wasn't the intent.

MS CRONAN: In the nature of an inquiry, if, as
15 relevant evidence is adduced in the ongoing inquiry, the rules of natural justice or fairness would require these things to be put to a former a witness, then obviously consideration can be given to recalling that witness.

20 THE CORONER: Certainly.

MS CRONAN: That can happen down the track.

25 MR PIKE: Just on that, and this will be my last comment: I will be having something to say if for some reason, apart from some fresh evidence which wasn't available at the time Mr Bennett or other witnesses were called, if there is some suggestion
30 that people will be recalled simply to have a further go at them, unless there is fresh evidence I will be opposing that very strongly.

MS CRONAN: I think what I said was if in the
35 interests of fairness to that witness.

MR WATTS: Your Worship, with great respect, Ms Cronan has not answered the issue that your Worship has put to her about whether there is
40 other evidence, first-hand evidence, which could be properly adduced to prove what she intends to prove. I do not have any objection to the time period, none at all, nor to relevance. It is the way it has been proved.

45 THE CORONER: You wish perhaps other witnesses to be called who might have the same information as

Mr Camilleri does --

MR WATTS: Yes, and that should be proved in the proper way.

5

THE CORONER: -- and have an opportunity to cross-examine. That might need to be considered, Ms Cronan, if there are other witnesses.

10 MR WATTS: Yes.

MS CRONAN: Yes, your Worship.

15 THE CORONER: Again there is a list. You all have a list. You are all aware of the witnesses and the statements of witnesses and whether or not you have indicated whether you want any other witnesses called. I understand if you weren't aware that this evidence was going to be called,
20 it will give you an opportunity now to consider the statements of other firefighters.

MR WHYBROW: Could I just ask if counsel assisting knows if there is a call number for Mr Hudson. I
25 can't find any reference to him anywhere in the brief.

MS CRONAN: I am not aware of it.

30 THE CORONER: We can make some inquiries, Mr Whybrow.

MR WHYBROW: Thank you, your Worship.

35 MS CRONAN: Q. Sir, can I take you to your statement at page 6, which for court purposes is [ESB.AFP.0024.0250]. In section 2 of the questionnaire that you and other firefighters have been asked to fill out for the purposes of this
40 inquiry, you were asked:

"Do you feel any issue should be raised, operationally or otherwise, to be examined as part of the coronial investigation into the
45 January 2003 bushfires?"

You say, sir, initially that your main concern was

the fact that at no time leading up to the fire front entering the urban area - essentially you were not told that the fires may impact on the urban area; is that right?

5 A. That's true. Correct.

Q. Would you like to elaborate on your concern in relation to the lack of information or warning you were given and how that impacted on your ability
10 to run the station?

A. Yes. We had no idea that what was happening in the mountains at this stage. The fact is there was no information flowing from Curtin to the people on frontline appliances. As far as I know,
15 I don't know of any firefighter that was informed on the day.

Q. So essentially when you went to the treatment works, you had no idea what you were about to go
20 and deal with?

A. None whatsoever.

Q. Obviously if you had some idea, you would still have gone?

25 A. Oh, absolutely. You wouldn't have thought twice about it. The fact is if you are ordered to go somewhere, you would go. Absolutely.

Q. You also say under "other issues that should
30 be raised" you have:

"Why was there no plan in place for a total recall to duty of off-shift personnel?"

35 You say you are not aware of any such plan:

"If management say they did - have a plan for the recall of off-duty personnel - then why was the recall such a shamble?"

40

What do you mean by "why was the recall such a shamble"; over what time period are you referring to and what was occurring when you describe it as such?

45 A. Sure. The recall - I will probably get objected to this - would have been noticed once I got back to headquarters that a proper recall may

have been put in place. But I don't think they had plans to put one in place anyway.

5 Q. Why do you say the recall was a shamble, in your opinion? You have raised it for an issue for your Worship.

THE CORONER: Q. Firstly, was there a recall?

10 A. I would say no, your Worship.

MR WATTS: I object to that, your Worship. Really, he can't answer that question. He is speculating, with great respect with "I would say no." Does he know or doesn't he know, should be 15 the first question.

THE CORONER: Q. You can only speak from your own experience, can't you, Mr Camilleri, and I suppose from information you found out from other people.

20 A. And I think it was vital information that was told to me on the day where people actually rang and were told not to come in, "Stay at home", but who then just got in their vehicle and drove there anyway.

25 MR CRADDOCK: I object to that. It should be struck out or treated as not evidence. Again we have exactly the same problem. Unless we have direct evidence, your Worship is going to be 30 chasing these issues around for the rest of the year.

THE CORONER: I can tell you now, Mr Craddock, that I have read a lot of submissions from 35 firefighters, and that's exactly what they say. If you haven't, I will pass that information on to you.

MR CRADDOCK: That is not the point, with respect. 40 That is simply not the point. If there are people who were in that position themselves who can give direct evidence of it, then let them come forward. That would be relevant. It would be appropriate for that evidence to be given and appropriate for 45 it to be aired in the public inquiry.

But it isn't, in my respectful submission,

appropriate for second and third-hand accounts to be given because that evidence is unreliable, untestable, but an effort would have to be made and that would prolong the inquiry. It will be
5 much shorter if those who can give the direct evidence come here.

THE CORONER: That might have to be arranged. I will allow you to question at the moment,
10 Ms Cronan. This is important information, Mr Craddock, it has to be bared; the information of what this officer knew before the fire and what he believes others knew. We will call the others if you wish to cross-examine them.

15 MR CRADDOCK: Your Worship, I agree that what he knew is important. What is not important for your Worship to hear from him is what he believed others knew.

20 THE CORONER: Except if he can establish how he believed what others knew.

MR CRADDOCK: If there is some direct way of doing
25 that, but that isn't what is happening. That is not the way this evidence is being elicited.

THE CORONER: I think you will have to be a little more specific in the way you question
30 Mr Camilleri, Ms Cronan.

MS CRONAN: There is evidence which is already in the inquiry, that is in the brief.

35 Q. Sir, you say in your statement:

"Off-duty members were frustrated firstly in trying to contact someone at headquarters and secondly to be told either to stay at home or
40 maybe attend Curtin Headquarters. Some firefighters drove to the Weston area using their own vehicles and assisted in any way they could. Those that did arrive at Curtin Headquarters were kept there for up to three
45 hours before being tasked. This again highlights the lack of planning by our senior officers."

All I am asking you to do, sir, is if you can elaborate on those statements that you have already made in your statement and to assist the Court by telling them the basis for you making those statements. Can you do that?

5 A. The basis I am making those statements is simply the fact that I spoke to people at Curtin when I got there.

10 MR PIKE: I object, your Worship. We are back on the same ground.

THE CORONER: Your objection is overruled, Mr Pike. Just continue, Ms Cronan.

15 MS CRONAN: Q. So were you retasked when you got to Curtin yourself?

A. No.

20 Q. Did you speak to anybody, a senior officer in the fire brigade, about being retasked yourself and your crews?

A. Not a specific question such as that. But basically "what do we do now?" was put to Acting
25 Superintendent Newham.

Q. What did Acting Superintendent Newham tell you to do?

A. Basically that there was some refreshments and food and they were trying to work out how to
30 retask people.

MR WATTS: I object. Can we have the conversation in first person.

35 THE CORONER: As best you can, Mr Camilleri, can you say I said/he said. Can you do it in that format?

40 THE WITNESS: Sure. He said, "Have some refreshments and we are trying to work out what and how we are going to proceed from here".

MS CRONAN: Q. Did you go with your crew to have some refreshments then?

A. Yes.

47

Q. Tell us what happened after you went there?
Where did you go to have the refreshments?

A. Basically it was in a cardboard box outside
the building.

5

Q. What happened after that?

A. There were extra or other firefighters
attending at this time with all their protective
clothing and they were coming through the door to
10 see where they could be tasked. And again those
people were sent outside to have some refreshments
and wait.

Q. About what time period are we talking about at
15 this stage?

A. That was probably about 1836, 7 o'clock.

Q. There was yourself and four crew members?

A. Yes - three.
20

Q. How many other firefighters were waiting
around outside at this stage?

A. There was a minimum of about 20, I suppose.

25 Q. Can you tell us how long you waited out there?

A. We were only outside for probably about an
hour before they decided to put us in an ES
vehicle, an Emergency Services vehicle, and take
us back to Ainslie as they had no appliances or no
30 vehicles to put us on anyway. At that time I
think we returned back to Ainslie at about half
past 7 that evening. As to when others were
tasked, I have no idea. I wasn't there.

35 Q. You have raised other issues in your statement
to the inquiry. You say, "When was the incident
command system brought into use?" Even by the end
of 19 January you had no idea it was being
utilised. When you made reference to T-cards, is
40 that something that you say you normally do?

A. In the incident command system, one of the
first things that you do is to fill out a card
which looks like the letter "T", I suppose. That
is a card that you put your name, the members of
45 your crew on and your vehicle so that the people
in planning or incident commanders know exactly
where you are in the field. And I suppose they

put that as part of planning. People in the incident command centre, they would generally keep those things and then know who is on which vehicle and where they are. Basically being able to keep
5 an eye and idea in logistics terms of where people are located.

Q. You used that system in the Thredbo disaster, did you?

10 A. We used it very successfully in Thredbo by the New South Wales fire brigade.

Q. On page 7 of your statement, which is 0251, you say that there was an ineffectual use of local
15 and interstate resources. Was that your personal observation?

A. Yes.

Q. What do you mean by that statement?

20 A. Twofold. One, and we have already spoken about the fact that there were fire brigade officers and personnel on tankers leading up to the 18th, well, certainly with the vehicles that I was on, I was never tasked with any jobs outside
25 the urban interface area. Even though buildings and structures outside the actual urban interface, such as we spoke about Stromlo and other places, we were never asked to go and to ensure that those structures are protected, even leading up to the
30 18th.

The other one is with the Airport Rescue and Firefighting Service, we used them to great effect in 1985 out at Royalla-Burra area where the fire
35 went through that particular region. They actually were following us to all homesteads. Basically our job is to look after the homesteads and structures. We used them to direct flames away from buildings.

40

Q. What capability do they have?

A. Exceptional capabilities.

Q. Can you actually describe the --

45 A. Some of the vehicles carried up to 9,000 litres of water, which can be classified as eight times what we carry. They don't have to

leave the vehicle in order to use their water supplies because they have cannons on top and monitors on top so they can direct wherever they want it whilst they are in the vehicle. So they
5 are very safe. They also carry breathing apparatus and also in part of their training - I know because I used to be one - they do do structural firefighting and training. They could
10 have been used, in fact, they would have probably been one of the first that I would have asked for help from.

Q. How many vehicles do they have?

A. They have a number of vehicles. But depending
15 on airport traffic, now I don't know the circumstances with the weather that particular day whether they were still allowing aircraft to land or to take off. I have no idea about that. So they are dependent on what is in the air and what
20 is coming in before they can release vehicles.

If they have a situation where they are requested, they can also ask their people, headquarters, if they can release one of the vehicles, which means
25 they drop category but they can still cover the airport. As to what happened on the day, I have had people from the airport fire service contact me --

30 MR WATTS: I object to this. What airport service personnel contacted him and told him - I object to. Again, it should be proved in the proper way, your Worship.

35 THE CORONER: He can say, Mr Watts, what was told. We already had evidence yesterday from Mr Newham that he rejected the use of the airport tankers because he thought they wouldn't be compatible. I can't see how this evidence isn't relevant. You
40 can ask the question.

MR WATTS: It is not the relevance; it is the way it is being proven. Is this going to be some
45 issue that they were available and they could have been used? It is not through this witness that that should be proved. They should call somebody from the airport fire brigade to prove it.

THE CORONER: If there is a dispute about it or if there is a concern about it, that may have to happen. Mr Camilleri can certainly give evidence about what contact he had with airport people.

5

MS CRONAN: Thank you, your Worship.

Q. Could you continue, sir?

A. As I said, they --

10

THE CORONER: Q. Who was it, do you know?

THE WITNESS: I beg your pardon. Yes, Mr Ray Vest. He is a firefighter at the airport. I have not been in contact with any of the officers out at the airport. I believe he is a firefighter at the airport of that rank.

15

MS CRONAN: Q. When did he contact you?

20

A. I believe it was the day after, probably the 19th.

Q. What conversation did you have?

25

A. One of frustration, anger. I believe his parents lived in Duffy.

Q. What did he say?

30

A. He was basically wanting to get into a fire engine and come. They contacted someone in the fire brigade, and that offer was rejected.

Q. Were there any other resource issues you are referring to in that top paragraph?

35

A. No. I don't know. I'm not privy to information of New South Wales task forces or anybody else for that matter.

Q. If I could take you down to the bottom paragraph of question 2, you say in your statement:

40

"No forward incident command post was set up to plan extinguishment and crew deployment. It would have been a better access point for resources to contact senior officers and logistical personnel. I have no knowledge what roles our senior officers carried out on

45

the 18th and the 19th."

When you say "no incident command post was set up", how would such a command post have assisted you?
5

THE CORONER: Q. Firstly, how do you know that, Mr Camilleri?

A. Because, again, in general discussion with firefighters. There certainly was no incident command post at the Belconnen near the treatment works area. There probably should have been one set up there, and certainly one set up in the Weston Creek area closer to the fire itself.
10
15

MS CRONAN: Q. If there had been a forward command post in Belconnen near the sewerage treatment works, how would that have assisted you?

A. Well, it may not have --
20

Q. How could it have assisted?

A. Well, it may not have assisted me initially. It certainly would have assisted if there were any other resources that were attending. Of course there wasn't. I didn't know that at the time. We had no idea that Weston Creek was on fire. We presumed that people would be coming from all around Canberra to assist us.
25

Q. Would you have been able to communicate with the forward command unit from where you were?

A. I couldn't say.

Q. I think in question 3 you talk about issues with communication. Is there anything further than what is covered in your statement and what you have already given evidence about that you wish to add to those concerns?
35

A. I think that paragraph sums up the problems that we have had with radios in Canberra. I don't see anything else that I could add to that.
40

Q. I think if we go over to the next page, to the top of the page, you also add to your concerns a wish to congratulate the communications staff that were overloaded the weekend of the disaster. You say they showed true professionalism in the way
45

they performed their duties. Is there anything you would like to add to that comment?

5 A. No. I think knowing the communications staff that were in there at the time, very competent people, and they could only work with what they had. If radios weren't sufficient on the fire ground that really didn't stop communications staff trying to ascertain where people were. I know that - and knowing those particular people -
10 they would have been exceptionally frustrated in the fact that they didn't know where people were and that they were in trouble because we had no communications. Well, they can't do anything about that.

15 Q. I will just take you quickly to the rest of your questions because I have no specific notes asking you to elaborate on anything. There is no need to if you have not got anything useful to
20 add. Could you elaborate on the information now provided in answer to question 4?

A. The only - I guess with the treatment work duty staff, I don't think they have ever been given any recognition for the work they did. I
25 have mentioned that area there. No, I don't wish to add any more to question 4.

Q. If we could scroll down then, sir, to question 5. Is there anything that you wish to
30 add to the information you provide in relation to when you were advised of the state of emergency?

A. No. I had no idea that a state of emergency had been declared.

35 Q. In question 6 you have said you were unaware if a logistics person was appointed. Did you continue to be rostered on duty on the 19th and following?

40 A. We got a phone call at 6 o'clock in the morning asking us to be ready for duty at 7am, which is an hour earlier than we normally would be rostered for. We worked all day on the 19th in the Weston Creek area.

45 Q. Were you ever advised on the 17th, 18th or 19th that an Incident Management Team had been informed?

A. No.

Q. In the fire brigade?

A. No.

5

Q. Is there anything else you would like to add to your answer to question 6 then, sir?

A. No.

10 Q. If you could read down through your answer to question 7.

A. I think that in relation to question 7 probably the station officers that were on duty on the day, on the 18th, I guess it was their
15 diligence and their experience, which is what was required, together with the firefighters who performed unbelievably on the day. We were basically left to our own experience just to fight the fire. We had to rely on ourselves and other
20 firefighters in order to carry out all the tasks because we couldn't rely on anybody else.

Q. Is this training within the fire brigade and with other agencies including the Bushfire
25 Service, has that been addressed following the January 2003 bushfires at all; do you know?

A. Personally, no.

Q. So you haven't received any offers of
30 training?

A. No, no.

Q. Finally over the page at the top of the page, you say that you wish the coronial inquiry members
35 well in their task. You say:

"Professional firefighters are very despondent and seek answers on a number of queries from those people in charge of all
40 the fires that eventually caused the deaths of four people and the destruction of 400 plus residences. It would be comforting to know that the inquiry will address the non-leadership shown by the majority of our
45 senior officers and whether the Rural Fire Service released adequate information to these officers leading up to the 18 January

2003."

Is there anything you would like to add to that, sir?

5 A. No.

MS CRONAN: I have no further questions.

THE CORONER: Q. Mr Camilleri, I will just ask you, I might have misunderstood, when you first arrived at the Molonglo treatment works with your crew you said that you at one stage, I am not sure whether it was the first or the second fire front because you said there from four in total --

15 A. Yes.

Q. -- that at one stage you were directing your hoses at the fire so that it was directed away from the pumping station. When you said you were directing it not knowing that there was another pumper in that vicinity, were you directing your flames towards that pumper? I appreciate that you weren't aware that it was there?

20 A. We were probably 100 to 200 metres apart, somewhere - I don't know

Q. You didn't know that that pumper was there?

30 A. We couldn't see them because of the smoke and the flame. Our hoses were basically trying to protect the control room because there is a glassed area there that the flames actually would have impacted on. What we did was to aim our hoses to not stop the fire from actually coming up the hill, because we couldn't do that anyway, but actually as it got towards the top to try and point it in a different direction. Because then the only way for it to go would be to go around the southern side of the building and head towards Stock Hill Drive. But we had no idea that there were other people working on the fire up the top.

Q. Is that unusual from your experience?

A. Yes.

45 Q. That two units be called out at such close proximity and not be aware that - you not being aware that the other one is there?

A. Exceptionally unusual.

THE CORONER: We might take the morning adjournment.

5

SHORT ADJOURNMENT

[11.17am]

RESUMED

[11.43am]

10 MR CRADDOCK: Before the cross-examination starts, I have an application to make. As I don't anticipate myself wishing to ask this witness any questions, I think I may as well make this application now.

15

I make the application on behalf of Mr Collins. He is a witness who will be called. Until a conflict of interest became apparent, he had another counsel, not myself, to appear for him. I know of this particular problem because I spoke to him yesterday, having been asked to appear for him but as things turned out I could not. But I noticed this morning some criticisms made by this witness in his statement which would have to be taken as criticisms of Mr Collins.

20

Mr Collins takes the view, and I think for very good reason, that the criticisms are completely unfounded, quite without substance. He does not have representation yet. However, it is anticipated that he will have representation. So the application that I make on his behalf is that this witness not be released from his summons at the end of such cross-examination as there is today and that, if requested by Mr Collins' representative, arrangements be made that this witness return to the witness box so that he could be cross-examined by Mr Collins' solicitor or barrister. That is the application, if your Worship pleases.

30

THE CORONER: Is there any indication as to when Mr Collins may engage a solicitor or a barrister?

45 MR CRADDOCK: Attempts were being made yesterday afternoon to put such arrangements in place - not successful yet. I don't know whether there are

any barristers left at the ACT bar, but perhaps they are going further afield. Those arrangements are being made by the Government Solicitor's Office. I haven't had an opportunity to see what
5 the state of play is with that. But I thought I should bring this to your attention now, because the problem is apparent to me and I have spoken to Mr Collins about it.

10 THE CORONER: I will see what Mr Mildren has to say about it.

MR WATTS: Perhaps I should indicate my position
15 your Worship because the mystery barrister who was going to act for Mr Collins is me. Until yesterday afternoon it was planned that I would act for him. It became apparent yesterday when Superintendent Newham had finished giving evidence that if not a direct conflict there was certainly
20 a strong potential of conflict in my acting for both Mr Collins and Superintendent Newham.

It was only yesterday afternoon, after 4 o'clock, that discussions took place between both myself
25 and Mr Collins who also agreed that he should obtain alternative representation. Then strenuous efforts were made to see initially whether anybody who is already in it could act for him. But it seems that everybody has a potential conflict of
30 interest. I know strenuous efforts are being made.

Mr Collins has heard the evidence. He approached me also to indicate his concern and his strong
35 wish to have somebody who can cross-examine this witness.

THE CORONER: So you will no longer be acting for Mr Collins, Mr Watts?

40 MR WATTS: No, I will not be.

THE CORONER: Yes, Mr Mildren.

MR MILDREN: Your Worship, in relation to
45 Mr Craddock's application, I haven't had a chance to seek instructions from Mr Camilleri about that. I would imagine that his instructions would be

that he is here today; he should be heard today;
and he would prefer the course where he hopefully
would finish today. He doesn't want to hang
around or be on call, I am sorry, for say the next
5 week, month or two weeks waiting for the call back
to this courtroom.

That would be my application on behalf of this
witness. I should also say, I suppose, that I now
10 do have a conflict between appearing for
Mr Camilleri and Mr Prince who was due to appear
on Monday. I am now taking steps to get out of
appearing for Mr Prince on Monday.

15 MS CRONAN: I would ask that this witness be
excused at the end of his evidence. Perhaps if
and when Mr Collins gets his counsel and perhaps
if Superintendent Prince requires new counsel, if
their counsel consider that they have valid
20 pertinent reasons for further evidence to come
from this witness, it can be considered. But in
light of the stressful nature of having to come
before the inquiry --

25 THE CORONER: That is what I propose to do.

MR CRADDOCK: Would your Worship hear me before
you take that course: I can't appear for
Mr Collins, but it strikes me as being just plain
30 unfair to the man.

THE CORONER: To Mr Collins?

MR CRADDOCK: To Mr Collins, yes - just plain
35 unfair.

THE CORONER: What about to Mr Camilleri?

MR CRADDOCK: Well, the downside for Mr Camilleri
40 is that he, a person who works in Canberra, may
have to come back here on another occasion and
face further questioning from one counsel. Now,
given the downside to Mr Collins, it would seem to
me very plain that the balance of convenience lies
45 in favour of giving Mr Collins an opportunity to
have his counsel here to ask questions of this
witness. That would have happened today but for

what occurred yesterday afternoon - absolutely no fault of Mr Collins. Nothing he could do about that. This situation could not have been avoided.

5 As I indicated and as Mr Watts indicated, steps were taken yesterday afternoon to see if somebody could be here to appear for Mr Collins today. Unfortunately, that couldn't happen. But it is not Mr Collins' fault. He does have a real
10 interest to be protected. On the basis of the material I have seen, both from this witness's statement and from Mr Collins' statement and from speaking with Mr Collins, he does have a sound
15 response to criticisms that have been made.

As I say, on the face of the material that I have seen, the criticisms are unfounded. Mr Collins ought to have a proper opportunity to deal with
20 that.

The slim inconvenience to this witness ought not override that --

25 THE CORONER: I don't know that you can say that. It is not appropriate for you to comment on the nature of the inconvenience to Mr Camilleri.

30 MR CRADDOCK: Your Worship can weigh them up. I can make a submission about it. My submission is that weighing the two up tends to favour giving Mr Collins that opportunity.

35 THE CORONER: Mr Collins is due to be called today. Is it still intended to call Mr Collins?

40 MS CRONAN: Your Worship, he was due to be called today, but Mr Watts rang me last night. It is now proposed to call him on Friday. I know that Mr Lasry indicated yesterday that we would try to move Mr Cartwright forward as it was only going to be Commander Newton tomorrow and Mr Cartwright on Friday. It is not possible to bring Mr Cartwright forward, I am instructed. So we propose to call
45 Mr Cartwright and Mr Collins on Friday, assuming Mr Collins gets adequate representation.

47

THE CORONER: I don't propose at this stage to require Mr Camilleri to come back. However, after Mr Collins' evidence on Friday, if his counsel does wish to make an application to that effect,
5 I will give that consideration at that time. But I don't propose to make an order today that Mr Camilleri automatically return. But I will, as I say, hear what Mr Collins' counsel has to say on the subject on Friday.

10 I would ask each counsel if they would please introduce themselves to Mr Camilleri and just indicate the persons that you represent. Yes, Mr Archer.

15 **<CROSS-EXAMINATION BY MR ARCHER**

MR ARCHER: Mr Camilleri, I appear for the Australian Federal Police.

20 Q. In your evidence and in your statement, you make reference to the fact that radio communications were a big problem on the afternoon of the 18th. What time was it that you actually arrived at the treatment works; can you say that
25 specifically?

A. Unless I have got it in my notes, remembering that on the day whether exact times were included at our communications centre, it may be out slightly.

30 Q. What is your best estimate?

A. I don't have that time on my report - probably 1500 hours, 3 o'clock.

35 Q. By the time that you got to the site, were radio communications operating effectively or were you already noticing the difficulties that you were experiencing later were already apparent?

40 A. No. The calls that we had before the treatment works, we had no problems with radio communications.

Q. So it was around the time of your arrival that the communications started to break down?

45 A. Yes, yes.

Q. Was the practical effect of that that you were

isolated from contacting people away from the treatment works - COMCEN, for example?

A. Yes.

5 Q. You weren't able to contact them?

A. No.

Q. And they conversely weren't able to contact you?

10 A. No. I did hear messages stating - basically they say, "Station calling say again. Unreadable". That's what we heard most of the time.

15 Q. The practical consequence of that is you were left to your own devices out in the field to make judgment calls in relation to it?

A. Yes.

20 Q. In making those judgment calls, you relied on your considerable experience I think in the fire brigade?

A. Yes.

25 Q. And the training that you had had?

A. Correct.

MR ARCHER: Thank you, Mr Camilleri.

30 THE CORONER: Thank you, Mr Archer. Mr Lakatos?

MR LAKATOS: I have no questions.

THE CORONER: Mr Pike?

35

MR PIKE: Might I go after some of my friends behind me, in particular Mr Bartlett who has sought leave to appear for Mr McIntyre.

40 THE CORONER: Mr Whybrow.

MR WHYBROW: Thank you, your Worship.

<CROSS-EXAMINATION BY MR WHYBROW

45 MR WHYBROW: I appear for Mr Castle, who was head of the Emergency Services Bureau, and also for a number of rural bushfire service fighters: Vivien

Raffaele, Rick Hayes and Brian Murphy.

Q. Sir, I want to ask you some questions about
what happened at the sewerage treatment works on
5 that afternoon. You indicated to Mr Archer that
you didn't have any notes or log of exact times?
A. Yes.

Q. When you arrived, who was there in terms of
10 firefighters?
A. Nobody.

Q. Nobody?
A. Nobody.

15 Q. You arrived at about 3 o'clock?
A. Certainly.

Q. As far as you were aware, there were no other
20 firefighters of any description, rural or urban in
attendance at all?
A. That's correct.

Q. Stockhill Drive is the road that comes past
25 the entrance to the Belconnen golf club down to
the Lower Molonglo treatment works?
A. Yes.

Q. Was that road closed --
30 A. No.

Q. -- when you arrived?
A. No.

35 Q. Are you sure about that?
A. Absolutely.

Q. You are sure that there were no other
40 firefighters in attendance in the sewerage
treatment works when you arrived?
A. Absolutely.

Q. Later you indicated that there were other
45 firefighters that you hadn't been aware of at the
time. You are saying that those firefighters must
have arrived after you?
A. That's what I thought had happened but, in

actual fact, they were before me.

Q. As it turns out, there were other firefighters at the sewerage treatment works before you arrived?

A. Apparently so.

Q. You told me a moment ago that you were the first absolutely. Is it fair to say that, to the best of your knowledge at that time, you thought you were the first but there may have been others?

A. Yes.

Q. You indicated in evidence after the four fronts had come through then a rural unit arrived?

A. That's correct.

Q. Again, to the best of your knowledge, was that the first time a rural unit attended at the sewerage treatment works?

A. That I had seen, yes.

Q. You indicated some difficulties with the communications systems. Your truck was capable of UHF and VHF communication; was it not?

A. That's true.

Q. The Rural Fire Service operated on the VHF channel.

A. Yes.

Q. The urban fire service operated on the UHF channel.

A. Yes.

Q. The area you were going to was well known as being a black spot in terms of communications; would you agree with that?

A. Yes.

Q. You knew, as you were going down there, that there was an area where there could be some communication difficulties?

A. Yes.

Q. You were at the Ainslie station when you were called to attend?

A. Near the station after returning from another call.

5 Q. You were driving out towards Lower Molonglo at about 2.30 on Saturday afternoon or some time after that?

A. Yes, correct.

10 Q. I think you have indicated to her Worship that you had it in your mind that it was some sort of grass fire that you were being called to?

A. Could be.

15 Q. Did you see large black plumes of smoke on the western side of Canberra as you were heading towards the western side of Canberra?

A. Yes, yes.

20 Q. Did you switch your radio over to the VHF frequency in order to try and monitor on your way to this situation any of the rural bushfire traffic?

A. I had VHS channel --

25 Q. Did you switch yours over?

A. Yes, it was on.

Q. Did you listen to what was being said at that time?

30 A. Yes and no. Generally as a rule you try to, but some of the conversations that would be relayed, you may or may not be able to decipher them.

35 Q. You were heading towards an unknown?

A. Mmm.

Q. In circumstances where there was a lot of smoke in the area you were going to?

40 A. Mmm.

Q. You have made a number of strident comments about coming around the hill and being completely surprised by what you were faced with in effect?

45 A. Yes.

Q. What I am asking you is did you, as you were

heading towards that unknown situation, try to find out through monitoring radio traffic as to what was going on to the extent that you could have?

5 A. No.

Q. Could I suggest to you that, when you arrived, there were already three Rural Fire Service units there?

10 A. Didn't see them.

Q. Could I suggest to you that they had already by that stage been involved in a briefing with another urban appliance that was there?

15 A. Didn't know that.

Q. Do you know a gentleman by the name of John Knight?

20 A. No.

Q. He goes by the call sign, or did then, of Molonglo 3?

A. No.

25 Q. You understand Molonglo 3 to be a volunteer unit brigade.

A. Yes, but I don't know him.

30 Q. Mr Knight prepared some handwritten documents and has a log of various things he did on that day.

A. Mmm.

35 Q. For the transcript, I can indicate that they start at [ESB.AFP.0021.0402]. Perhaps if you could go to 0404. Did you at some stage move inside the gates of the sewerage treatment works or were you --

40 A. We were inside the rear gates.

Q. So when you arrived you were immediately inside the compound?

A. No.

45 Q. Inside the gates of the compound?

47 A. Not initially, no.

Q. Where did you go then if you didn't go inside the compound initially?

A. Once we basically arrived there was to fight the first fire that hit us.

5

Q. You arrived as the first fire front was hitting?

A. As we come around the corner, yes.

10 Q. You didn't see any other units until --

A. None whatsoever.

Q. I suggest to you that Mr Knight was there in Molonglo 3 with two other units, Jerra 11 and Jerra 21; is it fair to say that you were not aware of that?

15 A. Totally unaware.

Q. You see on that page Mr Knight has indicated:

20

"Stockhill drive closed 1345 at my request. spotting along the west to Uriarra Road."

A. I don't recall a road being closed.

25

Q. You already indicated you didn't notice any closing of Stockhill Drive?

A. Yeah, that's correct.

30 Q. I take it though you cannot say whether or not that request was made but, for whatever reason, not complied with or resources were not available?

A. I can't say.

35 Q. Do you see at 1500 there is a reference to:

"Moved all units inside the gate."

40 A. You are referring to the front gate, I presume?

Q. Yes.

A. I was at the back gate.

45 Q. Then you see at 1505:

"Fire arrived at front gate. Jerra 11, Jerra

21 attempting to fight and selected safe areas."

A. Mmm.

5

Q. That would be consistent with your recollection that shortly after you arrived at about 1500, the first fire front hit?

A. Yes.

10

Q. Would you agree that in your evidence-in-chief, no doubt based on your perception of the events, you believe you were the only unit there and you didn't know what you were coming into?

15

A. Exactly.

Q. Could it be that in reality there were other units there, as indicated by Mr Knight, that you weren't aware of?

20

A. Yes.

Q. You will see at 1530 Mr Knight indicates:

25

"Second fire front came over the top (burn over/flash over);

1540 urbans start to fight fire again.

30

1542 - JER11 JER21 reported all okay."

I take it you weren't aware of any of that activity from where you were?

A. No, none whatsoever.

35

Q. If there had been an ability to communicate via the VHF radio between the Rural Fire Services, as is indicated by the reference to "Jerra 11 and Jerra 21 reported all okay", is it the case that you would have been able to pick up that transmission if you were listening or monitoring the VHF channel and your radio was working?

40

A. The VHS radio was inside the vehicle. We had no portable VHS radios. My position is not to sit inside the vehicle but to get outside and to look after my firefighters. I would not be monitoring the VHS channel.

45

Q. At all?

A. Yes, at all.

Q. At any time that you recall on that day from
5 being called out to arriving, did you monitor the
VHF channel?

A. To some degree on our way through Stockhill
Drive.

10 Q. Is it the case that, as far as you are aware,
the urban fire service only takes directions via
the chain of command with the Fire Commissioner at
the top?

A. Yes.

15

Q. It is not the case and you have never operated
under the procedure of accepting directions from
other agencies, including the New South Wales
rural fire brigade or the ACT rural fire brigade;
20 is that correct?

A. No. We take directions from the incident
controller, whether it is rural or whether it is
fire brigade, depending on where the fire is
located.

25

Q. Do you know, after all the fronts finished,
how many units were there altogether?

A. I saw another pumping appliance, a large
tanker, a light tanker, which is fire brigade --

30

Q. Let us go one at a time.

A. And one rural tanker.

Q. Let's go one at a time. After all the fire
35 fronts left, what did you see?

A. Bravo 6.

Q. Being a --

A. Urban pumper from Charnwood.

40

Q. Who was in or around that that you recognised?

A. Station Officer Ian Collier.

Q. Are you aware that he has made a statement or
45 do you know?

A. I have no idea.

47

Q. Who else was part of that group?
A. I cannot tell you.

Q. There would have been four or five other --
5 A. Three.

Q. Three others with Bravo 6 that you would have expected?
A. Yes.
10

Q. And may have provided statements as to what happened at the sewerage treatment works from their perspective?
A. Yes.
15

Q. Who else was in with you?
A. With me on my pumper?

Q. Yes. Who was with you; who was your crew?
20 A. Firefighter Geoff Atkinson, Firefighter Keith Chavasse and Firefighter David Moore.

Q. After the fire you noticed for the first time Bravo 6?
25 A. I was alerted by Firefighter Chavasse that there was another fire engine on top of the hill.

Q. What else did you see after the fires went through that was there?
30 A. I saw that there was a district officer vehicle, there was a large Mercedes tanker.

Q. Hang on, a district officer vehicle, what is that?
35 A. That is a Toyota Prado non-firefighting vehicle as such.

Q. Do you know which officer was --
A. Acting District Officer John O'Connor.
40

Q. Do you know if he had arrived before you?
A. I didn't see him until after the second fire front hit.

45 Q. You don't know whether he was there before you?
A. I have no idea.

Q. Don't know whether he held any briefings with any of the other units that may have been there before you arrived?

A. Cannot say.

5

Q. You said a heavy tanker?

A. A heavy tanker and a light unit.

Q. Who was with the heavy tanker? Was it a rural or an urban --

10 A. No, it is an urban tanker. It was from Charnwood fire station.

Q. Known as Charnwood 11?

15 A. Probably Charnwood one zero

Q. Charnwood 10. Do you know who was with that pumper or that tanker?

20 A. I can only remember one person, that was Firefighter Michael Cross. As to the others --

Q. You expect there would have been more than he though in that tanker?

25 A. Yes, yes. There would have been probably two people on that.

Q. Any others?

30 A. No. There would have been the four on the pumper, two on the large tanker and two in the light tanker.

Q. You saw a light tanker as well?

A. Yes.

35 Q. Was that a rural or an urban?

A. No, that was an urban.

Q. Another Charnwood --

40 A. Charnwood tanker, yes.

Q. But set up for rural firefighting?

A. Yes, yes. Exactly.

45 Q. The last one was the rural unit that you saw later?

A. I saw the rural unit, they actually came down into the compound. They are the ones that

informed me that there were houses alight in Duffy.

Q. They came down Stockhill Drive?

5 A. I have no idea.

Q. Don't know where they came from?

A. No.

10 Q. There were two Bravo units there then?

A. Yes.

Q. Mr Knight at 1545 indicates:

15 "Something on the top of the pumper caught alight. Let urbans know they hadn't seen it."

I take it that couldn't have been your pumper, because you never had any contact with anyone from the Rural Fire Service while you were there?

A. Yes, I would say that is correct.

Q. 1550 on the next page Mr Knight indicates, after a map setting out to appear where the units were from his recollection:

30 "Talked to urbans. Pumper US has had fire in the engine compartment. Not driveable. They also haven't seen Charnwood 20. One firefighter from Jerra suffering heat stress, but okay."

I take it the "talked to urbans" there was not including yourself?

35 A. No. No.

Q. Were you still there at 1610, an hour later?

40 A. Most likely. I haven't got times.

Q. There is an indication there that one of the rural units is "giving crews a break - still under very heavy smoke". Was that your impression that there was still very heavy smoke still an hour later?

45 A. Yes, that's correct. Yes.

47

Q. If we go forward. Mr Knight has set out his recollections at some further length, and I want to ask you whether they are consistent with yours. At 0411 in the last two lines, Mr Knight has indicated:

5
10 "Several urban units turned up. We talked tactics with a couple of their units. They said they intended sending their urban pumper unit inside to look after the buildings."

I take it that wasn't you that that sort of conversation took place with?

A. No. No, that is probably Station Officer Ian Collier.

Q. That would be, with the benefit of hindsight now, perhaps an indication of discussions as to tactics between people that were on site before you arrived?

A. Possibly.

Q. There is an indication then:

25 "I discovered much later there were two pumpers."

You would have been the second pumper, I take it?

A. Yes.

30 Q. It goes on:

35 "Their bushfire tanker and light unit (Charnwood 10 and Charnwood 20) stayed outside the gate with my units in the first place and they did some patrolling up the road".

Did you see any of those units as you drove in?

40 A. No.

Q. Further down at the end of that paragraph:

45 "We were gaining confidence that it might go past us. Helicopters worked on the spots with decreasing success."

47

Did you see helicopters working in the area?

A. Yes.

Q. Including the Ericsson skycrane?

5 A. No, I didn't see that. I only saw one helicopter.

Q. In the last paragraph Mr Knight says:

10 "We realised that we were going to be close to the fire front. The urban bushfire unit said they were moving inside the sewerage treatment plant grounds and did so."

15 I take it that didn't include you?

A. No.

Q. Possibly you hadn't arrived at this stage?

A. Possibly.

20

Q. Then:

25 "Jerra 21 resolved to try and hold things at the gate. Jerra 11 said they would try to attack the edge as it went past to the south-west of us".

They are things that you certainly at the time weren't aware of?

30 A. No.

Q. Had you subsequently become aware of those sorts of efforts being made by other urban firefighters and rural firefighters?

35 A. No. No.

Q. Your comments about what happened at the sewerage treatment works this morning were based without the benefit of knowing what other people were doing at the time?

40 A. Absolutely.

Q. In fact, you have a perspective of what happened down there. Would you accept there were other perspectives of people who perhaps knew more about the entire situation than yourself?

45 A. Only pertaining to my arrival time --

Q. In pertaining to the level of resources, the organisation of those resources and the actual fire
5 fire at the sewerage treatment plant, you would agree there would appear to be other people who may have more information than you as to what occurred there?

A. Well, whether or not they have got more information, they have probably got different views and information depending on where they were
10 at the time.

Q. If you accept they were there before you and discussing with other people plans for a fire
15 fire, would you accept they may have had a better overall picture of that particular fire than you do now?

A. I don't know if I agree with that.

Q. You would say to her Worship that you are in
20 as good a position as, for example, Mr Knight to give evidence to this inquest as to what actually occurred at the sewerage treatment works on that Saturday afternoon?

A. That's a difficult question to answer.
25

Q. I'm suggesting to you that it would appear that there is at least Mr Knight and his crews who are at that facility some time before you are.

A. Yes.
30

Q. Who had discussions with other urban firefighters, it would appear, if these notes are correct?

A. Yes.
35

Q. Who planned some sort of deployment of the various resources that they had?

A. Well, I don't know if they did that.

Q. Assume for a moment that this is an accurate account as to what happened from his perspective, if that is the case he appears to have a better overall perspective as to what is going on than you do because he was there before you; is that
45 fair?

A. Okay, yes.
47

Q. On page 0413, Mr Knight indicates:

5 "We moved the command vehicle inside the
gates - behind the 2 urban units - Charnwood
10 and Bravo 6."

You were Bravo 2, were you not?

A. Yes.

10 Q. He continues:

"We still had no comms."

15 He refers to there. That was your situation as
well?

A. Yes.

Q. Further towards the end of that paragraph:

20 "The fire was partly over us but still the
bulk of it was outside the gate although some
trees inside the fence were burning
fiercely."

25 Was that your observation or were you not in a
position to see that?

A. No, I did see some trees burning but I was
probably more towards the north side of the
building than the south side.

30

Q. If you go over the page. You will see the
first paragraph:

35 "Jerra 11 came back through the gate, much to
everyone's relief. I spoke to Andrew Joyce.
They were all okay and relieved to be out of
the flames. They were about to get back to
work but we could see that we were about to
be hit by another fire front."

40

How many fire fronts passed while you were there?

A. Four.

45 Q. If Mr Knight was there before you, this would
appear to be the second fire front; would you
agree with that?

A. He is probably talking about the third one.

Q. Why do you say that?

A. Well, because I don't know - the first one came around the hill. I didn't see any units attacking that fire. I presume that he is probably talking about the third one, just by reading that.

Q. You didn't see any fire units attacking the fire at all until afterwards; did you?

10 A. That's right.

Q. If Mr Knight's notes here are correct, then it would appear that there were units attacking the fire and you just weren't aware of that?

15 A. Correct. It doesn't say which fire front he is talking about.

Q. At the bottom of the page there is reference to:

20

"Then the fire front coming over. Engine was running the whole time. Vehicle was facing the fire front with the two urban units in front of us."

25

That isn't referring to you, I take it, because you are not aware of them at this stage?

A. I doubt it. Yes.

30 Q. Perhaps Bravo 6 and one of the other Charnwood ones?

A. Yes, and the tankers.

Q. He continues:

35

"We put the aircon on and on recycled perhaps to keep as much clean air in the vehicle as possible and pressurised. Urban firefighters had not got into their vehicles at this time."

40

Do you know if that is a reference to you? Were you in your vehicles as the second or third fire front --

45 A. That wouldn't be referring to us.

Q. You weren't in your vehicle though, were you?

A. No. But we didn't see them. They wouldn't have been able to see us.

Q. Were you --

5 A. They can't be referring to us.

Q. Did you take your vehicle as sanctuary at any time during the fires burning over?

A. Absolutely.

10

Q. During that time did you listen to the radio on VHS to see whether or not anybody in the area was around you?

15 A. As I said to you, the communication was quite fast and rapid. Communications were coming from everywhere. I certainly don't remember hearing anything as pertaining to the treatment works. It was about other areas in Canberra.

20 Q. Did you, whilst you were in the sanctuary of your vehicle during this period, listen to the VHF radio channel?

A. Yes.

25 Q. I thought you indicated to me earlier that you didn't at any stage, except on the way to the fire, monitor VHF traffic?

A. We are talking about a time frame of only about 5 to 10 seconds.

30

Q. On the following page - I won't take you through it - there is further descriptions by Mr Knight as to what happened at the sewerage treatment works. And over the following page
35 Mr Knight also prepared, much as you did, a questionnaire setting out answers to various questions that were posed to him, much as they were posed to you. This is to be found at [ESB.AFP.0023.0057]. At question 1 Mr Knight has
40 indicated at 0059:

"I had almost no comms with ESB from the time we arrived at Molonglo sewerage treatment plant until we got back into Higgins."

45

That would be consistent with your experience; would it not?

A. Yes.

Q. He says:

5 "This did not hamper our firefighting
activities and holes in the network are known
about."

You would agree with that comment?

10 A. Yes.

Q. So lack of communications didn't hamper the
firefighting that you did?

15 A. Yes.

Q. He continues:

20 "It may or may not have hampered information
that might have been passed to us."

Again, would you agree with that, that the lack of
comms prevented you in perhaps being provided with
further information?

25 A. Yes.

Q. Assuming that such information was available
to be given to you?

A. Absolutely.

30 Q. 0059 was the page I was on there. You have
given some opinions as to the Incident Management
Team and the chain of command and the structures
of that. Can I take it you were referring in
relation to the way it works in your organisation,
35 the urban fire brigade?

A. Well, yes, yes of course.

40 Q. You will see there at question 2 Mr Knight
makes a comment about the IMT chain of command
that would appear relevant to the Rural Fire
Service. He says:

45 "I have full confidence in the system and our
team in ESB - all of it."

That's a different Incident Management Team
structure than the one you have been giving

evidence about today; I take it?

A. Yes. I wasn't privy to that information.

Q. I accept that. Over the page at question 4,
5 Mr Knight was asked about whether he was hindered
in the pro forma that is apparently similar to
everybody:

10 "From my personal point of view I was
hindered mainly by 2 things on the day.

1. Poor comms at the sewerage treatment
plant."

15 You would agree with that comment?

A. Yes.

Q. And as you have indicated, poor comms in that
20 area was something you were aware of as you were
heading towards that area?

A. Yes.

Q. Then:

25 "2. The size of the fire. My guess is that
even if we had a very large contingent of
vehicles (firefighting) on hand when the fire
came through we would probably not been able
to stop it going over the top of us. It was
30 too big, too strong."

You would agree with that to the extent that you
were able to see?

35 A. Well, that's his opinion. If we had more
resources it could have been a different result.

Q. This is an opinion, it would appear, of
somebody was at the front of the firefight with
some knowledge as to the other resources that were
40 available and being strategically deployed to the
best they could; would you agree with that?

A. Yes, yes.

Q. Your perspective is somebody who was at the
45 back of the firefight not aware that there were
other people already there?

A. Yes, yes.

Q. Finally at question 6 on any issues regarding resources, he indicates:

5 "Resources were adequate for the resources we had. Had no radio comms with the urbans."

A comment about compatibility. I take it that, because you are not aware as to what was there, you can't indicate whether you agree or not with
10 Mr Knight's assessment?

A. I agree that - well it says here "resources were adequate" or does that say "inadequate", I can't read it? Does that say adequate or
15 inadequate?

Q. It appears on my reading "resources were adequate for the resources we had". My question is: I take it you are not in a position to comment on that opinion because you were not aware as to
20 what resources were there at that firefight?

A. That might have been adequate where they were but, where I was, I needed resources there.

Q. Over the page there is a comment by Mr Knight on this proforma about the training and
25 experience. He indicates:

"I am impressed that our standard and level of training stood up under extreme pressure.
30 Confident that our level of training for rural type fires is adequate. Wouldn't mind a bit more familiarisation with urban property protection procedures."

35 You made some comment about standards of training. Again, would you agree that, from your perspective, the firefighters, both rural and urban, that you came across on that day did a very impressive and professional job to the extent they
40 could faced with the conditions they did?

A. Yes, absolutely.

Q. Mr Camilleri, you also indicated in your typed recitation of your duties over that period that
45 you were never given a briefing and the only information given to you was from media sources. Do you recall typing something like that in your

response?

A. Yes, that's correct.

5 Q. Do you agree that emails were being sent
enclosing the relevant media releases to each of
the urban fire stations from about the 13th of
January from Ms Amy Lowe?

A. I'm aware of that. My answer was yes, I'm
aware of it.

10

Q. So when you say, "Information given to me was
from media sources", might it be more accurate to
say that you were being provided with the media
releases directly from ESB that were also being
15 provided to the media?

A. Probably.

20

Q. It is not a situation that the only way you
found out anything was to listen to the radio at
the right time?

A. Probably had more information coming from the
radio in updated reports than we did that was
coming through the email.

25

Q. If the situation is there are a number of
other firefighters at the sewerage treatment works
that were exposed to a greater range of the fire
than yourself --

A. I disagree with that.

30

Q. You disagree that there were others there that
may have been in a better position to give a
better picture of what occurred?

A. I think that's an unfair statement.

35

Q. What is unfair about it?

A. Well, I could only talk about what I saw and I
had four fire fronts, which is the same amount of
fire that they had to deal with. I really can't
40 see where you are leading. I just can't work that
out.

Q. If you could attend to my questions. I am
suggesting to you that you came on to the scene
45 later than a number of other units.

A. Apparently so.

47

Q. It would apparently appear that those other units had been in consultation with each other before the fire fronts arrived?

A. So you say.

5

Q. If that is the case, it would appear that firefighters on those units may have been in a better position to inform her Worship about what actually occurred than yourself who was in that isolated situation, coming later - not a criticism of you?

10

A. That is a difficult question to answer.

Q. Assuming that what I have put to you through Mr Knight is correct, is it your belief then that you are the best witness to come along and give evidence as to what happened at the sewerage treatment works?

15

A. I am the best witness that you could ask to talk about what I did at the treatment sewerage works.

20

Q. Indeed. Thank you. You have already indicated that your directions and taskings came from the ACT Fire Brigade hierarchy?

25

A. Yes.

Q. They are based also with the Rural Fire Service in Curtin - or they were?

30

A. Yes.

Q. And in a separate area to where the Rural Fire Service works out of?

A. On the day I have no idea.

35

Q. You weren't familiar with the layout of the Curtin building specifically at that time?

A. No.

Q. So would it be fair to say that you couldn't, with any real expertise, tell her Worship as to where physically ACT Fire Brigade operations were being conducted out of as opposed to rural firefighting operations and things of that nature?

40

A. Yes.

45

Q. Your evidence is your taskings would have been

coming from the ACT Fire Brigade?

A. I have no idea what the chain of command was between the Rural Fire Service and the ACT Fire Brigade at that time.

5

Q. You didn't go into Curtin before the 18th, I take it?

A. That's correct, yes. I didn't.

10 Q. You would expect there to be a number of other witnesses who were there and involved in various meetings who might be in a better position to give evidence as to what the actual situation with stand-ups and things of that nature were?

15 A. Yes.

MR WHYBROW: Thank you, your Worship. Nothing further.

20 THE CORONER: Thank you, Mr Whybrow. Mr Watts?

MR WATTS: Thank you, your Worship.

<CROSS-EXAMINATION BY MR WATTS

25 THE CORONER: Mr Watts, if you could just indicate to Mr Camilleri the list of people you appear for.

MR WATTS: I appear for Superintendent Newham; some gentlemen from ACT Forests - Mr Bartlett,
30 Mr Cooper and Mr Winter; Mr Dutton from Ambulance; and perhaps some others --

THE CORONER: Mr Jamieson and Mr Gore.

35 MR WATTS: Ah, yes.

THE CORONER: Mr Corrigan, Mr Taylor and Mr Cartwright. I have just taken Mr Collins off
40 your list.

MR WATTS: Thank you.

Q. My learned friend Ms Cronan asked you a question about your knowledge of the bushfires and
45 where they were at various times. She asked you about the 10th, 11th and 12th of January that you didn't have a briefing about the fires at that

stage. To do your job as at 10, 11 and 12 January, you didn't need any information about the bushfires; did you?

A. 10th, 11th, 12th?

5

Q. Of January.

A. Depending on what our task was on the day.

Q. You didn't need any information to do your job, any information concerning the bushfires to do your job on the 10th, 11th and 12th of January. That's right; isn't it?

10 A. I would of if I was going out of the urban area.

15

Q. And you didn't?

A. No.

Q. Nothing happened on the 10th, 11th and 12th that caused you any problems because you didn't have any information about the bushfires on those days?

20 A. Yes, true.

Q. The chain of command in the ACT Fire Brigade, you are a station officer and were as at January 2003?

25 A. Yes.

Q. You were answerable to a district officer?

30 A. Acting district officer - there is a difference.

Q. Yes. Well, an acting district officer does the role of a district officer when he is acting. That's so, isn't it?

35 A. Yes.

Q. The chain of command above you is a district officer albeit a person acting in that position?

40 A. Yes.

Q. That is the person to whom you report?

A. Yes, of course.

45

Q. And if you have any particular problems or difficulties, that is the person you go to to seek

counsel and information?

A. Yes.

5 Q. That is the person who will give you particular directions, if you are to receive directions about what you are supposed to be doing in your role?

A. It may come directly from COMCEN rather than from the district officer.

10

Q. As a general rule, it is the district officer who gives you instructions. That's so; isn't it?

A. Yes.

15 Q. If you feel that there is any difficulty in you doing your job, your obligation is to go to a district officer and seek some information?

A. It's one source, yes.

20 Q. Well, that's the chain of command, isn't it?

A. Yes.

Q. You don't ever go to the Fire Commissioner with a request for more tea cups?

25 A. No, of course not.

Q. You were asked some questions about your knowledge of the fires. In the period leading up to the 18th there had been tankers placed at various fire stations. That's right, isn't it?

30

A. Yes, correct.

Q. Which was unusual?

A. Yes.

35

Q. Were you aware at that time about the statutory arrangements between the fire brigade on the one hand and the Bushfire Service on the other as to who had responsibility for what?

40

A. Yes.

Q. You knew, didn't you, that as a general rule the fire brigade looked after structures such as houses, cars, helicopters and so on?

45

A. Yes.

Q. And the bushfire looked after fire in the

bush?

A. Yes.

5 Q. Including prior to January bush which might be within the urban area of Canberra?

A. Yes.

10 Q. Did you become aware that, in the period leading up to the 18th of January, the fire brigade had taken on responsibility for looking after the bush within the urban area of Canberra?

A. Are you talking about gazetted land or non-gazetted land?

15 Q. I am talking about bushland which might be termed the metropolitan area of Canberra.

A. I wasn't aware of that.

20 Q. That was the reason the tankers were stationed at the fire stations; isn't it?

A. I wasn't aware of that.

Q. You didn't know?

25 A. No. No information of that source came to my knowledge at all.

Q. But it was quite apparent to you that that was an unusual arrangement to have tankers stationed at the fire stations?

30 A. Yes.

Q. It was quite apparent to you, wasn't it, that things were gearing up because of the bushfires out to the west of Canberra?

35 A. Obviously, yes.

Q. One of the things that was done was that, instead of there being one district officer on duty at any one time, the arrangement was made that there would be two?

40 A. I have no idea when that came into being.

Q. Well, it was in the --

45 A. Certainly on the day.

Q. Certainly prior to the 18th. That's so, isn't it?

A. I couldn't tell you. I wasn't aware there were two district officers on the day. There is one and they always bring in the second one if there is an incident.

5

Q. There was significant smoke to the west of Canberra which you observed?

A. Yes. Absolutely, yes.

10 Q. You were fully aware prior to the 18th that these were significant bushfires which were out there to the west of Canberra?

A. Yes.

15 Q. On the 18th, you weren't caught by surprise to find there were bushfires to the west of Canberra?

A. Well, I wasn't surprised there were fires on the outskirts of Canberra but I was surprised that we weren't notified that they were actually here.

20

Q. You are an experienced firefighting officer; is that so?

A. Yes, yes.

25 Q. The fire brigade generally works on a basis of a callout, say through 000, without any prior notice of what is about to take place; is that so?

A. Yes. Of course.

30 Q. If somebody has got a fire in their kitchen they might ring in 000 and say, "We've got a fire in our house," and that's all the information they may give?

A. Yes.

35

Q. It is not unusual, is it, for a fire brigade unit to be tasked to an incident of which they have no knowledge?

A. Yes.

40

Q. I mean, if you get called to a house fire, you don't expect a formal briefing about the extent of the fire, where it started, who is in the house. You find that out when you get there; don't you?

45 A. But the fire didn't start 10 days before.

Q. I'm asking you about the general practice; it

is not unusual for you to be tasked to an incident where you have no prior briefing about what is going on?

A. Yes, of course.

5

Q. It is part of your training experience to deal with that situation?

A. Of course.

10 Q. You are not suggesting that, when you got to the Lower Molonglo on the 18th, you weren't able to successfully carry out your job?

A. I was expecting to be told in the morning what time roughly these fires would hit the urban --

15

Q. Do you want to answer the question?

A. Well, that's my answer.

20 Q. You are not answering the question. You weren't impeded in doing your job effectively when you got to the Lower Molonglo by an absence of a formal briefing?

A. I refute that. I don't believe that that's right.

25

Q. You didn't do your job properly?

A. Of course I did.

30 Q. That's the answer, isn't it? You were able to do your job properly; weren't you?

A. Well, only because of my experience and the dedication of my staff.

35 Q. Which is what happens every day with fire brigade officers all over Australia and all over the world; isn't that right?

A. Of course. But I think this is a different case.

40 Q. One other matter: you have made a comment in your statement that you thought there should be forward commands at various places; is that right?

A. Well, once the fire hit, yes.

45 Q. To have a forward command you would, what, send out people and form a base type of thing; is that what you are suggesting?

A. That's for district officers to set up a forward command post in a safe environment to dispatch people.

5 Q. What, in a building or --

A. Staging areas --

Q. In a building or just an open area?

A. In this particular case an open area.

10

Q. For a forward command to work effectively, you would have to have good communications with those you are directing?

A. Yes, of course.

15

Q. I think one of the posts you suggested where you should have had a forward command was Lower Molonglo; wasn't it?

A. Yeah. That would --

20

Q. Is that what you are suggesting?

A. In a safe area, the closest possible that you could get to.

25

Q. But it is a radio black spot. It wouldn't have been much good having a forward command post there; would it?

A. Well, we didn't have a forward command post, so I don't know whether it would have been

30

effective or not.

Q. You are suggesting there should have been one there?

35

A. I think it would have been beneficial to have one there.

Q. Knowing as you do that it is a communication black spot?

40

A. Yes, but at least it is a point of contact for anyone that was coming to that area.

Q. When you were out at Lower Molonglo, I think John or Jock O'Connor - is his name - came out?

45

A. Yes.

Q. He was your district officer?

A. Yes.

Q. Before he went out there, you knew he was your district officer?

A. Yes.

5 Q. He was a man that you were to report to?

A. Yes, of course.

Q. And as we discussed, he was a man you were to report to if you had any particular problems or concerns?

10

A. Yes.

Q. At what time were you tasked to go out to Lower Molonglo from Ainslie?

15

A. I believe about half past 2. As I say, I don't have the exact times here.

Q. At no stage on your way out there did you try and contact District Officer O'Connor to ask him for any further information?

20

A. No. It wouldn't be - well, it wouldn't be normal procedure to do that unless you really needed to contact him. But in my case I was checking out a smoke sighting. I wanted to have a look at that first before I could relay any information.

25

Q. Well, I think as has been put to you, there was a large quantity of black smoke in the area into which you were heading; is that right?

30

A. Yes, and other areas, yeah.

Q. But where you were heading?

A. You couldn't pinpoint it.

35

Q. You are an experienced firefighter?

A. Mmm.

Q. A lot of black dark smoke indicates a big fire?

40

A. Not if you can't see it. You wouldn't know where the fire was.

Q. Well, are you suggesting that as an experienced firefighter you are not able to gauge the extent of a fire from the extent of the smoke; do you think that's --

45

A. No. I think that's terribly unfair. I think that coming down Stockhill Drive and seeing the smoke obviously, you know, you could pinpoint there was a fire there somewhere. But it could be
5 2 kilometres away.

Q. You weren't concerned that you didn't know where the fire came from --

A. Of course I was.
10

Q. At no stage did you radio back to Jock O'Connor and say, "Well I need more information about what is going on up ahead"?

A. No, I didn't.
15

Q. Didn't do it?

A. No.

Q. Because you didn't feel the need to; isn't that so?
20

A. Unless you can actually see flame or you can see any reason to contact the district officer, you wouldn't do it.

Q. You see because the attitude you had was, "Well, we are going to do the best we can. We can deal with the situation when we get there".
25

A. We have to have a look at the situation first before we could make any firefighting strategies or whatever we needed to make. Then I would have contacted the district officer.
30

Q. The way you were dealing with this situation was no different to the way you deal with major problems every day of the week?
35

A. Probably.

Q. By the way, your pumper got put out of action; didn't it?

A. Yes.
40

Q. It was actually replaced for you by the next morning; wasn't it?

A. There was a new pumper that was in the workshop, yes.
45

Q. A new one available?

A. Yes.

Q. You indicated to those above you that the
5 tanker had a problem and it was fixed - I don't
mean the tanker was fixed, but the problem was
fixed?

A. On the same day?

Q. No. You got it by the next morning, didn't
10 you?

A. No. No, we got another fire engine.

Q. I think we are at cross-purposes. I am sorry.
I will rephrase it. I am not suggesting that the
15 old tanker was fixed up.

A. Right.

Q. What I am suggesting to you that is when it
became quite apparent that your tanker was out of
20 action --

A. Yes.

Q. -- a new one was put in place for you?

A. Yes.
25

Q. By the next morning?

A. Yes.

Q. When you got back to Curtin you have told us
30 about a conversation you had with Superintendent
Newham?

A. Very brief. It was a very brief conversation.

Q. You and your crew were pretty done in by that
35 stage, weren't you?

A. Yes.

Q. Very tired?

A. Yes.
40

Q. He's indicating to you that you should have
something to eat and have a break?

A. Yes.

Q. Which you regarded as quite appropriate at the
45 time; didn't you?

A. Oh, yes of course, yes.

Q. You have never been in a position where you have had to actually run a fire brigade; have you?
A. Not a fire brigade, no.

5 Q. I am not being critical of you but you have never been above running one fire station?
A. No, no.

10 Q. But you do know from your experience with your own staff that you can't work people 24 hours a day seven days a week; you have got to give them breaks?
A. Yes, of course.

15 Q. You do that by rosters?
A. Yes.

20 Q. Even if circumstances are very difficult - in other words, if you are facing a difficult situation with lots of fires - it is still important to give staff a break?
A. Staff that have been working?

25 Q. Been working.
A. Yes.

30 Q. You didn't feel after you had been out to Lower Molonglo that you and your staff should continue another shift?
A. We wanted to.

Q. You were absolutely exhausted; weren't you?
A. Yes, we still wanted to.

35 Q. Then if you worked another shift, you would then have to have had a break?
A. Yes.

40 Q. What I am putting to you is this: it is important, and you concede this, for those running the fire brigade to farm the resources and to have some crew available at all times?
A. Of course, yes. Yes.

45 Q. And to make sure that fresh crew are available all the time?
A. Yes, of course.

Q. You said in your statement at question 7 on page 9:

5 "No training to prepare you for what we endured at these fires."

Do you recall saying that?

A. Yes.

10 Q. These fires that hit Canberra on the 18th were well beyond your previous experience; weren't they?

A. Yes.

15 Q. What has been termed a firestorm came to Canberra on that day; didn't it?

A. Yes.

20 Q. And the resources on the 18th of the fire brigade were stretched to their limit?

A. Yes.

25 Q. In fighting the fires on the 18th there was no equipment which the ACT Fire Brigade had which was not utilised; that's so, isn't it?

A. I couldn't answer that.

Q. You don't know?

30 A. No. I wasn't in that managerial role to indicate that that was so.

Q. So you are not able to be critical of that aspect of organisation because you just don't know?

35 A. The only information I know is about the non-utilisation of the airport fire service.

Q. That is your only criticism?

40 A. Well, that's all I'm --

Q. All you can say?

A. You know, in my situation, I wasn't in a managerial role within the ESB.

45 Q. Do you or do you not know that the airport was open the whole of the 18th?

A. I have no knowledge of that.

Q. And of course you don't know - you weren't privy to their resourcing or requirements?

A. No.

5 Q. You weren't privy to the question of whether or not if such a fire unit had been available, it might have been able to fit in with the command structure of the fire brigade?

A. They would have fitted in very well.

10

Q. But did you know or did you not know whether there was some arrangement in place before the fires between the fire brigade and the airport authority?

15 A. I'm not aware of any arrangements, no.

Q. Of course if the airport was open all that day, it would be important for them to keep their resources there; wouldn't it?

20 A. Depends what is flying in the air. They have categories, and it depends what the category was at the time.

Q. You simply don't know what was happening?

25 A. No, I wasn't there. I wasn't there.

Q. Emails were being sent out on a regular basis to the fire stations, situation reports about what was happening from ESB?

30 A. I read them occasionally, remembering that Ainslie fire station is an exceptionally busy fire station. I have a lot of work to do at the station, so I don't specifically go into emails to get that information.

35

Q. Well, you are complaining that you didn't get enough information and yet you are telling us you didn't read what was coming?

40 A. Well, I object to that. That makes me look really silly. I think that's unfair.

Q. Do you know that fire brigade equipment, pumpers and tankers were sent out to Duffy before the fire front hit?

45 A. I was unaware of that.

Q. That would indicate, if that was the case,

that there was a level of preparation above that which you have the feeling was in place?

A. I am not sure if they went on their own initiative or they were ordered to do that.

5

Q. You have just got no idea?

A. Well, I wasn't there. I was on the north side.

10 Q. And you don't know from your own knowledge whether prior to the 18th any incident action plan was prepared?

A. Wasn't aware of it.

15 Q. I take it if one had been prepared and you were now convinced one had been prepared, that would alter your view to some extent about what was being done?

A. Yes.

20

Q. If I put it to you that one was prepared on the 17th of January, an incident action plan by the ACT Fire Brigade, that would moderate your view to a fair degree; wouldn't it?

25 A. That action plan would have to have been given to me on the 18th as I wasn't on duty on the 17th.

Q. Just one further matter before I finish. Putting a forward command somewhere depends upon having good knowledge of exactly where and when a fire is going to hit an area, doesn't it?

30

A. Yes.

Q. Because if you put a forward command in one place and the fire strikes in another you have got a problem?

35

A. Initially as the fire hit, of course, yes.

Q. It takes away a degree of flexibility, doesn't it?

40

A. On the initial stage, yes.

MR WATTS: Thank you, your Worship.

45 THE CORONER: Thank you, Mr Watts.

MR WHYBROW: Before the next person

cross-examines, there is something I have discovered in one of the transcripts. With your Worship's leave rather than come back later, I can put it now.

5

THE CORONER: Yes.

<FURTHER CROSS-EXAMINATION BY MR WHYBROW

MR WHYBROW: Q. If we could have brought up
10 [ESB.DPP.0012.0002]. While that is occurring, when I asked you some questions earlier, I asked you at page 5153, you might recall:

15 "Q. Did you listen to your radio on VHS to see if anyone was around you?

"A. As I said the communication was quite fast and rapid. Communications coming from everywhere. I certainly don't remember hearing anything as pertaining to the
20 treatment works. It was about other areas in Canberra."

Do you recall giving that sort of answer?

A. Yes, of course.
25

Q. What is being brought up appears to be the COMCEN transcript of logs for 18 January in the afternoon. If we can go to page 27 there is an entry at 1516.24, which would be whilst you were
30 at the treatment works and perhaps in between fire fronts going through, Mr Camilleri; is that correct?

A. Yes, I suppose so.

35 Q. You will see just at the bottom of the page there appears to be a transmission:

"It's Molonglo 3. I'm at the water treatment plant at Belconnen. The fire has just - I've
40 been - I've been having radio trouble, having been able to get you to report what we are covering. We have a spot fire up here. Helicopters are working on it. It's now
45 burning at the front gate. We've got all units inside the gate but the fire has passed here and is on its way back towards I guess the vineyard and the golf course, over."

5174

Then a couple of statements later there was some difficulty getting that:

5 "My message was that I've been having trouble. I haven't been able to get in touch with you before this. The fire has spotted up to the water treatment plant. We have brought all the vehicles inside. We have fought it up against and the fire has passed
10 us at this stage and the fire is heading back, I guess towards the vineyard and the golf course, over."

15 Is it correct to say you didn't hear that transmission?

A. No, I didn't.

20 Q. If you were monitoring VHF and had heard that transmission, you would agree that would have alerted you to the fact that there were other units at the front gate?

A. Yes.

25 MR WHYBROW: Nothing further.

THE CORONER: Thank you, Mr Whybrow. Mr Craddock?

MR CRADDOCK: I have no questions.

30 THE CORONER: Mr Bartlett, do you have any questions?

MR BARTLETT: I did have a few questions, your Worship.
35

<CROSS-EXAMINATION BY MR BARTLETT

MR BARTLETT: Q. Just to clarify a couple of issues, Station Officer.

40 MR MILDREN: Sorry, your Worship, Mr Bartlett appears for?

THE CORONER: Mr McIntyre. You do understand, Mr Bartlett, that you are asking questions of
45 Mr Camilleri that do have Mr McIntyre's evidence in mind. You haven't got permission to question Mr Camilleri at large, so to speak.

MR BARTLETT: I will put it to the court what I intended to ask. I simply wanted to ask a few questions to clarify some of the evidence that has left me confused. It may be of assistance to the court. It doesn't deal directly with Mr McIntyre's evidence. Mr McIntyre was fighting the fire in Duffy. I seek leave to ask those questions.

THE CORONER: I will allow you. We will see how we go.

MR BARTLETT: Q. Station Officer, you indicated that you were called to a fire at Lower Molonglo treatment works. I am just looking at your statement and this is an email that you sent to Commissioner Bennett a few days later. In it you said you had been to a garage fire in Page?

A. Yes.

Q. And then on the way back you diverted to the treatment works. And you said:

"As we were proceeding along Belconnen Way Comms ordered us on to check on what might be a grass fire at the Lower Molonglo sewerage treatment works in Holt."

A. Yes, that's correct.

Q. So the radios were working then?

A. Oh, yes, yes.

Q. And that was the message "might be a grass fire"?

A. To a smoke sighting which might be a grass fire.

Q. You have given evidence that there certainly appeared to be a very large fire at the treatment works; is that a correct description of it?

A. No.

Q. Well, you have given evidence of four fire fronts passing through.

A. Yes.

47

Q. Was it simply a grass fire or was it more than that?

A. It was grass and scrub fire involving trees crowning.

5

Q. Do you feel the initial call you got "check on what might be a grass fire" was an accurate reflection of what you attended?

10 MR WATTS: I object. This is doing exactly what your Worship did not allow.

THE CORONER: That needs to be clarified, Mr Bartlett.

15

MR BARTLETT: I won't pursue that issue. Just one other point.

Q. There has been a lot of discussion about the units that were at the treatment works fighting the fire. Your unit - you are Bravo 2 - and Bravo 6 from Charnwood was there. There were other rural units there. The truth of the matter is that you weren't in any communication with any of them?

25

A. No.

Q. What was the visibility like? How far could you see?

30

A. Well, virtually nil. It depends on the time and the fire and the wind direction. Most of the time it was reduced to probably about 50 metres.

Q. You didn't see any of the other units?

35

A. None at all.

Q. The reason I ask is this: if communications had been working normally and if you were talking with those other units, would you have fought the fire in a different way?

40

A. No.

Q. So you would have just done what you did anyway?

45

A. Well, we might have liaised to maybe set the fire engine in a different position but, as far as the way we fought the fire, well, I'd say no.

Q. Another issue that I wanted to clarify: your urban pumper broke down and in fact you have expressed the point that put your life and the life of your crew at risk?

5 A. Absolutely.

Q. What you did indicate is that you said:

10 "My crew and I were hit by the full force of the front. We were experiencing breathing difficulties, heat exposure and due to the failure of our pump and radios, our lives and the lives of treatment workers were put at risk."

15 A. Absolutely, yes.

Q. How long did that situation last for?

20 A. We had difficulties for probably about 10 minutes.

Q. 10 minutes?

A. And then composed ourselves and continued on.

25 Q. Your evidence-in-chief, as I understood you, was that you had to lie on the ground to shield from the fire; is that right?

A. Yes, yes.

30 Q. You gave evidence that that urban pumper failed because the embers got down into the paper air filter and started a fire?

A. Yes.

35 Q. Is that correct?

A. Yes.

Q. You said a few days later a filter grill was put on that may have assisted?

40 A. It may or may not have assisted, but it may have assisted in our particular instance.

Q. What I am interested in is you are still using that urban pumper --

45

MR PIKE: I object to that. I was following with some interest as to where we are going with this.

My friend disavowed any general intention by saying there was a few things he was confused about. Perhaps he might explain the source of his confusion in relation to this line of questioning.

5

THE CORONER: What is the point of asking these questions?

MR BARTLETT: The point I simply wanted your
10 Worship to be aware of is what I am interested
in - that was the distinct problem with the urban
pumper that put the crews' life at risk. The
witness has given evidence that it may have
15 assisted. What I am interested in is whether he
is confident that whether the same problem would
arise with the pumper in the same set of
circumstances?

Of course, Coroner, you have to make
20 recommendations here and this sort of
recommendation, in my respectful submission, could
be important on the equipment that the
firefighters have. That is the simple point I
wanted to bring out. The witness raised the
25 issue, and it is not clear whether the pumper is
fixed.

MS CRONAN: Your Worship, Mr Pike may not be aware
that Mr Bartlett also appears on behalf of the
30 firefighters union.

MR PIKE: I wasn't.

THE CORONER: But he doesn't now. That is not
35 right, Ms Cronan. He doesn't have permission to
appear for the firefighters union but just
individual firefighters. I will allow you to ask
the question, Mr Bartlett.

MR BARTLETT: Q. You understand the point I am
40 getting at. You said that a filter grill had been
put on the air intake.

A. Yes.

Q. To your knowledge, has that fixed the problem
45 or could it recur?

A. As I understand, that was a temporary

solution. Since then we have come a long way. It took the engineers close to 10, 11 months to solve the problem by re-engineering the air intakes, and all the fire engines in the ACT have now been modified.

5
Q. So to your knowledge that problem is fixed?

A. It's fixed.

10 Q. On the radios, I understand new radios are being installed; is that correct? In --

A. I was under the understanding that the new radios, the technology, would be in service in 2007.

15 Q. Just another point of interest: you were talking about the airport's fire appliance and certainly it is very different to the urban pumpers. You were saying the crew stays inside and can operate the water jets from inside the pumper. Is that a special pumper for fighting aeroplane fires?

20 MR WATTS: I object. The other questions can conceivably be of interest to Shawn McIntyre. But the relationship of this evidence concerning the airport --

25 THE CORONER: That is a separate issue, Mr Bartlett.

30 MR BARTLETT: I won't press the issue, your Worship.

35 Q. Just one other point, Mr Camilleri, you indicated at the end of your statement - this is the email that you sent to the Commissioner on 27 January - where you set out your concerns and what you are upset about. Your last sentence is:

40 "It is hoped that in the coming months my concerns will be addressed. I am very despondent at the moment like probably all those that attended this horrific disaster."

45 A. Yes.

47

Q. Have those feelings been rectified? Have things happened that stopped --

A. No --

5 THE CORONER: That is not appropriate, Mr Bartlett. You don't have to go any further, Mr Camilleri.

10 MR BARTLETT: No further questions, your Worship.

MR PIKE: Mr Camilleri will be delighted to know that I have no questions. But I would ask that the answer to the last question be struck, given the fact that it is an inappropriate question to
15 be asked.

THE CORONER: Thank you, Mr Pike. Yes, Mr Mildren.

20 **<CROSS-EXAMINATION BY MR MILDREN**

20

Q. Mr Camilleri, you gave some evidence about an incident action plan dated 17 January, and I think your evidence was that you had never seen it; is that right?

25 A. That's correct.

Q. If such a plan had been prepared, is it normal for you to be given a copy in one form or another, whether a hard copy or electronically?

30 A. I never received such a plan for anything I have ever attended to in my career.

Q. You have never seen an incident action plan?

35 A. No.

Q. I suppose that answers the next question: did you see the one dated 17 January?

A. No.

40 Q. You were asked some questions in cross-examination by Mr Watts, the person on my right-hand side, about you doing your job properly out at the Molonglo sewerage treatment works, and I think one of your answers was because of the
45 experience and dedication of your staff. Then you were asked a question about that happens throughout Australia and throughout the world, I

think he likened it. Your answer was "this is a different case". What did you mean by giving that answer? How was this case different?

5 A. I think this is different because if we get called to, say, an MVA - a motor vehicle accident - well that is something that has just occurred. We have to attend and do what we normally do. It is my job to make sure that it runs smoothly. In this particular case, it is
10 just that it started eight days beforehand and, as things were progressing, none of my senior officers spoke to me personally of what may or may not happen. I think that's the difference.

15 Q. You were asked a question, again by Mr Watts, that you had never run a fire brigade and obviously you haven't. I may have missed this at the beginning of your evidence, but you gave evidence that you have been in the fire brigade
20 for 22 years. How long have you been a station officer?

A. I have been station officer for 14 years.

25 Q. I think, sir, are you doing or attempting to do your district officer exams?

A. Yes. I have decided to do my district officer exams when they next time come around, which I think is about six months time.

30 Q. That is a series of five exams?

A. Yes.

MR MILDREN: Thank you.

35 THE CORONER: Thank you, Mr Mildren. Ms Cronan?

MS CRONAN: I have no re-examination.

40 THE CORONER: Mr Camilleri, I will excuse you. You have heard submissions in relation to Mr Collins. There may be a chance that you might need to be recalled. We will deal with that when Mr Collins gives his evidence.

45 THE WITNESS: May I reply to that, your Worship?

THE CORONER: Yes.

THE WITNESS: I was supposed to have knee surgery today which is being put back to the 18th. If that is a problem for reappearance --

5 THE CORONER: Thank you, Mr Camilleri. If it is to happen, it will happen before the 18th. As I say for the moment you are excused and thank you for your evidence.

10 <THE WITNESS WITHDREW.

THE CORONER: We will take the luncheon adjournment and we will resume at 10 past 2.

15 LUNCHEON ADJOURNMENT [1.11pm]

RESUMED [2.15pm]

MS CRONAN: I call Mr Shawn McIntyre.
20

<SHAWN LEE MCINTYRE, AFFIRMED

<EXAMINATION-IN-CHIEF BY MS CRONAN

MS CRONAN: Q. Would you please tell the Court
25 your full name?

A. Shawn Lee McIntyre.

Q. Your current occupation?

A. Station officer in the ACT Fire Brigade.
30

Q. I think on your statement you say A platoon relieving; is that still your current situation?

A. No, I'm on A platoon, permanently attached to Phillip fire station now.
35

Q. Where were you attached in January 2003?

A. I was a relieving officer. At the time I was attached to Chisholm fire station.

40 Q. You have got currently over 13 years experience as a firefighter?

A. Just gone 14.

Q. Could you just briefly outline what positions you have held in the 14 years experience you have got?
45

A. Well, I was trained in recruit college in 1990

and progressed through the ranks in the same fashion that all officers in the fire brigade do. In August 2002 I was promoted to the rank of station officer. I have been stationed at various stations throughout Canberra in my career,
5 generally Ainslie, Fyshwick and Phillip.

Q. I will have your statement brought up on to the screen. It is document [AFP.AFP.0086.0019].
10 If we could go to 0020. You say from the 8th to 16th of January you were performing routine duties on normal rostered overtime shifts?

A. That's right.

15 Q. Was that at the Chisholm fire station?

A. No, that varied. Depending on whether there was someone on leave or where I was required, I was asked to work there. Work those shifts as required.

20

Q. When you say normal rostered shifts, what did those involve?

A. We work a 10/14-hour rostered, five days on, three days off, which consists of two 10-hour day shifts followed by two 14-hour night shifts and
25 then followed by three full days off.

Q. You were also over that eight day period in addition to that working overtime shifts?

30 A. That is correct. They fall when those rostered days off, those overtime shifts.

Q. What overtime shifts did you work?

A. None that I recall. I don't recall what I was
35 working up to and before the 16th. On the 17th, I was rostered on a tanker crew at Charnwood fire station. That was for a 10-hour - I am not sure if it was 10-hour - the shifts don't align. When you are manning tankers, the shift times start
40 later and finish earlier or later according to the fire danger on the day, whatever the indice is on the day. On the 17th of January, it was 0900 to 2000 hours that I worked.

45 Q. You say in your statement that you contacted COMCEN regarding an inquiry from a member of the public in Stockhill Drive. Can you recall now who

you spoke to at COMCEN?

A. I think it may have been Firefighter Greg Riley who was working in the comcentre.

5 Q. Can you recall as precisely as you can what conversation took place between you and the COMCEN operator?

A. To the best of my recollection, I asked him in regards to the inquiry that I had had the
10 proximity of the fire to Stockhill Drive in Holt. And he said something to the effect of "it's been out there for days. It's at least 6 kilometres away". I believe that he spoke to - there is a rural operator in our communications centre and I
15 believe that he probably had person-to-person contact with them before giving that answer.

Q. You say in your statement that there was discussion about the fire not being immediately
20 threatening or likely to soon threaten that area?

A. That's right. Yeah. It was words to the effect of "nothing to worry about. It is a long way from there".

25 Q. You can't recall the words "threaten" or "threatening" being mentioned; it was simply the way he spoke about it being a long way from Holt?

A. I ceased my conversation with him convinced there was no immediate threat to that area at that
30 time.

Q. You were stationed at Chisholm fire station as the officer in charge of Bravo 7 on the morning of 18 January. What time did you commence your shift
35 at that stage?

A. 0800 hours.

Q. Up until that point in time, what was your awareness of what was occurring with the fires in
40 the Brindabella Ranges?

A. I suppose it was a general awareness, no more probably than any other member of the public had. You know, there were tanker crews coming and going at different fire stations. I had obviously
45 worked the day before so I had an idea that there was a level of readiness. I hadn't been given any information through official channels what that

level of readiness might be.

I am a resident of Duffy. When I left to commence the shift that we are talking about, there were
5 leaves and debris sort of falling around my house, none of which was alight or anything. It was unusual but I must say I wasn't overly alarmed by it.

10 Q. Had you been given any information from anybody officially in ESB and more particularly the fire brigade itself in relation to what was occurring?

A. No.

15

Q. The day before when you crewed the tanker, had you been asked to respond to any rural areas in that capacity?

A. Not that I recall. I don't think we did.

20

Q. Did you respond to anything that day?

A. My recollection is no, we didn't.

Q. You were just on standby?

25

A. We were there in the event that there was a fire in a bush or grass area that we would respond to it, if required.

Q. You had a pumper Bravo 7 on the 18th and you
30 had three firefighters working underneath you?

A. That's correct.

Q. You say further down in your statement an overtime crew was also manning the water tankers
35 with Station Officer Wilkie and four firefighters?

A. That's correct.

Q. How many water tankers were there at that stage?

40

A. Two, a heavy unit and a light unit. They commenced duty at a later time than us. I think they probably commenced at 1000 hours, although I am not certain.

45 Q. You say you don't recall receiving any information, through official brigade sources, of an impending threat to urban areas of Canberra

from the bushfires burning in the western part of the ACT?

A. That's correct.

5 Q. Did you receive any information from any sources throughout the morning in relation to whether or not there was a threat to the urban areas of Canberra?

10 A. There was a firefighter on my shift who was using the station computer and he had up on the screen what I believe to be the weather satellite and almost in jest he said, "We could be in for a busy afternoon". I looked at a picture that
15 really didn't mean much to me. Obviously with fires burning in the west of Canberra for the previous 10 days, I had probably heard that sort of comment, you know, tens of times over that time.

20 Q. To your mind Saturday the 18th was no different to any of the previous 10 days?

A. Exactly.

25 Q. At 20 to 2 that afternoon, you say both crews were called to patrol Eucumbene Drive. Was that your pumper and the heavy tanker?

A. And the light unit that accompanies the heavy tanker.

30 Q. How were you called to Eucumbene Drive? Who contacted you?

35 A. I don't recall. The normal method of notification is by direct turnout system, which is a speaker in the fire station that all people can hear, or by telephone. The communications centre will ring on the telephone. One of my officers or myself will pick the phone up, take the call, and then relay the information verbally to the rest of the crew.
40

Q. It was either of those normal routine methods but you can't recall which?

A. I don't recall which.

45 Q. Can you recall what information you were given before you left the station?

A. Again, no. Not really. It was quite basic

information. It was just "called to patrol
Eucumbene Drive in Duffy". I made a note in my
contemporaneous note pad as we left the station.
I have tendered that to the coronial investigation
5 team for evidence. That was at 1340.

Q. You say on arrival you met with District
Officer Thornthwaite. Were you tasked to respond
to him at that location or did you just meet up
10 with him?

A. We were tasked to respond with him. We didn't
respond under lights and sirens and urgent duty
conditions; we drove there at our own pace. We
met with him near the intersection of Hindmarsh
15 Drive and Eucumbene Drive in Duffy.

Q. He briefed you at that intersection?

A. That's correct.

20 Q. Can you recall now as precisely as you can
what he told you your tasking was for that
afternoon?

A. The objective was clear. Mr Thornthwaite said
that there was a threat from the fires to the west
25 and that they were going to hit Duffy, or words to
that effect. I am almost certain he said within a
couple of hours. "We've got a couple of hours."
The time frame of two hours is strong in my
recollection.

30 Q. What did he ask you to do in preparation for
that impact?

A. Our objective was clearly to stop the fire
entering the urban area. There was no thought of
35 entering the pines adjacent to Duffy or attempting
any sort of containment in the rural interface.
Our initial instructions were to set up
standpipes, which I think most people are by now
familiar with what they are - basically fire
40 hydrants - set up lines of hose along Eucumbene
Drive and stop the fire crossing the road into
those houses on Eucumbene Drive.

45 Q. Now, sir, you brought with you a map of the
area of Duffy which you have drawn.

MS CRONAN: Your Worship I propose to tender this

at the end of his evidence.

Q. You have drawn some numbers and circles on that map which identify areas in which you
5 performed certain actions?

A. Yes.

Q. It would be useful if you can identify as you go through your narrative where on that map and
10 what number you are referring to.

A. Okay.

Q. Have you gone past number 1 yet?

A. No, I haven't. I should say as far as our
15 objective was, it was clear that we were there in a capacity to prevent spread into the urban area. We formulated a plan at the brief. Mr Thornthwaite had some suggestions and ideas, but it was quite open to adaptation according to
20 what the staff on the ground thought.

Because I was on an urban pumper, I suggested that I didn't want my crew committed solely to the front line. As Mr Camilleri said, once the
25 truck's pump is in gear you don't have any mobility. An urban pumper has the capacity to fight a house fire. We have breathing apparatus and equipment specific to fighting structural fires on that vehicle. I have good local
30 knowledge, I live in the area.

The height of the pines and the feeling we were getting of the way the fire was moving, I foresaw that perhaps if it spot forward into back streets,
35 in that case we would be able to deploy to wherever a house might catch alight.

Q. Was this around 2-ish, 2 o'clock in the afternoon?

A. It would be 2, maybe 2.30 by the time I sought that, I suppose, roving commission from
40 Mr Thornthwaite.

Q. Now at that stage how many firefighters were
45 involved in the tactical discussions?

A. I'm not certain. There was Bravo 7, which was my crew. The other Chisholm tankers under SO

Wilkie and his crew. Bravo 5, which is Kambah's urban pumper SO Ross Turton. I believe there were some other tanker crews in the area, ACT Fire Brigade tankers in the area. I recall seeing SO
5 Brian Talbert on one of those tankers. I wasn't exactly certain which station he was from. I believe it might have been Kambah. I am not certain whether he was present at the briefing.

10 Q. In terms of stopping the fire at Eucumbene Drive, was the plan to wet down the area and direct water on it as it approached or what was the plan?

A. It was a defensive approach. It was to, I think, protect the houses from radiant heat and spotting from the fire front. That was to be done by setting up a curtain of water using the monitors on the truck and hose lines. Without
15 being certain where the fire was going to approach from, we weren't sure - Mr Thornthwaite's information didn't really indicate whether it was going to come from the west across Eucumbene Drive. There was a possibility that it may impact at the top of Warragamba Avenue as well. So we
20 were trying to, I suppose, cover all bases with what was there.

Q. Could you see any of the fire fronts from where you were at that stage?

30 A. No.

Q. What were the conditions like?

A. My recollection is that visibility was quite good at this stage. You could see up the road probably a couple of hundred metres, maybe more. Maybe up to 400-500 metres. The smoke - because of the lay of the land I suppose in Duffy, you have Narrabundah Hill to the west and you can't really see over the back of that. But as anyone
35 in Canberra knows, on that day it was quite smoky generally. But visibility at that stage was still quite good.

Q. So what did you proceed to do after you had your briefing?

A. After the briefing we commenced setting up those standpipes and lines of hose in the area

that Mr Thornthwaite had indicated.

Q. That was on Eucumbene Drive?

5 A. On Eucumbene Drive at the northern end. After speaking to him about taking the urban pumper into some of the back streets and familiarising the crew with that area and where hydrants and access points may be, I commenced driving around with our crew, driving around the streets and telling them
10 the names of the streets so that, if they had to communicate that back, they were aware of where they were, the relation of that street to Eucumbene Drive and things like that. Hydrants, we looked at.

15

Q. So your objective was to see if spot fires did occur in areas past Eucumbene Drive and to put them out?

20 A. To be available if a call came in - for instance, if there was a house alight in whatever street, we were able to respond to that and put it out.

25 Q. Were there any other pumpers or tankers available to assist you with the roving spot fire duties, or were you the only one?

A. Not that I'm aware.

30 Q. You familiarised yourself and the crew with the area, located the street names and the fire hydrants. What did you do after that?

35 A. During that time we spoke to residents asking them to move cars off the street, dress appropriately, wet their houses down. I didn't think at this time that there was too much to be concerned with in those streets back from Eucumbene Drive.

40 Q. Had you ever fought a rural bushfire before?

A. Yes, yes.

45 Q. Did you consider that you had - what kind of experience did you have in that, one or two fires --

THE CORONER: Ms Cronan, could you speak up, please. I can hardly hear you and I am sure

people at the back are having trouble.

MS CRONAN: Q. How much experience had you had fighting rural fires as opposed to structural
5 fires?

A. I had none as a station officer. As a firefighter I was present at the Sydney fires in '94 that went through Jannali and Como. And various fires over the years, small grass fires
10 and the like around Canberra in the rural and rural/urban interface.

Q. Whilst you were preparing for the impact of the fire, you saw some residents appearing to
15 prepare their houses for potential impact; did you?

A. There were people who would see the fire truck and come out to us and say, "What's going on? What do we need to do?" I didn't believe at that
20 stage that there was a great threat to them. The information that I had been given certainly didn't give me the feeling of what was coming.

Q. What did you tell the residents at this time?
25 A. I said, "If you are going to stay, dress appropriately and make sure you have natural fibre clothing on. Have your hoses ready. Have your vehicles off the street so they don't impede us. Be vigilant. Look out for little embers landing
30 in your garden and put them out." Just basic information.

Q. How many people did you speak to in those terms?

35 A. Perhaps maybe in the area of 40.

Q. That included your own father?

A. It included my father, yes.

40 Q. You say you lived in Duffy?

A. Yes.

Q. Do you still live in Duffy?

A. Yes, we do, yes.
45

Q. Had you had an opportunity to prepare your own house before leaving for work that morning?

A. No, I hadn't.

Q. When did you first see lit embers falling in the area that you were patrolling?

5 A. While we were conducting the familiarisation of the street, we were monitoring the radio and one of the crew members had the thermal imaging camera out, which is a camera that indicates heat
10 sources. Because the smoke was sort of getting a little thicker at this stage, we were relying on our eyes to look for falling embers and perhaps some that may have landed in the crevasse of a valley of a house roof, down the side of a yard. So we used the thermal imaging camera in case
15 there was a heat source that we weren't picking up with our own eyes.

I recall that at the top of Burrendong Street - I have indicated that as number 1 on the top of my
20 map there. I will just refer to my statement. I heard an RT message, radio telephone message, that the fire was on Deeks Drive. To me Deeks Drive - the actual road is on the Cotter Road on the northern end of Holder. Deeks Forest Park is on
25 the corner of Uriarra Road and Cotter Road, so in my mind the fire was down towards Holder.

From there, following that there was a message from crews on Warragamba Avenue saying the fire
30 was there. As we hadn't had any indication of falling - of burning anywhere - we weren't committed to any operation in the next street over, so I said to my motor driver, "Let's get around there and get into it."
35

Q. So what happened when you arrived in Warragamba Avenue?

A. Visibility seemed quite good still in Burrendong Street. We turned out of there and
40 turned left on to Jindabyne Street. I suppose you could liken it from going from day-time to night-time. The visibility was virtually nil. At the most you could probably see a metre, 2 metres in front of you. Extreme heat. Wind. Noise.
45

I recall the two firefighters in the rear of the truck huddling on the left-hand side behind me. I

could see pines probably 50 metres off the road
alight with a flame height of somewhere between 20
and maybe 30 metres. The radiant heat from those
made it very difficult for me to turn to speak to
5 the driver. Even though the truck was closed up,
the radiant heat coming through the truck was
almost unbearable.

I suppose our priority then was just survival.
10 There was no thought of getting out and doing
anything. In my mind it was imperative to keep
moving. I thought if we stopped and tried to get
out of the truck we would perish.

15 Q. At that point in time you described the flames
in the pines, were there any houses alight at that
stage?

A. I think there were. I find it difficult to
recall. But on the left of Warragamba Avenue as
20 we were heading west, there were definitely things
alight, property alight. There wasn't a second to
even really turn and pay attention to that. We
were just trying to get out of there.

25 Q. You say preservation of your life was
uppermost in your mind at that stage?

A. Yes, yes.

30 Q. What did you do in order to preserve your
life?

A. I instructed the driver to keep driving, head
towards Eucumbene Drive. It was apparent to me
that the fire front was approaching from the
north, which was through the Stromlo Forestry
35 Settlement there in Duffy, the Forest
headquarters. So I thought if we kept heading
west and hit Eucumbene Drive, we could turn left
and head south away from the direction that the
fire was coming.

40

Q. So did you attempt to do that?

A. We did. We drove - again visibility was very
poor so it was very hard to see the road. The
driver was having trouble hearing me because of
45 the noise. I made a decision that if we got into
some clear air, I would take over the driving
because I could tell from where the pines were

alight and where the houses were alight and even bits of kerb that I recognised from living in the area, I could tell where the road was. I thought it would have been easier for me to drive rather than try to relay "left, right. Go. Stop" to the driver who was having enough difficulty manoeuvring the appliance as it was.

Q. So where did you go to?

10 A. We got to Eucumbene Drive. I recognised a --

THE CORONER: A triangle?

A. Yeah, one of the concrete triangles - the word escapes me at the moment. I knew we were at the top. There was a fire appliance on the left. I could probably see by this stage probably 5 metres. We must have nearly hit that. I couldn't see any crew there. I couldn't see anyone around.

20

MS CRONAN: Did it appear to be undamaged at that stage?

A. I think it did. I remember its lights turning. In the smoke you could see the lights. I am not certain it was an urban pumper. It is my belief it was because that is where Bravo 5 was positioned when I had last seen it.

We passed that. Shortly afterwards, approximately 50 to 100 metres after that, I changed over with the driver. I suppose after stepping out of the truck, the conditions were very clear to me then that we couldn't commence any sort of work. We still had to get into some clear air. I drove the truck along Eucumbene Drive. The fire was now in the pines to the west of Eucumbene Drive. I don't recall seeing any houses alight at this stage.

We then reached Renmark Street where I turned left. There was one of the ACT Fire Brigade, I think, heavy tankers across the road. And I pressed the air horn to signal that we were there. The air horn didn't respond. There was traffic coming out of Jemalong Street to the left of us and the road was blocked on the left-hand side heading east towards Burrinjuck Crescent. I went onto the other side of the road. We came down

Renmark Street and turned left onto Burrinjuck Crescent. The air was a bit clearer down there. You could see.

5 My objective became then to get back up into those streets behind where the fire front was coming and attempt to set up there, knowing it would definitely come through there. But our best chance was to get into somewhere clear, set up and
10 perhaps wait until it came through there.

Q. Are any of the events that you described marked on the map that you have prepared?

A. Yes. The numbers on the map correspond to
15 points in my statement, yes, that I have written.

MR WATTS: It might assist us all if it was tendered and we could have a look at it, if there are copies available.
20

MS CRONAN: It is a map that the witness prepared and brought himself. I don't have copies available. I will have to tender it. What we will do, if there is no objection, is tender your
25 map at the end of your evidence with the statement where you have marked the numerals in the left-hand margin, and that can combine to form a document that speaks for itself.

30 THE CORONER: We will make the map available. As each counsel cross-examines, you will have access to the map. We will make a copy of the map available.

35 MR PIKE: Is there any chance of a short adjournment to get copies? It might save some time.

THE CORONER: We will see if we can get copies.
40

MR ARCHER: Perhaps as the witness goes along, if he could hold it up so we have got some rough idea what he is indicating.

45 (the witness complied).

THE CORONER: Q. You have that marked 1, 2, 3 and

4 as you are go through. What have you described already, Mr McIntyre?

5 A. This yellow line indicates our direction of travel from when we heard the fire was on Warragamba Avenue down Burrendong Street, up Warragamba Avenue left on to Eucumbene Drive where we changed over driver. I came down here onto Renmark Street, left onto Burrinjuck and then left into Somerset Street. That probably was only one or two minutes. That was as the fire front was hitting. I thought that was important to show where we were. So that yellow line indicates that point of travel. Our truck broke down at the end of this line. That's where we commenced our
10
15 firefighting.

MS CRONAN: Q. So you said that you tried to press your air horn to show the tanker you were present and that didn't work. So you went --

20 A. We continued on down Renmark Street, down the right-hand side on the wrong side of the road. We turned left onto Burrinjuck Crescent and drove past the BP service station. There was no fire down there at that stage. The next street on the left is Somerset Street, which takes you back up to the streets in behind Warragamba and Eucumbene. We turned left into there.

30 Q. You were attempting to go back up towards the area behind Eucumbene Drive when your truck failed?

35 A. That's right. The truck broke down a couple of hundred metres approximately on Somerset Street, the warning light came on and the buzzer sounded. It wasn't responding to throttle or anything like that. It shut itself down.

Q. Do you now know what was the problem with it?

40 A. Yeah. The mechanic told us that sparks had entered the air intake, catching it alight and the protection mechanisms in the pumper shut the truck down because it wasn't functioning.

Q. When the truck broke down, what did you do?

45 A. I think I sent a message to COMCEN notifying them that our truck had broken down. Had a look around. There was cars now streaming out of that

area down Somerset Street. At some point a person put their head out of the car window and said there were houses alight in Moogerah Street.

5 Q. Could you see any fires in the suburb at that stage?

A. I could see some burning to my left. At this stage I was facing west. My left was south. I could see fire in a tree over in Jemalong Street
10 type area, which is a couple of rows of houses over from where we were. But it was really black by this stage. So as far as looking west towards Eucumbene Drive and up Somerset Street, it was very difficult to see any further than that.

15 Q. So you gave some instructions to your crew when you got out of the pumper?

A. We got out of the pumper and I said, "We will have to go on foot." It was now clear that I had
20 to go up to Moogerah Street where these houses were alight. So I tried to take what I could with us that would be useful.

Of course, a lot of our lightweight hose had been
25 left on Eucumbene Drive as part of setting up. We had a standpipe with us. We took some 70-mm hose which is traditionally used for high volume water supply and delivery. Without a pump, we weren't going to be able to use that hose to its full
30 capacity, but it was all that we had so we took that.

Q. How does that operate out of a hydrant?

A. You put a standpipe in, what we call shipping
35 a standpipe. Everyone is probably familiar with those Hs on the side of the road. That is called a hydrant pit. You open that up. There is a ball valve in there. We carry in the fire trucks about a metre-high standpipe which plugs into that, and
40 you screw that on. Your hose connects to that. You turn it on and the water comes out of the street main into the hose.

Q. Did you say there was a problem with using
45 that in relation to hydrants as opposed to your truck?

A. The problem with it is that one length is

30 metres. When it is fully charged with water it weighs nearly 100 kilos. Whereas the smaller hose, the 38-mm, is a lot more manoeuvrable. We didn't have that with us. Also, without the pump
5 you are not able to pressurise the water. So even if the water is there in supply, you can't pressurise it sufficiently to fight the fires at any distance - with sufficient pressure, yes.

10 Q. It acts like a normal hose?

A. It does. In Canberra generally we have good water pressure and generally sufficiently run off a hydrant and spray water quite well. But that's not how we normally operate.

15

Q. You and your crews took what equipment you could, including breathing apparatus from your pumper, and where did you go to when you had unloaded your equipment?

20 A. We were sort of getting the equipment off the truck and stockpiling it and having a look at what we had. This is only a few seconds I'm talking about here. I was trying to go through my head what we might need, because I knew where we were
25 and the distance to the street, it wasn't going to be efficient to be coming backwards and forwards.

At that time an unmarked police Land Cruiser came by and the two police officers said, "Can we
30 help?" I said, "Yeah, can you take us up to Moogerah Street where these houses are alight?" They said "sure". We put our gear on there. There wasn't room for all of us in it. A couple of us stood on the back. They didn't know where
35 the street was. So I said, "When I tap on the roof, turn right."

Of course visibility was limited so they were driving along. Then we got to the street and I
40 tapped on the roof. I recall my helmet coming off because I didn't have it strapped on - I had a breathing apparatus on my back - hadn't clipped it on. And I tapped and they turned right into the street. On the left there were three or four
45 houses alight. Trees alight. Very strong wind blowing towards us.

47

Q. Before you left with the police, did one of your crew have to put out a fire underneath your pumper?

5 A. That's correct. Senior Firefighter Wickart noticed that the fire appliance was alight underneath. My priority at that stage was to get to these houses and start work on those. I said, "You've got 30 seconds. Have a go." But I didn't want to be wasting time and messing around with
10 that because, as far as I was concerned, it wasn't of any use to us at that point. We needed to get moving if we were going to do any good.

Q. Did he extinguish that fire then?

15 A. He did. He took a portable extinguisher and put it out.

Q. What did you see when you got to Moogerah?

20 A. When we entered Moogerah Street, the street seemed deserted. That's the street that I live in, for the information of everyone. Cars that I recognise as being owners of the houses weren't in the street. There were houses - I can distinctly recall two houses alight on our left and native
25 eucalypts alight. It was clear that there was nothing we could do there.

30 So my priority was then to stop that spreading to neighbouring properties. The direction of the wind was pushing the fire from those properties across the street to two other houses. So I instructed the crew to shift the standpipe, hook the hose up and attempt to put out a fire that had started in one of those houses across the road in
35 a wood heap out the front.

Q. What general instructions did you give to your crew at that point?

40 A. At that point I still hadn't, I don't think - I was still comprehending what was happening. They were very broad instructions. It was just to start work. It wasn't until a short time after I had surveyed what was happening, where we were and what we were doing that I called them together and
45 said - I should say that I sent a message to COMCEN that there were houses alight and we were getting to work.

I then walked down the street once the crew had commenced work. They weren't getting enough pressure out of the hose to extinguish those fires. I called them together and said words to
5 the effect - I think it is in my statement there -my instructions to them were to hold the perimeter, to try and stop the fire entering what was already unaffected. I told them to keep calm, to work calmly and to conserve their energy and to
10 dig in for the long haul, or words to that effect. I knew we would be there for a long time and there probably wouldn't be any assistance. So my priority was again their safety, and just to be careful and do their best.

15

Q. Did you also give some instructions to the two police officers?

A. Yes. The police officers were there and said "Can we help?" There was a fire threatening two
20 houses further down the street that were at that stage unaffected from two houses behind them burning. I said, "If you guys are able, grab a hose from the back of that house and try and keep it off these two. Try and stop it spreading from
25 those burning to the other two, houses number 8 and number 10."

Q. Were they able to do that?

A. They were. They did very well.

30

Q. Did you also through this period give instructions to civilians in the area?

A. I did. When we entered the street there were two women, two neighbours of mine, in their car
35 listening to the radio - sorry, they were out of their car, the door was open and the radio was on. And they were down the side of their house with a garden hose.

40 The house adjacent to them was completely alight. Initially I put them in the police Land Cruiser and said "stay there" as I was concerned for their safety. But because of the heat I was concerned. They approached me later and said, "Can we get
45 out? Can we do something?" I wasn't aware of anywhere safe to send them. I couldn't send them out of the street. I didn't know what else was

alight or where to send them.

They appeared to be quite capable, and I put them
to work on their own house, where they wanted to
5 be, and made them aware of the dangers of collapse
from the next-door house and gave them areas where
they couldn't go. I had two other crew members
there with a line of 70-mm hose and I instructed
them to keep an eye on them and make sure they
10 didn't get in harm's way.

Q. Were there any other civilians that you spoke
to throughout this particular period?

A. Throughout this particular period no. Not
15 until a bit later on.

Q. What did you do yourself?

A. I suppose I had to get around and see what was
happening around us to see where the threat was
20 coming from. So that required me to survey the
street, to walk further down. There were houses
alight everywhere, outbuildings, back yards and I
suppose it was an exercise in prioritising what
was possible to save and what was already a lost
25 cause.

Q. How did you go about prioritising that?

A. Basically if something was on fire and we had
was no chance of putting it out, it was a case of
30 protecting the exposure, making sure it didn't
spread to the next house or the next property.
Even a house that was involved in fire in a small
way at that stage, by the time we moved that
bigger hose and shifted the standpipe, it would
35 have been gone. It was a case of setting up
between that one and one that was already
unaffected and trying to save the one that was
unaffected.

40 Q. Did you do that a number of times or how did
you go about the process?

A. Yes. Look, I don't recall exactly the
placement, as I have said in my statement. It was
just as things flared up. If where they were
45 working at the time, the crew was working at the
time, if they were able to leave that for a minute
and set up there and work on something else and

then perhaps return to that. There were just fires everywhere. It was a matter of again trying to balance where they were working - sorry, trying to honour the commitment to where they were
5 working while trying to, I suppose, stretch them a little further to perhaps help in another area that, you know, maybe save two houses instead of one. It was difficult.

10 Q. You say in your statement also that you climbed up on the roof at one stage?

A. Yeah, that was my house. I knew at my house I had a ladder. I knew that I had a first-aid kit, wool blankets, drinking water and access to the
15 yards. I knew that I had a good vantage point from up there. I could see the theatre of operations as it were. I climbed up there to have a look around to see where fires were burning.

20 Q. Can you describe what you saw when you climbed up there?

A. It was awful. My neighbours' houses were alight. At this point I realised my family wasn't there. That was re-assuring. It allowed me to
25 focus a little more. Just Armageddon. It was awful.

Q. Whilst you were up there, did you speak to a couple of men on a nearby roof?

30 A. A house diagonally to the rear of the house I was on had a couple of young men up there - high teens, early 20s. They were wetting down their roof. There was a big tree alight at the house next door. The owner of that house was there.
35 They had their garden hoses. Again the radiant heat was extreme. The tree was probably 20-30 metres away from them. They were shielding themselves from the heat but they seemed capable and they were confident. And again, I had nowhere
40 else to send them. Nothing else they could have done. So I said to them "Keep doing it. You are doing a good job". They managed to save their house.

45 Sorry, they also said, "We've got a couple of exchange students with us. They are in a car out the front." I could see there was fire over the

back there as well. So I got on a pushbike at this stage. I was finding it really hard to walk. I suppose just exhaustion, but there wasn't a lot of oxygen in the air. So I got a pushbike and
5 rode down a laneway and spoke to the two people in the car - a couple of students. They didn't want to come out. They didn't speak English very well. I tried to re-assure them. I didn't see any immediate threat to them. Again, there was
10 nowhere I could send them that I knew was safe. At least I knew where they were. I was happy for them to stay there. I was going to attempt to monitor the fire in that area and make sure they weren't under threat.

15

Q. You then rode to Peter Lawler's house?

A. Yes. I continued along there. There was a house burning up Cargelligo Street. There was an elderly resident there protecting his property
20 from the house next door that was alight. Again, I made him aware of the dangers, instructed him what to do and to be careful of. At some point Peter Lawler, who was in a neighbouring house, came out and said, "You're guys are doing a great
25 job. They have kept the fire off my house". This is the fire from those original two houses that we started work on, with the wood heap out the front. They managed to stop that spreading to his house and another neighbouring property. I think that
30 was about the extent of that meeting.

Q. You then rode to 31 Cargelligo Street?

A. Cargelligo Street, yes - sorry, that meeting with Mr Lawler probably took effect before that.
35 31 was the house that was alight and the house next door. Number 33 was where I spoke to the elderly resident and instructed him on what to do.

40 At that point I noticed the three houses behind him were alight, and they were in the street where our truck had originally broken down.

Q. Do you know whether he was able to save his house?

45 A. He did. Yes.

Q. So then after speaking to him you returned to

Moogerah Street and saw Bravo 1?

A. Mmm-hmm. I'm not sure of the time frame. But I remember being very relieved to see them. They parked further up the street on the southern end of Moogerah Street. SO John Wilson was there and a couple of his crew, and they had an urban pumper that was working. They started work on a couple of houses. Specifically I think one on the corner of Moogerah Street that was in danger of being caught alight by two other houses next to it that were burnt, and one across the road. I wasn't exactly sure what houses they were working on at the time. I could see basically they had that end of the street under control.

15

Q. Were you in communication with District Officer Thornthwaite throughout this period?

A. No.

Q. You say that the house at number 44 Somerset Street was well alight at this stage and seriously threatening 4, 6, 8 and 10 Moogerah Street as well as 46 Somerset Street. Firefighters Eccles, Welsh and a police officer went with you in a Land Cruiser?

25

A. That's right. Those houses were burning. The two police officers were there on their own with that hose. Some time had passed. Again, I'm not sure how long. But the fires from those houses had - the houses were completely engulfed at this stage. They were threatening all those properties. So SO Neil Maher who had arrived I think with SO Wilson - because Neil Maher was on Bravo 3, the pumper that was eventually completely burnt out - he at some stage must have hooked up with SO Wilson and got up there. He said "what do you want us to do?" He had another firefighter with him.

I got them to assist in the back yard with the police officers. They had another standpipe and another line of hose. They directed a jet between the three houses - sorry, the two properties that were not yet alight and the properties that were engulfed by flame. I sent myself and two other crew members with the police Land Cruiser. We went around to the other side of the street to

45

fire our jet to meet theirs to put up a water curtain between those burning houses and those yet unaffected.

5 Q. Were you successful in protecting those houses?

A. We were. There was some minor damage - there was some damage. Minor in scale of things to one of the houses, number 46. It didn't spread to it
10 and that house is still standing.

THE CORONER: We will just tender the map prepared by Mr McIntyre. It will become exhibit 0056.

15 **EXHIBIT #0056 - MAP PREPARED BY MR MCINTYRE.**

THE CORONER: We will take a brief adjournment.

SHORT ADJOURNMENT

[3.07pm]

20

RESUMED

[3.22pm]

25 MS CRONAN: Q. In your statement, you say at page 5 that by this time your crew was exhausted so you had a break?

A. This was several hours I believe at this stage. What I have just described happened over a
30 period of three or four hours, I think, so it was early evening by this stage. I didn't feel as though there was anything else I could ask them to do that would be useful, so I said "just have a spell".
35

Q. Were there other crews working in the area at that stage?

A. Besides the crews - the truck that arrived with SO Wilson and SO Maher during our
40 firefighting, I don't recall seeing any others, no.

Q. You requested a relief crew, medical treatment and an update on B7 repairs. Who did you contact
45 in order to do that?

A. I did it by RT, I think - by the handheld radio.

Q. What occurred after you requested the relief crew?

A. I don't recall getting a reply. I think there was an update on Bravo 7. I think they told me
5 that the mechanics were working there. There was no medical attention or refreshments. I had opened my house at this stage. It had become, I suppose, a staging area. So I had some drinks there and we had some food. But there was no
10 medical attention.

I had a guy on my crew who worked the night before. I recall him asking me the time every 5 minutes or so. He was really struggling; he
15 could barely talk. We could all barely talk just from smoke in our throats and shouting to be heard over the noise of the fire. Turned ankles, and I wanted somebody there to check them out. I was worried about them. What they had been through,
20 they were in obvious distress. I'm not an ambulance officer or a doctor, the signs were there that they were suffering and, as I would at any job, I requested medical attention.

25 Q. But you didn't get a response to that?

A. No.

Q. So you rested and refreshed your crew as best you could. You also saw around this time Bravo 5?

30 A. Yeah. Bravo 5 came in to Moogerah Street from the west. They had been obviously working on Eucumbene Drive - I think they had. That was the last time I saw them several hours before. They asked if there was anything they could do. There
35 was a house still burning. It wasn't immediately threatening anything, but I asked if they could black that one out completely, which means making sure it is not going to flare up again. They went and did that.

40

Q. You also had dealings with the crew in the tanker at this stage?

A. Yes. SO John Streatfield arrived on a tanker. I'm not sure where he came from. I got the
45 impression that he wasn't rostered on duty that day. I think that he --

47

Q. Self-activated?

A. Beg your pardon?

Q. Had he self-activated?

5 A. I'm not sure. I got that impression. I'm not certain. But that was the impression I got.

Q. So what did you do?

10 A. Again I asked them to blackout another house that was threatening, if it flared up, to burn what we had already started. So they did that.

Q. Around this stage you spoke again to Mr Peter Lawler?

15 A. That's right. He drove into the street in his car. We were trying to pack our gear up and move it. He said, "Here, use my car." That was great. We had been on foot and on a pushbike. To have transport at our disposal, it was a great
20 advantage and we utilised that. It gave me an opportunity to drive around and survey where we worked and go back and check on people like, for instance, in Cargelligo Street a lot more easily.

25 Q. Did you transport your crew and their equipment in that vehicle?

A. Yeah we did, yeah.

Q. So what did you do after that?

30 A. It was getting dark. I recall taking a car down to where the mechanics were working. They said the truck should be ready soon. I got the impression they were trying to fix up the truck as best as they could. I mean obviously I don't
35 think they had spare parts available. They were trying to make it at least work, and I'm not sure how long that took. We waited around and night fell.

40 At about 2100 the brigade mechanic drove the truck up to us. They had managed to get it operating again. We stowed our equipment on it and headed back towards headquarters at Curtin. On the way
45 back to headquarters, my concern was that all the work that the guys had done, if there wasn't a crew left in the area to monitor these flare-ups those houses would reignite and create bigger

fires that would then threaten properties that were unaffected.

I tried to communicate that by radio. The traffic
5 on the radio was still quite heavy, but I don't
recall any response to that or even - I wasn't
sure who would be getting the message, if you know
what I mean. I said it en route hoping that
10 someone would get that bit of information and
deploy a crew to keep the area we worked in from
catching alight again.

Q. So you then returned with your pumper and crew
to Curtin Headquarters at about 10 o'clock?

15 A. That's correct, yes.

Q. From there you went to Chisholm fire station?

A. That's correct.

20 Q. Leaving your pumper at Curtin?

A. Yes. We drove in a private vehicle from there
to the Chisholm fire station.

Q. You left Chisholm fire station at midnight?

25 A. Midnight, that's correct, yes.

Q. Were you aware at this stage where your family
was?

A. Yes. My parents arrived at Moogerah Street
30 some time after, you know when we were resting, so
early evening and said that my wife and children
had evacuated to a friend's house in Queanbeyan.
There was of course no phone lines or no mobile
phone reception, so I was unable to contact them
35 until I think I got to North Curtin and I may have
made a phone call by then. I definitely contacted
them by phone at Chisholm fire station.

40 Q. You went to Queanbeyan to meet up with your
family?

A. That's correct. I met them there. I was
rostered on for duty at 0800 the next morning. I
phoned Station Officer Stephen Edwards at the time
and asked to be relieved from my duties the next
45 day in order to relocate my family and start
getting the wheels in motion for moving them out
of the fire zone.

Q. So after reuniting with your family you went back to Moogerah Street at about 1.30 in the morning?

5 A. Yes. There were police road blocks. I had my fire brigade identification with me, and the police allowed me to re-enter. There was obviously no street lights or power or anything like that. I suppose I spent some time just looking around where we worked. There was still
10 bits and pieces flaring up, which I used garden hose and buckets and things to put those out.

At this point my greatest worry was the effort that those firefighters, those police officers and
15 members of the public had put in to saving that dozen or so - 13 or 14 houses - was going to go to waste because there was no-one there to monitor these flare-ups. I took that upon myself to do that for as long as I could.

20

Q. What did you use to extinguish flare-ups?

A. Garden hoses, buckets, whatever was there. Mostly garden hoses.

25 Q. So you patrolled and extinguished flare-ups till 6 in the morning?

A. Yes, that's right.

Q. Then you sat down and slept?

30 A. Yeah, I went inside to get a drink. I sat down and didn't wake up. Lucky it didn't catch fire while I was in there.

Q. If we go to page 6 of your statement. You
35 have raised a number of issues in section 2 of your statement. A number of these appear to be opinions that you personally hold; is that correct?

A. Yes.

40

Q. There are some areas I would like to take you to specifically. But if you want to make any additional comments in relation to any of these issues you have raised, just say so and we will do
45 that.

A. Thank you.

47

Q. You have spoken specifically about the lack of civilian preparedness. Members of the public you encountered at the incident were either poorly informed or completely unaware of the threat to themselves and their property; and the correct actions to take with regard to protective clothing, protection of property, at what point to leave, where to assemble, and where the safest place to be was.

10

I think you have described in the evidence that you have given so far incidents of you giving advice to residents about what dangers were involved in what they were doing and what protective clothing they needed to put on. Was it from those discussions that you formed this view that they seemed poorly informed or completely unaware?

A. Oh, definitely. People were wearing shorts and singlets, thongs. Completely oblivious, I suppose as I was, as to what was coming and they weren't prepared for it.

Q. When you say there that they seemed "poorly informed or completely unaware of the threat to themselves and their property", what were you referring to in that point?

A. They would come up to the truck. They would see the truck and say, "What is going on? Are we safe? What do we need to do?" I am sorry to say there wasn't much I could tell them. I didn't know myself.

Q. Is there anything in the top section of that page that you would like to explain or elaborate on further than what is in your written report?

A. No. I'm happy with what I have written in my statement.

Q. It is fairly clear?

A. I think it is fairly clear as it is written. I don't think I can elaborate much further.

Q. If you could go over the page to the following questions you have asked to be put to the relevant people. The first one is:

47

"Why were operational crews not provided with any prewarning regarding this incident?"

5 Have you been told by anybody senior to yourself in the service, either the fire brigade or ESB, why operational crews were not provided with prewarning regarding the incident?

A. No.

10 Q. You also ask:

"Was there an incident action plan relating to the threat to Canberra urban areas?"

15 I take it from that question you were never shown an incident action plan before you went to Duffy that afternoon?

A. That's correct.

20 Q. Is there anything further you wish to add to the following points in that paragraph?

A. I think it became apparent while we were working that any unit that would have been available to help could have made a difference -
25 urban or rural, volunteer, full-time career, whoever. If they were capable of standing and pointing a hose, they could have saved houses.

In the following days I believe there were New
30 South Wales units deployed - I am not sure if they were deployed before the firestorm hit Duffy. The question we kept asking was, "where are they? Who's coming to help us?" The fire had obviously left the rural - had come out of the bush. We
35 were wondering where the firefighters that had been engaged in there were at the time.

Q. As far as you were aware from what you saw, there were no ACT rural units involved in fighting
40 the fire in Duffy that afternoon?

A. I didn't see any.

Q. Or New South Wales units?

A. I didn't see any.

45

Q. The only units you saw were fire brigade?

A. ACT fire brigade.

Q. Is there anything else you wish to say about those points?

A. No.

5 Q. In part 2 of that page you say:

"The instructions issued to me by District Officer Thornthwaite were followed to the best of my ability. My objective was clear, however, the information and resources supplied to District Officer Thornthwaite to combat the situation we were eventually confronted with were grossly inadequate."

15 Is that right?

A. Yeah. Mr Thornthwaite came up there in the briefing and gave us our objective, which was to stop the spread of the fire into the urban area. My assessment with what we had assembled there was that that was sufficient to cope with what Mr Thornthwaite had been told was coming. So Mr Thornthwaite, along with the rest of us there, I believe, had an image of what we were going to be confronted with. However, what came through was way beyond the capacity of the resources that were there to deal with it.

Q. You make the point in the next paragraph:

30 "There was a distinct lack of timely notification and information. Areas under threat should have been flagged with operational crews earlier, to allow reconnaissance to be undertaken and local knowledge to be drawn upon."

Prior to your suggestion to District Officer Thornthwaite that you maintain a roving patrol capability, was there any, do you know, reconnaissance of any streets back from Eucumbene Drive to find out where the hydrants were and what the street names were?

A. Not that I'm aware of.

45 Q. If we go over the page you say at:

"At 1340 when we were called to patrol

Eucumbene Drive, I was unaware of the scale of the threat."

I think that has been comprehensively covered in
5 your evidence so far. You make a comment about
radio communications being stretched well beyond
capacity. Further down you say that the ACT Fire
Brigade radio communications system has been
unsatisfactory for as long as you can recall.
10 Could you elaborate for her Worship in what ways
that has been unsatisfactory for as long as you
recall?

A. The radios we were using on the day I have
been told were secondhand radios that were bought
15 from the Olympic volunteers after the 2000 Games.
They are completely unsuited to operational use;
they are cumbersome and difficult to use,
particularly when you are wearing protective
clothing. The network is unreliable. You are
20 required often to switch between channels. They
don't have a good range. The batteries don't last
very long on them. You can charge a battery up
and, as soon as you turn it back on, it is beeping
to say that it is flat?

25 There is not a standard system of codes that were
used. Depending on the officer, he may use
different signals and codes depending on what the
incident is. They don't correspond to any
30 training that other people have. It has been a
problem for years - black spots. Recently a crew
attended an incident where they couldn't
communicate from here to the other side of
courtroom away when they had a house fire.

35 Our union has made complaints to the bureau about
this. People have put reports in about it.
Operational crews have not been listened to about
their requirements and, if they have, they haven't
40 been acted on.

Q. You make the point there that these problems
are not only exasperatingly inefficient, they are
also life threatening; is that your opinion?

45 A. They are life threatening. Where you have a
radio system where someone can be talking about
their movement from a fire shed to a petrol

station, or whatever it might be, and you are trying to get through information of a vital nature - perhaps that is not a good example. Perhaps in this example, something like a crew on the ground describing a situation they are in as far as brake failure or water supply, that information of an operational nature does not need to be heard perhaps by people in command positions. They need information such as where crews are, what the status of those crews are - broad information.

This was all being delivered on the one channel from things that were happening on the ground all the way up the line. All that information is coming through on one channel.

Q. It was completely blocked?
A. It was. When you are thrown into that, if you try to switch on a VHF radio, that noise and their associated problems coming through and a speaker mounted in a truck right next to your brigade's radio, it just becomes a jumble after a while. There is no value in it, in anything that you hear. It is just a blur quite often.

Q. Your radios were also incompatible with the Australian Federal Police radios?
A. That's correct.

Q. How did you communicate with the two police who were working under your direction --
A. Face to face. It was the only way. I had to walk or ride the pushbike to where they were to monitor them.

Q. After you had given them instructions, you would leave them to do a task. And if they needed your help or advice, they would have to leave what they were doing to come and ask you something?
A. Yeah, yeah. They worked very well; they didn't seek me out for that.

Q. Sorry?
A. They didn't seek me out for advice; they waited until I came back.

47

Q. You make the point they were able to work largely unsupervised?

A. They did very well.

5 Q. Members of the public, you say in your experience, received conflicting instructions from media, police and fire brigade. Can you demonstrate an example or examples of what --

10 A. I suppose depending on for instance what radio station people were watching. Information seemed to vary. People seemed to say, "We have been told to evacuate" and some people were saying "What do we do?" Someone wanted answered, "I have been watching the tennis. There is nothing on about
15 this". I don't know how the media outlets prioritise the information or how it is delivered to them. There wasn't a consistent - you didn't know from one person to the next what level of information they had.

20

Q. This person watching the tennis, what time did they come out?

A. I can't recall.

25 Q. After the firestorm had hit?

A. I'm not sure. It is just an image that is in my mind. It is one of those things that I suppose stuck. It was, I suppose, amazing to me that people are sitting in their house with the tennis
30 on when all that is going on around them. It might have been before the incident, but I'm not certain.

Q. It seems from your evidence that when you were
35 responding to these questions and requests from members of the public and the police, the information that you were providing was your own experience. You didn't have anybody in a senior position to yourself telling you what the general
40 position was that you were to tell people?

A. That was just based on my own experience. I have had no formal training in that. It was just, I suppose, drawing on what limited experience I had in those sorts of fires and applying, I
45 suppose, a dose of common sense to that to give the people that were there something useful. That's all I could do with what I had been trained

or hadn't been trained to do.

Q. You had no knowledge of whether or not officially Duffy was being evacuated?

5 A. No, I had no knowledge of that.

Q. If we could go over to the next page 0027, if you could read through that. There are no specific areas that I have questions for you about. Is there anything that you feel needs elaborating upon in the inquiry?

A. Sorry, which page are you looking at?

Q. Page 9 in your copy.

15 A. No, I think those points are clear enough for me. I think they say what I want to say, yes.

Q. Over the next page in the first paragraph you talk about the chronic lack of relevant training to urban firefighters and officers by the Fire Brigade and the ESB.

20 MR ARCHER: Could I just confirm that there is no page 10.

25

THE WITNESS: I have page 10 here on my copy of the statement.

THE CORONER: You don't have a page 10, Ms Cronan?

30

MS CRONAN: No, I don't. Might I access to your page 10, Mr McIntyre?

THE WITNESS: Certainly.

35

MR PIKE: None of us do.

MS CRONAN: I will have to arrange for it to be put into the system. I wonder if that could be copied for my friends.

40

THE WITNESS: Yes, I have a clean copy of that - I think I do. I might have given it to Mr Bartlett.

45

MR BARTLETT: I have a clean copy.

47

THE CORONER: Do you mind loaning that,
Mr Bartlett, and we will copy page 10?

MR BARTLETT: Of course.

5

MS CRONAN: Q. On page 10 that I have just read,
the points appear to be clearly set out. Is there
anything further you would like to say about any
of those points?

10

MR WATTS: I object to this. Perhaps it could be
made available to us overnight.

THE CORONER: It's a bit ambushy, I think.

15

MR WATTS: Just a touch. Perhaps if we could have
a look at it overnight.

MR PIKE: I won't object if the answer is no.

20

MR WATTS: I wouldn't be in a position to
cross-examine him without seeing page 10.

MS CRONAN: We will return to page 10. If we
could go to page 11. You say:

25

"There was a chronic lack of relevant
training provided to urban firefighters and
officers by the ACT Fire Brigade and ESB."

30

Can you say specifically in your experience of the
afternoon of the 18th what type of training did
you feel you should have had or people in your
crew should have had that would have assisted you
that afternoon?

35

A. Well, I think importantly ICS, incident
control system, training. I mean, some of us have
done one-day courses on it, but I suppose you
could liken it to giving someone a book on how to
drive a car. You've got to experience it; you've
got to practice it; you have got to work with the
other agencies; you have got to test your
communications systems. We had never practised
anything like that on a small scale, let alone
this sort of scale.

40

Q. Is it the case that the urban fire brigade, in

your experience, generally responds to fires that don't require the implementation of an Incident Management Team but can be handled by the senior officer on the scene?

5 A. That's correct. The first attending officer assumes those roles. As the incident evolves, those roles are devolved to second, third and subsequent responding officers. If the scale of the event warrants it, those roles are assumed by
10 higher ranks than station officers. For instance, the district officer at a normal house fire might assume the role of media liaison, logistics and planning and leave the first attending officer to be the operations officer.

15 Q. Am I right in suggesting that probably one of the most problematic fires that you have experienced in the fire brigade of recent years is the fire, for example, at Moose Heads?

20 A. I didn't experience that fire. I didn't attend that.

Q. Are you aware of the scale or the size of that fire?

25 A. I am aware it was a large fire and a lot of brigade appliances attended it. That is about the extent of my knowledge of that fire.

30 Q. Is it the case that, given the lack of practical experience in scaling up very large scale incidents, do you feel there is a need for a lot of training or a lot of mock exercises so you can maintain your skills in this area?

35 A. Most certainly. It comes down to simple matters of OH&S and fire safety. People simply didn't know where we were or what we were doing on January the 18th. If we would have been trapped in that truck and burnt or in a house fire that collapsed on us, no-one knew where we were or what
40 we were doing. There were no checks and balances in place. It was every man for himself.

45 Q. On page 12 you say you witnessed the devastation caused by the bushfires entering Sydney suburbs whilst a member of the ACT fire brigade task force in 1994. What role did you play in the 1994 fires?

A. I was an operational firefighter under the command of a station officer on an urban fire appliance.

5 Q. How long were you at those fires for?

A. Several days - three or four days, I think.

Q. You say that you saw some of the same problems in those fires that were experienced on the 18th
10 of January in Canberra?

A. Yes. I guess crews on the ground getting conflicting information, poor working arrangements between agencies, interagency arrangements. I have written there "inappropriate news media".
15 People I think have difficulty deciphering important information that is put out by the media from the normal noise that comes out of media whenever something catches alight. I suppose Sydney was all over the news. People really
20 didn't know when to be alarmed because they were I think becoming immune to it. It had been going on for days. It was just there. It was a noise. It was indecipherable - the important information.

25 Q. You go on to say that you had hoped that we would take lessons from these mistakes and make a genuine attempt towards improvement?

A. I was only four years in the job then. It seemed to me that our role up there was to get
30 some experience in these sorts of campaigns and to take some lessons out of them. I don't think we did that.

Q. Do you hope that we can do this on this
35 occasion?

A. I hope that we can after this, yes.

Q. The rest of your statement, sir, contains some fairly heartfelt and important points that you
40 make.

A. Yes.

Q. Is there anything else that you would like to add in relation to those points?

45 A. No.

MS CRONAN: Are we in a position to ask the

question about page 10?

THE CORONER: I think we might adjourn. Are you
able to return tomorrow, Mr McIntyre?

5

THE WITNESS: I would prefer to finish today but,
yes, I am able to return.

THE CORONER: I think it is not a realistic
10 prospect in finishing today. I am sure counsel
will have some questions for you. So we might
adjourn until tomorrow morning.

MATTER ADJOURNED AT 3.55PM UNTIL THURSDAY
15 **13 MAY 2004.**

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TRANSCRIPT OF PROCEEDINGS

CORONER'S COURT OF THE
AUSTRALIAN CAPITAL TERRITORY

MRS M. DOOGAN, CORONER

CF No 154 of 2003

CANBERRA

INQUEST AND INQUIRY INTO
THE DEATH OF DOROTHY MCGRATH,
ALLISON MARY TENNER,
PETER BROOKE, AND DOUGLAS JOHN FRASER
AND THE FIRES OF JANUARY 2003

DAY 53

Thursday, 13 May 2004

[10.05am]

MR LASRY: Can I just inform you that as a result
of the debate that occurred last week in relation
5 to Mr Jeffery, his statement has now been obtained
and has been distributed. His evidence is
expected to commence at 2 o'clock next Monday. I
think that is the time that he has been fixed for.
It is obvious the material before you is now the
10 statement, plus all the other material that he has
already provided. I will be primarily
concentrating on the statement.

THE CORONER: It is 2 o'clock on Monday.
15

MR LASRY: It is Monday afternoon. We try to give
people time, and that is the time he has been
given.

20 THE CORONER: Thank you, Mr Lasry.

MS CRONAN: I recall Shawn McIntyre.

25 <SEAN LEE MCINTYRE, RE-AFFIRMED

<EXAMINATION-IN-CHIEF BY MS CRONAN CONTINUING

MS CRONAN: Q. If I could take you to page 10 of
your statement. Can I just say, having read it,
the points there seem to me to be fairly clear. I
30 have no clarifications to ask you about in
relation to that page. I will ask you if there is
anything that you feel you need to add to or to
explain or to clarify in relation to the points
made on that page?

35 A. No, there is nothing I wish to add.

MS CRONAN: Then I have no further questions.

40 THE CORONER: Thank you, Ms Cronan. Yes,
Mr Archer?

MR PIKE: Before my friend starts, it may not
impact upon Mr Archer but it may. I note that
Mr Bartlett is appearing for this witness. It has
45 become apparent in the course of the
cross-examination of the last witness there may be
some issues, as it were, in the nature of

evidence-in-chief which he may have. It may be best in those circumstances, if that were the case, that those questions be asked now; otherwise some of us may be seeking leave after he has had
5 his examination of the witness to ask some further questions. Just as a matter of practicality, that may make it simpler, but I am in your Worship's hands.

10 THE CORONER: What do you say, Mr Bartlett?

MR BARTLETT: I don't mind, your Worship. I would certainly like to be in a position to go last to clear up any matters that may arise in
15 cross-examination. If Mr Pike wants me to raise issues that haven't come up in evidence-in-chief that I intend to raise, and he wants me to do it now, I don't object to that.

20 THE CORONER: You can do that, Mr Bartlett, if you are content to do that.

<CROSS-EXAMINATION BY MR BARTLETT

MR BARTLETT: Q. Station officer, just a few
25 points. Your map, exhibit 0056, is a block and section map of that area of Duffy where you were working.

A. That's correct.

30 Q. It has got several pink marks on it?

A. Yes.

Q. What are they?

A. They are houses that were totally destroyed by
35 the fire. The larger sections indicate parkland that was destroyed. There are obviously other sections outside that that were totally destroyed as well.

40 Q. How did you gain your knowledge that those houses were destroyed?

A. I live there. I drive past them every day. I prepared this map a couple of days ago. I went
45 for a walk.

Q. You marked off the houses?

A. Just walked around with my son.

Q. I note the BP service station in Burrinjuck Crescent was destroyed?

A. Yes, correct.

5 Q. That happened while you were fighting the fire in Moogerah Street, did it?

A. In Moogerah Street, I believe so. It wasn't alight when we went past it.

10 Q. It was alight - it was gone when you came out at night-time?

A. Yeah, it was obvious that it had been destroyed after I left.

15 Q. Just in relation to the documents you have provided to the inquest, you prepared a statement of five pages?

A. Yes.

20 Q. And then in section 2 you answered a number of questions?

A. Yes.

25 Q. Those questions were in fact sent to you by the coronial investigation team?

A. That's correct.

Q. In some of those questions you were asked to express opinions?

30 A. That's correct.

Q. You expressed those opinions that you hold?

A. I do.

35 Q. Just a couple of points that I think are worth clearing up. When a fire like this is approaching a suburb like Duffy, the options for the residents are what?

40 A. The training that I've had since or the understanding that I've gained since is that it is essential to evacuate early. Late evacuation is the cause of many deaths in these situations, for instance Ash Wednesday, I believe.

45 So if people are prepared and capable and able and in a position to protect their property, the advice that is published is that they should stay,

see the front through, and then come out and spot ember attack and fires that have flared up in gardens and on houses.

5 Q. If they are able to protect their property and know what they are doing, they should stay; what if they are not in that position?

A. That's correct. If they are not in that position, they are to make arrangements to
10 evacuate. It is important that they evacuate early, well before the fire is there. You know obviously roads blocking, access issues, get out of there well and truly before.

15 Q. You were there from 1.40pm before the fire hit?

A. I was notified at the station at 1.40pm. It was some time after, probably 1400, around about that, that we arrived.

20

Q. What happened in Duffy generally that you saw; what was the residents' reaction?

A. People were unaware really of what was coming.

25 Q. What about the evacuation, was it early or late; how would you describe it?

A. There wasn't an evacuation in place.

Q. There wasn't an evacuation in place?

30 A. No, not to my knowledge.

Q. When the fire hit, were most of the residents still there or gone?

A. I would say most that were out their houses
35 during the day were still there. I think there were perhaps people that had left earlier for other reasons, for their normal Saturday morning or Saturday business or whatever they do. I think the people that were intending to stay with their
40 houses for the weekend were there.

Q. The question is this: from what you saw in fighting the fire and being in Duffy at the time, would you say most residents stayed in Duffy or
45 most left before the fire?

A. I would say most stayed.

47

MR LAKATOS: I object to that question, with respect. Unless this particular witness has a greater view about what the multiplicity of people of Duffy were doing - his impression is fair
5 enough if it is his impression. This, with respect, is a coronial inquiry dealing in facts and really to make any judgment based on impressions like this is really quite pointless. With due respect to the witness, it really is
10 directed to the question rather than the witness's opinion.

THE CORONER: That is so. I think that is a bit too broad, Mr Bartlett. Mr McIntyre can't really
15 comment on that.

MR BARTLETT: Q. I will put this point. Do you feel the evacuation in Duffy was late; what would you say about the evacuation?

20 A. Yes. It wasn't planned is probably the best way to put it. It was just definitely late.

Q. Three people perished in the Duffy area?

25 A. To my knowledge, yes. Two in Burrendong street, and I believe one in the Stromlo Forest headquarters area there.

Q. What was your view on the loss of life?

30 MR LAKATOS: I object to that too.

THE CORONER: That is not appropriate either, Mr Bartlett. It is the same view that every one of us would have, I am sure.

35 MR BARTLETT: Q. I wanted to cover some points that occurred after the fire in the days following. You prepared your statement on what date?

40 A. I submitted it to the coronial investigation team at the Winchester Centre on 27 March 2003.

Q. 27 March.

45 A. Yes.

Q. What form of debriefing did you have about the fire?

A. None. No debriefing.

Q. There were never meetings where you went over what went wrong and what could be improved?

5 A. Meetings were held for members to attend on a voluntary basis - off shift, not in crew. You weren't attending with necessarily the crew or other people you worked with on the day.

10 Q. Meetings were held off shift?

A. Yes.

Q. What were they about?

15 A. I don't know. I didn't attend.

Q. You gave evidence that you fought the fire from about 3pm to 9pm, left the area, went back to Curtin, went back to Chisholm and picked up your family in Queanbeyan. You then returned to Duffy in the early hours of the 19th?

20 A. That's correct.

Q. And the area was sealed off by the police?

25 A. That's correct.

Q. Was it empty; was anyone left in your street?

A. No. No. Not to my knowledge.

Q. Indeed, you had concerns the work that your crew had done during the day could come undone if fires flared up?

30 A. I did.

Q. What is the normal procedure that the ACT Fire Brigade follows after a major fire when it has been extinguished?

35 A. If there are concerns that the fire may flare up, current policy is that crews are to attend at four-hour intervals to inspect. This is in the case of a house fire in normal circumstances. Crews are to go past and check with thermal imaging equipment and visually to make sure there is no flare-up.

45 Q. When you were back at your house in Moogerah Street from the early hours of the 19th, did crews come around checking the fire?

A. Not to my knowledge.

Q. Do you know if that was done?

A. No, I don't. I don't think it was.

5

MR PIKE: I object to that. If the witness could be restricted to his knowledge as he tried to restrict his answer before and not to any other type of speculation.

10

MR BARTLETT: Q. Just on the issue of sealing the area off. The residents were gone. It was empty?

A. Yes.

15

Q. There was terrible destruction?

A. Yes.

Q. The power was out?

A. Yes.

20

Q. Trees were down?

A. Yes.

25

Q. In your opinion that was the correct course to take, to seal the area off?

A. I think at that time that was appropriate.

30

MR BARTLETT: They were the other issues I felt the witness should raise in evidence-in-chief.

THE CORONER: Thank you. Mr Archer?

MR ARCHER: Thank you, your Worship.

35

<CROSS-EXAMINATION BY MR ARCHER

35

MR ARCHER: Q. Mr McIntyre, do you have your statement there?

A. Yes, I do.

40

Q. I would like to attempt to tie down some time-frames a little bit. If you go to page 2 of your statement first of all.

A. Yes.

45

Q. I should say I act for the Australian Federal Police.

A. Thank you.

Q. You were called to Eucumbene Drive at 1340 hours?

A. That's correct.

5 Q. What time did you arrive, would you say?

A. I estimate it to be approximately 1400 hours.

Q. The briefing with District Officer Thornthwaite I think you indicated happened some time between your arrival at 2.30; is that right?

10 A. Yes, that would be accurate, I would think.

Q. You got from him an assessment of where he thought the fire was. Did he talk at that stage about what it might look like when it arrived?

15 A. I don't recall him saying that.

Q. At that point when you received that briefing from Mr Thornthwaite, was there some confidence that the measures that were being taken by the fire brigade at that area could be successful in holding the fire at that point?

20 A. Sorry, confidence from whom - from myself or from Mr Thornthwaite?

25

Q. Let's get your state of mind.

A. I formed an impression based on what was there, what resources were there and my knowledge, which was limited, as to what was happening as far as the fire, rate of spread, travel and size was. My impression was that it perhaps was going to be a small run perhaps off the side of the main fires. I really didn't know. But based on what was there and the information we were given, I didn't think it would be anywhere near the scale of what arrived.

35

Q. So nothing like what arrived?

A. No. Oh, no.

40

Q. At the point that you had that briefing from Mr Thornthwaite, so far as the activity of residents in the area that you could see, were there active steps being taken by residents to make their houses ready for the fire or was it a bit patchy?

45

A. It was definitely patchy, yes. There were

some people - perhaps people that had been listening to certain radio broadcasts - that were taking measures. There were other people who were completely unaware that there was anything at all
5 happening in the suburb as far as the fire went.

Q. The observations that you made and you record in your statement about the people being, for example, inappropriately dressed --

10 A. Yes.

Q. -- that was something you were seeing at about that time, about the time you were speaking --

15 A. Probably after. We met with Mr Thornthwaite I think first before we started driving around the streets and making ready. It was while we were making ready that I encountered those people.

Q. I think because you had that opportunity to drive around and you set that out in your map, you were able to see a fair bit of the suburb in the course of that movement. Were your impressions in relation to that sort of patchy preparation pattern, if I could put it that way, the same
20 throughout the suburb?
25

A. I think so, yes. Yes, I think they were. Yes. I think they were consistent all over with what I saw.

30 Q. So far as the movement of people out of the suburb was concerned, at the time that you were speaking with Mr Thornthwaite was it already apparent that people already leaving the area or did that come later?

35 A. No, it wasn't apparent at all; it was a normal Saturday. As I say, I live there. It just seemed like a normal day to me.

Q. Could I take you then to page 3 of your statement. You record in the top paragraph there that you began your movement around and you had gone to Moogerah Street and spoken to your father.

A. Yes, that's correct.

45 Q. Going to the second paragraph, what time was it when you first saw the embers falling?

A. I don't know. I sent a message via radio

telephone at that time, an RT message. I don't recall whether that was acknowledged. I am certain that would be on the tape. At the time I didn't know what the actual time was. Since I
5 have heard the varying times of when the firestorm actually reached Warragamba Avenue. I would say at that time.

10 Q. Going to paragraph 4 in your statement:

"I found Renmark Street, turned left into it, and was blocked by traffic including a tanker. ... There were many cars coming out of Jemalong Street."

15 THE CORONER: Which page, Mr Archer?

MR ARCHER: Q. Sorry page 3, paragraph 4.

A. Yes, yes.
20

Q. At that point did you see police in the area directing people out of the area or were they people that were self-evacuating, as it were?

A. I don't recall seeing police at that point.
25 It appeared to me as though people were self-evacuating.

Q. You expressed in evidence yesterday your relief at the point when you found out that your
30 family had been evacuated from the house. Were they ready to fight the fire?

A. No. They weren't there. They were - my wife and children were at a party in Tuggeranong. My father was at the house. My family, my wife and
35 children were due to return at that time, but I hadn't seen them.

Q. Using your family as an example, they obviously hadn't been aware of the immediacy of
40 the threat to the area, talking about your wife in particular?

A. Oh, definitely. No, she didn't have a clue.

Q. You make reference to a couple of police
45 officers. Do you know who they were?

A. Yes. They were Senior Constable Andrew Campbell and Constable Darren Mackereth. I didn't

know their full titles at the time but I have since found that information out before preparing the statement.

5 MR ARCHER: Thank you very much.

THE CORONER: Thank you, Mr Archer. Mr Lakatos?

10 MR LAKATOS: I don't have any questions of Mr McIntyre.

THE CORONER: Mr Pike?

15 MR PIKE: Thank you, your Worship.

<CROSS-EXAMINATION BY MR PIKE

MR PIKE: Q. Mr McIntyre, you say -

20 THE CORONER: Just mention to Mr McIntyre who you represent.

MR PIKE: I appear for Tony Graham, Dave Ingram and Ian Bennett, the then Fire Commissioner.

25 Q. You say in page 13 of your statement when you are talking about some of the indications of doing your job and the professional responsibilities you have of doing your job, you say this:

30 "I do this job to pay the bills, first and foremost, without apology."

Rest assured, Mr McIntyre, there will not be any attack on you from that point of view. All of us here are here for precisely the same purpose.

35 A. Thank you.

Q. The fact is you were then and you are now a professional firefighter?

40 A. That's correct.

Q. You take great pride in your work as a professional firefighter?

45 A. I think pride is probably not the correct term; I enjoy aspects of my work.

Q. I will put it in a different way which is

perhaps less self-adulatory. You do your job to the best of your ability?

A. That has always been my intention.

5 Q. You do your best to serve the people of this territory in fulfilling that function in trying to protect them?

A. That is very important to me, yes.

10 Q. Leaving out concepts such as pride, you do your best to do a most professional job at all times?

A. I do.

15 Q. That was no more in evidence than on the 18th of January last year?

A. I hope so.

20 Q. Would it be correct to say that you and your assessment of those working with you gave over and above 100 per cent on that day?

A. Unquestionably.

25 Q. You raise the issue of doing your job for the fact that you get a pay cheque. The fact is the wages you receive had nothing to do with on that day doing your job to the best of your ability; is that correct?

30 A. No, I wouldn't say that. I was paid to be there and to do my job. That was a reason that I was there.

35 Q. You would reject absolutely any suggestion that, because of the way you were paid or because of the nature of the payment you receive, you didn't do your job as well as you might have had you been paid more; you would reject that absolutely, wouldn't you?

40 A. I think so, yes. Yes, I would.

Q. This statement was prepared for the coroner for the purpose of this inquiry?

A. That's correct.

45 Q. Although it was prepared in March of last year, you were conscious about the fact that there was going to be an inquiry into the bushfires?

A. Yes, I was.

Q. And it was prepared solely for that purpose?

5 A. The statement of events were. I sent a copy
of this to the United Firefighters Union executive
for their information, perhaps hoping that some of
the issues may be raised in another forum. I saw
this as probably the most appropriate forum to
have the issues raised in.

10

Q. In terms of the entirety of your statement -
going back a step, you were conscious of the fact
that it had been requested by the Australian
Federal Police for the coroner?

15

A. I was, yes.

Q. It was because of the fact there was going to
be an inquiry into this bushfire?

A. Yes.

20

Q. You prepared it solely with that in mind of
providing a response to that request which would
then be submitted to the coroner?

25

A. I wouldn't say solely, but those other
considerations I said before were in my mind when
I was preparing it - but yes.

Q. You were conscious of the fact that the
request was made for a statement solely for the
purpose of the inquest; you were conscious of that
fact, weren't you?

30

A. I was, yes.

Q. Do I understand your answer correctly to say
that, although you were conscious of the exclusive
nature of the request, you still thought it
appropriate to add some aspects to your statement
which were not solely relevant to the inquest but
may be relevant to other places as well?

35

40

A. I didn't see that. There were questions that
were put in that pro forma that the coronial
investigation team sent out asking me for opinions
and any questions or issues that should be
addressed. I thought it was appropriate - it was
45 my belief that the union was going to compile a
submission on behalf of all members and that those
questions and those issues would be able to

contribute to their submission.

Q. Did you have the benefit of hearing Mr Bennett's evidence when he gave evidence in this inquiry earlier on?

A. No, I didn't.

Q. Have you had the benefit of reading his statement?

A. No, I haven't.

Q. Were you aware that Mr Bennett had a conversation with Mr Lucas-Smith - you know who Mr Lucas-Smith is?

A. I do.

Q. On the 9th of January in which Mr Lucas-Smith asked Mr Bennett if there could be some crewing arrangements to address the fires concerning the burns in the mountains; are you aware of that?

A. I'm not aware of that conversation.

Q. Were you aware that, from around the 10th of January onwards for the rest of that month, there was no further cross crewing of the fire brigade crews?

A. Was I aware that there was no further cross crewing?

Q. Cross crewing?

A. Above what is normal high fire danger, is that what you are saying?

Q. I am saying at all from the period of 10th to the 18th of January inclusive.

A. I am not sure what crewing arrangements were, no. I know at the station I was working at - Chisholm - there are rural fire tankers, ACT Fire Brigade rural fire tankers that in periods of lower fire danger are crewed by the urban crew, they switch across and respond in those where appropriate.

In higher fire danger, depending on the fire indices, levels are adjusted appropriately or according to a formula. I am not sure what the formula is. On the day of the 18th, there was a

crew staffed for those tankers solely. We didn't have to cross crew them from the urban pumper. They were brought in to crew those tankers.

5 Q. In fact, it would be your recollection from the entire time of the fires - when I say the fires I mean from the period from around 9 January onwards up to and including the 18th - there was no cross crewing of the fire brigade tankers at all to your knowledge?

10 A. I can't speak for other stations; I wasn't there.

Q. Sorry, to your knowledge.

15 A. To my knowledge I am not sure what the arrangements were.

Q. To your knowledge, in your station, for example, there was no cross crewing in that period?

20 A. I was only at that station for - that was my first rostered shift. I had not worked at that station four days previously and I don't recall the time before that whether there was a crew there or not.

Q. Just remind me again, when it was that you first took up duty at that station in January? It was on the 18th or the 17th?

30 A. Yes, but I don't recall exactly. I think I was stationed there for a block of a month - a period of a month. I think there was another station officer on annual leave over a month. I was there to cover him. I don't recall at what time I commenced that month of out duties to there to relieve him.

Q. You say on page 2 of your statement that on the period 8 January to 16 January, you performed routine duties on normal rostered and overtime shifts.

A. That's right. They were at various stations, yes.

45 Q. Well to your --

A. I don't recall what they were.

47

Q. To your observation, at all those times did you observe any cross crewing taking place there?

A. I don't recall.

5 Q. Well, I suggest to you there was no cross crewing during any of that time. Do you agree or disagree with that suggestion?

A. That there was no cross crewing --

10 MR BARTLETT: I object to the question. The witness has been asked did he observe cross crewing in the period prior to the fire on 18 January. He has quite clearly on several occasions said "I'm not sure. I don't recall".
15 He has answered the question. To try and make him suggest an answer that he doesn't know is not helpful to your Worship. The question shouldn't be pursued.

20 MR PIKE: As my learned friend senior counsel assisting has said more than once, questions can be asked more than once. I am not going to pursue it ad nauseam. I am simply asking the question on one last occasion. The question was:

25

"Q. Well, I suggest to you there was no cross crewing during any of that time. Do you agree or disagree with that suggestion?"

30 THE CORONER: I think Mr McIntyre has said he doesn't know, Mr Pike.

Q. I think your evidence yesterday was that you started - you were rostered at Charnwood on the
35 17th?

A. Yes, that was an overtime shift. I was called in. I think there may be a misunderstanding of what we are referring to as far as cross crewing goes. My understanding of cross crewing is a crew
40 assigned to an urban pumper. If there is a call of bushfire, where those tankers are stationed at their station, they take their gear off the urban pumper and hop onto the bushfire tankers and respond to that incident.

45

Where there is high fire dangers - this is not called cross crewing; this is called manning up

the tankers - tankers are manned up by overtime crews, so that it is not required of the urban pumper crew to shift over to the bushfire tankers. The bushfires tankers are crewed by a dedicated crew.

MR PIKE: Thank you for that clarification.

Q. Is this the case during the period to your knowledge - I am not asking about anything outside your knowledge - to your knowledge during the period 8 to 18 January that all tankers were fully crewed?

A. I knew there were overtime crews. I could not say all tankers from fully crewed. I know there were additional tankers crewed by fire brigade staff - additional crews, I should say, on overtime crewing fire brigade tankers over that period.

Q. In relation to this topic, would it be a correct reflection of your evidence that you cannot say affirmatively to this court that there was any cross crewing taking place during the period of the 8th to the 18th of January?

A. Yes. I cannot say that affirmatively.

Q. On page 6 of your statement you raise a number of issues which you felt should be raised and examined.

A. Yes.

Q. One was a return to the autonomy of the ACT Fire Brigade to facilitate amongst other things "an unambiguous chain of command"?

A. Yes.

Q. On the next page of your statement about the middle of the page in a section under the heading "part 1" you set out there what appears to be the chain of command that is operational in the fire brigade?

A. Yes.

Q. And highlighted is the word "station officer", which has been highlighted I take it to reflect your position?

A. That's my position.

Q. That seems to be a fairly clear chain of command in itself in terms of the fire brigade itself; is it not?
5

A. That was from my training in recruit college 14 years ago. That was the chain of command I was taught.

10 Q. Is the chain of command in the fire brigade different to that which is depicted on that page?

A. Within the fire brigade that chain of command exists. I think the important point there is that the Fire Commissioner is the head of the
15 organisation.

Q. What you were referring to on page 6 when you said "unambiguous chain of command", were you referring to the interrelationship between the ESB
20 and the fire brigade?

A. That's correct.

Q. You weren't referring to any ambiguity in the chain of command within the fire brigade itself?

25 A. That's correct.

Q. Some of these comments that you have made in the statement - I will take you to them specifically, Mr McIntyre - firstly at page 11 of
30 your statement you made a number of what is described as recommendations there. Do you see that at the foot of the page?

A. Yes, the option was given in the pro forma to make additional comments. And I thought criticism
35 without recommendations wasn't - I offered some thoughts.

Q. Would it be fair to say that you turned your mind to issues which did not relate solely to the
40 2003 bushfires but issues which related to your whole perception of the fire brigade in ways that the fire brigade could be improved?

A. My experience and my perception, yes.

45 Q. But in relation to how you saw improvements could be made to the fire brigade as a whole as opposed to specifically in relation to the events

of January 2003?

A. Yes. That's accurate, yes.

5 Q. Point 7, for example, is improved wages and conditions. You have already agreed with me that no issue about your remuneration affected the way in which you conducted yourself on 18 January?

10 A. Yes, I was referring to myself in my case. That was the case. What I am referring to at that point is we have had some valuable experienced members leave the fire brigade for different reasons. I don't think that the level of remuneration keeps those talented people in the organisation.

15

Q. You know from what you have been told and what you have observed that there has been an ongoing battle on behalf of the fire brigade to secure additional resources which would include better conditions for fire brigade services?

20

A. For my entire service that has been the case.

Q. Going back also to the page that we dealt with before, page 6 of your statement and the issue of cross crewing that we discussed, cross crewing has been an issue of concern for a number of years?

25

A. Yes, that's correct.

Q. But to your knowledge it didn't impact upon anything that happened during the 2003 bushfires?

30

A. I think it did.

Q. Well you just told us, Mr McIntyre, to your knowledge there was no issue of cross crewing during the period 8 to 18 January 2003. Do you remember giving us that evidence?

35

A. My answer was I think that I wasn't aware of placement of crews and people cross crewing or being called in on overtime and where they were at that time. That's how I gave that answer.

40

Q. You told us, Mr McIntyre, that, as far as you knew for a fact, there was no issue of cross crewing taking place during the period 8 to 18th?

45

A. By that I meant I was unaware if tankers were being cross crewed during that period.

47

THE CORONER: That's the way I understood it too, Mr Pike. Not that there wasn't an issue but Mr McIntyre wasn't aware whether or not there was or was not any cross crewing.

5

MR PIKE: Q. As you were and are still unaware as to whether there was any cross crewing during that period, what evidence can you direct to the coroner to suggest that in some way cross crewing

10

was an issue in terms of the services provided during the period 8th to the 18th of January 2003?
A. During that period issues that have been raised in the past would have been issues then. Issues such as training --

15

Q. I am not talking about training, sir; I am talking about cross crewing.

A. Well, cross crewing requires an urban crew that is traditionally trained in urban firefighting to crew a bushfire tanker. It is like asking an electrician to do the plumbing on your house. You need to train that person to do that.

20

Q. Mr McIntyre, you are not currently aware as to whether there was any cross crewing which took place on the 8th to the 18th of January 2003?

A. No, I'm not.

25

Q. Are you in a position to positively assert to the coroner that the issue of cross crewing was material in the period 8th to the 18th of January 2003?

A. I'm not.

30

35

Q. We now seem to be at the situation where two issues - one of wages and one of cross crewing - have been raised by you in your document which you agreed was prepared at the request of the AFP specifically for the purpose of this inquest.

40

A. Yes.

Q. You have now told us that those two issues do not relate to the provision of services in the period 8th to 18th of January 2003. My question is --

45

47

MS CRONAN: I object to this.

THE WITNESS: Look, I was asked to give my
opinion --

5

MS CRONAN: That is not what the witness has said.

THE CORONER: It is unfair. I accept that. It is
a bit unfair, Mr Pike, to put it.

10

MR PIKE: I don't quite understand the unfairness.
If my friend would like to elaborate on her
objection, I would be happy to address it.

15 MS CRONAN: I think the witness has been trying to
explain how he sees these general issues as
relevant to how the fire brigade is capable of
responding to this type of incident. That is what
he has been trying to say. My friend has been
20 trying to nail him down to a specific piece of
evidence he can show over that 10-day period,
which is not what the witness's statement is
totally about, your Worship. In my submission,
the general issues are relevant to this inquiry.

25

MR PIKE: I find myself unable to understand or
even believe what I have just heard. This is
cross-examination --

30 THE CORONER: Mr Pike, just continue with your
cross-examination.

MR PIKE: Sorry, can I continue with the question
then?

35

THE CORONER: No, you can't continue with the
question.

MR PIKE: Are you upholding the objection?

40

THE CORONER: I am, yes.

MR PIKE: Can I be heard, because I haven't been
heard on that? This is cross-examination. My
45 friend somehow believes that I am not entitled to
take individual matters out of the statement and
put them to the witness, and then when the witness

doesn't want to answer questions directed to the question I am asking, he wants to make a general statement, the suggestion is that I am not allowed to tie him down. I am happy to go back to the transcript and find any place where I have been unfair to this witness or I have not allowed him to answer the question I am asking. I am happy to do that if you want to take the time to go back to the transcript and my friend can make good her statement.

THE CORONER: Mr Pike, I am not interested in any cross-examination that you have of Mr McIntyre about the comments that he has specifically in his additional comments section on page 11. Mr McIntyre has explained why he included the comment about wages. You have asked him about cross crewing and you have an answer to that. Now if there is anything else in that section under recommendations, which comes under the section of "additional comments" that you wish to put, please put those to Mr McIntyre.

MR PIKE: I take then, your Worship, you are upholding the objection?

THE CORONER: I am, yes.

MR PIKE: I place on record my concern about that.

THE CORONER: It is on the record, Mr Pike.

MR PIKE: Thank you, your Worship.

Q. The fact is, Mr McIntyre, you took the opportunity when you prepared your statement to raise a number of issues which you knew for a fact did not relate to the events of January 2003?

A. I disagree.

MR BARTLETT: I object to the question. The witness --

THE CORONER: Mr Bartlett, Mr McIntyre has disagreed. The answer is there.

MR PIKE: Q. As we have already gone through, you

knew that you were asked to provide the statement specifically and solely in relation to the events of January 2003.

A. That's correct.

5

Q. And my suggestion is you took the opportunity as you saw it to firstly make some comments which were directly related to the events of January 2003; that's right?

10 A. That's correct.

Q. You also took the opportunity at that time to say some other things to have them aired in a public forum; is that correct?

15 A. Sir. I think the question --

Q. Is that correct or not, Mr McIntyre?

A. --was - I was answering questions that directly or indirectly related to - I may be wrong there - can you repeat the question, please?

20

Q. Certainly. I was reading from the transcript, you took the opportunity as you saw it firstly to make some comments that are directly related to the events. You agreed with that. Then I asked you this:

25

"Q. You also took the opportunity at that time to say some other things to have them aired in a public forum; is that correct."

30

MR BARTLETT: I object to the question. The statement comes in two parts. Section 1 is the factual account of what occurred. Section 2 were a number of questions he was asked by the coronial investigating team. They wanted opinions; they wanted information; they wanted broad perspective. That's what they wanted. That's how he took it. That's how he answered it. To ask him a question in that vein that this witness has taken the opportunity to take some sort of industrial free kick is unfair and improper. It does not assist you at all in making decisions about this fire and the question should be overruled.

40

THE CORONER: I think, Mr Pike, Mr McIntyre has disagreed with your suggestion.

45

MR PIKE: He may have. I ask my friend to
withdraw the comment of improper.

5 MR BARTLETT: Which comment does Mr Pike wish me
to withdraw?

THE CORONER: Please, gentlemen.

10 MR PIKE: Can I ask the question, your Worship?

THE CORONER: I think you have had an answer to
it.

15 MR PIKE: No, I haven't, your Worship. The
question was:

"Q. You also took the opportunity at that
time to say some other things to air them in
a public forum; is that correct"

20

And there was no answer to that.

THE CORONER: You can ask that question.

25 MR BARTLETT: I object.

THE CORONER: That is fine. He can ask that
question.

30 MR PIKE: Q. Is that correct?

A. No, it's not. If I can elaborate?

35 Q. You have answered the question, I am sure
somebody else will give you the opportunity. No,
I will give you the opportunity. Go ahead.

A. The question says:

40 "Do you feel any issue should be raised
operational or otherwise to be examined as
part of the coronial investigation into the
January 2003 bushfires?"

45 There have been issues that have been there for a
long time that contributed to the performance of
fire brigade on the day. Those are the issues I
was wishing to raise.

47

Q. And no issue of cross crewing at all impacted upon what happened on the 18th of January, did they?

A. I disagree.

5

Q. Show us where, Mr McIntyre?

A. Cross crewing --

Q. Show us where specifically on the 18th of January, given your sworn evidence a short time ago, you had no knowledge of any cross crewing on 18th of January; you tell us where cross crewing had a direct impact on the 18th of January - direct impact sir?

10 A. I didn't say it had a direct impact.

Q. It doesn't have a direct impact; does it?

A. No, it doesn't.

20 Q. It has indirect impact?

A. Yes, that's correct.

Q. It is something to do with morale?

A. It is to do with training.

25

MR BARTLETT: I object. It is an unfair question. Can it be put fair and square. I don't even understand what Mr Pike is asking when he says "something to do with morale". That is not even a question. If he can put the question fair and square. If he is making a criticism of the witness, make it.

30 MR PIKE: My friend will get his own opportunity in due course. If my friend doesn't understand, that is not my problem.

THE CORONER: What do you mean, Mr Pike? I would like to know.

40

MR PIKE: I am giving him the opportunity to agree with, for example, one issue, morale, is what he is talking about. If he wants to agree with that, he can. If he doesn't want to, then he can. This is cross-examination. If the witness doesn't understand it, if he feels comfortable, as I think the expression has been --

THE CORONER: I am sure Mr McIntyre can understand it.

5 THE WITNESS: I understand it. I disagree with that suggestion.

MR PIKE: Q. Fine, then we don't have a problem. What is the indirect way that cross crewing had an impact upon the events of 18 January 2003?

10 A. I don't believe that crews, ACT Fire Brigade career urban firefighters, have been adequately trained to perform that role.

Q. Sir, that is another issue, isn't it? You are --

15 A. I don't think so.

Q. -- talking about training now, aren't you?

20 A. No. I'm talking about the issue of their ability to do the job on those tankers.

Q. Mr McIntyre, I am sorry if I haven't been clear; I will try to do my best to assist you.

25 A. Thank you.

Q. I am asking you about the issue of cross crewing and what is your evidence to this court as to the manner in which cross crewing impacted on the services provided by the fire brigade on the 30 18th of January 2003.

35 MS CRONAN: If that is a question, I object to it because, as my friend rightly says, he has asked that question and it has been answered.

THE CORONER: That is right, Mr Pike. You have asked it maybe two or three times, and it has been answered.

40 MR PIKE: The witness seemed to be disagreeing with the suggestion when I had asked it that way a short time ago. In any event, I am content to leave it at that point.

45 Q. Just finally, Mr McIntyre, you have raised these matters as matters of concern in your statement and those were matters of concern which

were preying upon your mind from 18 January onwards until the time you made your statement in March and have continued to occupy your mind to some extent even now?

5 A. They were preying on my mind before January the 18th and over that period until currently, yes.

10 Q. Did you take any opportunity to go to some of your senior colleagues in the fire brigade to express your concerns personally to them?

A. Yes, I have.

15 Q. Mr Newham, for example?

A. No, not directly.

Q. Mr Bennett, for example?

A. Not directly.

20 Q. So you haven't taken the opportunity?

A. Well, I don't report directly to those people.

25 Q. These are things that you, as a station officer, felt in the interests of the fire brigade should be brought to the attention of the management structure of the fire brigade?

A. That's correct.

30 Q. You know these gentlemen, do you not, Mr Newham and Mr Bennett?

A. Yes. They are acquaintances, yes.

35 Q. It is correct to say you haven't directly raised it with them specifically?

A. That's correct.

40 Q. You could have taken your opportunity had you wanted to?

A. Probably not, no. There is a reporting chain.

45 Q. There is no reporting chain to suggest you can't pick up the phone and call Mr Newham and discuss --

A. Yes, there is.

MR BARTLETT: I object to this line of questioning. It is irrelevant. The witness is

now being asked, "Before the fire did you go to senior officers and discuss your concerns about certain things?"

5 MR PIKE: No, I am not.

MR BARTLETT: If I could finish my objection. It does not help your Worship at all. It is irrelevant. There is a chain of command. The
10 witness has said he is in the union, and the union was involved --

THE CORONER: No, he didn't say that.

15 MR BARTLETT: Yes, your Worship.

THE CORONER: No, he didn't say that. What Mr McIntyre said in answer to Mr Pike's question is that he prior to the fires did raise these
20 concerns with people. That is the answer that he did. He may not have raised them with Mr Newham or Mr Bennett. But he did. His answer was that he did.

25 MR PIKE: Q. The question I was asking was - perhaps I haven't made it perfectly clear - after the fires you didn't take the opportunity to raise it even with Mr Newham, Mr Bennett or any of the other people above the district officer rank; is
30 that correct?

A. I wasn't presented with that opportunity.

Q. You didn't seek to do such a thing at any stage; did you?

35 A. I don't recall seeking.

Q. Mr McIntyre, you didn't seek to, did you? You know you didn't.

A. I think before January the 18th --

40

Q. I am talking about January the 18th.

A. After January the 18th, I think that is probably accurate. I don't recall but I'd say that's accurate.

45

MR PIKE: Thank you.

47

THE CORONER: Yes, Mr Craddock?

MR CRADDOCK: No, thank you.

5 THE CORONER: Mr Watts?

MR WATTS: Thank you, your Worship.

<CROSS-EXAMINATION BY MR WATTS

10 MR WATTS: Q. Just to clarify a matter that
Mr Pike raised with you --

MR BARTLETT: Sorry, if Mr Watts could clarify who
he acts for.

15

MR WATTS: Read the list. I appear for Andrew
Winter, David Jamieson, Robert Gore, David Dutton,
Anthony Corrigan, Neil Cooper, Hilton Taylor,
Mr Bartlett from the Bushfire Service,
20 Superintendent Newham and Peter Cartwright. Have
I sought leave in respect of Peter Cartwright,
your Worship?

THE CORONER: He is on my list so you must have.

25

MR WATTS: Q. I think you told Mr Pike that,
after you prepared your statement, you sent it to
the union?

A. That's correct.

30

Q. Did they send it back to you in some changed
form?

A. No.

35

Q. Did they make any comments to you about your
statement?

A. Not that I recall.

Q. When did you send it to them?

40

A. It was at the same time or thereabouts that I
submitted it to the police.

Q. Did you draft the document yourself?

A. I did, yes.

45

Q. Did you keep a copy of the draft?

A. Of the draft?

Q. That you sent to the union?

A. I didn't send a draft to the union. I sent what you see in front of you there, a copy of that.

5

Q. Had you signed it when you sent it?

A. Yes, I had.

Q. Did you send it after the 26th of March 2003?

10 A. I don't recall. I think it might have been the same day. The union office is in Belconnen. I think I went to the Winchester Centre and I may have hand-delivered it to the union office after that, although I'm uncertain.

15

Q. Had you had discussions with any union official before preparing your statement about the contents of the statement?

20 A. I don't recall having those. I don't think so.

Q. You have got no recollection about that?

A. No. I don't.

25 Q. Were you asked by some union official to send the statement to the union before you prepared your statement?

A. No, I wasn't.

30 Q. Just did it off your own bat?

A. I did.

35 Q. Before I come to that, with your map or the plan you prepared, the highlight in pink shows the structures that were affected by the fire. You show in the Stromlo headquarters but you haven't coloured that in.

40 A. No, that is a rough indication of the size of the compound. I don't really know what was in there or the layout of the houses. The pink are areas not - affected by fire. They were areas where houses were totally destroyed by fire.

45 Q. You know that Stromlo headquarters was destroyed by fire?

A. Yes, yes, I do.

47

Q. When you arrived at Eucumbene Drive you took steps to put the pumpers along Eucumbene Drive?

A. I didn't take those steps. Mr Thornthwaite was --

5

Q. I am not suggesting, yes, that was the case?

A. -- my commanding officer. I think during the period setting up there, we decided we wouldn't commit both the urban pumpers to that task. That one would be set up in that way and we would set up standpipe and hose from our appliance to assist there to provide a bit more mobility. I mentioned earlier in my evidence that I discussed with Mr Thornthwaite a roving capability and, after setting up, that's what my crew and I went on to do.

10

15

Q. You had an understanding that a bushfire was coming?

20 A. Yes.

Q. That's why you were there?

A. That's right.

25

Q. You had an understanding it was coming from the Stromlo direction?

A. No.

Q. From the west?

30

A. It wasn't that accurate. We weren't exactly sure whether it was coming from the west or the north.

Q. Coming through the pine forests to Duffy?

35

A. Yes, that would be more accurate.

Q. Am I correct in understanding this that your hope was, from your discussions with Mr Thornthwaite, that if the fire reached there, Eucumbene Drive would essentially be used as an area where the fire could be stopped?

40

A. Sorry, I'm just trying to understand that question a little more.

45

Q. A type of containment line?

A. No. Containment is probably not the right word. Containing suggests that you have, I

suppose, the fire surrounded and covered on all angles. I think it was more of a defensive position to prevent the spread of the fire into the urban area.

5

Q. You had been in Sydney in 1994?

A. Yes.

Q. You have now had an opportunity, I suppose in your own mind, to compare 1994 to January 2003. Is that so?

10

A. Yes, I have made comparisons.

Q. January 2003 and the way the fire came through on the 18th was something well beyond your previous experience?

15

A. I don't know if it was well beyond. What happened in Sydney was similar in the way that houses were destroyed and people perished. But it was, I think, similar in some ways and different.

20

Q. The ferocity of the fire front that came through was quite extraordinary; wasn't it?

A. It was, yes.

25

Q. Of course it would have been, certainly looking back, far better to have more resources there to fight the fire - more pumpers and more tankers?

30

A. Looking back, yes.

Q. At the time when you were there, you arrived at 1.40, certainly you and Mr Thornthwaite were hopeful that you would be able to deal with whatever came through?

35

A. Of course we were hopeful, yes. That goes with any job we attend.

Q. Those fires, of course, impacted not only on Duffy but other areas as well?

40

A. Yes, that's true.

Q. It was an extraordinary day?

A. It was an extraordinary day, yes.

45

Q. And the ACT Fire Brigade of course, like any fire brigade, has some limit to its resources?

A. That's correct.

Q. Those in command have to make choices about where resources are sent?

5 A. Certainly, yes.

Q. And from your training and experience I suppose you would agree if there is an incident somewhere, say a couple of houses are on fire
10 somewhere you can't send everything there, all your resources to the one incident. You've got to - I am putting that badly. I will rephrase it. You have got to be conscious of the fact that your resources might be needed somewhere else at the
15 same time?

A. I think it's a question of priorities, yes. That's right. Yes, that's a fair statement.

Q. If you take all your resources to one area,
20 you might simply have a huge problem in another area?

A. That's hypothetical. You might; you might not. I think - yes.

25 Q. You would agree with me --

A. Yes, you don't know, yes.

Q. -- it is a difficult job of farming resources, isn't it?

30 A. I haven't had to do that job. I don't know if it is difficult.

Q. You wouldn't disagree with that? You've got some significant experience of fighting fires?

35 A. If you are asking me to draw on my experience of Sydney, additional resources were called to Sydney. They were deployed; we were part of that deployment. I didn't see evidence of those resources where I was in Duffy on the day.
40

Q. Of course the decision-makers, that is those above you, who have to make that decision often have a hard choice to make?

45 A. I can't speculate on whether that is a hard choice. I would expect that those people, that would be their job to do that, to understand how to prioritise where threats were, where resources

were needed. I would expect that they would know how to do that.

5 Q. Of course what they do in terms of say a fire like this must depend upon what they are told about what is coming as well?

10 MR BARTLETT: I object to the question. It is not helpful and it is unfair in that the witness is being asked to speculate on what other people are doing and other people are thinking and their motives. He simply cannot answer the question.

15 THE CORONER: He is doing very well, Mr Bartlett.

MR WATTS: He is an experienced firefighter. Unfair seems to be the base of the objection.

20 MR BARTLETT: I don't see it is helpful.

MR WATTS: I don't think objections like that in the middle of cross-examination are helpful, frankly, your Worship.

25 THE CORONER: I will allow the question.

MR WATTS: Q. You are not having any trouble with the questions?

30 A. Not at all. I am enjoying it, to be honest.

Q. Of course what your senior officers do in terms of fire and the decisions they make to send in resources must depend upon what they are told and what information they have about what is coming?

35 A. That's true, yes.

40 Q. If a 000 call comes through from a householder to say a barbecue is on fire and that is all the information you have and you send out one pumper and you find out the whole street is on fire --

A. Yes.

45 Q. -- that is a difficulty, isn't it?

A. Well, no. That's what our job is. We go to those things. If we arrive and it is not what we expect it to be, we then scale up our response

accordingly.

Q. You deal with it. Part of your training is to do that, is to be flexible?

5 A. Not my training, my manager's training is to do that.

Q. Part of your training too?

10 A. Oh, my training, yes. Sorry it is. It would be my responsibility as a station officer to call COMCEN and request additional resources because what we turned out to was not in fact - the response was not in fact appropriate.

15 Q. I think you were in court yesterday, were you, when I asked Mr Camilleri part of your training - were you in court yesterday?

A. I was, yes.

20 Q. It was part of the deal, isn't it, that you often don't know what is coming when you go out there?

A. Yes.

25 Q. You get a call for a house fire on a 000?

A. You make an assessment based on the information. You are called to a house fire. The example you gave was a barbecue alight and when I arrived the street was alight. You deploy your response according to the information you have received. If you arrive there and it is not in fact what you originally expected to encounter and it requires additional resources, you request those resources.

35

Q. Are you aware that the fire brigade has on order something referred to as enhanced foam capability tankers?

40 A. I've heard through the grapevine, if you like. I've received no official information about that, I don't think.

Q. You don't know what they are?

45 A. I've heard that - well, not really, no.

Q. In the days leading up to 18 January, the ESB planning meeting minutes were being e-mailed to

the stations; weren't they?

A. I don't know.

Q. You didn't read them?

5 A. The email is not an accepted form --

Q. Sorry, not accepted --

A. Email is not a form that I have been trained
in or that has been used commonly to disseminate
10 that sort of information. I'm usually made aware
of that sort of information from the
communications centre or by telephone or by hard
copy delivered by courier, for example.

15 Q. Do you know how to use an email?

A. I do now, yes.

Q. Did you then?

A. I had a rough idea, yes. I'd never been
20 trained in the use, no.

Q. You had an email facility at the station,
didn't you?

A. Yes, there was a facility there. I wasn't
25 trained in it. When those computers were placed
in the station, there was no implementation
strategy.

Q. So you just didn't bother using the email?

30

MR BARTLETT: I object to that. That question is
unfair. The witness has been asked about his
knowledge of emails. He has given an answer, a
proper answer, the computers, the training his
35 knowledge of the emails. To say he didn't bother
is unfair. I would ask that that question not be
pursued - or be overruled.

THE CORONER: I will overrule it, Mr Bartlett.

40

MR WATTS: Q. You did not attempt to access email
facility at the station where you were?

A. On that morning I didn't.

45 Q. The previous morning?

A. I wasn't at work - I was actually. I don't
recall. That was not part of my routine duties.

I am not required to do that.

Q. You know from your own knowledge, don't you,
that on the 18th the resources of the fire brigade
5 were stretched to their limit?

THE CORONER: You mean then or now, Mr Watts? I
am sure Mr McIntyre knows that now, but did he
know that then?
10

MR WATTS: I am not suggesting he knew it then.

Q. You know it now that the 18th was an
extraordinary day where resources were stretched
15 to their limit?

A. The ACT Fire Brigade operational resources
were stretched beyond capacity.

Q. It is of course important that crews be given
20 rest and breaks from their shift?

A. It is a policy.

Q. It is essential in fact?

A. Of course, yes.
25

Q. It is unsurprising, isn't it, that there was
no availability of crews to come out to Duffy on
the night to do what you have complained wasn't
done?

A. No, it is not surprising. Sorry, did you say
"it was unsurprising"?
30

Q. It was unsurprising?

A. No, I was surprised by that.
35

Q. Would you agree with me that, to your
knowledge, there was no crew available to do that
in regard to what had happened during the day?

A. I know that now, yes.
40

MR WATTS: Thank you, your Worship.

THE CORONER: Thank you, Mr Watts. Yes,
Ms Cronan.
45

MS CRONAN: I have no re-examination,
your Worship.

MR BARTLETT: Your Worship, I asked this witness questions when he finished in evidence-in-chief so that if new issues were going to be raised the other counsel knew what was going to be raised. I
5 made the point that I would also seek to --

THE CORONER: You want an opportunity to re-examine?

10 MR BARTLETT: Just briefly, your Worship.

<FURTHER CROSS-EXAMINATION BY MR BARTLETT

MR BARTLETT: Q. Just a couple of points. You have been asked by Mr Watts about when you
15 attended and spoke to Mr Thornthwaite a certain response was there from the ACT Fire Brigade?

A. A level of response.

Q. A level of response?

20 A. Yes, it was.

Q. In the area of Duffy?

A. Yes.

25 Q. The size of it was unexpected and completely overwhelmed you?

A. Once it came over we realised that, yes.

Q. What you say in your evidence is when you
30 attend that sort of situation, you scale up your response to meet the challenge?

A. The initial response was inadequate to what we were confronted with eventually. At that point I would have expected that the response would scale
35 up.

Q. You were there after the fire hit at about 3 o'clock and you were there fighting the fire for six hours?

40 A. In the area of six hours, yes.

Q. What was the scale-up during those six hours?

A. I wasn't aware that there was any.

45 Q. As you said yesterday, anyone could have helped, anyone - the New South Wales brigade, the rural volunteer people, you didn't see them?

A. No, I didn't see them. I believe they could have helped, yes.

Q. During that whole six hours?

5 A. During that entire period.

Q. Just on emails, have you ever had a management direction that emails are used and you should be checking them daily?

10 A. No, I don't. I don't recall receiving that direction.

Q. Just on your statement, that's your statement and it is true?

15 A. That's correct.

Q. No-one told you what to put in it?

A. That is correct.

20 Q. Just on not approaching senior colleagues about your concerns - are you a member of the union?

A. I am.

25 Q. Have your concerns been brought to the attention ever the union?

A. They have.

Q. The union is your representative body?

30 A. They are.

Q. To your understanding they approach management about these issues?

A. To my understanding they have, yes.

35

MR BARTLETT: Nothing further.

THE CORONER: Thank you, Mr Bartlett. Yes, thank you, Mr McIntyre. You are excused. You are free
40 to leave if you wish.

THE WITNESS: Thank you.

<THE WITNESS WITHDREW

45

MS CRONAN: If we could take the morning adjournment at this stage.

THE CORONER: Yes, we will take the morning adjournment.

SHORT ADJOURNMENT [11.16am]

5

RESUMED [11.40am]

MR LASRY: I call Commander Mandy Newton, please.

10 <MANDY NEWTON, SWORN

<EXAMINATION-IN-CHIEF BY MR LASRY

MR LASRY: Q. Commander Newton, is Mandy Newton your full name?

15 A. That's correct.

Q. You are a commander in the Australian Federal Police and am I right in saying in particular in what is described as ACT policing?

20 A. Commander of operations ACT policing.

Q. Were you in that position in January of 2003?

A. That's correct.

25 Q. Or performing those duties?

A. That's correct.

MR LASRY: I have been provided with a document described as curriculum vitae Mandy Newton which is brief. I will tender it but I will refer to it first.

Q. You have been in the Australian Federal Police 1983-1995 and January 2002 to the present, and for a period of time you worked with both ACTEW Corporation between February 1997 and February 2000, and with the Australian Taxation Office from February 2000 to January 2002; is that right?

40 A. That's correct.

THE CORONER: Commander Newton's curriculum vitae will become exhibit 0057.

45 **EXHIBIT #0057 - CURRICULUM VITAE OF COMMANDER NEWTON TENDERED, ADMITTED WITHOUT OBJECTION**

47

MR LASRY: Q. For the purpose of this inquiry, have you provided a statement in some significant detail which you have signed. The document I have is some 68 pages; is that right?

5 A. Yes, it is.

MR LASRY: I just said to my learned friend Mr Archer as we were about to resume that I do not know the number for the signed copy.

10

MR ARCHER: It is [AFP.AFP.0110.0383].

THE CORONER: Mr Archer, on the document I have the last four digits are 0398 -

15 [AFP.AFP.0110.0398].

MR LAKATOS: That is mine too.

MR LASRY: I think part of the confusion may have been that at one stage we were provided with Commander Newton's statement in draft. I certainly had it in draft before it was signed. It may have gone onto the system twice. I am confident that Mr Archer's number is probably the accurate one.

20
25

Q. We have some pages from your notes at the time. I think the notes effectively commence on the 18th of January; am I right about that?

30 A. The notes taken at the time?

Q. Yes.

A. Yes, they commence on the 18th of January.

35 MR LASRY: They are [AFP.AFP.0001.0902].

Q. I also have some notes which I think are dated 20 January, which I will ask you briefly about. I am not sure whether they are part of the same document or a separate document. For the record those notes commence at [AFP.AFP.0001.0920]. I think they are all actually part of the one document.

40
45 Please refer to your statement as we go. You set out your role in the bushfires commencing at page 8 of your statement. At the top of page 9

refer to at 8.30am on Wednesday the 15th of
January with Mr Stanhope, the Chief Minister, and
Mr Lucas-Smith you surveyed the fires from the
air. Just in the course of that trip, were you
5 able to see a great deal?

A. I was able to see the fires in the area of
Bendora and saw some vehicles on the ground, and I
had a description from Mr Peter Lucas-Smith around
what activity was being undertaken. But because
10 of low cloud or inability for visibility purposes,
we weren't able to see the northern fires.

Q. Before you took that trip, were you given any
kind of a briefing or any kind of overview by
15 Mr Lucas-Smith about the situation of the fires?

A. No, we had brief discussion on the way to the
aircraft but not a full discussion or briefing.

Q. The next event that you participated in was
20 the briefing that occurred on the afternoon of the
16th of January and you set that out on page 9. I
want to ask you essentially the same questions
that I asked Mr Murray about this briefing. At
the time that briefing commenced, were you aware
25 that earlier that day the ACT cabinet had been
briefed in relation to the fires?

A. No, I was not.

Q. At any stage during the course of the briefing
30 that you received, did anyone raise any issue at
all in any form whatsoever about any possible
impact or effect that these fires might have on
the suburban area?

A. No, they did not.

35

Q. Was that an issue in your mind when you
attended that briefing on 16 January?

A. No, it wasn't. I took advice that it was a
rural area that was being dealt with in regard to
40 the fires at that time.

Q. I take it, therefore, it follows that you were
unaware that in a briefing paper for cabinet on
that day in relation to the New South Wales fires,
45 that is the McIntyre's Hut fire, that the
Emergency Services Bureau had written in relation
to that fire that:

5 "With stronger winds from the north-west
there is always the potential for spotting
over the containment lines which has
potential serious impact to ACT Forests pines
and subsequently the urban area."

Was that information that was conveyed to you at
all on 16 January?

10 A. No, it wasn't.

Q. I should say I was reading there from
[DPP.DPP.0003.00078]. Had anyone informed you on
16 January that there was a potential serious
15 impact to the urban area of Canberra, would that
have made any difference to the way you and those
under your command would have reacted from the
16th of January onwards?

20 A. I was not told that. I would have taken a
completely different course of action had I have
been told.

Q. What would you have done?

25 A. I would have escalated our activities from a
policing perspective far higher than we did at the
time. We would have activated the Police
Operations Centre much earlier. We would have had
a planning team preparing plans in consultation
with Emergency Services Bureau personnel.

30 I would have undertaken a far greater activity in
relation to the interaction between Emergency
Services Bureau and ourselves in having people
working together on that planning process. I
would have also taken other action in regard to
35 discussion from both our media personnel in the
AFP as well as the Emergency Services Bureau.

Q. Does it follow from your answer so far that it
40 was simply not something in your mind on the 16th
of January that there was any risk at all to the
suburbs of Canberra from any of these fires?

A. No, it was not.

45 Q. The next thing I wanted to ask you about is
set out on page 11 of your statement, and it
refers to the telephone call you received from
Superintendent Lines at about 10.30pm on the night

of Friday, 17 January. Am I right about the time; is that when that phone call was received?

A. That's correct.

5 Q. Is that effectively the first time that, because of what you were told in that phone call, it became to become apparent to you that there was a risk to Canberra from these fires?

A. I think the phone call that I received from
10 Sergeant Kirby at 7pm, on page 10, escalated my level of concern above what I had during the day whilst I was at work, indicating that there may be extreme conditions at that time.

15 Q. Perhaps rather than going necessarily time by time, just describe, if you can, the point at which it dawned on you, as somebody with potential responsibility to be involved, that there was a genuine risk to the suburbs of Canberra; what
20 point in the chronology did that become apparent to you?

A. Saturday.

Q. So even although Superintendent Lines said to
25 you in your words on the Friday night:

"He told me the fires were still very concerning for Canberra and that Sergeant Kirby would be attending a meeting at ESB at
30 8 o'clock on Saturday morning."

You were not at that stage thinking about a potential effect on the suburbs?

A. The effect I was thinking of was an effect in
35 the pine forest areas and in the rural areas of the ACT.

Q. Why did you think that in view of what you have quoted in that paragraph?

A. From all of the information I had received,
40 the fires were still in the rural areas. I was advised that worst case scenario the fires may move towards the urban edge but certainly not enter the urban area.

45

Q. Did Superintendent Lines explain to you what he meant or did you ask him what he meant when he

told you, as you have quoted in that paragraph, that the fires were still very concerning for Canberra?

A. For Canberra as the ACT.

5

Q. So --

A. If I had of thought at the time that it may enter the urban area, I would have gone into work and set up a Police Operations Centre immediately.

10

Q. I am a foreigner so perhaps I don't understand the terminology as well as others. Is it the position that, when Superintendent Lines was talking to you about Canberra, you didn't take him to be talking about urban Canberra?

15

A. No, we did not talk about urban Canberra. We talked about the surrounding district including Tharwa, Tidbinbilla area as well as the pine forests.

20

Q. By this stage, I presume you were aware from the information available to you that the weather outlook for the next few days was adverse as far as fire behaviour was concerned; did you know that?

25

A. Yes, my understanding was that Monday was to be the worst day. From information that I received on that Friday evening, Saturday would also be very bad.

30

Q. Did you raise with Mr Lines or anyone else at that stage on the Friday night the possibility that perhaps there might be an effect on the suburbs?

35

A. Any conversation we had was in regard to any smoke in the suburban area. And certainly the reports I'd also heard over the radio gave indications about people with asthma or other illnesses needing to stay inside, and that the community as a whole would have some level of effect of smoke across urban areas.

40

Q. Can I just go back a step: you said if you had the information that was made available to the cabinet on the morning of the 16th of January, you would have done a number of things. You itemised what they were, which included activating the

45

Police Operations Centre. If you had had the information on the 16th of January that the cabinet had, would the police separately from ESB have involved themselves in any process of warnings to residents about the potential effect on the suburbs?

5
A. We would have worked completely with Emergency Services Bureau in regard to that. Our arrangements and working relationship with them meant that we would stay in contact with them. They were the lead agency under these circumstances and had the majority of the information around what was happening in regard to the fires. Therefore we would have taken their advice, and I would have consulted closely, as well as the Chief Police Officer, with Mr Mike Castle and the staff of Emergency Services Bureau in any action that we would take.

10
15
20 Q. Perhaps we will come back to that topic once we get to the point where it becomes apparent to you that there is going to be a consequence for the suburbs. The evidence that is before this inquest indicates that on - perhaps I will go directly to the minutes of the planning meeting to ensure that I quote it correctly. There was a planning meeting at 6 o'clock on the Friday night which is [ESB.AFP.0110.0865], at which you were not present but I think Mr Kirby was present.

25
30
35 In the course of that meeting Mr McRae, the planning officer at ESB, indicated a potential for the fire to reach in particular - I won't go through this sentence again - potentially Narrabundah Hill by 8 o'clock on the Saturday night. I think that is clear what he was referring to. Was that information conveyed to you on the Friday night?

40
45
A. On the Friday night I was advised that it may hit the Uriarra area by midday on Saturday, the Cotter by 4pm and Stromlo by 8pm. In the advice I was given by Sergeant Kirby, the indication was that it would still be within the pine forest area and there was no indication that it would hit the suburban area and that that was a worst case scenario.

47

Q. This is on the Friday night?

A. Yes.

Q. You would know from your own knowledge, I take
5 it, that it is not very far from Stromlo to
Narrabundah Hill?

A. That's correct.

Q. So what you have described in your statement
10 is what you were told?

A. Yes.

Q. I take it from your last answer that
Narrabundah Hill by 8 o'clock on the Saturday
15 night was not something you were told about; is
that right?

A. If Sergeant Kirby mentioned it, it wasn't
something that I wrote down, and I understood that
area was in the vicinity of Stromlo and Duffy
20 area.

Q. The significance of Narrabundah Hill, apart
from anything else, is that it is also very close
to the vicinity of the suburbs. Would you have
25 realised the proximity of Narrabundah Hill to the
suburbs of Weston Creek at that stage?

A. I am aware where Narrabundah Hill is and I
suppose when I was told about Stromlo, I actually
thought Stromlo pretty much came all the way to
30 the edge of the Duffy area anyway.

Q. On Saturday morning, you decided, as a result
of the information you got from Sergeant Kirby,
that it was necessary, as you described on pages
35 11 and 12, to activate the Police Operations
Centre. And that's what you did; is that right?

A. That is correct.

Q. On page 13 you say:
40

"At 9.29am I attempted to contact Mr Castle
at the ESB. I rang his mobile phone and his
office phone but he was unavailable to take
my call. I left a message for him to call me
45 back."

Are you able to recall whether the message you

left was with another human being or was it a message you left on a piece of technology?

A. A piece of technology.

5 Q. So you didn't actually speak to anyone?

A. No, I didn't. I wasn't able to speak to anyone. No-one answered the phone in his office area.

10 Q. It just rang out?

A. It went to message.

Q. You said you rang the mobile and that diverted to message bank.

15 A. I'm not sure if it actually switched through to the office telephone initially or whether it actually diverted to message bank. But I left a message on an answering basis.

20 Q. As you say in your statement the message you left was for him to call you back; is that right?

A. That's correct.

Q. You go on to say:

25

"I wanted to advise him that I had activated the Police Operations Centre. I wanted to ensure appropriate liaison was taking place and to offer assistance to him wherever he required it. I also wanted to discuss the seriousness of the situation, in particular my intention to start developing evacuation plans as part of our contingency planning process considering there were concerns that the fires may have reached the suburban area. It was also necessary at this time to make sure we were developing and were prepared to implement a coordinated media strategy. My staff officer and I made several attempts to contact Mr Castle thought the morning."

30

35

40

Now, how were those attempts actually made, Commander Newton?

45 A. I attempted to make a couple of phone calls myself, including that one at 9.25am. I also asked my staff officer, Sergeant Andrew Young, to attempt to contact Mr Castle when I wasn't able to

at that time. And on other occasions throughout the day I attempted to contact him through Sergeant Byrnes, who was our liaison officer at Emergency Services Bureau.

5

Q. And you were unsuccessful until the conversation which we will come to in a little while; is that right?

A. That's correct.

10

Q. At this point on the Saturday, were you now as a senior police officer interested in not only evacuation but the need to warn people that they were at some risk?

15 A. I certainly had a level of concern about the community's awareness of what was taking place and the level of risk associated with it.

20 Q. Do the police have the capacity independently of anything that ESB might do, albeit that this was a bushfire situation, to themselves begin to develop a process by which people in affected areas can be warned that there is now a genuine risk and that they should either make preparations to leave or at least prepare for the risk in some way?

25 A. Our process would have our media liaison officers or media staff working with the Emergency Services Bureau staff to ensure that we provide consistent messages across the community, particularly when we didn't have the full level of information that Emergency Services Bureau had at hand to advise the community of where the fires were moving. We do have an independent capability to advise the community, and in particular our role rests around road closures and general safety issues and messages that we will give to the community.

30
35
40 Q. Is there any role - and again I would have to say I am guessing about this because I don't claim to understand the procedures - for the deployment of police in local areas such as in the Weston Creek area to begin patrolling in the
45 neighbourhood and letting people know either ad hoc or in some more systematic way that the fire has now reached a point where there is some risk

to the area and they should begin to make preparations?

5 A. If I had suitable information that that was the case and it was correct information, then we would be in a position - and I would always once again liaise with Emergency Services Bureau on that because it is fire related - to attend in the suburbs and assist Emergency Services Bureau with fires in the community and provide additional
10 staff to be able to do that.

Q. The problem here was, your contact with ESB at least on the Saturday morning and it seems some little time on the Saturday morning was less than
15 satisfactory, wasn't it?

A. In my view I was unhappy that I wasn't able to speak with Mike Castle regarding a strategic view of the fires and their position and the course of action they intended taking.
20

Q. I take it by this stage you regarded the situation as becoming urgent, because that was one of the reasons you activated the Police Operations Centre?
25

A. I certainly activated the Police Operations Centre to ensure that we were able to provide Emergency Services Bureau with any assistance they required on the day. It was my view that the situation had escalated to a point where it may
30 become very serious.

Q. You started to have a look as to the prerequisites for the declaration of a state of emergency?
35

A. Yes. I collected my information as I walked through the door and up into the Police Operations Centre to make sure I was fully aware and au fait with the requirements of a state of emergency.
40

Q. That is not something you would do very often, I imagine. In your mind, this was becoming a very serious situation.
45

A. From time to time, because I am on-call on a very regular basis, I check the legislation and have a look at it, peruse it. But certainly on this occasion I saw that there may be a potential that it might be required. Therefore, I wanted to

make sure that I was fully au fait with it.

5 Q. At the bottom of page 15 - I won't go through
it in detail - you are describing the information
that you were receiving during the course of the
Saturday morning. I think the last time to which
you refer prior to that was at 10.20am on page 14
when Sergeant Jason Byrnes spoke to you. At the
bottom of page 15 you say:

10

"At this time I thought I needed to increase
our resource commitment by calling more
police onto duty in preparation. I was also
becoming increasingly concerned about the
15 community's understanding of the likely
danger and their preparedness to deal with
the situation."

20

Why were you becoming increasingly concerned about
that?

25

A. Look, the briefing I received from Sergeant
Byrnes at 10.20am after he had been in one of the
management meetings at ESB increased my concern
because of the breadth of where the fires were,
their locality and the predictions that were being
given to me. So that increased my concern also in
regard to the facilities in Canberra, things like
water and waste water supply, electricity supply,
along with community understanding, which meant
30 that I escalated my requirements around the
resources that may be needed of ACT policing.

35

I was also of the view at that time that I didn't
understand fire behaviour well enough and that, in
considering the issues, I wanted to talk to
somebody senior in the fire service to be able to
have a full briefing about what it might mean to
Canberra.

40

Q. What I was particularly wanting to ask you
about was your increasing concern about the
community's understanding of the likely danger. I
understand all the other matters. Why were you
becoming increasingly concerned about the
45 community's understanding? Was it because you had
a view that they did not have a proper
understanding of the risk?

A. I think as my understanding of the situation developed, which specifically related to the 10.20 call, the other calls I was receiving and information coming in, the public also in my view weren't aware of that information. So we needed to develop a strategy further as to how we would advise the community, because I was concerned about community response and preparedness.

10 Q. What was the strategy that you had in mind to inform them of the risk?

A. I had my media liaison officer or my media staff. I spoke to them to make sure that they were in contact with the Emergency Services Bureau. I wanted those people to ensure they gave full assistance to the Emergency Services Bureau in preparation of any documentation for dissemination to the community.

20 Q. Now on page 17 in the middle of the page you say:

"At 11.28am I attempted to call Mr Castle. I wanted to know the current status of the fire and to discuss the strategy we needed to take to deal with the fires. I left another message for him to contact me."

30 Was that an attempt to contact by you personally or was that done on your behalf by somebody else?

A. I think Sergeant Young originally rang the number and then handed the telephone across to me.

35 Q. Was that again a voicemail message or did you speak to a human being?

A. Voicemail.

40 Q. On page 21 you describe the conversation that you had with Mr Castle at 12.20pm. That's the first conversation you had with him that day?

A. That's correct.

45 Q. In the paragraph where you describe the conversation with Sergeant Byrnes and then you describe him putting you on to Mr Castle, you say:

"During this conversation I clearly

articulated my view that a state of emergency needed to be declared and my reasons for wanting him to support a state of emergency."

A. That's correct.

5

Q. In your notes - do you have your notes in front of you? Please refer to them if you wish to. It is document [AFP.AFP.0001.0902] at 0904. Am I right in saying that about two-thirds of the way down the page, your note of that conversation appears.

10

A. That's correct.

Q. What appears in the note is Mr Castle's inquiry about what powers the declaration provides. You don't seem to have noted the part of the conversation, whereas in your statement you say:

15

20

"I clearly articulated my view that a state of emergency needed to be declared and my reasons for wanting him to support a state of emergency".

25

Is that because you can recall it or you didn't make a note of it?

A. At the time of talking to him, I had in front of me the Emergency Management Plan and the Emergency Management Act. Section 10 in the plan is the outline of the requirements or what meets a state of emergency, and I went through those points with Mr Castle. As well as having the Act in front of me, I think section 24 and section 27 within that Act talks about the declaration as well as the powers.

30

35

Q. That is the legal criteria for doing it. You say in your statement that you provided him with your reasons for wanting him to support it. Can you remember the reasons that you provided?

40

A. Yes. May I refer to the legislation?

Q. Yes.

A. I indicate to Mr Castle that, in my view, the event had a potential to overwhelm all existing personnel, facilities, equipment and capability in the ACT with the breadth of where I understood the

45

fires were at the time.

Q. Just pause there for a moment. That is as a result of the information you were receiving from
5 Sergeant Byrnes that was being relayed to you from ESB?

A. That's correct, as well as in particular information I received from Superintendent Prince.

10 Q. Did he respond - that is, Mr Castle - to that expression of opinion by you?

A. I went through my view against all of the criteria first, and then he responded to me that he didn't feel that there was a need to have a
15 state of emergency and we just --

Q. Perhaps I interrupted. If you want to describe the rest of what you put to him.

A. I told him that was my view, that the event
20 required a significant and coordinated response. But at the time I didn't feel that we necessarily had the level of interaction between the Emergency Services Bureau and ACT policing that I believed was required as well as any other services or
25 assistance needed.

Already there were a range of agencies that were involved. I had a number of those at the Police Operations Centre that we were working with along
30 with the Emergency Services Bureau; and that it may require additional resources - certainly when I became aware through talking to Superintendent Prince that it may enter the suburban area - and that potentially it could disrupt the whole
35 functioning of community, in particular if we lost electricity and waste water and water treatment plants were completely affected.

Q. Your recollection of that is based on your
40 memory that you went through the criteria in section 24 of the Emergency Management Act and dealt with each one that you thought was relevant to the situation; is that right?

A. I didn't go through in detail the powers --
45

Q. No, no - of the criteria?

A. Of the criteria, yes.

Q. You certainly took him through the criteria for a declaration?

A. Yes.

5 Q. And referred to the ones that you thought were particularly relevant?

A. I also indicated that I was concerned about the community's understanding.

10 Q. We will come to that in a moment. You then had a discussion about what the consequences of a state of emergency were. But did Mr Castle offer any response as to whether, for example, your opinion about the prospect of resources being
15 overwhelmed was misplaced or based on some misunderstanding of the situation or anything like that? Was there any correction offered by him to the factual basis of the opinion you expressed?

A. I didn't receive a correction. I received a
20 view from Mr Castle that he didn't see that it was necessary at that time.

Q. Can I put the question another way: was there any suggestion from him, for example, that the
25 magnitude of the problem was being overstated by you in that conversation?

A. Not that I recall.

Q. So what he then wanted to know was, as your
30 note says "what does the declaration give?" It would appear from your note said "powers to evacuate if needed". Then, as your statement says, Mr Castle said, "I don't see a need to evacuate." You then said according to your
35 statement.

"You can answer to the coroner if people die."

40 He said, "if people die I will answer to the coroner".

Now the note actually says:

45 "Didn't see a need to evacuate. Said 'could answer coroner if people died'."

47

Are you confident that the way you have set out the conversation is the way that it actually occurred?

5 A. That was a shorthand and that's why in my statement I indicated that it was words to the effect of "if people die you can answer to the coroner". I quite clearly recall indicating to him that he could answer to the coroner if people died.

10

Q. Have you had Mr Castle's evidence about this drawn to your attention for the purpose of giving evidence in this inquest?

15 A. I was advised he did give evidence in regard to this, yes. I haven't read the transcript.

Q. At page 1782 the portion of the conversation that has been referred to was put to Mr Castle by Mr Woodward. Then he was asked:

20

"Q. Do you agree it is a reasonably accurate summary of the conversation?

25 "A. I was shocked at the last - when I read that. That is not my recollection of the words. I believe that what I answered was that I would stand by the evacuation guidelines."

30 Is there anything you want to say in relation to that?

35 MR WHYBROW: I object. That answer should be put in context. Two questions later on there are more questions specifically put. It is not fair to stop there and not go on and ask the questions about the reference to the coroner, because Mr Castle accepted that.

40 MR LAKATOS: May I say before my friend responds --

45 MR LASRY: Can I shortcircuit this: I was doing it in stages rather than read a page and a half of material to the witness and have to read it again because she can't recall it. I had every intention to go to the rest of the questions.

47

MR LAKATOS: That wasn't my concern. My concern
is this: we have this witness giving her version
of events. She says that is her recollection, and
that is fair enough. And we have Mr Castle giving
5 his recollection of events.

If your Worship finds the need to resolve this
issue of fact, you will do so based upon the fact
that this witness knows Mr Castle has disagreed
10 and Mr Castle has had it put to him. To have a
witness comment about particularly the evidence
given by another, in my submission, is
inappropriate. It usurps your function.

15 With respect, the witness's job is to come here
and give evidence, not to give commentary about
whether some other witness is lying, mistaken or
whatever the range of possibilities are about a
given matter. In my submission, to set one
20 witness against another like this takes the
function of fact-finding away from the Tribunal
and asks a witness to comment about that very
issue.

25 Your Worship has all of the material available to
make that comment after the evidence has been
given. In my submission, this kind of
questioning, one witness against another, is
improper and it is unhelpful.

30 MR LASRY: I am tempted to adopt Mr Pike's
attitude and invite my learned friend to withdraw
"improper" - perhaps he won't. It offended
Mr Pike but it wouldn't offend me so much. It is
35 common, even in New South Wales, for witnesses to
be confronted by something said by another witness
to see if their confidence in their own account of
the event is shaken by the fact of someone
disagreeing. I am more than happy to do it in a
40 shorthand way.

THE CORONER: It is a question of fairness to
Commander Newton and to Mr Castle, the way I see
it.

45 MR LAKATOS: Mr Castle has had fairness accorded
to him, because this witness's version has been

put to him in this respect. His counsel no doubt - I presume - will take this matter up.

5 With respect, Mr Castle has said nothing adverse to this witness. He simply says "I was shocked". I don't know what the remainder of it is - "I don't recall" or "it didn't happen". Why is it with respect unfair? This is not an adversarial setting where one side will win and one side will
10 lose. This is a determination of relevant facts to the cause, origin and circumstances of the fire. I press the objection.

15 MR WHYBROW: Your Worship, just on that point: in fairness to Mr Castle, the way that it is being done is not fair. The only issue upon this issue I can see - perhaps counsel assisting or Mr Archer can correct me if I am wrong - that seems to have been taken is on that last comment of a reply by
20 Mr Castle. As he says, "I was shocked at the last" That is, "He said, 'if people die I will answer to the coroner'." That was the question put to Mr Castle. He in effect accepted or didn't disagree with all of that conversation as is
25 recorded in the notes of Commander Newton, except he didn't believe he made that last comment.

30 One needs to ask the question, in my submission, that if there is an acceptance between the witnesses that there was a conversation, they had discussed points of view as between Commander Newton and Mr Castle. Commander Newton has given her evidence that is what she was of the belief and has set out why she was of that belief that
35 there needed to be a state of emergency. Mr Castle, as Commander Newton has already indicated consistently with Mr Castle's evidence, that he disagreed for various reasons.

40 To what end does it serve in this inquiry to determine whether this last sentence - unless there is some sort of directed attack outside of the fact-finding role of your Worship on Mr Castle, it does not seem to be something that
45 the coronial inquiry should be taking up time with when we know what the facts are.

47

There is no dispute between the parties. There was a conversation; Commander Newton had a point of view; Mr Castle had a point of view; they disagreed; and there is an acceptance that there was a reference by Commander Newton to the coroner. Mr Castle accepts that. I can't see what the point of this is other than some sort of pointless attack on Mr Castle, in my submission.

5
10 MR LASRY: Your Worship, it is not a pointless attack on Mr Castle at all. There is an issue. My learned friend Mr Whybrow is right: the principal issue is whether or not Mr Castle did say to this witness, "If people die I will answer to the coroner." That is the line he says he is unable to recall saying. To the extent that it suggests that he said it and that in some way it reflects some kind of attitude on his part, it may or may not be an issue of some consequence. I am not suggesting that it is.

15
20
25 It is an issue. The witness is now here. There is some issue of fact. As I said, and the witness has sat through this discussion, all I am really inclined to do and all I was proposing to do was to say, "This is Mr Castle's evidence" - and I can shorten it by reference to the last line - does the fact that he can't recall that being said shake her confidence in her recollection.

30
MR WHYBROW: Your Worship, I object. It is not the evidence that he can't recall saying that. He says he didn't believe he did:

35 "Q. You say you didn't respond in the terms that she suggested?

"A. I don't believe so".

40 MR LASRY: All the more so, your Worship.

THE CORONER: I will allow you to continue the question, Mr Lasry.

45 MR LASRY: Q. You have heard the various exchanges and you have heard in particular reference made to the last response in the conversation where Mr Castle, according to your

account, said, "If people die I will answer to the coroner". You understand that Mr Castle does not believe they are words he said at the time during that conversation?

5 A. I understand that but --

Q. Is that now apparent to you?

A. I did receive a phone call some months later from Mr Castle regarding the telephone call. At
10 the time he indicated to me he had no recollection of the conversation.

Q. How long after the event was that?

A. Quite some months. I have brief notes that I
15 took of that conversation.

Q. Do you have those notes with you?

A. Yes, I do.

20 Q. Do you know when the conversation took place?

A. Look, it may have been the 12th of the first this year. I have a notation it took place whilst I was at home. There was a notation said "12/1" at the top of the paper. It said, "5.30pm Mike
25 Castle discussed the phone call 5.53 finished".

Q. Sorry, "Mike Castle discussed the phone call"?

A. Yes. 5.30pm was when the phone call took place with Mike Castle, discussed the phone call,
30 and 5.53 finished.

Q. Is there a note about what was said during the discussion?

A. No, there wasn't. My recollection of the
35 discussion was that Mike spoke to me and said he didn't recall the phone call being made. He is not suggesting that I didn't make it but he had no recollection of it.

40 Q. Just in relation to it, for completeness, the note that you referred to for the purpose of the phone call, that I have referred you to, when was that note made of the conversation?

A. The note that I am talking about at --
45

Q. No, the note at 12.20pm that is described as 12.20pm on 18 January, when was that note actually

made?

A. I made the majority of the note at the time of the phone call or conversation with Mr Castle. And the point regarding declaration, giving the powers and evacuation needed - from the point on of "didn't see a need to evacuate" and "said could answer to the coroner if people died", I took that note at the time of finding out the first person had died.

10

Q. How much longer after the event was that?

A. That was around 4.40pm in the afternoon.

Q. Just in relation to the notes, there is one other thing I wanted to ask you about which seems to be around that time. Although it is on an earlier page, on the first page of the notes that I have [AFP.AFP.0001.0902] under 18 down the near the bottom of the page, you appear to have made a note: "12.30pm Chief Minister, Tim Keady". Do you see that note?

20

A. Yes, I do.

Q. Do you know what that refers to?

25

A. I am not fully sure, but at the briefing I received from Sergeant Byrnes he went through the detail of the planning meeting. From my recollection I think that meant at 12.30pm the Chief Minister and Tim Keady were going to be at ESB.

30

Q. Did you understand why they were going to be there?

A. No specific reason that I was given.

35

Q. You then describe in some detail what occurred throughout the balance of the day. It is sufficiently set out I think in the course of your statement including the consequences of the declaration of a state of emergency. Mr Murray has already given some evidence in relation to those matters. I don't think I need to ask you any more questions about that.

40

45

Let me just take you back to your notes, if I might, and go to the 5th page that we have which is page 0906. If the pages that I have, Commander

Newton, and following are in the correct order,
then this is some time after 3.10 on 18 January;
is that right? The note I am referring to has the
name "Phil Noble" on the top of it. It goes on to
5 describe "met with Keady, Tonkin, Lucas-Smith,
Mike" and "want decision on evacuation". It also
has the word "Friday" written above it. I wonder
if you could place that for us in the chronology.
A. Sorry, can you just ask the question again?
10
Q. Yes. The entry that you have made "met with
Keady, Tonkin, Lucas-Smith, Mike. Want decision
on evacuation", can you first of all tell us a bit
15 more detail about that meeting and when it took
place?
A. It was a meeting that Steve Kirby went to. I
deployed him from the Police Operations Centre
across to Emergency Services Bureau after I had
spoken to Mr Castle. I asked him to meet with
20 Mike Castle and talk to him further regarding
state of emergency and evacuation. Those are the
people that I understand were at the meeting from
Steve Kirby.
25 Q. The only other thing I wanted to ask you about
is some time later on in your notes, and my
understanding from the notes is that this would be
on or about the 20th of January and in particular
the page number is [AFP.AFP.0001.0924]. I am not
30 absolutely confident about the date, but the page
has at the top of it the name "Tim Keady" and it
goes on to talk about "community protection 9-10am
at latest" and so on. Would it help if I showed
you my copy of the page?
35 A. It might, yes.
Q. Can you find the equivalent in the original
notes, please, so I can confirm first of all the
date to which that refers. My feeling about the
40 sequence looking at the document is it was
somewhere around 20 January, if that helps you at
all.
A. I haven't got the dates on all of these. Yes,
I have that.
45 Q. I wonder if I might have my copy back, please.
The note reads:

"Tim Keady - community protection 9-10am at latest."

5 And so on. I will come to the rest of it in a moment. Does it reflect a discussion that you were involved with Mr Keady in? If you could perhaps answer that first.

10 A. It doesn't reflect the full conversation that we had.

Q. It doesn't?

A. No.

Q. Is it you speaking to Mr Keady?

15 A. Yes, it was - myself and a number of other people were in a meeting discussing the strategy for the northern part of Canberra.

Q. Am I right that this is a conversation that 20 took place probably on or about 20 January?

A. That's correct, on Monday the 20th.

Q. On the Monday. Does the first reference to 25 "community protection 9-10am at latest" refer to an issue that was current on 20 January?

A. It was - actually I'm pretty sure - in regard to the following day.

Q. The following day?

30 A. The Tuesday was a concern about the fire in the northern suburbs of Canberra.

Q. Then underneath that it says:

35 "Strategy - concern over lack of advice Saturday."

What does that mean?

40 A. In particular I wanted to discuss with Emergency Services staff, and Mr Keady was leading that discussion, about ensuring that we provided adequate information for the community in the northern part of Canberra on the Tuesday, and prior to the Tuesday if need be regarding any fire 45 threat.

Q. What do the words that I read to you "concern

over lack of advice Saturday" summarised, what part of the conversation do they refer to?

A. It was my particular concern over the lack of advice to the community on the Saturday.

5

Q. On the previous Saturday?

A. Yes.

10 Q. Was that a previous concern you expressed in that meeting?

A. Yes, it was - to my recollection it was.

15 Q. Are you able to recall whether your concern about the lack of advice on the Saturday was responded to either with explanation or with acceptance that there was a lack of sufficient advice?

20 MR LAKATOS: By whom, if I might ask?

MR LASRY: By anyone at this stage, anyone who was at the meeting if the witness can identify.

25 MR LAKATOS: All right.

MR LASRY: Q. Was there any response, if you can recall a response to your expression of concern, then I would ask you to identify where it came from?

30 A. My understanding is it was more around the discussion then of ensuring we have a strategy rather than talking about what had happened on the Saturday, but ensuring we had a strategy in place to advise the community in the northern part of
35 Canberra for in particular the following day which we believed was a high fire risk.

40 Q. Let me ask you the question in another way perhaps. By the Monday, still preparing for the ongoing emergency that was continuing and likely to continue for some days, you in this meeting were expressing, as you have said, concern over the lack of advice for the previous Saturday. Either in that meeting or prior to then, had you
45 been given any explanation or any description or any response at all about the advice that was given on the Saturday and its adequacy or

inadequacy? Had it been the subject of discussion with you - with anyone particularly from the Emergency Services Bureau?

5 A. It had been a subject of discussion but more so in the context of ensuring that we had provided stronger advice to the community, and Emergency Services had the lead in regard to that.

10 Q. Was there any dissent from the proposition that there was a lack of advice on the Saturday?

A. Not to my knowledge.

15 Q. Was there an acceptance by the people with whom you spoke at ESB that the process of advising the community needed to be improved over those next few days?

20 A. This meeting was the only meeting I had attended at ESB because I was providing the commander operations role in the Police Operations Centre. So I wasn't present at a number of discussions that took place at the Emergency Services Bureau. I requested we meet regarding the media strategy after I received the briefing regarding fires the following day, the potential
25 for them. So I wasn't involved in extensive discussion.

30 MR LASRY: Thank you, Commander Newton. Thank you, your Worship, I have no further questions.

THE CORONER: Thank you, Mr Lasry. Mr Lakatos?

35 MR LAKATOS: I have no questions at the moment, thank you.

THE CORONER: Mr Pike?

MR PIKE: Nothing, thank you, your Worship.

40 THE CORONER: Mr Whybrow?

MR WHYBROW: Thank you, your Worship.

<CROSS-EXAMINATION BY MR WHYBROW

45 MR WHYBROW: Q. Commander, you said earlier in your evidence that the first call to Mr Castle that morning was at 9.29am?

A. That's correct.

Q. I take it you have a note of that and also subsequently checked your phone records?

5 A. That's correct.

Q. You had by that stage already made the decision to open the Police Operations Centre?

A. Yes, I had activated that.

10

Q. That was based on the information that Sergeant Kirby gave you from what I think has been known as an evacuation meeting that occurred at about 8am at the Emergency Services Bureau?

15 A. Prior to 8am, yes, and as a result of other information that he had received from personnel from Emergency Services.

Q. Did Sergeant Kirby tell you who was at that meeting?

20

A. Not in detail, no.

Q. Did he tell you if Mr Castle was not at that meeting?

25

A. No, he didn't.

Q. The Police Operations Centre hadn't been activated in relation to the December 2001 fires, had it not?

30

A. That's correct.

Q. There was during that emergency close liaison between police and Emergency Services in relation to dealing with that threat?

35

A. I understand there may have been. I wasn't in the organisation at that time.

Q. Did you, before taking the decision to open or activate the Police Operations Centre, discuss that decision with anyone at Emergency Services in relation to how it might affect potential liaison with the incident being run out of two different areas?

40

A. We had on a number of occasions exercised with Emergency Services Bureau, in particular Minotaur, which was a foot and mouth exercise, where we had practised operating together in an emergency

45

situation. And whilst we had the Police
Operations Centre on standby the day before in
case issues escalated, I hadn't had a specific
discussion with the intention of operating or
5 activating the Police Operations Centre.

Q. You advised Sergeant Byrnes that that had
occurred when he became the liaison officer?

10 A. That's correct.

Q. And it's your understanding and I think the
meeting minutes of the Saturday morning meeting
reflect that he disclosed that fact to the meeting
that you had activated the Police Operations
15 Centre?

A. I don't recall that.

Q. One of the steps you also took on activating
that operations centre was to call Sergeant Kirby
20 back from Emergency Services to Winchester?

A. Sergeant Kirby had indicated to me in the
morning that there was a need to undertake
planning with other agencies. There wasn't enough
room at the Emergency Services Bureau to be able
25 to do that and felt that the facilities at
Winchester were suitable to undertake that
planning.

Q. Did he indicate that he should come back or
30 did you request that he come back?

A. I requested that he come back for that. He
was the lead acting superintendent in charge of
the operations to that time, and I felt that it
was more appropriate that another person attend
35 Emergency Services Bureau to take his role there.

Q. It was important at that stage obviously, now
that there were two separate places conducting
activities, that there be close ongoing liaison?

40 A. That's correct, and I requested also a liaison
officer from Emergency Services to attend the
Police Operations Centre.

Q. Sergeant Byrnes attended at ESB?

45 A. That's correct.

Q. Did you consider that, given Sergeant Kirby

had been at the Emergency Services Bureau for the last two days, it may well have been more appropriate for him to remain where he was to perhaps enhance the level of liaison that might occur between the POC and ESB?

5 A. At the time I thought it most appropriate that he return to Winchester Centre with POC because he was our key planner and was the most experienced person in regard to those activities. I felt that his skills to come and work in the Police Operations Centre at that time were more important than as a liaison officer.

10 Q. You indicated in your evidence that when you rang Mr Castle at 9.30 effectively, you left a message on an answering machine or message bank?

15 A. Yes.

20 Q. Could I suggest to you that what you did was to speak to a pager service and you were asked by a human being to leave a message. You left a message "please phone Mandy Newton 0401 149 847". Can I suggest that is in fact what occurred?

25 A. That may have occurred, yes.

30 Q. That someone answered saying "Mike Castle's paging service, what's your message please?" and you gave a message to that effect.

35 A. Initially my recollection is that it switched through, though, to another area prior to going to potentially a paging service.

40 Q. If I was to suggest to you that Mr Castle's mobile did not have message bank set up on it but was in fact diverted to a paging service, would you accept that your recollection may, in that respect, have been flawed in that you didn't leave a message with an answering machine; you in fact left a message with a paging service?

45 A. I would say that my view was that I was giving an electronic message to Mr Castle obviously through the paging service.

Q. What I am suggesting is earlier in your evidence, when given the choice between a message with a human being and a message with a piece of technology, your recollection was it was a piece

of technology. What I am suggesting to you is: do you accept that in fact it was with a human being but in the form of leaving a message?

A. Yes, I accept that.

5

Q. You have, I take it, had the opportunity or staff on your behalf have had the opportunity to go through Mr Castle's paging messages. The records have been produced to the inquiry.

10 A. I haven't gone through his records.

Q. Are you aware that there are no further messages left either by yourself or Sergeant Young - at least via that paging service?

15 A. My understanding was that the phone call made at around 11.30pm was made to his office telephone.

Q. Your records indicate that there was a call made at about 11.28 from your phone to one of Mr Castle's; is that correct?

A. Yes.

Q. I understand, at least as from your phone, that the only other calls placed to Mr Castle's mobile or office phone is the 9.29 and 11.28?

25 A. After I couldn't speak to Mr Castle, I also had an attempt to contact our liaison officer to try and contact Mr Castle to ring me.

30

Q. When did you do that?

A. Can I refer to my notes?

Q. You can refer to any particular note anywhere. Can I suggest that it is not referred to by either Sergeant Byrnes' statement or evidence, or your statement or notes, that one of the ways that you attempted to contact Mr Castle before 12.20 or thereabouts was by asking Sergeant Byrnes to get him for you?

35

40

45

A. At 11.52am I attempted to contact Sergeant Byrnes because of the concern about the fires and the associated issues of declaring a state of emergency. If things continued to escalate, the intention of trying to contact Sergeant Byrnes was so that I could get a message to Mr Castle to contact me.

Q. Would it be fair to say that you were frustrated in the inability to get hold of Mr Castle that morning?

5 A. I wasn't happy that I couldn't speak to him that morning to talk about the strategic issues associated with the fires.

Q. Was that a yes, you weren't happy that you weren't able to get hold of him?

10 A. I wouldn't suggest that it was frustrated; I am saying that I wasn't happy that I couldn't talk to him.

Q. You are not suggesting that Mr Castle was just refusing to answer your calls or having cups of coffee or chatting or anything like that, are you, Commander?

15 A. Not at all. My understanding was that Mr Castle would have been exceptionally busy at the time. He would have had a lot of things to deal with. That's why I didn't expect him to return my call the moment I left it in the first instance. However, I was very keen to talk to him because of my level of concern.

20 A. I think you indicated that you really wanted to speak to somebody to get a strategic view as to what was going on?

25 A. My normal contact was Mr Castle for any major events. That's why initially the attempt was to talk to him, contact him and talk to him about the strategic issues.

Q. You got something of a strategic overview from Sergeant Byrnes at about 10.20, as referred to in your statement?

30 A. That was from a meeting he attended. I'm not sure whether or not that was a strategic overview.

Q. You indicated you wanted to talk to somebody senior in the firefighting organisation who had some understanding of fire behaviour?

40 A. That's correct.

Q. You understood, of course, that Mr Castle was not a firefighter?

45 A. Yes, I understand that.

Q. Apart from attempting to talk to Mr Castle about the things that you desired to, can you recall making any attempts to call any of the persons who may have had that sort of information - the fire planning unit within ESB or the operations unit or people in those particular areas fighting the fires?

5
A. I attempted to contact and did contact Superintendent Prince that I had been advised of already by Sergeant Kirby that he had had a full involvement in the activities to date. I therefore felt that he was an appropriate person that could come and talk to us about issues from a higher level.

15
Q. He attended at Police Operations Centre on Saturday morning, didn't he?

A. That's correct.

20
Q. Can you recall the times that he was there?

A. He arrived at about 11.40am.

Q. At some time after about 12.20 you had a phone call with Mr Castle where the discussion and your views that there needed to be a state of emergency were put to him?

25
A. That's correct.

Q. Was that at about the time that you had formed a view that a state of emergency needed to be declared?

30
A. I felt a state of emergency needed to be declared after I had a conversation with Superintendent Prince, so shortly before contacting Mike Castle.

35
Q. So around about noon?

A. Around noon.

40
Q. You perused the legislation?

A. I checked it again, even though I had looked at it extensively throughout the morning.

Q. You understood the only person who had the power to declare the state of emergency was the Chief Minister?

45
A. That's correct.

Q. I take it you also understood that the only person who could be appointed as the Territory Controller was the Chief Police Officer?

5 A. Well, not the only person, because an alternative person can be appointed.

Q. Was it your understanding of the legislation that the Chief Police Officer could designate an alternate controller?

10 A. That's correct.

Q. At that stage the Chief Police Officer was not in the territory?

15 A. No, he wasn't. I was in contact with him.

Q. What did you have in mind if at noon a state of emergency could have been declared or was declared; what did you have in mind that that would have practically involved?

20 A. It would have involved a closer liaison and relationship between Emergency Services and ourselves.

Q. If I can stop you there for a moment and come back to that. I meant in terms that the fact that the Chief Police Officer was not within the territory, did you have in mind that there would be an alternate controller put in place?

30 A. I anticipated that the Chief Police Officer would be back in Canberra within a short period of time.

Q. In fact, he got back at about 1.30?

35 A. That's correct. He arrived at Winchester Centre at 1.30.

Q. At noon, did you have in mind that a state of emergency could practically be declared given that Mr Murray was not within the jurisdiction?

40 A. It was my understanding that it would take some time to make the arrangements. I was preparing to make those arrangements as soon as I was of the view of what potentially could happen in the ACT. Therefore, I felt the first step was
45 to talk to Mike about that to see whether we were in agreement for a state of emergency. And of course also it would have required getting hold of

the Chief Minister, talking to him, and those arrangements would take a little while to make.

5 Q. As it transpired, during the course of this call you were advised by Mr Castle that he didn't feel that it was necessary at that stage to have a state of emergency declared?

A. That's correct.

10 Q. You took a different view?

A. Yes.

15 Q. Apart from advising the Chief Police Officer whilst he was on his way back, did you take any steps to contact Mr Keady or the Chief Minister or his chief of staff, those types of people, in order to put your views to those people?

20 A. Within a command and control structure, my job is to advise the Chief Police Officer and it is his role to determine whether or not he contacted independently, without speaking first to Emergency Services Bureau, the Chief Minister.

25 Q. You appreciated though then at 12 o'clock that, because Mr Murray was not within the jurisdiction at that time but was on his way back, if your advice was accepted, a state of emergency would not in any practical sense be declared until Mr Murray had returned and had the opportunity to meet the Chief Minister for that to occur?

30 A. Unless he spoke to him.

35 MR ARCHER: I object to the question. There seems to be an illegal assumption involved in it that the Chief Minister needs to be in the territory and present at the time the declaration is made. That may be one reading of the section. It is not mine. It seems to involve an assumption about a legal point that I don't think is made out on the terms of the legislation.

40 MR WHYBROW: I was asking this witness what her understanding was.

45 THE CORONER: That's as I understood your question, Mr Whybrow.

47

MR ARCHER: But with the implication that is what the legislation intends. I think it has a tendency to mislead the witness.

5 MR WHYBROW: Q. What was your understanding as to how it could be done, given that Mr Murray wasn't in the territory?

A. My understanding was if he wasn't in the territory and available to perform that role, a Deputy Chief Police Officer may well have been able to perform that role if the Chief Minister had of accepted that, fulfilling the duties associated with the Chief Police Officer.

10 Q. Who was that?

A. Mr Andy Hughes.

Q. Had he been contacted and warned of that possibility?

20 A. I had spoken to him in the morning on a number of occasions. I hadn't actually talked that through with him, because it wasn't an issue at that point in time that that was probable.

25 Q. You understand that, at the time the Chief Minister made the decision, he did so on the basis that Mr Lucas-Smith was also appointed as alternate controller to continue management of the firefighting?

30 A. Yes, I was advised of that by the Chief Police Officer.

Q. When you were contemplating the declaration of a state of emergency from noon, did you have in mind that being the likely consequence?

35 A. I certainly felt that it was fully appropriate for the fires to be managed by Emergency Services Bureau, whether that be Peter Lucas-Smith, and that a whole lot of other activities had to be coordinated and arranged - roads, media, and also community welfare.

40 Q. At the time you were considering the possibility of a state of emergency at 12 o'clock, did you consider the possibility of an alternate controller being appointed - that being the Chief Fire Control Officer?

A. No, I wasn't considering that.

Q. At the time you were considering or had formed
a view that a state of emergency needed to be
5 declared and, if that had occurred in the
circumstances you were contemplating, that would
have involved the police in effect taking control
of the firefighting operations until delegated
back?

10 A. No, I wouldn't have anticipated that it would
have been taking over of firefighting efforts. I
would have expected that the Chief Police Officer
in the role of Territory Controller would have
consulted and worked with Mr Peter Lucas-Smith as
15 well as Mr Castle in the firefighting efforts,
along with co-ordinating another range of
activities associated with the potential of the
fires hitting Canberra.

20 Q. You spoke to Superintendent Prince. Did you
speak to Mr Bennett, the Fire Commissioner, at any
stage during the course of that day?

A. Not during the day.

25 Q. During the course of this conversation you
would agree that the focus of both yourself and
Mr Castle, the predominant focus of the
conversation, was about power to evacuate forcibly
persons?

30 A. Sorry, which conversation are you talking
about?

Q. About 12.20 where you indicated your views
that a state of emergency needed to be declared,
35 and he indicated that he didn't think it was
necessary. Would you agree with me that
predominantly the discussion revolved about the
power such a declaration would give in relation to
forcible evacuations?

40 A. It was part of the conversation but not the
majority of the conversation.

Q. Can you explain why the note you have made in
relation to that conversation is about
45 evacuations?

A. Because I made a note of that that Mr Castle
didn't believe there was a need to evacuate.

Q. You believed that there was?

A. I didn't believe that there was at that time. I believed that there was a potential requirement to evacuate if the situation escalated to a point
5 of the community being threatened.

Q. Your note says "powers to evacuate needed". I take it that is not something that Mr Castle was propounding as a view; he didn't believe that
10 powers to evacuate were needed at that stage, did he?

A. That's what he indicated to me.

Q. You did?

A. I believed that they were needed in case the
15 situation escalated where we did need to evacuate people, and that would have been at the direction of the Territory Controller.

Q. Would you agree your note before the add-on at
20 4.40 or thereabouts in relation to that conversation, the contemporaneous parts of those notes are:

25 "What does that declaration give - powers to evacuate needed. Didn't see a need to evacuate".

They are the notes that you took?

A. Yes.

Q. And --

A. Along with:

35 "Mike Castle: the status of the Cotter fire Casuarina Sands burning now.

And around 12 midday:

40 "Canberra Connect, media, press conference precautionary".

Q. Yes. That is factual information as to what
45 the situation was. What I am suggesting to you is the predominant focus of the discussion in relation to a state of emergency was about the powers needed to evacuate in your view; and

Mr Castle putting his view that he didn't believe that they were necessary.

A. No, it wasn't.

5 Q. Can you say why you didn't make any notes of any other issues, apart from the powers to evacuate?

A. Because I had the document in front of me and I was reading from the document of the other
10 concerns and issues associated with the need for a state of emergency.

Q. Does that document note "power to evacuate"?

A. Sorry?
15

Q. Doesn't that document also note "power to evacuate"?

A. The declaration doesn't, but I also had the legislation there that notes that.
20

Q. I am suggesting to you that the reason you wrote down "powers to evacuate needed - didn't see a need" was because the focus of that conversation between you was that the state of emergency was
25 required so police could, if necessary, forcibly remove people from various areas?

A. That was part of the conversation, but there was a great deal more in the conversation regarding my concern for coordination, ensuring
30 that our activities were coordinated in their approach, that we were working together, as well as my concern for information that the community had at that time about the fires.

35 Q. Apart from your difficulty in getting hold of Mr Castle that morning, what wasn't being done between the various agencies?

A. I had a liaison officer in the Police Operations Centre that received no information
40 from Emergency Services Bureau to advise us. I was very concerned about that.

Q. You thought a state of emergency declaration would somehow improve that situation at that time?

45 A. Not in regard to just the direct liaison but also ensuring there was far greater liaison because of the extent of the events that I

anticipated would occur and that the community hadn't been warned enough.

5 Q. Can I suggest to you that, in disagreeing with your views, the basis of Mr Castle's disagreement as he put to you was not that there was no need for possible evacuations or for that power to be activated?

10 A. I don't know what was in Mr Castle's mind at the time.

15 Q. No, no, I am asking you what he said to you as the basis for his disagreement. I suggest to you the basis of his disagreement was, "We don't need possible evacuations. We believe that the AFAC policy is the appropriate document and that's what we believe the situation is at this stage."

20 A. I don't recall him saying those words that you just said. He told me that he didn't think there was a need for a state of emergency and he also didn't see a need for the powers to evacuate.

25 Q. If not frustrated at the failure to get on to him, you were frustrated that he disagreed with your point of view at that stage; I take it?

A. I wasn't happy that he didn't agree with my point of view because I was becoming very concerned about the situation.

30 Q. That's when you made a comment, you say, that "if people die you can answer to the coroner"?

A. That was my view that the situation was that serious --

35 Q. Commander, I asked the question - you said that; is that correct?

A. Said which, sorry?

40 Q. That was when you made the comment that "if people die you can answer to the coroner"; is that a comment that you made?

A. Yes, I made that comment.

45 Q. You didn't make a note of it at 12.29 or thereabouts?

A. No, I didn't.

47

Q. When you heard that somebody had died, you went back to your notes and filled that bit in.

A. That's correct.

5 Q. You didn't fill in any reply that Mr Castle had apparently made; did you?

A. Yes, I did.

10 Q. Where is that? Where do your notes say, "Mike Castle said, 'If people die I will answer to the coroner'"?

A. It doesn't specifically say that there. My recollection of the conversation was that Mike Castle said that he would reply to the coroner.

15

Q. That's not contained in your notes, is it?

A. No, it isn't.

20 Q. Your statement where it is first contained was signed on 8 October 2003?

A. Yes, that's correct.

25 Q. When you made the note that is next to the reference to Phil Koperberg, that was something you felt was necessary to get down on paper at the time as being important that you put to him a reference to the coroner?

A. Mmm-hmm.

30 Q. Presumably if his reply was important, you would have put that down too, wouldn't you?

A. There are a lot of things that happened that were important that weren't written down by me specifically. A lot of other notes were taken by other staff that I had.

35

Q. All I am suggesting is that Mr Castle did not make that reply. That's all I am suggesting - that "I will answer to the coroner"?

40 A. My recollection of the conversation is the words to the effect of what I wrote on the page - in my statement.

Q. Sorry, in your notes or in the statement?

45 A. Sorry, in my statement. The notes on the page of my statement.

47

Q. You don't accept any possibility that you might be mistaken about that?

A. I don't accept the words that you indicated earlier were the words that were provided by
5 Mr Castle.

Q. Excuse me, if you could answer the questions that I ask you as I ask them, Commander. Do you accept that there is any possibility that you
10 might be mistaken that he made that reply at that point in the conversation?

A. No.

Q. You are infallible in that respect?

15 A. Sorry?

Q. You are infallible in that respect?

MR ARCHER: I object.

20

THE WITNESS: It was words to the effect of.

MR WHYBROW: Q. You noted a conversation you had with Mr Castle on 12 January this year where there
25 was some discussion of the calls?

A. I said it may have been the 12th of January.

Q. Can I suggest to you it was 8 August 2003?

30 A. I accept that.

Q. What occurred was that you phoned Mr Castle and spoke to his executive assistant, Vickie Bray, who put you through at approximately 5.30 on
8 August 2003 and had a conversation with him?

35 A. I can't recall who initially rang. I recall that Mr Castle was trying to contact me.

Q. Is it fair to say during that conversation there was discussion as to some ambiguity as to
40 who called who at 12.20 or thereabouts on Saturday the 18th of January?

A. Yes, there was.

Q. Mr Castle, whilst not going into the details
45 of the call itself, was expressing to you that he had looked at the records and couldn't see any record that he had called you and perhaps you had

called him?

A. Yes.

5 Q. And you indicated you would ask for your
people to print out your records and check that
out?

A. Yes.

10 Q. Your initial recollection was he had called
you back and he was suggesting to you in fact it
was the other way around, you called him?

A. Yes, that may have taken place.

(1.05pm)

15

Q. During that conversation there was some brief
reference to the issue of your disagreement about
a state of emergency during the call; do you
remember that?

20 A. I'm not sure what you are talking about.

Q. I suggest that you indicated to Mr Castle that
you were peeved - that may not be your exact
word - for not considering evacuation or state of
25 emergency to give powers of forcible evacuation
and that Mr Castle indicated his consistent
position was that he supported the AFAC policy; do
you remember during that conversation on the 8th
of August having that type of discussion?

30 A. Those type of things were included in the
discussion.

Q. I suggest to you during that discussion
Mr Castle said to you:

35

"I have absolutely no criticism of the
officers, firefighters or emergency workers
who sometimes made heroic decisions when the
fires hit to evacuate people or who
40 influenced people to leave potentially
dangerous situations at the time. But that is
a different situation to the need for
large-scale precautionary evacuations which
is what appears to be the issue."

45

Do you recall him saying something to that effect
to you during that conversation?

A. He may have used some of those words but I don't recall that statement.

5 Q. Finally, during your perusal of the relevant legislation did you consider the Fire Brigades Act or peruse that?

A. At that time I didn't have that with me.

Q. You did?

10 A. I didn't.

Q. Have you since become aware of the fact that it provides certain powers for forcible evacuations in certain situations?

15 A. Yes, under section 7.

Q. Would it be your opinion that people who were in the firestorm on the Saturday - police officers and firefighters - took decisions and in the 20 circumstances they faced which were, as far as you can tell, with all good intention to preserve life and property?

A. Yes, they did.

25 Q. And indeed, given what the community faced on that afternoon, would you also agree - in hindsight perhaps - the community was extraordinarily fortunate that there was only four deaths given what hit the suburbs?

30 A. I was very surprised that there were only four deaths considering the circumstances and what took place.

Q. To some extent, would you agree that has to be 35 some testament to the efforts of those that were in the field on the day?

A. That's correct. Some 160 people taken from 40 places or assisted in evacuation just from one of our teams which were specialist response and security. I am certain some of those people would have died if they hadn't undertaken that course of action.

MR WHYBROW: Yes, nothing further, your Worship. 45

THE CORONER: Thank you. 47

<CROSS-EXAMINATION BY MR CRADDOCK

MR CRADDOCK: Q. You had an officer of police under your command or in direct regular contact with you at the ESB all of the 16th and 17th?

5 A. Not the whole time, no. They attended a number of planning meetings.

Q. They just went there for the planning meetings?

10 A. That's correct.

Q. But it was a regular task that police officers would go to the planning meetings?

15 A. Yes. Sergeant Kirby, who was acting superintendent at the time, was tasked with being the key liaison officer and person in contact with them and to prepare any planning or initial requirements that may be needed for ACT policing to support ESB.

20

Q. I take it that is a yes?

A. Yes.

25 Q. On the Saturday morning the 18th, you had your police liaison officer there at Curtin from early in the morning to pick up whatever could be learnt?

A. Yes.

30 Q. I want to take you to one aspect of your statement. You refer at page 13 to your attempt to call Mr Castle on the morning of the 18th at 9.29am. You had some important things to deal with and amongst them were that you wanted to
35 advise him that you had activated the POC?

A. That's correct.

Q. You wanted to ensure appropriate liaison was taking place?

40 A. That's correct.

45 Q. Is my guess correct, that he would have known that there was appropriate liaison taking place because you had been sending police regularly to planning meetings for the very purpose of liaising?

A. It was my view that it was very important at a

senior level that we spoke to each other, or
persons at that level, to have an overview of the
total situation of all of the components relating
to the fires, media, evacuation, road blocks and
5 activities that we needed to undertake. And I
wanted to be able to talk to him at that strategic
level.

Q. I take it that, notwithstanding that you
10 weren't able to speak to Mr Castle at 9.29am, the
news that you had activated the POC was delivered,
as understand it, by someone to the ESB?

A. I understand that Sergeant Byrnes' role was to
advise ESB of that when he was advised that it was
15 activated.

THE CORONER: Thank you.

<CROSS-EXAMINATION BY MR ARCHER

MR ARCHER: Q. Commander, just a couple of
20 questions. In relation to information that you
were receiving on that day, it wasn't the case
that so far as the movement of the fire was
concerned in its broad outline, you were without
25 information that morning, was it?

A. I was receiving a variety of information both
from our Police Operations Centre and as it links
into our communications centre, as well as through
our liaison officer at Emergency Services Bureau.
30

Q. It was the case that members of the AFP that
morning were tasked with doing jobs in the rural
portions of the ACT to tell people the fire was
coming and in some instances to evacuate people?
35

A. That's correct.

Q. They were in contact with the communications
area at Winchester Centre?

A. That's correct.
40

Q. By virtue of that mechanism you were able to
inform yourself to some degree as to where the
fire was?

A. Yes, I could.
45

Q. Is it your belief today that in fact that
information that you were receiving may actually

have been in advance of what people at ESB were receiving?

A. Yes.

5 Q. Indeed, immediately prior to the conversation with Mr Castle that has been the subject of such long questioning today, did the operations area receive a telephone call or a radio communication from a patrol that was down in the Cotter Reserve
10 telling you something about the fact that the people there were not wanting to evacuate?

A. At about 12.15, I was informed that our patrols were there speaking to persons at the Cotter Pub on a number of occasions and those
15 people did not wish to leave that area.

Q. As part of that conversation they were describing to you or to the person in communications some detail about where the fire
20 was and what the movement of the fire that they thought was?

A. That's correct.

Q. You compared that information against the projections that you had been given from the
25 planning meeting on the morning of the 18th and you could see that those projections were in advance of what you had previously been advised?

A. It was certainly coming further towards
30 Canberra faster than I had anticipated from the information I had received that morning from the planning meetings.

Q. I sense that what has been communicated to
35 this court and to those who are listening to these proceedings is that that morning increasingly you were getting anxious about how that fire was moving?

A. Yes, I was.

40

Q. That anxiety was building because you were receiving that information from the field; that is, where those police officers felt the fire was at a given time?

A. That's correct.

45

Q. As that information was coming in, it was

coming to you as the person in charge of the POC reasonably quickly from the communications area; in fact, there is a collocation; isn't there?

5 A. It is collocated and a person was relaying that information probably within 2 or 3 minutes of it coming into the communications centre from the field.

10 Q. After the briefing from Superintendent Prince, a number of your senior officers gathered together to start some planning in respect of evacuations in the Duffy area?

15 A. We had already actually commenced that early in the morning, and I suppose continued with that with more vigour after speaking with Superintendent Prince because we felt that it was becoming more urgent.

20 Q. It was during that reconvened meeting, as it were, that group received some information that they needed to get out to Duffy quicker because the fire might be arriving earlier than had been anticipated?

25 A. That's correct. I formed the view from information coming in from the field that it had progressed far further than we had anticipated it should have.

30 Q. You went to that gathering and told them so?
A. That's correct. I said that I was deploying them out into the police forward command post. I wanted them to set it up immediately on getting out there and be in place in case they needed to evacuate on direction or take any other course of
35 action required to support the community.

Q. When Superintendent Lines in his statement says this:

40 "In any case he quickly and unceremoniously ended our meeting."

That was the information and you were the source?

45 A. It was the direction I gave them.

MR ARCHER: Thank you.

47

MR WHYBROW: I apologise, but it has been drawn to my attention a couple of notes which are on the system which should be shown to Commander Newton. I appreciate Mr Archer may need another
5 opportunity to question but I wanted to do it before Mr Lasry re-examined. With your Worship's leave, and again conscious of hoping that Commander Newton can be excused and not have to come back either this afternoon or again. That
10 document is [DUS.AFP.0001.0590].

<FURTHER CROSS-EXAMINATION BY MR WHYBROW

THE CORONER: What is that document, Mr Whybrow?

15 MR WHYBROW: It is a Promis entry from the Australian Federal Police. It appears to be in effect a case note added by a Sergeant Rachel Brown on 21 January at 3.08pm outlining as a contemporaneous record, it would appear, of the
20 discussions between Commander Newton and Mr Castle at 12.20 or thereabouts on 18/1.

Q. Does that description appear to be accurate, Commander? Somebody has put into the Promis
25 system an entry relevant to your discussions with Mr Castle at about 12.20 on 18 January?

A. Sergeant Rachel Brown put that in after I had advised her of the discussion.

30 Q. If you read through that, you would agree it appears consistent with what is in your notes - the reference to Casuarina Sands and then declaration of emergency and references to evacuation?

35 A. Yes.

Q. Would you also agree with the contents of that note certainly the larger paragraph:

40 "Commander Newton informed Mike Castle that she believed that a state of emergency needed to be declared. Rationale for decision was based on the belief that all criteria associated with the declaration had been met.
45 Powers associated with calling a state of emergency were required to forcibly remove people that were refusing to leave residences

5 or commercial premises placing themselves in
danger of perishing in the fires. Concern
that the fire front was proceeding three
hours ahead of initial projections and the
need to be able to evacuate Duffy in
particular if people were in imminent
danger."

That note was typed in on 21 January?

10 A. The note initially was handwritten. Because
of problems with the system during the fires, the
system kept going down. So they were typed in at
a later time.

15 Q. In relation to the discussions about the
criteria associated with a declaration having been
met and that a state of emergency required to
forcibly remove people, is that a fair account of
at least that aspect of the discussion you had
20 with Mr Castle at that time?

A. Part of it, yes.

Q. This is the information you provided to
Sergeant Brown to make a contemporaneous police
25 record of it?

A. For our records, yes.

MR WHYBROW: Thank you.

30 THE CORONER: Anything arising, Mr Archer, from
those questions?

<FURTHER CROSS-EXAMINATION BY MR ARCHER

35 MR ARCHER: Q. There was a process, I believe,
that critical decisions were the subject of a note
being taken. You have at least one or perhaps
more people that were with you who were taking
notes in relation to critical decisions.

A. That's correct.

40

Q. Because the Promis system had difficulties,
like everybody else on the day, it wasn't possible
to input that information straight away?

A. No. It was handwritten.

45

Q. That particular entry that my friend has just
read from was put into the system on the 21st,

some days later; is that correct?

A. From viewing it, yes.

5 Q. So far as the handwritten note is concerned,
was that dictated to somebody by you?

A. It would have been dictated to Rachel Brown at
the time.

10 Q. Do you know when in this particular instance
that would have occurred?

A. Shortly after the conversation I had with Mike
Castle.

15 MR ARCHER: Thank you.

THE CORONER: Thank you, Mr Archer. Mr Lasry, any
re-examination?

20 MR LASRY: Just one matter of clarification.

<RE-EXAMINATION BY MR LASRY

25 MR LASRY: Q. When I was asking you questions,
you volunteered the conversation that you had with
Mr Castle about this conversation. As I
understood it, you initially said to me that the
conversation took place on the 12th of January
this year or thereabouts. The 12th or the 15th, I
think you may have possibly said. Am I wrong
about that?

30 A. Sorry, which conversation? The one on the
18th that we are talking about?

35 Q. Yes. I thought you originally had said that
Mr Castle contacted you and that you and he had a
discussion in which he said he didn't recall the
discussion at 12.20 on the 18th?

A. Of this year. I said it may have been, yes.

40 Q. My confusion is simply I thought - I then
asked you whether or not you had a note of it and
you referred to a document. What did you actually
refer to?

A. (shown document).

45 Q. Just remind me what that document tells you?

A. That was the note that I made when I spoke to
Mike Castle regarding the telephone conversation

on the 18th.

Q. But it didn't note the date?

5 A. No. There was 12/1 on the top, but I wasn't
sure whether or not that was the actual date of
the discussion.

10 Q. So when Mr Whybrow suggested to you, and I
think you accepted, that it could have been
8 August, you did that without hesitation; you
have no recollection at all about when this
conversation took place?

A. Not the specific date, no.

15 MR LASRY: Yes, thank you, your Worship.

THE CORONER: Thank you, Mr Lasry. Commander
Newton, you are excused. You are free to leave.

20 THE WITNESS: Thank you, your Worship.

<THE WITNESS WITHDREW

MR LASRY: That completes the list for today. It
is proposed tomorrow to call Mr Collins and
25 Mr Cartwright. That will complete the list for
tomorrow.

MR PIKE: Your Worship, I have been told that
Mr Collins is not to be called tomorrow because of
30 difficulties with his representation. My position
certainly is that I have got a pre-existing
commitment for tomorrow, as has Mr Craddock I
understand. We had been going to make an
application that Mr Collins' evidence not be taken
35 tomorrow given those facts. I was told it wasn't
necessary because those instructing my friend - I
have been advised that he can't appear tomorrow.
That may be new to my friend.

40 THE CORONER: That might be news to Mr Lasry at
this stage.

MR LASRY: There is obviously a liaison issue. I
will have to have a planning meeting. If in fact
45 that is the case, it will only be Mr Cartwright.

THE CORONER: All right.

MR LASRY: We did attempt to have him brought forward, but I think you have already been advised that that has not been able to be done.

5 THE CORONER: Yes. All right. For the afternoon, I am content to sit and listen to more of the tapes but I will certainly understand if I am alone apart from perhaps the operator of the tapes. Those of you who feel you would like to be
10 here, please do. Otherwise you are excused until tomorrow. We won't resume until say 25 past 2.

LUNCHEON ADJOURNMENT [1.25pm]

15 **RESUMED [2.40pm]**

MS CRONAN: I will start playing the telephone recordings from the morning of 10 January on Channel 54 starting 08.36.02.

20

(tapes of telephone calls played)

MS CRONAN: Is that a convenient time, your Worship?

25

THE CORONER: I will adjourn until tomorrow morning at 10 o'clock. Is Mr Collins coming, do you know?

30 MS CRONAN: No. He will be available with a barrister on Monday morning. Tomorrow we will have Mr Cartwright.

THE CORONER: We will adjourn.

35

HEARING ADJOURNED AT 4.00PM UNTIL FRIDAY, 14 MAY 2004

40

45

TRANSCRIPT OF PROCEEDINGS

CORONER'S COURT OF THE
AUSTRALIAN CAPITAL TERRITORY

MRS M. DOOGAN, CORONER

CF No 154 of 2003

CANBERRA

INQUEST AND INQUIRY INTO
THE DEATH OF DOROTHY MCGRATH,
ALLISON MARY TENNER,
PETER BROOKE, AND DOUGLAS JOHN FRASER
AND THE FIRES OF JANUARY 2003

DAY 54

Friday, 14 May 2004

[10.06am]

MR LASRY: I call Peter Cartwright, please.

5 <PETER CARTWRIGHT, SWORN

<EXAMINATION-IN-CHIEF BY MR LASRY

MR LASRY: Q. Mr Cartwright, is your full name Peter Cartwright?

10 A. Yes, that is correct.

Q. Do you live at 1932 Sutton Road, Sutton in New South Wales?

15 A. Yes, that's correct.

Q. Are you present a relieving district officer in the ACT Fire Brigade?

A. Yes, that is correct.

20 Q. Mr Cartwright, for the purposes of this inquiry there are some documents I want to ask you about. First of all, a document dated 2 May of last year - [ESB.AFP.0049.0324] - which is a description of your activities commencing on
25 8 January through until 20 January; is that correct?

A. Yes, it is.

30 Q. Which in its sense stands as a statement by you, Mr Cartwright, and which you signed on Friday 2 May of 2003; is that right?

A. That is correct.

35 Q. As far as you are aware, is the information in that document true and correct?

A. I believe it to be so.

40 Q. On 25 March 2003 you took part in a recorded conversation with Constable Mark Travers and Constable Michael Baker; is that right?

A. That's correct.

45 Q. That is [ESB.AFP.0046.0262]. Have you had the opportunity to read the transcript of that conversation, Mr Cartwright?

47 A. Yes, I have.

5315

Q. As far as you are aware, is the information that you provided in that discussion true and correct?

A. I believe it to be so.

5

Q. Have you provided to this inquiry an extract of your diary, in particular an extract for 16 January 2003, which is [ESB.AFP.0026.0195]; is that right?

10 A. Yes, I have.

Q. Indeed this morning through Mr Watts, your counsel, have you also provided some notes that you have made out of a small notebook?

15 A. Yes, I have.

MR LASRY: I will tender those notes. My learned friends, apart from Mr Watts, won't have seen those. I am not sure, frankly, that there is anything in there that is of particular relevance. I am certainly content for the document to be tendered. In fact I will hand up my copy and if my learned friends need time to look at them before they ask questions, I obviously wouldn't object.

25

Q. Do you have the originals?

A. I have the original notebook here.

30 MR LASRY: Perhaps I will tender a copy.

THE CORONER: The notes made by Mr Cartwright will become exhibit 0058.

35 **EXHIBIT #0058 - NOTES MADE BY MR CARTWRIGHT
TENDERED, ADMITTED WITHOUT OBJECTION**

MR LASRY: Q. To go back to the document that you provided initially, I am not going to take you through day by day in relation to that document. As I have already asked you, it provides some detail of what you did commencing on 8 January and gives some detail of your operational activities between then and the 20th of January; is that right?

45

A. That is correct.

47

Q. On the 16th of January at 2 o'clock you attended a briefing at Curtin which is noted in your diary at 2 o'clock meeting at Curtin for DOs which I take it is for district officers; is that right?
5

A. Yes that's correct.

Q. You attended that meeting as your diary records?

10 A. Yes.

Q. A number of other people also attended that meeting. I think in the course of your interview with the police at question 25 you have identified the others present as: Mr Bennett, the Fire Commissioner; Mr Newham, the operations superintendent; Dave Prince, one of your other superintendents; John O'Connor; Mick Collins; Phil Canham; Tony Ross; Conrad Barr; and Jeff Dau; is that right?
15
20

A. Jeff Dau.

Q. D-A-U, is that the correct spelling of his name?

25 A. That is correct.

Q. I know you have answered some questions about this before but let me ask you: what did you understand was the purpose of the meeting that you were attending?
30

A. The purpose of the meeting was I understood Mr Lucas-Smith briefing ACT Fire Brigade senior officers of what was occurring in the hills with regards to the fires, the weather predictions for the coming days and the potential impact they may have.
35

Q. Until you attended that meeting, did you have any reason to consider the possibility that the fires might have an effect on the Canberra urban area?
40

A. I grew up in the country so I'm aware of bushfires. I was also aware - I had been kept up to date by reading the briefing notes of what was occurring with the fires. I was aware that the fires were continuing to grow to the west. We had weather that was unusual for that time of year in
45

Canberra in that we had weather for six or seven days, from memory, with easterly winds blowing.

I think I recall ringing my brother on the
5 Wednesday night and saying, "I'm concerned about
the fires" because I live in the country, as I
said, east of Canberra and fires are a real threat
to us all. So with that experience, I think I
remember ringing my brother and saying, "I am
10 concerned about the fires continuing to grow to
the west. When those winds turn around, we might
cop it".

Q. Where does your brother live?

15 A. He lives next door to me, out of Sutton.

Q. Before I ask you about the substance, your
diary records notes of what you were told at that
meeting. As you are no doubt aware, the content
20 of your note has been put to other witnesses. I
want to understand the process by which this note
was made. At the meeting, were you writing notes
as Mr Lucas-Smith was speaking?

A. Yes, I took notes.

25

Q. Is it these notes that you took or is it some
other notes?

A. I believe that I transcribed those notes into
my diary later that evening. I think I jotted
30 down on a note pad and then I transferred it to
here later that day (pointing to diary).

Q. Do you still have those original notes?

A. No, sorry, I don't. I have tried to find them
35 and I don't have them.

Q. Is there any particular reason why you say
that you transcribed those notes into your diary
later that day?

A. I often do that and my diary reflects that. I
had made the jottings and they were jottings, you
know, where I had written a sentence and that's
indicative of the notes I might have given you
today out of my notebook. They weren't written in
45 that; they were written on a piece of paper; and I
transcribed them to my diary, as I often do.

47

Q. Looking at the note that you actually made under the heading - I take it the heading "2 o'clock" in the document "2pm" is circled and it says "meeting at Curtin for district officers",
5 that is an appointment you have written in your diary for that day; is that right?

A. That is correct. I believe I was rung the previous day by Superintendent Newham and he asked me to attend the meeting. I most likely wrote
10 that in there when he rang me.

Q. In the meeting I think you have said in the course of your answers to questions, took about 40 minutes or so; is that right?

15 A. That would be correct.

Q. Mr Lucas-Smith commenced the meeting?

A. Yes, he stood and briefed the meeting.

20 Q. I know you have given an account in your statement and in the answer to police, but I want to just take it from the notes, if I can. It says:

25 "Peter Lucas-Smith briefed meeting on fires in Brindabella."

Apart from what is written next - that is that "two fires had merged" - can you recall what he
30 told you generally in the course of that briefing about the fires in Brindabella as you have recorded?

A. He described the fires and the efforts that had been taken by the Rural Fire Service to try to
35 contain the fires and he explained that in some detail, from memory. He explained that the Gingera fire, which from memory was the southern fire, and the Stockyard fire I think had combined in the previous 24 hours. We were now dealing
40 with two fires in principal: the Bendora fire and the combined Stockyard and Gingera fire. As I said, he described what they were doing in trying to contain those fires and efforts they were putting in. I think he may have described the
45 location of some of the containment lines and the advance of the fires to the west.

47

He then drew on a map on the wall. He drew the extent of the fires that had come into the ACT or were in the ACT that came into Canberra in 1939, I think, in 1952 and in 1985. From memory, he
5 showed on the map where Woden Hospital is now and one of those fires at least had certainly impacted right through to there. Of course Woden Hospital wasn't there in 1952. And I think he drew with a blue or black texta on a map with arrows
10 indicating the direction of fire travel and the extent that they reached into the Canberra area.

Q. Just for my identification, where is the Woden Hospital?

15 A. Woden Hospital is east of Woden Town Centre.

Q. I think I understand that.

A. Woden is south to the city.

20 Q. What was the relevance as you understood the briefing; why was Mr Lucas-Smith giving you that description; what was he saying about the relevance of the historical description that he had given you?

25 A. I understood the reason wasn't just a history lesson. I believe the reason was to inform the members in the room of the potential impact of the fires that were heading west and had been heading west for seven or eight days. And when the winds
30 changed under the conditions that were predicted over the coming days, it was a real possibility that those fires could head east and impact on urban/rural interface.

35 Q. Your note refers to a 50/50 chance that the fires would break containment lines. Does the note reflect what Mr Lucas-Smith actually said?

A. I believe so.

40 Q. The note goes on to refer to the map as you have just described for 1939, 1952 and 1985. Then says:

"Possibility this fire could do same."

45

Is what you have written?

A. Yes.

Q. First of all, is that something close to the words that Mr Lucas-Smith actually used?

A. Yes, I believe so - certainly my understanding of what he said.

5

Q. As your note has recorded, he said there was a 50/50 chance that the fire would break the containment lines. Did he in any way expand on how likely or how possible it was that this fire would repeat the events of 1939, '52 or '85?

10

A. No, I don't believe he expanded on it. But by giving that information, I believe he was informing us that that was a real possibility.

15

Q. Of course that was information which was extremely relevant so far as you were concerned?

A. That is correct.

Q. And your colleagues, for that matter?

20

A. That is correct.

Q. As this briefing was occurring, was there interplay between him and others present; in other words, were questions being asked as he went or was it a monologue basically?

25

A. There wasn't a lot of interchange. It was mainly Mr Lucas-Smith giving information to the members present.

30

Q. The note then says:

"Advised didn't want to alarm public and media."

35

As best as you can recall, can you describe what Mr Lucas-Smith said in relation to that?

A. I believe he said words to the effect, "This information is not to leave the room. And if it gets into the media, I'll deny it".

40

Q. That follows in your note from the sentence that I quoted to you. Can I just ask you to go back to the sentence which says:

45

"Advised didn't want to alarm public and media".

47

A. Yes, I have got that in front of me.

Q. As best as you can recall, are they the words
or something like the words he used; or are you
5 able to expand on that from your recollection at
all?

A. No. They're as best I can recall the words
were that used.

10 Q. Your note records "this INFOR" - is that
abbreviation for information?

A. Let me get where you are up to.

Q. After "advised didn't want to alarm public and
15 media" --

A. Yes.

Q. Is that --

A. Sorry, my abbreviation for information:

20

"This information not to leave room".

Q. Then:

25 "Said he would deny it if it got to media."

A. Yes.

Q. How was that said, to your recollection? What
30 was Mr Lucas-Smith's demeanour at the time he said
that?

A. This was all very serious, let me assure you.

Q. Was there any level of humour about what was
35 being said?

A. No. Peter doesn't normally joke.

Q. From your point of view as someone sitting
there listening to it, how did you interpret what
40 he said? By that I mean, was it a comment, was it
a direction, was it a request? How were you
interpreting the phrase "this information not to
leave the room"?

A. Well, Mr Lucas-Smith is in a very senior
45 position in the Rural Fire Service. He is not
directly my superior. He forms part of a senior
management team in the bureau. That information

coming from someone so senior, I took it very serious.

5 Q. When you left that meeting or when the meeting finished, did you feel that you were in a position to deal with that information?

10 A. I felt a bit awkward, actually. And there was some discussion - Mr Lucas-Smith and our commissioner at the time, Mr Bennett, left the room. A robust discussion went on amongst the senior officers in the room as to what we should do. From that discussion, it was decided to form - I think I make note of that later - an Incident Management Team for the ACT Fire Brigade.

15 Q. Was that a discussion that was, in a sense, loosely chaired or coordinated by Mr Newham?

20 A. Yes. He was the most senior ranking ACT Fire Brigade officer, so Mr Newham chaired the meeting.

25 Q. You were faced with information as you have described it. Was any issue raised at the point where it became apparent that there was a risk to the suburban area? Was there any issue raised in this meeting with Mr Lucas-Smith about the public being warned?

A. No, there wasn't.

30 Q. Did it cross your mind to ask whether it was appropriate to start warning people about the potential?

A. It doesn't form part of my duties at the rank that I am at. My duties --

35 Q. I wasn't so much suggesting duties, Mr Cartwright; I was simply asking whether it crossed your mind to ask a question during the discussion about whether or not people were to be warned?

40 A. I don't recall. I'm not saying I don't recall - I am just saying I don't recall that crossing my mind.

45 Q. Apart from saying that he would deny if it got to media, the following line in your note says:

"Suburbs of possible risk from Namadgi fires

were west suburbs of Tuggeranong and Weston Creek."

5 Can you describe, as best as you can recall with the aid of that note, what was actually said about that?

10 A. I can't give you much more information on that. As I said, Mr Lucas-Smith drew the lines on the map and I think he indicated briefly at one time that this is the area that could be impacted by the fires.

15 Q. We've had a lot of evidence in this inquest and some of it has dealt with the consequences for the suburbs, the effect of smoke, consequences for the urban interface which doesn't necessarily refer to urban dwellings. Did you have an impression or a sense from the meeting and from the information you were given about whether or not what was being discussed as a possible consequence was a risk to urban dwellings, to the suburbs themselves?

20 A. I have no doubt at all.

25 Q. That that's what was being referred to?

A. That is correct.

30 Q. As you have said after the meeting was finished, Mr Lucas-Smith - sorry before I go to their departure, was there any part of the discussion where questions were being asked and answers given?

A. To Mr Lucas-Smith?

35 Q. Yes.

A. No. There was not a lot of interchange with Mr Lucas-Smith.

40 Q. So it was information that you were now in possession of?

45 A. Yes. Things were obviously pressured for Mr Lucas-Smith in meetings and so forth. As I said, he left the meeting - put the map under his arm, and he and Mr Bennett left the meeting to go to another meeting.

Q. Those of you who remained discussed some

options, as you have set out in what I have referred to as your statement. The options, as you have already said in evidence, was to form an IMT. Mr Newham was to be the operations officer, Mr Collins the planning officer, Mr Canham the logistics officer. The group agreed to meet immediately after the meeting. Do you know what that group did after that decision was made to meet and form the IMT?

5
10 A. No. I worked. As I said, I was on duty that evening. I had come in early at 1400 hours for the meeting and I then worked that evening, worked through to 0800 the next morning and then came in for duty the next meeting on Friday the 17th, and worked all that evening and then finished my duty at 0800 on the Saturday. At no time did I have any further information from that IMT. I don't recall them having any contact with any member - I obviously reported to Mr Newham and had contact regularly throughout my shift with Mr Newham. There was no specific detail discussed with me relating to that IMT.

25 Q. We had some evidence from Mr Newham the other day in relation to this, and an incident action plan was formulated which is [ESB.AFP.0110.0860]. Did you see the incident action plan?

A. No, I did not.

30 Q. I ask you to have a look at the document that will come up on the screen in a moment and tell me whether you have seen that before. This is a document dated 17 January 2003 at 1630 hours or 4.30 in the afternoon described as the "incident action plan ACT Fire Brigade" setting out situation, strategy, courses open and response. Is that a document that you have ever seen before?

35
40 A. I think I saw it a week or two after the fires. But I certainly didn't see it - I think I heard reference to it in a debrief after the fires and I made a point of then trying to find it. But I certainly had not seen that prior to January 18th.

45 Q. Beyond that, you were unaware as to what else that particular IMT did; is that right?

A. Yes, that is correct.

Q. Mr Cartwright, the only other thing I wanted to ask you about was I think your notes which were recently tendered indicate that on the 20th of January some issue arose as to what was known, am I right about that, between you and some other members of the ACT Fire Brigade?

A. We had a lot of traumatised crews following January 18th, and I worked on the Saturday leading a combined New South Wales and ACT task force in recovery in Duffy. I worked Monday morning and then I went home at 1pm from memory and I resumed duty Monday evening at 1800 on A platoon. A platoon was a team that worked on Saturday. I spent a fair bit of time with four different crews, I think two from memory on the Monday night and two very early on the Tuesday morning. Those crews, as I said, were very traumatised. We had four or five crews that nearly lost their lives.

Q. Yes.

A. As the district officer - can I just take a minute?

Q. Yes, certainly.

A. They were very frustrated and, as I went and spent time talking with them, they were saying "Why didn't we know? We should have had more information". And I read from my diary what I knew. They said, "Why didn't you tell us? Why didn't we know? We should have know more." I read from my diary the diary notes.

Q. So that certainly the notes that you made on the 16th of January had been transcribed into your diary well and truly by the 20th?

A. That is correct.

Q. What was the response when you read the note?

A. As I said, my focus was to ensure that the crews that I was dealing with - to help them refocus on being professional, maintaining our roles in the urban area. But they were very, very frustrated at what had occurred. Firefighters as you know are very passionate. I am very passionate about the ACT Fire Brigade. You want to do your best; you are there to save life and property. That is our job.

Q. Mr Cartwright, I think the last thing I want to ask you about and perhaps I should have asked you this at the start. You have provided a curriculum vitae I think indicating your involvement in the ACT Fire Brigade since 1986: training in November 1986 and an operational firefighter with a wide range of operational experience; promoted to station officer in 1994; involved in fire safety and public education between 1994 and 1999; station officer C platoon 1992-2003; and you have served as relieving operational district officer. That's the position you hold now; is that right?

5
10
15 A. That is correct.

MR LASRY: I tender that curriculum vitae, if your Worship pleases.

THE CORONER: Mr Cartwright's curriculum vitae will become exhibit 0059.

**EXHIBIT #0059 - MR CARTWRIGHT'S CURRICULUM VITAE
TENDERED, ADMITTED WITHOUT OBJECTION**

25 MR LASRY: Thank you, Mr Cartwright. Your Worship, I have nothing further.

MR LAKATOS: I have no questions, your Worship.

30 MR PIKE: I have no questions, your Worship.

THE CORONER: Yes, Mr Walker.

<CROSS-EXAMINATION BY MR PHILIP WALKER

35 MR PHILIP WALKER: Q. Mr Cartwright, you attended Bendora Dam as part of the clean-up operation after the helicopter had gone into the dam; is that right?

40 A. Yes, that is correct.

Q. When did you start - that is, Tuesday the 14th of January?

A. Yes, that is correct.

45 Q. When did you start work on that day?

47 A. At 0800.

Q. Where did you start work on that day?

A. I changed over with the off-going district officer, who from memory was Danny Beginny. From memory I changed over at his home.

5

Q. Which is where?

A. In Queanbeyan.

Q. You proceeded back to the Bendora Dam?

10 A. No, from memory I went back to Curtin. I was directed by my superintendent to attend Bendora Dam on the Tuesday.

Q. Just remind me, who was that that gave you that direction?

15 A. Operational Superintendent Peter Newham.

Q. How long did you spend at the dam on that day?

20 A. We were there all day. We worked in conjunction with Australian Federal Police and we recovered - we were there to protect the Canberra water supply from possible leakage of oil or fuel from the submerged helicopter. I was there with a crew with particular equipment for hazardous material. We worked through there.

30 Referring to my diary if I may: I have got in my diary a note saying I finished work at 1930 hours. If I remember rightly, driving out after Bendora Dam I had a puncture, which delayed me slightly. We changed the tyre, and I finished duties around about - my diary says 1930 hours.

Q. When you were at the dam, did you exercise a supervisory role or were you actually hands on undertaking work as well?

35 A. No, my job was a supervisory role.

Q. 11 and a half hours on, on that day, I gather?

40 A. Yes, that's correct. I should say that's not unusual. We work two 10-hour day shifts and two 14-hour night shifts. So that is not unusual.

Q. When did you start work on the Wednesday?

45 A. I would have been rostered for duty at 0800.

Q. Where did you start?

A. It would have been same. I would have changed over with the off-going district officer and then reported to Curtin for duty.

5 Q. What did you do throughout the Wednesday?

A. Well, I know I chased a tyre for the vehicle to get it repaired from the puncture. Can I refer to my notes please?

10 Q. Yes.

A. On the Wednesday I would have conducted normal operational duties. I think I attended a briefing meeting at Curtin - there were briefing meetings at 4pm, 1600 hours. I think I attended a briefing
15 meeting on what was happening in the fires and then conducted normal day-to-day routine duties for the platoon. As an operational district officer you look after nine stations plus your staff in the communications centre.

20

Q. Was that a planning meeting at 1600 at Curtin that you attended?

A. I think it was a briefing meeting that Mr Lucas-Smith would have chaired.

25

Q. Do you recall what was said at that meeting?

A. I have the notes from - I have the printed notes from that meeting.

30 Q. I might just see if I have them. When you say the printed notes, do you mean the minutes of that meeting?

A. Yes, I do.

35 Q. When did you finish on that particular day?

A. I would have finished at 1800 hours.

Q. It was during that day, was it, that you were told that you were required to attend a briefing
40 meeting on Thursday, the 16th?

A. I believe so, yes.

Q. Approximately when?

A. When I was to attend the briefing meeting?

45

Q. When were you told that.

A. I can't recall the time of day. That day I

was told that. I was asked from memory by
Superintendent Newham.

5 Q. Sorry, you say you can't remember the time of
day?

A. I can't remember the time of the day on the
Wednesday, the 15th, at what time during that day
that Mr Newham asked me to attend the meeting the
following day.

10

Q. Mr Newham presumably gave you some indication
of what the purpose of that meeting was; did he?

A. I would believe that would be correct.

15

Q. Do you recall what he told you?

A. I do not recall what he told me. You will see
I have a diary note that says "meeting 2pm DOs".

20

Q. You don't have any recollection at all of what
he told you?

A. No, I don't have any recollection at all of
what he told me regarding that meeting. It was
just "Peter, attend. We have got a meeting
tomorrow afternoon at 2 o'clock".

25

Q. Did he tell you who was going to attend the
meeting; do you recall whether he told you who was
going to attend?

A. No, I don't recall whether he told me that.

30

Q. Did you ask any questions about "should I
bring anything?" or "do you need me to bring any
information?" or anything of that nature?

A. No, I don't recall.

35

Q. No recollection at all. When did you start
duty on the 16th?

40

A. On the 16th, I was due to start duty at 1800
hours. I came in at 1400 hours - 2pm - to attend
Curtin, the meeting of the DOs that I had been
notified of the day before.

Q. How many people were at that meeting?

45

A. There was about a dozen or 14. There was a
fair number. It was in the executive conference
room at Curtin.

47

Q. Were they all fire brigade personnel?

A. I believe there was a couple of ambulance personnel there also.

5 Q. So we have got something like a dozen different fire brigade personnel there?

A. Approximately.

Q. Were they all DO and above rank?

10 A. Not all, but predominantly they were people who were district officer and above or acting in that role.

Q. What's the responsibility of the district officer in the fire brigade?

15 A. The district officer in the fire brigade, the operational district officer's function is to manage staff, manage resources and manage incidents that occur within the built-up area, the legislative responsibility of the ACT Fire
20 Brigade.

Q. Is it appropriate to talk about stations under a district officer's control?

25 A. Could you clarify that question, please?

Q. Well, what I want to ask you is: does a district officer, for example, have two or three fire stations he is responsible for organising?

30 A. He is responsible for nine fire stations and the staff of four brigade people in our communications centre. Given there will be approximately 10 people on leave at any time, you are responsible for approximately 50 staff.

35

Q. Nine brigades, you said?

A. I said nine stations.

Q. My apologies, nine stations, 50 people.

40 Equipment as well would also fall within this responsibility if it is within those stations, I take it; is that right?

A. That is correct. The appliances, all the operational front line appliances come under the
45 resources of the operational district officer.

Q. Do you recall how many district officers or

acting district officers attended the meeting on the 16th because there were some people above that rank; weren't there?

A. Yes, that is correct.

5

Q. Do you recall how many district officers or acting district officers attended the meeting?

A. Approximately eight, I would say - seven or eight DOs.

10

Q. How many fire stations are there in the ACT?

A. You just asked me that a moment ago. I said nine.

15

Q. How many fire stations? There are nine stations?

A. ACT Fire Brigade has nine stations.

20

Q. Perhaps I misunderstood an answer you gave. I thought you said a district officer was responsible for nine stations?

25

A. Can I explain to you: There is one fire district currently in the ACT Fire Brigade. There are nine stations, plus Curtin where we have our communications centre. And there is four ACT Fire Brigade staff: a supervisor, a station officer, and three firefighters. So in effect you are looking after nine operational stations plus the staff in our communications centre.

30

Q. Just so I follow your evidence completely. I may have missed something. The district officer is responsible for how many stations, an individual district officer, or is it simply that each takes a turn managing the whole of the nine?

35

A. There are nine stations plus COMCEN, as I described. We work a 10/14 roster: We work two 10-hour day shifts then we work two 14-hour night shifts and there are four platoons. So you have a district officer for A, B, C and D platoon. I was relieving district officer on C platoon.

40

There is approximately 300 staff in the ACT Fire Brigade. There is approximately 60 staff per platoon, plus other staff on day work in portfolios.

47

Q. Your understanding of the purpose of the meeting on the 16th at ESB at 1400 was to brief the DOs?

A. Brief the senior management --

5

Q. All right, DOs and senior management?

A. Yes, that is correct. Brief the senior management of the ACT Fire Brigade on the progress of the fires.

10

Q. From that information, I take it the senior management and the district officers were to make sure, if they thought it appropriate, that the personnel and equipment under their charge were ready to meet any particular contingency they were informed of; is that right?

15

A. I believe that would be correct.

Q. Of necessity, would that have involved possibly calling back crews or personnel; was that something that might have come out of that meeting?

20

A. As I said, following when Mr Lucas-Smith and Mr Bennett left the meeting, there was discussion about a number of options.

25

Q. Perhaps before we go to the meeting, you have been asked to attend a briefing meeting. If not before, at least when you get there, you see the senior management and all the DOs are in attendance. You are about to be informed of that which is the state of the bushfires by the Chief Fire Control Officer. You would recognise, I take it, at that point in time that, as a consequence of what you are told by Mr Lucas-Smith, it might be necessary for the DOs to organise some people and equipment; is that right? You realise that, wouldn't you?

30

35

A. It is normally the - we work in a chain of command. I report to a superintendent; the superintendent reports to the Commissioner. As I said, the DO's job is to manage staff and resources for incidents. If you are talking about recalling staff to duty, that would normally be a decision made by a superintendent or the Commissioner, if I am understanding clearly the question. I don't know whether you have made the

40

45

question 100 per cent clear.

Q. Perhaps if recalling staff to duty is something done by a superintendent or a
5 commissioner, is it something that the district officers would discuss with the superintendent or commissioner, in your experience, before that step was taken?

10 A. Yes. We would make suggestions to our superiors.

Q. Doubtless the superior would say, "How are you placed to deal with this," and there would be some discussion?

15 A. You are correct.

Q. If an order like that went out "bring in some additional people, call in some extra people", who would in your ordinary experience execute that
20 order?

A. I would delegate that function to the station officer, the supervisor in our communications centre. As a matter of fact I assisted him doing that on Friday night when I was tasked to lead a
25 strike team to Tharwa. We actually recalled some staff to allow us to do that.

Q. How many station officers are there in the fire brigade?

30 A. There would be approximately 60.

Q. You may have to contact several, depending on what the call was for manpower - potentially?

35 A. To make the question clear, are you talking about attempting to recall staff?

Q. Yes.

A. You generally have to call quite a few to try to get staff back. We have been short-staffed and
40 have been short-staffed for a fair period, so people get sick of getting recalled for duty.

Q. When you finished this briefing meeting on the 16th, where did you go?

45 A. From memory, I had a short break for about half an hour and then I went to the briefing meeting at 1600 hours, attended that, then I went

back to my desk, office in Curtin.

Q. You remained at work until what time?

A. Until 0800 the next morning.

5

Q. Do you recall when you transcribe the notes that you took at the meeting that commenced at 1400 into your diary?

A. I don't remember specifically the time that I did that. But as I explained in evidence just given, I had little opportunity to do it after the 16th, because I worked on the Friday the 17th and that night I was in things - the fires you would be aware had jumped Corin Dam and it was threatening Tidbinbilla.

15

I was in COMCEN and then was tasked to go to Tharwa. I worked all night at Tharwa with a strike team of six appliances to save Tharwa. And then I finished duty at 0800 on Saturday morning and then I worked on the Sunday from around about 0730 through till 9/9.30 on Sunday night in recovering Duffy.

20

As I said, I was tasked by the Commissioner to have a report through to him through to the Minister on our recovery efforts in Duffy on the Sunday. I came in at 0700 hours from memory on the Monday, did that report and then went back into the field in Duffy, handed over to another DO, went home at 1300 and came back to work for 1800 that night. So I had little opportunity - and, as I said, I read from my diary that night and the next morning. So there was little opportunity to do it between the 16th and the 20th.

25

30

35

Q. Does that mean it was done after the 20th?

A. Can you ask the question again? I am not clear of your question.

40

Q. I will slightly reword it. Did you make the transcription on or after the 20th?

A. I don't believe so, no.

45

Q. How do you know?

A. Because I read from it on the 19th and the

20th.

Q. You had other notes?

A. I beg your pardon.

5

Q. You had made other notes. How do you know you didn't read from the other notes?

A. Because I can be very specific. When we were having the discussion with the traumatised
10 firefighters at the station, I went out to the vehicle and got my diary. As a DO, I carried the diary with me most places I went. I had it in the car and I went out and got it and I read from it.

15 Q. Did you keep the notes that you made in the meeting inside your diary?

A. No.

20 Q. Looking at your note in your diary, who is John O'Connor?

A. John O'Connor is another relieving district officer.

25 Q. Is there any particular significance that you add his name to the note that you made of the meeting?

A. You will note in my taped evidence to the police I said that I added - you will note that
30 1985 in transcribing those notes I wrote 1939, 1950 and there was a little blank and I had an underline where 1985 went. Later on - because I had written the notes in haste or reasonably by the likes of it or just transcribed them as they were, I filled in 52 and I filled in 85. And I
35 would suggest to you that I added "John O'Connor was at the meeting" because I was trying to remember - during that interview with the police they asked me who was at the meeting and I was trying to recall from memory who was at the
40 meeting. So I would suggest to you that I wrote that later.

Q. You made this alteration to "1952" in your notes; what time did you say you made that?

45 A. I can't recall what time I made that alteration.

47

Q. Do you recall whether it was within days or much later?

A. I suggest to you it was in days because I recall specific words being spoken to me on the
5 Sunday night after we worked all day in Duffy.
I was in Curtin Headquarters and Mr Bennett said to me, "Peter, I trust you have got notes of the preceding days." He knew, because of my role
10 previously in fire safety as a fire safety officer for a number of years and also I'm a trained fire investigator for the brigade, that I'm used to taking notes. He knew that. It would have been around 9 o'clock on the Saturday night, he said, "Peter, I trust you've got good notes" and I said
15 "I have".

Q. You see the middle of the page you write the words "attended meeting at 1600 hours briefing meeting". I take it that was written after you
20 had attended the meeting?

A. Yeah, just to remind me that I had been there.

Q. Are we also to assume the words "Mick Collins and Phil Canham" were being written after the
25 meeting as well?

A. That's what I suggested to you a moment ago that I wrote - you will see the line going up from my notes and it says:

30 "John O'Connor was at this briefing meeting. Also Conrad Barr, Tony Ross, Jeff Dau."

I have written in Mick Collins and Phil Canham just as a reminder to me, I would suggest to you,
35 in those few days following.

Q. Am I correct to think that Mick Collins and Phil Canham were written with a different pen?

A. It wouldn't show in your copy but it is in
40 black and my original notes are in blue.

Q. Is Jeff Dau also written in a different pen?

A. Geoff Dau, Tony Ross, Conrad Barr is written
45 in black.

Q. You have written one note some time after the meeting which you are not quite sure, that is the

main note?

A. I believe to be within 24 hours.

Q. You don't know though.

5

MR WATTS: I object to that question, your Worship. It is unfair to put that he doesn't know. He has given the very best of his recollection. He has given quite specific evidence that, in those circumstances, he believes strongly it was that evening. It is unfair to say he doesn't know.

10

THE CORONER: Yes, that's right, within 24 hours.

15

MR PHILIP WALKER: Q. You have written another note in relation to Mr Collins and Mr Canham at a different time. Are we entitled to infer by that the fact you have used a different pen?

20

A. Could you make the question clear please?

Q. Did you write Mick Collins and Phil Canham at a different time to the note that is the main part of your note?

25

A. If you are referring to the notes of the meeting that were written, I believe on the evening of the 16th - yes, I would agree with you that the note of Mick Collins and Phil Canham were written within a few days of that. As I said, I was reminded on the Sunday night by the Commissioner, "Peter, it is important you have got notes," and I said "yes".

30

Q. Was John O'Connor written at a different time again?

35

A. It suggests that to you by the arrow going up to it. And it is in different colour, it is in black. So I would agree with you.

40

Q. Was the reference to Mr Conrad and Mr Ross at yet again a different time?

A. No, it appears to be a similar pen, so I suggest to you a similar time.

45

Q. What about Jeff Dau?

A. It is a similar pen.

47

Q. Could I just have a look at your original notes?

A. Yes. As I said, you are welcome to.

5 MR PHILIP WALKER: Perhaps it is best if I have leave to approach because I will ask a few questions, and it might be of some assistance to Mr Cartwright.

10 THE CORONER: You can do that, Mr Walker.

MR WATTS: Might I approach as well?

THE CORONER: Yes, Mr Watts.

15

(counsel approached the witness)

MR PHILIP WALKER: Q. In the original there is a different pen, is there not, between the words
20 "attended meeting" and the main body of the notes?

A. Can you make the question more clear, please?

Q. Well, did you write the words against the entry "11.30" "attended meeting" in a different
25 pen to the main body of the note which is written against the time "2 o'clock"?

A. It appears to me to be the same pen. If you are referring to the "attended meeting at 1600 hours" and the bulk that is written underneath the
30 2 o'clock meeting appears to me in this light at least to be the same pen. As I said it is obvious that these are in black, as I suggested a moment ago (indicated).

Q. In fact from the colour of the pens, it would appear that you have written at least on three different occasions to compile this note; is that right?

A. Can you ask the question clearly again please?

40

MR WATTS: I object to that, your Worship.

MR PHILIP WALKER: I will recast the question.

Q. There are three different pen colours forming this note; are there not?

A. We will clarify that again --

MR WATTS: I object to that on this basis:
"forming this note", is my learned friend
referring to the whole page --

5 MR PHILIP WALKER: I take my friend's point. It
is a fair point.

Q. If we look at the writing on this page from
11.30 through to the bottom of the page starting
10 with the words "attended" right down to the word
"area" at the bottom of the page, the words
against 11.30 are in blue pen, the words "Mick
Collins and Phil Canham" appear to be a black felt
pen?

15 A. Correct.

Q. The words "John O'Connor" at least appear to
be a black ballpoint pen; would that be fair?

20 A. I would say that is a black - it is different
pressure of that same pen.

Q. But you would agree that the reference to
"Collins and Canham" and "O'Connor" - was that
written at a different time?

25 A. I will go back. I wrote the part under from
2 o'clock onwards, as I explained to you
earlier --

30 Q. Perhaps you might just answer my question.

MR WATTS: With great respect, he was trying to
answer the question.

35 THE WITNESS: I was answering the question.

MR PHILIP WALKER: Q. It is a very simple
question: was that written in relation to
Mr O'Connor at a different time to the reference
to Mr Collins and Mr Canham? It is really a yes
40 or no answer.

A. The notes going up to Mr O'Connor's name from
my notes, as I explained a moment ago, was written
I believe at a different time.

45 THE CORONER: Q. Was it at the same time as you
wrote Collins and Canham?

A. I can't in all honesty be 100 per cent certain

whether the note from Mr O'Connor and the
reference to Mr Collins and Mr Canham was written
at the same time or not. Your Worship, I couldn't
answer that in all honesty to say that was written
5 at the same time. As I explained a moment ago,
the original note was written I believe within 24
hours, most likely on the evening of the 16th.
And I added the names to this later, I would
suggest within a few days, realising then the
10 importance as to who was at the meeting.

MR PHILIP WALKER: Q. Would you accept that the
reference to "Conrad Barr and Tony Ross" would
appear to be in a different pen to the pen used to
15 write the "O'Connor" reference and the "Collins/
Canham" reference?

A. Yes, I would.

Q. Would you agree that the reference to "Jeff
20 Dau" appears to be in a different pen yet again?

A. I would suggest to you that it is possibly the
same pen as "Mick Collins, Phil Canham and John
O'Connor" but just with different pressure.

Q. Can you tell me whether you wrote the
reference to "Jeff Dau" at the same time as you
wrote the reference to "Conrad Barr and Tony
25 Ross"?

A. No, I can't tell you whether it was exactly
30 the same time.

Q. So it is at least potentially the case, is it
not, that you wrote the reference to "attended
meeting" at one time, "Collins Canham" at another
35 time, "O'Connor" at another time, "Barr and Ross"
at another time and "Dau" at a different time.
That's at least a possibility; isn't it?

A. If you say so.

Q. You wrote the reference to "O'Connor" at a
time after you wrote the note against the
2 o'clock time in your diary; is that right?

A. It would appear that way, yes.

Q. You wrote it at the same time that you wrote
"attended meeting at 1600 hours"; did you?

A. That's not clear from that, is it?

Q. Well, I am asking you: did you write it at the same time as you wrote the entry "attended meeting at 1600 hours - briefing meeting"?

5 A. I would suggest to you that the "attended meeting at 1600 hours" and the bulk of this was written around about the same time. Same pen. Does that answer your question?

10 Q. Well, that's the best of your recollection, is it, that you wrote the entry against 11.30 and the entry against 2 o'clock at the same time or approximately the same day?

A. Same day - I would say the same day.

15 Q. Well, you are admitting the possibility it was again a different time between the two?

A. I worked for 14 hours. As a matter of fact, I had worked for 16 hours that day --

20 Q. Mr Cartwright, do you suggest it might have been written at a different time between the two entries?

25 A. Between the entry recording my notes from the meeting at 2 o'clock and the entry suggesting that - recording that I attended the 1600 hours meeting, I would suggest to you it could have been written at two different times on the same day.

30 Q. When did you say that you were asked by the Fire Commissioner - sorry, I think it was Mr Newham you said --

A. Are you talking about referring to Sunday night?

35 Q. Sorry, I may be confusing two people. I will ask the question this way: when were you asked to make sure that you made good notes; you mentioned that?

40 A. On the Sunday evening after I -- have you finished with my diary?

Q. Not just yet.

45 A. On the Sunday evening I was back from recovery leading the combined task force in Duffy. We found the two bodies. We had searched about 250, 300 homes. I was back there making some notes. Mr Bennett caught me late on the Sunday evening.

It would have been around 8, 9 o'clock and he said, "Peter I trust you've got good notes," words to that effect.

5 Q. Is that when you wrote this reference to O'Connor after that?

A. I would suggest yes, probably was after that.

10 Q. Equally Collins, Canham, Barr, Ross and Dau all came after that time?

A. Probably you're correct.

15 Q. Can you tell me, Mr Cartwright, why it is you left a gap of about nine lines between the reference to "attended meetings" which you said was written after you attended the meeting, and note you wrote at 2 o'clock about what the contents of the meeting was?

20 A. I don't understand clearly the question you are asking.

25 Q. Let me put it this way, Mr Cartwright: most people, if they are recording an event after it occurred, don't write a line at one point of a page and then leave half a dozen or more lines blank before they write the remainder of their note relating to that event?

A. Perhaps --

30 MR WATTS: I object to that question. How can he comment on what most other people do?

MR PHILIP WALKER: I will ask the question again. I withdraw the question.

35

40 Q. Why, Mr Cartwright, did you leave about seven or eight lines between the notation you made about attended meeting that you told us you wrote after you had attended the meeting and the note which you wrote about the meeting you attended?

45 A. I just simply had a blank part in my diary. I filled up the page, if you can see. There is not a lot of room after "area" to write "attended meeting at 1600 hours. So I've gone above it and written "attended meeting" just in a blank - in a nice clear spot in my diary, in the middle of it, I wrote one line. I can't see that that's an

issue.

Q. Why would you find the need to write "attended meeting" when you have got circled "2 o'clock" and you have got "meeting at Curtin for DOs"?

A. Which if we recall the evidence I have already given, I suggest to you was written the day before. Okay. I have circled it. Mr Newham said to me through the day the day before, "There is a meeting". I have written in my diary for the next day, I circled 2.00 and written "Meeting DOs" because I wasn't due to be on duty then. I wasn't due to be on duty until 1800 that evening. I suggest to you I have written that. Then under that I have written and transcribed my notes from the meeting into my diary.

Q. I see. Then the words "meeting at Curtin", they are written at a different time yet again to the note below; is that right?

A. I would suggest to you the way it reads and the way it appears in my diary is that I wrote that as a reminder to me that I had a meeting the next day at 2pm. Then in the space underneath it, I have transcribed my notes into my diary.

Q. You are not able to tell us when you made the entry of 1952 and 1985 which is made in black pen?

A. As I have said, I left a blank in transcribing it. I wrote 195 and left a blank and I wrote an underline and left it blank for the dates because I hadn't quickly got the dates down in my notes from the meeting.

Q. Where did you go to find them?

A. I can't honestly tell you where I went to find them, the 52 and 85.

Q. You didn't have them in your notes and you didn't recollect what Mr Lucas-Smith had said?

A. I do recollect what Mr Lucas-Smith had said.

Q. In relation to those dates at the time you wrote this note?

A. At the time I wasn't writing quick enough obviously to get 1952. I had 195. I didn't have the exact year. I had missed 1985.

(counsel returned to the Bar table)

Q. Do you think you might have made some errors when you took those notes down in your diary,
5 Mr Cartwright?

A. I don't believe so. Which notes are you referring to? We have talked to a lot of notes in the last half hour. Would you like to clarify which notes you are referring to?
10

Q. Those notes commencing 11.30 to the bottom of the page. Do you think you might have made any errors in these notes?

A. You mean in my writing, in my spelling? What
15 particular areas are you referring to?

Q. Well, in what you recorded. Okay, I will recast the question. Do you think the notes may inaccurately record what was said in any respect?

A. No, I do not believe they inaccurately record what was said.
20

Q. You have a record of suburbs at risk from Namadgi fires were Tuggeranong and Weston Creek.
25 Now I suggest to you that that wasn't said?

A. Is that a question you are asking me?

Q. You maintain that it was, I take it?

A. If you are asking me - can you rephrase the
30 question please? I am not clear.

Q. I am suggesting to you it was not said:

"Suburbs at possible risk from Namadgi fires were ... suburbs of Tuggeranong and Weston
35 Creek."

A. You could suggest that. I don't believe you are correct.
40

Q. Are you able to tell me how it might be that from a fire in Namadgi there might be a risk to Weston Creek?

45 MR WATTS: I object to that. It is not his assertion. He is simply saying this is what he heard.

THE CORONER: That is right.

MR PHILIP WALKER: I will rephrase the question.

5 Q. Is it possible from your knowledge that Weston
Creek at that time could have been threatened by a
fire in Namadgi?

A. It depends on - we had winds from the east for
eight days. We were predicting winds coming from
10 the west and north-west.

Q. From what you know, Mr Cartwright, how does
that place Weston Creek at threat from a fire in
Namadgi?

15 A. It would have to come up from the south. You
would have to have a southerly or south-westerly
come through, wouldn't you.

Q. So it is entirely inconsistent with the
20 information that was conveyed to you, is it not,
that proposition?

A. It would depend on the, as you said, wildfire.
Grass fires, wildfires are driven by wind and
topography, right.

25

Q. You were told the winds that were being
forecast for Friday the 17th and on into Saturday
and further were going to come from the west and
possibly the north-west. I suggest from what you
30 know under those conditions the suggestion that
Weston Creek could be threatened by fire in
Namadgi simply doesn't make any sense; is that
right?

A. No, I don't think that's right.

35

Q. How do you think the fire is going to get from
Namadgi to Weston Creek under a north-west wind -
or west wind?

40 MR WATTS: Yes, it doesn't say north-west at all.
It says west.

MR PHILIP WALKER: The gentleman has actually
given evidence. It was his words - "west and
45 north-west" was what he said just a moment ago.

Q. It doesn't make any sense, does it,

Mr Cartwright?

A. You would say perhaps the word "Namadgi" meant the fires in the west of Canberra, in the Brindabellas, which Namadgi forms part of, does it not?
5

Q. Does it make any sense to you? You know the northern-most ACT fire was the Bendora fire; you understand that?

10 A. I believe that to be so.

Q. And even under a west wind that would blow that into about Tuggeranong, if we were to assume a west wind on the Bendora fire; would you agree with that?
15

A. We would probably have to look at that on a map, I think.

Q. You are not sure?

20 A. To make it more clear.

Q. Do you want to have a look on the map alongside you there?

A. Yeah, I'd like to. (referring to map -
25 [ESB.AFP.0110.1035]) So what are you suggesting --

Q. Bendora, if you apply a line to the east - wind blowing from the west?

30 A. It is very hard to read, but I think we are looking at the southern suburbs of Tuggeranong.

Q. And obviously if the wind is coming from the north-west, we necessarily look further to the south; don't we?
35

A. Yes, that's correct.

Q. Therefore, the proposition that fires from Namadgi would affect Weston Creek under the influence of a west or north-western wind is a proposition which doesn't really make any sense?
40

MR WATTS: I renew my objection. This witness has not said that there was a north-westerly wind. He has said westerly. His document says westerly. The only time north-west has come up was when my learned friend put it to him that north-west was
45

used. He hasn't said the words "north-westerly".

MR PHILIP WALKER: I thought he did in fact accept north-westerly, but westerly does for my purposes.

5

Q. It doesn't make any sense, does it, Mr Cartwright?

A. You are saying the Namadgi fires having an effect on Weston Creek. But we are referring to short notes taken from a 40-minute briefing in which Mr Lucas-Smith had drawn on a map the effects of the fires in 1939, 1952 and 1985 and their impact on the Canberra area. He showed lines on a map with the impact of those fires.

15

He showed on a map the location of the current three fires and the combined now Stockyard fire and indicated to the meeting that there was a possibility that those fires could impact on the urban/rural interface of the western southern suburbs of Canberra. And that fact remains true.

20

Now if I have failed to record Brindabella and all the other areas, it is a summary, as I said, of what was stated.

25

Q. It is in fact a summary, as it reads, of the suburbs which are at possible risk, not any historic fires, Mr Cartwright. It is your record of what you say Mr Lucas-Smith said were the suburbs that were at possible risk, not ones that might have been 20, 30, 50 years ago?

30

A. I still believe that to be correct.

Q. Your contention is that Mr Lucas-Smith actually said that, under a west wind, fires in Namadgi could hit Weston Creek?

35

A. No. I corrected you before, I think. I said that this is a summary of a 40-minute briefing. Now if I had not listed Brindabella or listed other areas - you are interpreting from a note of less than half a page and trying to separate from that that it - trying to draw conclusions that it is factually incorrect. I deny that and say that the information I have given is correct.

40

45

Q. Mr Cartwright, really all I was asking you was

a simple question of whether you are saying that Mr Lucas-Smith said at that meeting under a westerly wind Weston Creek was at possible risk from a fire in Namadgi?

5 A. I'm saying to you that you've drawn conclusions on a map today that it is highly unlikely that Weston Creek would be in danger of a fire from Namadgi, and I would agree with you.

10 Q. Mr Cartwright, did he say it or not? That's my question. Are you suggesting Mr Lucas-Smith said that, under a westerly wind, Weston Creek was at threat from a fire in Namadgi?

15 A. And I'm saying to you that the suburbs of possible risk from fires, including Namadgi, okay, were the western suburbs - south western suburbs of Canberra. And I trust I've answered your question. The inference you are making is that, because I have written the word "Namadgi", you are
20 inferring that there is an error. And I say to you I don't believe there is an error and that what I've said today in this court is correct.

MR PHILIP WALKER: My learned friend actually has
25 checked the transcript and he does concede that the witness did use "north-westerly winds" as well. I thank him for that concession but I understood that to be the case.

30 Q. Mr Cartwright, you have just interpolated the words, "The suburbs at risk from fires including Namadgi". That means that your note does not accurately reflect what was said?

35 A. I disagree with you. The reason I disagree with you is that I said the notes are a summary and a transcript of my notes from that briefing of 40 minutes.

40 Q. Now I'll come back to the question I asked and put it to you again. It is not the case, is it, that Mr Lucas-Smith said words "suburbs at possible risk from Namadgi fires were Weston Creek" - leave Tuggeranong out --

45 A. Yes, leave Tuggeranong out because that is possible.

Q. He did not say that Weston Creek was at

possible risk from Namadgi fires?

A. I could concede and agree with you that he did not say that Namadgi would directly affect Weston Creek. That does not mean that the fires
5 indicated on the map drawn in the room would possibly impact on the urban/rural interface of the western suburbs - the western urban/rural interface of the southern suburbs of Canberra.

10 MR PHILIP WALKER: Your Worship, I have just had my attention drawn to the time. I am wondering if that is a convenient time?

15 THE CORONER: We will take the morning adjournment.

SHORT ADJOURNMENT

[11.26am]

RESUMED

[11.57am]

20

MR PHILIP WALKER: Q. Mr Cartwright, I would just like to go back to your diary for a moment. When this meeting that commenced at 1400 concluded, I take it from your diary you went and rang
25 station officers at Kambah, Greenway and Phillip?

A. No, not immediately.

Q. You attended another meeting, I think?

A. That's correct.

30

Q. Can you tell us when you made those telephone calls?

A. From memory, that evening I contacted the station officer at Greenway and also at Kambah.
35 And then I attended a fire, I think it was in Deakin, and Phillip fire station attended that fire. And I spoke to the station officer from Phillip and asked him to, from memory I asked him to attend - I had been given a note during the
40 course of the afternoon to say that there was ash falling on the equestrian centre and the owner was concerned. When I attended the fire - as I said, I think it was Deakin. I asked a station officer at Phillip would he attend the equestrian centre
45 and have a look at the ash that was falling there from the fires. I think he later confirmed it was cold ash. He spoke to the owner.

I think I also asked him to attend - there was a fairly large contingent of New South Wales firefighters at Stromlo, from memory.

5 Q. Mr Cartwright, really all I am interested in knowing is when you spoke to --

A. I spoke to the three of them, yes. I was trying to be factual and correct. I rang two and I spoke to the third one in person at a fire.

10

Q. That was later on in the day. You don't actually recall the approximate time?

A. No, I don't recall the time.

15 Q. Can you pin it down to a few hours, was it later at night?

A. No. I suggest to you it was during the evening.

20 Q. I take it what you asked them is recorded in your diary in the last four lines?

A. Yes. I would agree with you.

25 Q. Further up the page against the time "9.30" you have an entry "following 1400 meeting and briefing ACTFB", which I am sure is ACT Fire Brigade, "meeting the following were tasked: Mick Collins, planning; Phil Canham, logistics; Peter Newham, operations." when did you write that note?

30 A. I would suggest to you at a similar time that the other additions to those notes were made that we have previously discussed.

35 Q. Well, there have been a number of additions potentially, Mr Cartwright. Are you suggesting that it was made at the same time as the "attended meeting at 1600"?

40 A. No. We spent some time going through and looking at colours of the pens in my diary. It is written in black as are the entries relating to John O'Connor and Mick Collins and Mick Canham. I would suggest to you it would be around about the same time.

45 Q. As the black entries?

A. Correct.

47

Q. Therefore, are we to conclude that it was probably written after the entry "attended meeting at 1600 hours"?

A. You could conclude that, yes.

5

Q. Do you know if it was written this same day on the 16th?

A. I could not confirm whether it was written on the 16th, no.

10

Q. Therefore, being in a different pen you would think it was at a different time to the notes written under the 2 o'clock entry?

A. Yes. It is black pen and the notations that were made in reference to the 1400 meeting are written in blue pen.

15

Q. Do you have any recollection what caused you to come back and make the entry against 9.30?

A. As I said previously, the Commissioner, Mr Ian Bennett, mentioned to me on the Sunday night words to the effect, "I trust Peter you have got good notes". I was trying to be diligent in the following days in ensuring that I had notes recording a significant - that surrounded a significant event.

20

Q. The note that you have written there about the suburbs of possible risk, that is your recollection that Mr Lucas-Smith said, "Suburbs of possible risk"?

30

A. That's my recollection.

Q. In fact you have sometimes used different terms, have you not? Sometimes spoken about a chance?

35

A. Yeah.

Q. A real possibility?

40

A. Yes. That would be correct.

Q. "Possible" is your best recollection, but there have been times where your recollection has been not completely precise?

45

A. I would concede that "chance" and "possibility" are a similar word.

47

Q. You have even at times spoken about in terms of a likelihood?

A. If you are talking about probabilities, there is probability, there is chance, there is
5 likelihood. I would agree that those terms all describe a similar event.

Q. I am more interested in how you describe what was said. Your best recollection today is that it
10 was possible. But in your record of conversation you have spoken about a possible threat, a chance, a likelihood. In your evidence-in-chief this morning you spoke about a "real possibility". I suggest to you your recollection of the precise
15 terms of some of this conversation is understandably a little uncertain?

A. I would agree that those terms are all similar and, if you are talking about risk management, they talk about the chance or the probability of
20 an event occurring and its impact.

Q. They are not all similar are they, Mr Cartwright? A chance is not really the same as a likelihood?

A. It is relative in - it has probability. I concede that the word "chance" and "possibility" have been used probably interchangeably.

Q. I asked you about likelihood. They are
30 different words. You have described the matter quite differently at different times, have you not?

A. No, I don't believe I've described them differently at different times. If I have chosen
35 to use a different word, so be it. But my notes reflect what I believe I heard and understood at the time of the meeting.

Q. Do you recall Mr Lucas-Smith saying that the
40 Bendora fire was predominantly contained or words to that effect?

A. I think you are right. The Rural Fire Service had tried very hard to contain the fires for days. Unfortunately they had been spreading westward
45 with their best attempts. But you would be correct in saying that he believed at that time that it was potentially, possibly, contained.

Q. And that McIntyre's Hut was basically contained; some words to that effect?

A. I can't recall. Peter spoke - Mr Lucas-Smith spoke of the McIntyre's Hut fire. I can't recall
5 whether he said it was contained or not.

Q. You didn't make any record of any discussion about McIntyre's fire in your note, Mr Cartwright?

A. Yes, that appears correct.
10

Q. Why not?

A. Because we happen to live in the ACT and we were talking predominantly about the ACT fires. Mr Lucas-Smith spoke predominantly about the fires
15 under his jurisdiction.

Q. But, Mr Cartwright, the purpose for you being there, as you have told us earlier on, was so you could inform people in the fire brigade and, if
20 necessary, make sure resources were available and, if necessary, you might receive a directive that people be called in. Surely another fire, whether it is ACT or New South Wales or wherever, would be of some interest or concern to you; wouldn't it?

A. Of course it would be. You are quite right.
25

Q. Not the least reason for which it would relate to disposition of your resources?

A. As I said, Mr Lucas-Smith particularly focused
30 in his discussions on the ACT fires --

Q. Mr Cartwright, it would relate to the disposition of your resources; wouldn't it?

A. I am uncertain of the question you are asking
35 me.

THE CORONER: I am too, Mr Walker. What Mr Cartwright is attempting to do is give you information that Mr Peter Lucas-Smith provided to
40 him. That is all. You appear to be questioning Mr Cartwright on why wasn't something else discussed and why wasn't Mr Cartwright perhaps gearing up to fight a threat elsewhere.

MR PHILIP WALKER: Your Worship, if I have created that impression, it was not my intention. I am really endeavouring to identify why information
45

which may have been significant to what those assembled were called to a meeting for was not recorded by Mr Cartwright.

5 My question, perhaps inelegantly put, was: would not the location of another fire have some consequence for where the fire brigade might need to dispose resources and therefore be something which one might think would warrant recording.

10

THE CORONER: Now I understand the basis of your questioning.

Q. Is it clearer to you, Mr Cartwright?

15

A. Yes. As I said, your Worship, I can only rely on my notes and my memory of the briefing meeting. As I have tried to emphasise, Mr Lucas-Smith gave us an overall briefing of the situation of the fires, particularly in the ACT because that's his area of jurisdiction. There was reference definitely made to the McIntyre's Hut fire that I have not recorded in my notes.

20

MR PHILIP WALKER: Q. Did you not think it significant?

25

A. If you refer to my notes, I don't think I specifically recorded the names of the three fires in the ACT in my notes; did I not? So --

30

Q. Mr Cartwright, I asked you whether or not you thought McIntyre's Hut was significant, not about other fires.

35

A. McIntyre's Hut was mentioned, as I said. We are all wise in hindsight with regards to the McIntyre's Hut fire. However, during the meeting Mr Lucas-Smith did make reference to the McIntyre's Hut fire, but I did not record it.

40

Q. I will ask the question again: did you not think it significant?

45

A. I am finding difficulty in answering the question because there were three fires in the ACT, two had combined and Mr Lucas-Smith talked about the significance of those fires and he made reference to the McIntyre's Hut fire. So I think they are all significant. However, I was, I guess, more - not more, I recorded information

that reflected the area of jurisdiction of where I live in the ACT and the possible impact of those fires. I can't tell you any more than what I have recorded in my notes.

5

Q. Let me put it this way: you didn't think it as significant as the ACT fires?

A. By not being recorded in my notes, it doesn't reflect that, no.

10

Q. What I am trying to gauge, Mr Cartwright, is the extent to which your notes accurately convey what was taking place at that meeting, and at least in one respect they make no mention of one of the four fires burning to the west of the ACT; that is a fact.

15

A. And I concede that, yes. It doesn't mention the McIntyre's Hut fire.

20

Q. You mentioned on I think it was the Tuesday night that you perceived these fires to be of some concern and you said you come from the country.

A. I'll correct you, if I may. It was the Wednesday night I referred to that.

25

Q. I stand corrected. You come from the country. Were you to interpret that statement as not including McIntyre's Hut?

A. I'm unsure of the question you are asking me. You appear vague in your questioning.

30

Q. When you said you were concerned about the fires to the west of the ACT, did that concern also include the fire burning at McIntyre's Hut?

35

A. Yes. I was concerned of the McIntyre's Hut fire coming through and affecting me directly and personally on my property in Sutton because a fire had come through in 1979 from that same direction and it burnt out my parents - and the property.

40

So I had specific concerns for the McIntyre's Hut fire coming through and affecting me personally. Does that answer your question to your satisfaction?

45

Q. Well, were you concerned that it might enter the ACT?

A. My view was more that it would probably scout

round the top of the ACT and come through and affect me personally, as I have just said.

5 Q. Were you concerned that it might enter the ACT during the briefing on the 16th of January?

A. Mr Lucas-Smith indicated that there was a threat from four fires, including the McIntyre's Hut fire.

10 Q. My question to you was: were you concerned it might enter the ACT?

15 A. To the same level I was concerned that the other three fires that were in the ACT may threaten the urban area which is my area of jurisdiction. Is that --

Q. If you were concerned to the same level, why did you omit McIntyre's Hut from your note?

20 A. I can't tell you. There are a brief summary of notes I took at the time. I can only rely on the notes I took at the time during the briefing. If I have omitted the McIntyre's Hut fire, that does not necessarily mean that I had less emphasis on that.

25

Q. They are not a very good summary, are they, Mr Cartwright, because they miss one of the four fires, the largest of the four fires, and one you said you were concerned might enter the ACT and be an issue to you. So they are not a very good set of notes, are they?

30 A. I totally disagree with you. They are a set of notes that reflect notes that I took at the time of Mr Lucas-Smith's address. And I didn't see it relevant to put in my notes a potential threat to me personally when these notes reflect my work and my area of jurisdiction as a district officer in the ACT. So if I have a personal opinion of the McIntyre's Hut fire being a
35 potential threat to me personally, I don't see why
40 I needed to reflect it in these notes.

Q. I didn't ask you about the threat to you personally. I mentioned you saying that it would
45 enter the ACT. That now that affects you professionally, not personally. They are not a very good set of notes if they omit the largest

fire that has potential to enter the ACT, you say, and it doesn't rate a mention. Please don't talk about personally. They affected you professionally and your notes make no record.

5 They are not a good set of notes; are they?

A. I disagree with you. The notes reflect what was discussed at the time. If it happens to omit the word "McIntyre's Hut", it does. But I stand by my notes. I disagree with your question.

10

Q. If it was the northernmost fire, it had a potential impact on where fire brigade personnel might be deployed; is that right?

15 A. Yes. Are you talking about ACT rural - the rural service firefighters?

Q. No, fire brigade personnel?

A. Yes, it has the potential to affect personnel.

20 Q. You have made no note of it?

A. I agree with you. The word "McIntyre's Hut" definitely not written there. I can't see it.

25 Q. Mr Cartwright, was there some element of humour to this briefing period, this briefing meeting?

30 A. You asked me that question earlier in the day, I believe, or another member asked me whether there was any humour associated with the briefing meeting. I don't recall any humour associated with the meeting.

35 Q. Let me read to you some evidence by Mr Bennett. Mr Bennett is referred to your notes. He is asked this question at transcript page 1921. Actually, before I go there - just coming back to this, you told us that you wanted these notes to be as accurate as you could. You have made a series of additions to them. I think you said
40 that it was the Sunday night you were asked about to ensure that you had good notes. Why didn't you make reference to the discussion about McIntyre's Hut when you were actually adding to your notes?

45 A. I only - if you will see from the notes, I added people's names. I didn't make any other additions to the notes, apart from some people's names that attended the meeting.

We have gone through this in previous evidence. The entries in black were the additions, we understand, that were made afterwards. The notes on the bottom half of the page after 2 o'clock stand as they are with the possible addition, as we have already discussed, of a couple of dates being 52, the "2", and 1985. There has been no other change to those notes.

10 Q. Can you just explain your process of thinking to us which would have the addition of names and a couple of year dates for fires, one of which was over 60 years earlier, but you didn't feel the need to add a reference to the discussion about
15 the McIntyre's Hut fire?

MR WATTS: I object. What does this question mean:

20 "Can you explain your process of thinking to us which would have the addition."

The question simply doesn't make sense. With great respect to my learned friend, this issue has been dealt with ad nauseam this morning. We have gone over and over. The witness has conceded "McIntyre's Hut" doesn't appear there. He has frankly said that. What else can he say? This question simply doesn't make sense.

30 THE CORONER: That is so, Mr Walker, I think we have gone through this probably in sufficient detail.

35 MR PHILIP WALKER: Q. I will come back to the transcript.

THE CORONER: Mr Bennett's evidence?

40 MR PHILIP WALKER: Yes.

Q. At page 1921 of the transcript Mr Bennett is asked:

45 "Q. If I can refer you once again to Mr Cartwright's notes, specifically where he said:

'Advised didn't want alarm public and media. This info not to leave room. Said he would deny it if it got to the media.'

5 Do you recall any words like that being used?
"A. Yes, I do, ma'am.

"Q. What words do you recall?

10 "A. Probably not as specific as what has been referenced by Mr Cartwright. But there was a reference I believe towards the end of the meeting when Mr Lucas-Smith indicated that - words to the effect that, if this got to the media or if the media asked him about it, he
15 would deny it."

Mr Bennett goes on and says:

20 "But I'd like to point out that I took that to be a reference in jest as a bit of a tension breaker and I personally didn't take that either as a threat or anything else. The meeting, believe it or not, had some tinges of humour associated with it in order
25 to, I guess, break the tension. It was again my understanding that the comment was certainly made or words to that effect were certainly made. I didn't take those comments seriously at all."

30

What do you say in relation to Mr Bennett's interpretation?

A. I strongly disagree with it. I suggest to you if you called Mr Tony Ross or Mr Conrad Barr --
35

Q. Why don't you just answer the question, Mr Cartwright?

A. I did answer the question. The answer was I disagree with those comments made by Mr Bennett.
40

Q. It would make no sense at all, would it, to actually say - in a serious way - that the information conveyed at this meeting was not to leave the room because the very reason the meeting
45 was called was so the information which was conveyed might be put to use?
47

MR WATTS: I object.

THE WITNESS: Are you asking a question?

5 MR WATTS: I object to that. There is a
difference between being told by somebody not to
convey the information somewhere else and not to
use the information. With great respect, it makes
sense to tell people information so they can act
10 upon it, without then saying what is being done
and why it is being done and passing information
on.

MR PHILIP WALKER: That sort of objection should
15 really be without the witness being present, with
respect to my learned friend.

Q. Let me ask the question again - I will preface
it by a couple of others. The briefing was so
20 that you and others could go and make sure the
fire brigade had made any preparations it
considered necessary as a result of fires; that is
broadly speaking what the briefing was about, is
it not?

25 A. I would agree.

Q. In fact, although a little later in the day,
that is exactly what you did when you contacted
the Greenway, Phillip and Kambah people; is that
30 right?

A. That is correct.

Q. It would seem to follow from the purpose of
the meeting there would be other people who
35 attended it who one might reasonably expect to do
exactly the sorts of things that you did; is that
right?

A. They may choose to do that.

40 Q. I am not asking whether you know, but
logically that is what the meeting was for so
people might do just what you did?

A. I believe that to be correct, yes.

45 Q. When you spoke to people in Kambah, Greenway
and Phillip and you told them to check hydrants
and so forth, did you say "This is just some form

of preparation in case there is a problem with fires"?

5 A. No. I think I referred to the fact that we had been briefed that afternoon and there was a chance of fires, or possibility or probability that the fires may impact the urban/rural interface and that we needed to do something to try and prepare. I asked them to check access points because we have access point - it is
10 written in my notes what --

Q. Logically, that is exactly what you would expect people to do as a result of that meeting?

15 A. Correct.

Q. Taking the note that you wrote --

A. Which note are you referring to?

20 Q. The note where you say:

"This info not to leave room."

Some of that information in fact reasonably promptly left the room when you spoke to the fire
25 brigade people at Phillip and Greenway?

A. You are correct. I did that with some ambivalence.

30 Q. There is no criticism of you. My proposition to you is that is exactly what would have been intended. To take the comment that you have recorded both literally and seriously that the information which was conveyed to you was not to leave the room would have defeated the very
35 purpose for which the meeting was called?

A. I could only stand by my notes and I can only stand by the fact that that is what Peter said and I can only say that it was not said in jest or in
40 humour.

Q. Mr Cartwright, you seem to have some difficulty sometimes in answering questions. To take what you have written both literally and seriously would have defeated the purpose for
45 which the meeting was called; is that not correct?

A. It was an odd thing to say at the end of the meeting. I would agree with that that was

correct, it was an odd thing to say. But as I would repeat again, it was said. Those words were said and it was said seriously. I disagree with the evidence given by Mr Bennett.

5

Q. I will ask the question again: would it not have defeated the purpose for which the meeting was called to take that literally and seriously?

10 A. I don't know whether it would have defeated the purpose. I can only say they were the words that were said. They were the words that I recorded, and it was said seriously. If you want to make any other assumptions, you may. I am only recording information that occurred at the
15 meeting, Mr Walker.

Q. You wouldn't have been able to do your job as you saw the need to be able to do that --

20 A. As I said I had chosen --

Q. Sir, wait until the question is asked, please. You would not have been able to do your job as you saw the need to do it if you had complied with that literally?

25 A. You are quite correct.

Q. I will read on in the transcript of Mr Bennett, page 1922, line 5. Mr Bennett is asked:

30

"Q. But you complied with his request, did you, to keep the information confidential?

35 "A. Well, no, not explicitly. As I said, I didn't really pay much heed to that. I mean, the purpose of the particular meeting was to allow other agencies of the Emergency Services Bureau to commence their planning operations. As referenced earlier both the fire brigade and the ACT Ambulance Service
40 was there. The purpose of the meeting was to allow us to do that. If we were to keep the information within the room it wouldn't have allowed us to basically undertake any
45 planning."

You would agree with that statement, wouldn't you?

A. I would agree with that statement. If you

refer to my diary note, it says, "This information not to leave the room," and it said, "If it got into the media he would deny it." I think Mr Lucas-Smith was concerned - I am trying to
5 provide information to help answer your question - about alarming the public and that was why he made the comment.

10 Q. If I put to you that Mr Newham indicated he felt under no constraint about keeping information confidential as a result of that meeting, would that cause you to reflect on the question of whether you have interpreted what you say Mr Lucas-Smith said correctly?

15 A. No. It doesn't cause me to reflect. I still stand by what I have written and said.

20 Q. If I said to you that Mr Dutton of the Ambulance Service likewise said he felt under no constraint at all about the use he could make of the information that was conveyed at that meeting, again, Mr Newham, Mr Dutton, does that give you any cause to reflect you have interpreted Mr Lucas-Smith correctly?

25 A. It does not cause me to reflect that I have interpreted him incorrectly. I stand by what I have written and the way I have interpreted it.

30 Q. Did you ask any of your senior officers such as Mr Newham at the end of that meeting, did you go up and say something like "Hey, boss, we have just been given this briefing information. We are supposed to do something with it but we were told the information is not to leave the room. What
35 are we supposed to do?"

A. As I explained before, after Mr Lucas-Smith and Mr Bennett left the room there was some robust discussion amongst the senior officers as to what to do. I think there may have been reference to
40 that during that robust discussion, and the end result was the Incident Management Team was formed. That was the cause of action that the brigade took.

45 Q. It is normally the situation of the fire brigade, is it not, if there are statements to be put out to the media that they are put through

some central media point in some sort of coordinated fashion; is that right?

5 A. You need to make that question a little bit clearer. As a district officer at an incident, I have the Commissioner's authority to talk to the media relating to that incident. However, if you are talking about general public comment on brigade policy or procedure, that would have to be generally cleared with the Commissioner.

10

Q. I understand the latter part of your answer. Taking the first part, at an incident would it be correct that you as the district officer would be the person to whom media questions and comments should be directed?

15

A. Directly relating to that particular incident, that is correct.

Q. Would it normally be the case that other people perhaps of lower rank would make comment to the media about a particular incident?

20

A. No, not without the district officer's approval.

Q. I take it that the reason for that is so that there is a coordinated approach to what is put into the media?

25

A. Yes, that is correct.

Q. And that, if it were otherwise, different stories may go out and misleading information or at least conflicting information could be put about?

30

A. That's correct, so it goes through a co-ordinator and through generally senior officers.

35

Q. That could cause some public confusion?

40

A. If there was information coming from a whole range of people, if that is what the question means, yes, I would agree.

Q. So there is nothing either wrong or sinister for an organisation to say that comment to the media should not be made by anybody and everyone?

45

A. Correct.

47

MR PHILIP WALKER: Yes, your Worship. Thank you.

THE CORONER: Thank you, Mr Walker. Yes,
Mr Watts.

5

MR WATTS: Thank you, your Worship.

<CROSS-EXAMINATION BY MR WATTS

MR WATTS: Q. When you went to the meeting on the
10 16th, you understood it to be a briefing
concerning all the fires to the west of Canberra?
A. Yes, that is correct.

Q. And you took notes to the best of your ability
15 trying to keep up with what was being said?
A. Yes, that is correct.

Q. Your notes were not intended to be a
transcript of every word that was spoken at the
20 meeting?
A. No, they weren't meant to be a transcript.

Q. And your diary note into which you transcribed
those notes was not intended to be a transcript of
25 all that was said at that meeting?
A. That is correct.

Q. You did your best to make an accurate summary
of what you had heard at that meeting?
30 A. Yes, that is correct.

Q. In the days following after you had spoken to
Mr Bennett, you were keen to add things so that
your recollection was accurate?
35 A. Yes, that is correct.

Q. Even when you were adding things you were not
intending to transpose those notes into a
transcript of everything that was said at the
40 meeting?
A. Yes, that is correct.

Q. When the plan was shown to you by Peter
Lucas-Smith, it had on it all the fires to the
45 west of Canberra?
A. Yes, I believe so.

47

Q. When you went and spoke to the fire brigade officers, I think it was on the 20th?

A. Are you talking about when I visited the firefighters that had been involved on the 18th?

5

Q. Yes. That was on the 20th?

A. Yes, it was on the Monday evening, the 20th, and I believe early on the Tuesday morning.

10 Q. The firefighters to whom you spoke, you told Mr Lasry, were clearly traumatised by what had happened to them?

A. That is correct.

15 Q. You have a recollection of going out to the car and getting your diary?

A. I do.

Q. And you have a clear recollection of that day?

20 A. Yes, I do.

Q. It was a significant day?

A. A very significant day - probably one of the hardest days in my career.

25

Q. I think you found it quite upsetting that day?

A. Yes, I did.

30 Q. Even today you find it upsetting to recall that particular day and your interaction with the fire officers; is that right?

A. That is correct.

35 Q. You have no doubt that you did look at your diary on that day?

A. I beg your pardon?

40 Q. You have no doubt that you did look at that diary note when you saw those fire officers on that day?

A. I have no doubt.

Q. As at the 16th, you had known Peter Lucas-Smith for some time?

45 A. Yes, I knew Mr Lucas-Smith as a senior officer for the Rural Fire Service.

47

Q. Your impression of him was that that was a very serious occasion?

A. This was a very serious occasion.

5 MR WATTS: Thank you, your Worship.

MR PHILIP WALKER: Just before my friend rises, your Worship will know that Mr Lucas-Smith says he has no recollection of saying things like
10 "information not to leave the room". I didn't go through the Browne v Dunn style process because the gentleman has a fairly strong view.

15 THE CORONER: I understand that.

MR PHILIP WALKER: I take it there is no need to do that sort of thing.

20 THE CORONER: I don't believe that there is, no. But, having said that, you did put to Mr Cartwright - in fairness to Mr Cartwright - the evidence given by others. So perhaps in the interests of fairness, you should probably do that then.

25 MR PHILIP WALKER: That is why I mentioned it. There is perhaps not a joy about it. Mr Lucas-Smith said when the question was put about saying something to the effect "the
30 information should not leave the room", he didn't recall saying that. There is not --

35 THE CORONER: But for Mr Cartwright's benefit, that was the evidence of Mr Lucas-Smith that he doesn't recall saying that.

THE WITNESS: I didn't know that. So thank you.

40 MR PHILIP WALKER: Mr Cartwright, I dare say, says --

THE CORONER: You can't comment on that because Mr Lucas-Smith doesn't recall it.

45 THE WITNESS: No.

THE CORONER: Yes, thank you, Mr Walker. Yes,

Mr Lasry.

<RE-EXAMINATION BY MR LASRY

MR LASRY: Q. Just one point of clarification, if
5 I might, Mr Cartwright. The last section of your
diary note which you had been asked about several
times in relation to the conversations that you
had with the fire stations from Kambah, Greenway
and Phillip and I think you have described in
10 detail how they arose, I didn't ask you about that
and I meant to. You have recorded there:

15 "Asked them to check hydrants, refill points
on the urban/rural fringe and access points
at the end of streets, ensure keys fit" --

What is the next word?

A. "Locks".

20 Q. "And access". Did you formulate, as it were,
a pro forma request for each of those three fire
stations?

A. No. It is common practice in preparation for
the fire season that we do that. You would expect
25 that diligent officers would already have done
that. But it was just to reinforce, because
following the briefing I was concerned of the
potential impact. I was just being diligent in my
duties in touching base with the officers and
30 saying "can you just go and check".

Q. In the last line of that note you say "advised
them of possible threat to urban area". Does that
line summarise three separate conversations that
35 you had with three separate fire stations?

A. Yes, it does.

Q. Are you able to recall what you actually said
to either of them or any of them?

40 A. I understand what I said was the fact that it
looks like there would be something to the effect
of - "looks like the fires could come out of the
hills under the predicted weather conditions and
we have a possibility that they may affect us".
45 This was done in preparation for that.

Q. What you have recorded in your diary is

"advised them of possible threat to urban area". Have you written that in your diary because they are the words you used in each of those three conversations?

5 A. I couldn't confirm they were the exact words I used. I certainly in my actions demonstrated my concern that the fires could impact on the urban/rural interface.

10 MR LASRY: Thank you, Mr Cartwright. Thank you, your Worship.

THE CORONER: Thank you, Mr Lasry. Thank you Mr Cartwright. You are excused. You are free to
15 leave.

THE WITNESS: Thank you.

<THE WITNESS WITHDREW

20 THE CORONER: Yes, Mr Lasry. Mr Cartwright was the only witness?

MR LASRY: He was the only witness, your Worship, yes. I gather there are some tape-recordings
25 still to be dealt with. I thought we would perhaps resume at 2 o'clock.

MR LAKATOS: Before your Worship rises --

30 MR LASRY: I know my learned friend wants to mention something. I am content if the balance of those are used to fill the gaps that open up next week rather than this afternoon.

35 THE CORONER: That sounds reasonable. Unless somebody wishes to hear the tapes played? You have your own copies anyway of the tapes. Yes, Mr Lakatos.

40 MR LAKATOS: Your Worship, I wish to raise two matters, both of which I think are relevant to your Worship's inquiry. I have handed to my
45 learned friend a folder containing some material today. As your Worship would know, the territory, since the January 2003 fires, has had a commitment to determining what shortcomings are demonstrated by the response of the various bodies and persons

under the territory's umbrella to these fires and to remedying those shortcomings.

5 As a result of that, as your Worship would know, I outline the history very briefly: The McLeod inquiry was formed; on 1 August 2003 Mr McLeod handed down his report with 61 recommendations. The last four recommendations related to the repeal of the Bushfire Act of 1936 and also a
10 number of other planning and other issues relating to bushfires.

Following upon those recommendations there has been, I think today, presented to the ACT
15 Parliament for the first time a copy of the Emergencies Bill of 2004. It is a bill of about 260-odd sections or clauses at the moment. If passed, it will do away with the Bushfires Act. It will do away with the Fire Brigade Act, the
20 Emergency Management Act and the Fire Brigade Administration Act. It will re-form the Bushfire Council and make a number of very significant changes in the way that emergencies are dealt with after the passing of the bill.

25 Indeed, your Worship, the Minister for Police and Emergency Services - I am sorry for only mentioning it now, but it really has only become public now - has said this in the presentation
30 speech at page 5:

"I anticipate that the coronial inquiries into the 2001 and 2003 bushfires may raise the need for changes not only to processes in
35 the field but also to the current approach to emergency management generally. Members should be aware that the outcomes of these inquiries may warrant additional reforms not covered in this bill, but this should not
40 delay the current suite of reforms."

It goes on. It recognises, with respect, the place that this inquiry has in the scheme of things. No doubt parliament will pay regard to
45 such recommendations and comments your Worship deems fit to make.

47

Your Worship, may I therefore provide to you - I have given Mr Lasry a spare copy and copies will be made available to others today - a folder containing firstly the presentation speech of the
5 Minister for Police and Emergency Services for the Emergency Bill of 2004, an explanatory statement for that bill and the bill itself. All of them have been barcoded. I won't read the bar code on there.

10

Your Worship, consistent with the stated commitment of the territory to implementing Mr McLeod's reforms, there has been a status report prepared which lists as at 12 May 2004 each
15 of the 61 recommendations, a short report in relation to each of the recommendations, and a box which indicates the various recommendations and the point in the process where they are from "not commenced" through to "completed" and "on going".
20 Your Worship, that has been a process which has been in force for some time. The latest update is, as I suggest, the latest update, and it will continue as well.

25 As I say, the territory with respect sees both McLeod, the other reports and this inquiry as the mechanism by which improvements would be made. That is with respect the focus of this latest suite of material, and I ask that that be received
30 by the inquiry.

THE CORONER: Yes, thank you, Mr Lakatos.

35 MR LAKATOS: I don't know if that needs to be tendered. It is on the system. I would seek to tender it at the appropriate time. My friend perhaps ought to read it before it is tendered. I don't mind.

40 MR LASRY: I haven't read it. I don't want to make any response to the substance of it. The document is [GSO.GSO.0004.0157]. I think that should form part of the transcript. This document should certainly form part of the brief because we
45 would anticipate, certainly in our submissions to you at the end of the evidence and as part of the evidence indeed through the expert evidence of

particularly I suspect Mr Roach, we would be
dealing directly with some of this material. It
remains to be seen whether particularly
5 submissions we make to you as to recommendations
that in our submission you should make are capable
of being supplementary to this or whether in fact
they collide with this. I haven't read this so I
don't know whether that is possible. Certainly
this material is important for the purpose of the
10 recommendation and should form part of the brief.

THE CORONER: Yes, I agree. That will happen,
Mr Lakatos.

15 MR LAKATOS: Thank you, your Worship.

THE CORONER: I will mark it now. Whether or not
it should be --

20 MR LASRY: If it already has a bar code, it
perhaps otherwise doesn't need to be exhibited.
It can be moved straight into courtbook.

THE CORONER: It will become part of the brief,
25 Mr Lakatos. I thank you for providing this
information to me.

MR LAKATOS: The second matter is a matter which
at least is brought into sharp focus by the
30 material provided by Mr Jeffery in his statement.

Yesterday my learned friend Mr Lasry informed the
Court, and I read from transcript page 5223
line 10:

35 "It is obvious the material before you now is
the statement --

That is, of course, the statement my learned
40 friend kindly provided, which as it happens is
dated 20 April but signed on 4 May. In any event:

"... plus all the other material that he has
already been provided."

45 Then my learned friend said:

47

"I will primarily be concentrating on the statement."

5 It is my application that it is not appropriate that the 200 or so odd pages that Mr Jeffery has otherwise provided to the inquiry should form part of the material officially before this inquiry.

10 The reasons behind the territory's position in that regard are as follows: this issue was originally raised by Mr Whybrow on behalf of Mr Castle on the 28th of April at transcript page 4130. Mr Whybrow said this about Mr Jeffery's material - I am now not talking about
15 the statement. Firstly he said at line 35 on that page:

20 "... Mr Jeffery has provided a submission to your Worship in the content of this inquiry which contains a lot of comment and doesn't seem to detail a great deal of what he did, where he did it, who he spoke to and things of that nature."

25 Later on in that page Mr Whybrow said:

30 "But in the absence of any of the underlying facts which perhaps justify those opinions, some of which not only impact upon my client Mr Castle but other firefighters."

We have difficulty in dealing with the issues. Then at the top of page 4131 that a statement has been provided. It has. I must say with respect
35 that is the appropriate course. He said:

40 "As it stands, I have got no real understanding of what facts, as opposed to his own opinions, he intends to put before your Worship to help your Worship deal with the issues that you have to deal with."

My learned friend Mr Lasry replied to Mr Whybrow's application at page 4132. He said it was intended
45 to call him today:

"What my learned friend has said about

Mr Jeffery's material is correct."

There is no dissent from Mr Whybrow's
characterisation. At line 15 on that page
5 Mr Lasry said:

"The factual basis for quite a few of those
conclusions, I agree, is not apparent from
the material."
10

At line 45:

"But one of the disadvantages is that a lot
of people offer material as it were
15 unsupervised without having their attention
directed to the factual basis for views that
were expressed. I agree that Mr Jeffery is in
that category."

20 Of course that is the reference to the 200-odd
pages. Finally at 4133 my learned friend Mr Lasry
said:

"I hadn't anticipated that his evidence would
25 take very long. I am, having read the
material, conscious of the fact that what
Mr Whybrow says is right, that he makes quite
dramatic and quite hyperbolic criticisms. I
think the point that is made is a fair
30 point."

The submission on the basis that it is agreed on
all sides, apparently, that the material given by
Mr Jeffery, in good faith and I am not suggesting
35 anything else, is of that kind, it is my
respectful submission that that kind of material
should not form part of the public record of this
inquiry.

40 In my respectful submission, there are three
reasons why that is so. Those who read such
comment and recommendations that this court
ultimately makes in my submission need to feel
confident that those findings, comments,
45 criticisms or whatever are made on the basis of
reliable factual material, not hyperbolic and
dramatic criticism. That is the first point.

The second point is that it is unfair on a witness like Mr Jeffery, who has made the statements probably not with a view to expecting that he would have to come here and perhaps justify each one of them of the 200 pages or such of those as are in contest over a long period of time. To such extent as the criticisms that Mr Jeffery makes are relevant and pertinent to what your Worship has to do, those ought to be put in a proper statement and the underlying factual basis of the opinions set out, so the witness is not made to come here and sit here for hours or days or whatever it might take for persons to go through the entire 200 pages and say, "we don't know what is going to be used, we need to attack every opinion which might affect me or my particular client".

The third and not the least of the reasons why it shouldn't be allowed is, in the course of various opinions expressed by a number of witnesses people make judgments on the basis of incomplete information, albeit honestly. With respect, the potential damage that that does to the person who is the focus of the comment or the criticism until such time as it is corrected, if it can be, is a matter which your Worship would be, in my submission, very carefully concerned about and, to the extent it could be avoided, your Worship would take steps so to do.

With respect, if the material that Mr Jeffery has is fairly described, at least in part, as to dramatic and hyperbolic, in my respectful submission that is not the kind of material which should be before your Worship, because of the reasons I have outlined.

In my submission, the proper course is, as my learned friend has done, is to produce a statement and to such extent as he wishes to elaborate on it in oral evidence, of course that will be done. We will all know what it is that Mr Jeffery is brought here to say and presumably the basis of any comments that my learned friends might make against people and or organisations.

47

With respect, for all of those reasons, in my submission Mr Jeffery's 200-page initial submission should not form part of the record of this court.

5

MR WATTS: Before Mr Lasry replies to that, could I say something concerning this matter as well. I raised a similar issue with Mr Lasry last night and inquired as to what use might be made of that other material. I have to say my understanding was that the statement, when it was going to be prepared, was to take the place of that material. I understand that is not now the case.

10
15 I asked Mr Lasry whether he could give me some assurance about what use might be made of the rest of the material. He has indicated to me that he can give me no assurance as to what use might be made of it when the time comes for submissions.

20

The difficulty which I face, acting for quite a number of people with different interests, is whether, as Mr Lakatos has alluded to, it is necessary for me to analyse in great detail all of his comments and try and work out whether those comments could conceivably be taken at some stage as a criticism of any of my clients and therefore have an obligation to test him on the whole of the material, which obviously would be extremely time consuming and a tedious process. And it could be a simple waste of time.

25
30
35 If that is not done and at the end of the day submissions are put in by counsel assisting which relies upon some of that material where there has not been cross-examination on it, then of course it would open up a certain necessity to perhaps have to seek leave to recall him, to cross-examine at that stage and even perhaps then to take a step of having to call further evidence which might rebut something that is said there.

40
45 I am concerned, as your Worship is, to see that this inquiry finishes in a timely manner. It would seem to me that, if that kind of very general hyperbolic material is allowed in, it is simply going to place us in a position where we

might have to do things which would unnecessarily extend the life of the inquiry. For those reasons, I support what Mr Lakatos has put.

5 Thank you, your Worship.

MR PIKE: Your Worship, could I say for my part I support both of my colleagues.

10 MR PHILIP WALKER: Your Worship, I join in on that. I add two things: not only on behalf of my client, but as I have indicated on a previous occasion, Mr Lucas-Smith is particularly concerned about the potential impacts things could have on
15 volunteers for the Bushfire Service. And Mr Jeffery's more extreme and unsubstantiated statements cast reflections on a great many people, and that has potentially adverse impact on the operation of the service generally, as people
20 do not know whether they are really in the gun, or whatever. So he also, apart from personally, is concerned that that extreme and somewhat ill-directed criticism could have a much more far-reaching impact.

25 Your Worship, just in assisting you to deal with this, although it is not quite the same, my recollection is that there is a precedent for this sort of thing that Mr Lakatos has raised in the
30 implosion inquest. I have a recollection that there was a submission made to that inquest which was viewed as being somewhat extreme and in that case not flowing from the evidence. Slightly different in that respect but, nonetheless, the
35 effect and consequence is similar.

I have a recollection that Coroner Madden in that case indicated that that submission should not be published because of the extreme matters in it
40 that were not founded in the evidence. As I said, it is not quite the same, but in my submission it is appropriate for an inquest to exercise that discretion in matters such as the more extreme matters raised by Mr Jeffery and insist only
45 factual matters come forward, or at least if opinions come forward they be grounded in factual matters.

I should also say, I have been informed by Ms Bird that in Mr Whybrow's absence I can indicate that the same view is taken in relation to Mr Castle. Thank you, your Worship.

5

THE CORONER: Thank you Mr Walker. Yes, Mr Lasry.

MR LASRY: The difficulty is, as I see it, that Mr Jeffery is an extremely experienced participant in firefighting. In response to your advertised request he made a submission in some significant detail. That submission now forms part of the material before the Court.

10
15 I would expect in the course of dealing with his evidence to primarily concentrate on the statement that has been obtained. But at point where Mr Whybrow raised the issue that he raised, I was in a position to take Mr Jeffery to those parts of his submission that seemed to me to be relevant and to leave out those parts which either weren't or were critical without having a factual basis.

20
25 Your Worship, in the end the material is your material, but in my submission an appropriate course, because I understand the problem about the publication of criticisms which are made in extremely strong language and don't appear to have a direct factual basis for them, would be that it might be appropriate, for example, to direct that except insofar as the submission is referred to in Mr Jeffery's evidence that it otherwise not be published. That is, the course which is often taken, is to make statements and other material available to the media as the material is produced not be followed in that case, and that publication not be made of that material; except insofar as the material is referred to in the course of either my examination of Mr Jeffery or questions from other counsel.

30
35
40
45 The fact remains that Mr Jeffery has for a long time been part of the firefighting effort in this area and has some strong views. In my submission this is not in any way akin for example to suggesting that a particular piece of evidence should not be heard by a jury because of its

effect. Your Worship will treat Mr Jeffery's evidence as you think appropriate and give it the weight that you think it deserves. Some guidance as to which of the material will be relied upon to
5 the extent that some is will obviously come both from Mr Jeffery's statement and from the questions that he is asked on Monday when he gives evidence.

I am not trying to be difficult about this by
10 declining to give an assurance as to how the material will be used, but I would have thought the relevant parts of Mr Jeffery's submission are now obvious from the statement which has been provided. The areas in which we propose to
15 concentrate our interest will also be fairly obvious from that document.

In my submission I would be extremely reluctant, particularly with the consequences that flow
20 personally for Mr Jeffery, for this court to direct that because of the nature of the criticisms, for example, that Mr Jeffery makes, that your Worship would delete from the brief a submission that was made in good faith by an
25 experienced member of the community in a way that has not been done to any other submission or has been done to any other witness.

The other part of that, which I appreciate is some
30 distance away from us at the moment, is that as I anticipate it, the material upon which we would rely for the purpose of making submissions to you at the end of the evidence will be detailed in our final submissions, and the extent to which we wish
35 to use any part of Mr Jeffery's evidence in making submissions as to the findings that you should make or comments or recommendations that you should make will be obvious from that document.

40 If it were to turn out - I have to say I think this is very unlikely - that we relied on some part of a witness's material, whether Mr Jeffery or anyone else, and that issue had not been litigated at all in this courtroom when the
45 opportunity had been there to do so, it would be very difficult to resist the application that before the submissions were finalised that that

witness be recalled and that issue be dealt with, if that was going to assist you to do so. So that process would also apply to him.

5 But to single him out by way of some kind of public exclusion of his material, in my submission, is not appropriate. I would ask my learned friends in the circumstances, and invite your Worship also, as it were, to rely on our
10 discretion in the way the material is used; rely on our ability to see what is relevant, first of all to see what is relevant to the issues, and secondly to see that it is of some significance because it is supported by the evidence. I am
15 prepared to say as best as I can I will restrict myself to that part of the material. I ask your Worship to go no further than that.

THE CORONER: That certainly is the view I would
20 take too, Mr Lakatos, because I have seen, as I am sure you have now, many, many submissions. Some are far more relevant than others, of course. Some comments are more reliable and more accurate than others. This is not meant as a criticism of
25 any well-meaning person at the time.

MR LAKATOS: I understand, your Worship.

THE CORONER: There has been a lot of
30 correspondence. There has been a lot of emails. If you knew - I won't go any further. There is a lot of information. I do have concerns that if one person is singled out and excluded from this process then that of itself is an unfair exclusion
35 of that person.

All I can say to you, and just repeat perhaps what Mr Lasry said, is that you will have to just rely on and trust the way counsel assisting is going to
40 lead this evidence. If there is to be any further criticism of it, you will all have an opportunity to examine Mr Jeffery on the material he puts forward. You will ultimately have to trust the good sense and the good judgment and the fairness
45 in the way that the material that Mr Jeffery and indeed everybody else has put forward is ultimately going to be used.

I tell you now, Mr Lakatos, I cannot see myself making any sort of comment or any sort of recommendation based on information which is not fairly and properly grounded.

5

MR LAKATOS: I wouldn't have expected that to be so. I thank your Worship for that indication.

10 Might I say, the proposition my friend puts about a non-publication order, I am content to accept the assurance given thus far. Of course it still leaves open the potential, as both my learned friends have indicated, if something comes up in the end we may have to revisit something. I think
15 the non-publication order looks after the problems about, if I can put it this way, indiscriminate dissemination of opinions not well based. I don't make any particular comment. But, indeed, the other might also take care of the procedural
20 fairness aspects when and if they occur.

THE CORONER: We may just see how we proceed when Mr Jeffery does give his evidence.

25 MR LAKATOS: Thank you, your Worship.

THE CORONER: Thank you. So we will adjourn until Monday. I think we have the list of witnesses for next week. Mr Collins on Monday and Mr Jeffery.
30 They are the witnesses planned for Monday at this stage. I think the list has been circulated to counsel of the witness for the rest of the week. We are not planning to listen to tapes this
35 afternoon?

MR LASRY: It wasn't part of the plan, your Worship.

40 THE CORONER: We will adjourn now until Monday morning.

**MATTER ADJOURNED AT 1.11PM UNTIL MONDAY
17 MAY 2004.**

45

TRANSCRIPT OF PROCEEDINGS

CORONER'S COURT OF THE
AUSTRALIAN CAPITAL TERRITORY

MRS M. DOOGAN, CORONER

CF No 154 of 2003

CANBERRA

INQUEST AND INQUIRY INTO
THE DEATH OF DOROTHY MCGRATH,
ALLISON MARY TENNER,
PETER BROOKE, AND DOUGLAS JOHN FRASER
AND THE FIRES OF JANUARY 2003

DAY 55

Monday, 17 May 2004

[10.04am]

THE CORONER: Mr Bradfield, good morning.

5 MR BRADFIELD: Good morning, coroner. I seek
leave to appear on behalf of Michael Collins. I
understand he is to be called next.

10 THE CORONER: Yes, he is. That leave is granted
to you, Mr Bradfield.

MS CRONAN: I call Michael Collins.

15 MR BRADFIELD: I would seek, Coroner, that prior
to commencing examination by counsel assisting,
that I could lead with a number of amendments to
his statement.

20 THE CORONER: Yes. Is that suitable, Ms Cronan?
Yes, your Worship.

<MICHAEL COLLINS, SWORN

<EXAMINATION-IN-CHIEF BY MS CRONAN

25

MS CRONAN: I will just identify the relevant
statements for my friend.

30 Q. Would you please tell the Court your full
name?

A. Michael Collins.

Q. Your current occupation?

35 A. I am a fire brigade officer in the ACT Fire
Brigade.

Q. What is your professional address?

40 A. My professional address is 7 Shirra Close,
Monash, ACT.

Q. You have made a statement for the coroner in
relation to involvement in the January 2003
bushfires?

45 A. That's correct.

Q. It was signed by you on the 20th of
March 2003?

A. That's correct.

Q. Could the witness be shown
[ESB.AFP.0024.0145]. Does that appear to be front
5 page of the statement you made?

A. Yes, it is.

Q. I think your counsel wants to take you through
some amendments in relation to that statement; is
10 that right?

A. Yes, ma'am.

THE CORONER: Yes, thank you, Mr Bradfield?

15 MR BRADFIELD: Q. Is it correct in the course of
your preparation for the fires you made a planning
section report; is that correct?

A. That's correct.

20 Q. Do you have that report in front of you?

A. Yes, I do.

MS CRONAN: It is [AFB.AFP.0001.0001].

25 MR BRADFIELD: Q. If you could turn to page 7 and
is it correct that at the reference of Friday the
17th of January at 9.30, you wish to make an
amendment to your statement?

A. Yes, I do.

30

Q. What is that amendment?

A. I wish to make an amendment that I wasn't
present at that meeting. That is the amendment
that I would like to make: I wasn't present at
35 that meeting.

Q. Is it also correct that you made a report
marked District Officer Michael Collins report for
the coronial inquiry January 2003 bushfires; is
40 that correct?

A. That's correct.

MS CRONAN: That is the previously mentioned one
[ESB.AFP.0024.0145].

45

MR BRADFIELD: Q. Mr Collins, if you could turn
to page 14 of that report that you prepared?

A. I have it, yes.

Q. You made a conclusion in regard to the communications being requested, disseminated,
5 processed and analysed by the ACT Emergency Services Bureau. Do you wish to amend that opinion?

A. Yes, I do.

10 Q. Could you do that?

A. Yes, I can. I would just like to state that this was more a perspective point of view. Now, when I have had a chance to look at this
15 holistically, I realise there was no tangible information to pass on to the fire brigade.

Q. The only other correction that you wish to make is in respect to the Incident Management Team that is referred to in your statement and
20 elsewhere in your report that you wish to convey to the coroner before you are asked questions as to what you perceive the Incident Management Team was and whether or not it has been correctly categorised as such; is that correct?

25 A. Yes, I do.

Q. What do you say about that Incident Management Team?

A. The terminology "Incident Management Team" was
30 used because the fire brigade was conversant with what that meant. I don't really believe it was applicable in this situation. An Incident Management Team is formed when an emergency occurs, and it is then in front of you.

35 What I would like to state is that, up until 2.45 on Saturday 18th, there was no urban fire brigade incident as such. It remained largely a Rural Fire Service incident.

40 We used the term "Incident Management Team" for want of a better word. Looking back, we may have wanted to use more of an escalation of management arrangement in light of the information that we
45 were provided with. But really the terminology "Incident Management Team" may not have been applicable in this situation purely because there

was no urban fire brigade incident.

Q. It was a rural incident at that time?

A. There was a rural incident at that time.

5

MR BRADFIELD: Thank you.

THE CORONER: Yes, Ms Cronan.

10 MS CRONAN: Q. Could you just tell her Worship how long you have been with the fire brigade for?

A. Certainly. I have been with the fire brigade since November 1988, a period of 15 years.

15 Q. Before 1988, did you have any firefighting experience?

A. I did four and a half years in the Royal Australian Navy as a lieutenant. During that time firefighting was a component of my training. I
20 might add, Ms Cronan, that was essentially ship firefighting.

Q. Any other relevant experience firefighting before you actually joined the fire brigade?

25 A. No.

Q. Since joining the ACT Fire Brigade, what experience have you had fighting fires?

A. Okay, from 1988 until 1997 I was an
30 operational firefighter in the fire stations. From then, from 1997 until last year, the start of this year, I was assigned to the fire safety section of the fire brigade which was essentially involved in fire prevention, fire safety in
35 buildings, structural fire safety, compliance with the building code of Australia - things like that. Since February this year, I have been back out in the fire stations as an operational station officer in charge of an operational crew.
40

Q. Essentially whilst you were operational, was your firefighting experience mostly in the urban environment?

A. Yes, it was.

45

Q. What level of experience did you have fighting fires that weren't in the urban environment?

A. I had very limited experience. We were from time to time be asked to man or staff the urban fire brigade's water tankers. Essentially to protect the green belt areas around the urban areas of Canberra and also to provide assistance when it was required in the rural areas of Canberra.

10 Q. Was that firefighting non-structural fires as well as structural fires?

A. Well, I am a specialist in structural fires. I have limited experience in rural fires. So it was essentially structural fires and not so much rural fires.

15

Q. From January 8th to the 16th, is it the case that you were still on your Christmas leave?

A. Yes, it was. I was on annual leave at that time.

20

Q. But you came to the ESB on the afternoon of the 16th of January to attend a meeting?

A. Yes, I did.

25 Q. How was it that you came in off your leave to attend that meeting?

A. I had made contact with my Fire Commissioner the day before and on my own volition and I asked him if everything is all right, did he need a hand. He stated that at the very least could you attend this meeting, because at the time I was an acting district officer. I complied with my Fire Commissioner's request. I came off annual leave and attended the meeting on the 16th.

35

Q. Before you went to ESB that afternoon, were you told what the meeting was going to be about?

A. Yes - yes, I did. There was going to be a meeting by Mr Peter Lucas-Smith about the current state of the rural fires.

40

Q. You gave a taped record of conversation with Constable Mark Travers on the 28th of March 2003 specifically in relation to the meeting you attended that afternoon?

45

A. Yes, I did.

Q. If the witness could be shown
[ESB.AFP.0049.0274]. If we could go firstly to
0278. I want to ask you some questions about the
question and answer 49 on that page. You were
5 asked by Constable Travers:

"Just to the best of your recollection can
you recall what it was that Peter Lucas-Smith
described about the wild fires?"
10

You answered:

"Peter was able to give us a situation
report. He was able to tell us that he had a
15 full list to command structure in place, that
the fires had started on January the 8th,
just to the west of the ACT border and within
the ACT border there were three fires that
were largely out of control and uncontained
20 at that time."

Can you recall, sir, how many fires Mr Lucas-Smith
was talking about when he gave you that briefing?

A. I can recall that Peter talked about
25 McIntyre's Hut fire, the Bendora fire, the
Stockyard Spur fire, the Gingera fire and even the
Broken Cart Fire to the south-west of the ACT.

Q. The reference to the fires being largely out
30 of control and uncontained, do you know which
fires he was referring to at this point in his
briefing?

A. I couldn't specify exactly which fire,
Ms Cronan, I'm sorry.
35

Q. You go on and say:

"On the day he spoke to us they were still
uncontained largely burning freely. Despite
40 this his resources were providing some type
of an indirect fire attack on the fires and
they were trying to put containment lines
through, but it didn't appear as though they
would be able to provide some type of full
45 frontal fire suppression on it or direct
attack. He was able to impart to us a
warning that there was a possibility that

these fires could impact on the urban infrastructure."

5 Can you describe in more detail what he said to you about the urban infrastructure? Was he specifying any particular location at that stage?

10 A. Not any particular location. Sorry to cut you off. It was more we refer to the urban/rural interface and that's where, you know, our jurisdictions sort of like meet. He wasn't referring to any particular suburb, no.

Q. Do you recall him giving examples of previous fires that had come in from the west?

15 A. Yes, I do.

Q. He used a map in order to demonstrate where those fires had gone?

20 A. That is correct.

Q. Do you recall where the fires went to, where he showed you the fires went to?

25 A. I can recall one fire, I am not totally sure now whether it was the 1939 fire or the '52 fire, and Peter showed us the fire spread. It appeared as though it spread into the Woden area up to where the Woden Canberra Hospital is at the moment. That is the one fire spread that Peter showed us that I can remember.

30 Q. You also say at the bottom of that answer:

35 "He did state to us that - he warned us that there was a possibility that the fires could break through and come up."

What did you understand him to be saying at that sentence?

40 A. At that time what I was alluding to was that the fires could jump the Murrumbidgee River and could start making a fire travel in towards the urban/rural interface.

45 Q. Did he tell you when that may be likely to occur?

A. Peter was able to give us a brief projection of the weather. To myself the weather on Monday

was the period of time that it was most likely that if this fire was to come out of the rural mountainous areas and start heading towards the urban/rural interface, that Monday was the most likely time it was going to occur. I never got the impression that it was going to occur on the Saturday or the Sunday.

Q. Did he give you any sort of idea about the probability or possibility of the fires breaking containment line and making the runs that he had just shown you?

A. No. There was no quantification of possibility. There was just - we got the impression that there was a low probability of this occurring.

Q. That's the impression you left the meeting with?

A. Yes.

Q. So you left the meeting essentially with the impression there was a low probability of something happening on Monday?

A. Yes.

Q. As a result of that briefing you had a conversation with other senior officers at the - sorry, what room was the briefing by Mr Lucas-Smith held in?

A. It was in the executive conference room of the ESB headquarters in North Curtin.

Q. What did you do immediately after that briefing?

A. Immediately after that briefing Peter left the room and the ACT Fire Brigade officers began a discussion on how we should manage that information that Peter had passed on to us.

Q. What was discussed? Can you recall what was said at that meeting?

A. Yes. There was a general discussion on risk, the possibility of the fire coming into the urban rural area interface, what we may need to do, what we had already done, arrangements which we had put in place to manage the situation and what we might

need to do further to manage the situation.

Q. Was there any discussion about the level of risk that the fires might pose?

5 A. Not a robust discussion, no. I can't recall that there was any - it was the main topic. There seemed to be a very low risk of this occurring.

10 Q. I'm talking about the size of the impact. Did anybody discuss what actually might occur?

A. No.

Q. If the fires did impact?

15 A. No. At that stage we had absolutely no idea.

Q. So there was no discussion about that at all?

20 A. How this fire might travel, the size of the fire, the nature of the fire, the magnitude of the fire should it come up from the Murrumbidgee, no, there was no discussion on the size of the fire and what it would look like if it actually did come into our jurisdiction.

25 Q. So was the discussion basically centring around preparing yourselves with the resources that you had?

30 A. Yes, that is correct. And what we might need to do to escalate, you know, if things start deteriorating a little bit.

Q. What did you discuss in terms of escalation, what could you do?

35 A. I proposed that - I again use this word "Incident Management Team" - in light of what Peter had just told us that it might be prudent if we form an Incident Management Team and, as a result of that proposal, an Incident Management Team or some planning arrangements were put in place.

40 Q. We understand now from what you said earlier that the Incident Management Team was formed not to manage the fires but to manage the possible impact of whatever level you may be facing?

45 A. That's right. It was designed so we could manage our resources should the situation worsen. It was to manage our resources currently because

at that time we had every brigade vehicle fully staffed and, yeah, it was just - it was a team that was there to plan for possibilities based on this level of risk.

5

Q. Can you recall who was present at that meeting of senior officers of the fire brigade?

10 A. I can recall a few names, Ms Cronan, yes. I would not be very confident I can recall all of them.

Q. Just tell us who you can recall?

15 A. There was the Fire Commissioner Ian Bennett, Peter Newham, Peter Hobbs, Peter Cartwright, Jeff Dau, Phil Canham - I get a bit sketchy from there on. I'm very sorry.

Q. Were roles assigned at that meeting?

20 A. Yes, they were.

Q. Were you assigned a specific role in the IMT?

A. Well, I actually volunteered my service as a planning officer.

25 Q. What did you understand that role would involve?

30 A. My understanding of the planning officer was to liaise with experts that might be able to help us to look to perform contingency planning for what might occur and things of that nature - to plan ahead, to look ahead, to see what might occur and to position the fire brigade so that, if it did occur, we were more or less ready for it.

35 Q. Can you recall if anyone else was either assigned a role or volunteered to do a role?

A. Yes, I can.

Q. Who were those people?

40 A. Well, by default Mr Ian Bennett would be the incident controller.

Q. Was that actually specified?

45 A. Yes, it was at the meeting - yes. Peter Newham would be the operations officer and Phil Canham would be the logistics officer.

Q. Following that meeting you called a planning meeting of your staff?

A. Yes, I did.

5 Q. Can you recall who was present at your planning meeting?

A. I've actually got it here. Can I allude to my notes?

10 Q. Yes. This is at 014 --

A. At that planning meeting at 3 o'clock there was Mr Prince, Mr David Prince, myself, Mr Ken Nester, Ron Biggs, Kel Hannon, John Whittle and Frayne Prichard.

15

Q. Superintendent Prince was your immediate supervisor?

A. Yes, he was also at that 2 o'clock meeting when Peter gave us that brief too, I beg your

20

Q. If I could go to your statement [ESB.AFP.0024.0145]. I am taking this from your actual statement, Mr Collins. If we could scroll

25

down to the bottom of page 0150. You say:

"During the meeting I provided a brief as to what was expected of the planning section prior to and in preparation for a possible

30

bushfires impingement on the urban built-up area".

When you refer there to the planning section, are you referring to the group of officers that you

35

gathered together that you have just listed above that paragraph?

A. That is correct.

40

Q. How were those people chosen for the planning section?

A. Well, there was an unwritten, I don't know for want of a better word, understanding that long ago when we did our training back in 1996 when I did my ICS training, that because the fire safety

45

section that I managed at the time was in the ESB building or in headquarters, that should a large-scale incident occur and an Incident

Management Team needs to be formed, there was a ready pool of personnel who could take on the roles of the planning cell.

5 So virtually by default or by that unwritten understanding, I became the planning officer. My staff, the fire safety officers who worked under me, John Whittle and Ron Biggs were fire safety officers as well in that team. They automatically
10 slotted into that. Guys like Kel Hannon who worked in that immediate area fitted into that cell as well and so did Ken Nester.

Q. What about Senior Firefighter Prichard?

15 A. Frayne Prichard, not totally sure how he got involved in the planning cell. At that time we were dividing up people into planning, logistics and operations. It was felt that Frayne could best serve the fire brigade in the planning cell.

20

Q. You said you did your ICS training in 1986. Have you had any training from the Bushfire Service about how their Service Management Team works in relation to the incident control system?

25 A. No, no. The Service Management Team was a concept I was basically unfamiliar with prior to this event.

Q. You say you provided a brief "as to what was
30 expected of the planning section prior to and in preparation for the possible bushfire impingement on the urban built-up area". What briefing did you give them?

A. A quick two- or three-minute talk about the
35 2 o'clock meeting with Peter. I gave a brief summary of what was required of my team based on the course I did eight years ago. I told my people - I remember using the words "we were the Nostradamuses of the fire brigade. At this stage
40 we had to looking ahead." Then we started talking about who was going to do what, who was going to - we started assigning roles within that planning section.

45 Q. What were you planning for at that stage?

A. We were planning for some type of fire that might have come from up the Murrumbidgee headed in

toward the urban rural interface. We had no idea what shape or size or the nature of the severity that fire was. We felt we should do some planning, just in case that fire occurred. We had
5 no idea of the fire, of what it was going to look like.

I looked from where we were down to the Murrumbidgee River and all I could basically see
10 was drought-ridden pastures. I felt that was some type of containment line there in itself. I felt that this perhaps could have slowed the fires right down, and that the chance of them ever coming up anywhere near the urban area was very
15 remote.

Q. So the planning tasks were allocated as set out in your statement on pages 7 and 8. If we could go to 0151. You were assigned the role of
20 interstate brigade liaison at that stage; is that right?

A. Yes, I was.

Q. At that point in time what did that involve?
25 A. That involved talking to the right people within the ACT Fire Brigade. We had the authority to do so, to see if could liaise with interstate fire brigades as to whether they had the resources that could be released should we need them.

30 Q. Further down you say the duties you undertook were those of planning officer and management of ACT Fire Brigade staff assigned to the fire brigade's IMT planning section. Essentially what
35 were those duties in practical terms?

A. Sorry, which bit are you reading?

Q. Under "What were your assigned duties/tasks" you have given us a general description there.
40 Can you tell her Worship in practical terms what you did following that meeting?

A. I went about assisting and managing my planning section to the best of my ability. Immediately after that meeting, myself and
45 Mr Prince approached the Service Management Team's planning section. And I made contact with the planning officer at the time, Mr Bill Woodruff,

and I presented myself to him and Mr Prince presented himself to Mr Woodruff. We told Mr Woodruff what our positions were and what our duties were. I gave him my business card and I
5 stated should he feel that there was any information that we could use as to the nature of these fires and whether they would have an impact on the urban area, if he could call us.

10 I did that again the following day at 1.30 and was basically told that there was no tangible information that we could use at that stage, that the fires were still in the rural sector, in the mountains, and that there was no real information
15 that we could use at that stage. Apart from that, I just went back co-ordinating my staff, managing my staff, helping out the best way we could.

Q. They all had assigned tasks which are set out
20 in your planning section report?

A. Yes, ma'am.

Q. When you spoke to Mr Woodruff, you say he was the SMT planning officer to your understanding.
25 How did you ascertain that he was the planning officer of the SMT at that stage?

A. I walked into the planning room that the Service Management Team was using at the time, conference room 2. I just asked some people some
30 questions and they told me that Mr Woodruff was the planning officer at that particular time. My understanding was that the people were having a break from those duties and there wasn't one planning officer per se for the Service Management
35 Team for the whole 10 days; there were a number of them; they rotated around to give each other a break. I ascertained that Mr Woodruff was the planning officer at that particular time.

40 Q. Did you attend the SMT planning meeting that afternoon on the 16th - the Bushfire Service?

A. No, I didn't.

Q. Could we have a look at your statement where
45 it says at 4pm attended ACT BF&ES bushfire IMT planning meeting. That is the meeting I am referring to in that question.

A. I was referring to then my meeting with Mr Woodruff. That was exclusively about my meeting with Mr Woodruff and Mr Prince. I walked into a planning room full of people, and we made contact with Mr Woodruff. That is what I was referring to exclusively in that particular point number 3.

10 Q. You weren't present while the Bushfire Service held their - were you aware at that stage they had a twice daily planning meeting, one in the morning one in the afternoon?

A. No, I wasn't.

15 Q. You weren't invited to attend that that afternoon?

A. No, I wasn't.

20 Q. You came back at 8.30 the next morning. You self-activated?

A. I came actually back a bit later than that. It was around about 9.30. My hours of work, should I have gone there, were from 8.30 to 5.30. They were my hours of work. I didn't actually reach the ESB building until 9.15, 9.30.

Q. You were officially still on leave but you attended because of the IMT that had been formed the previous day; is that right?

30 A. I wasn't on leave any more. My leave ceased at basically 3 o'clock on the 16th. I wasn't told to stop my leave; I did it because by virtue of my role as a planning officer.

35 Q. So when you arrived at ESB the next morning, you called a meeting at 10 o'clock?

A. Yes, I did.

40 Q. Before that, had you attended at the Bushfire Service morning planning meeting?

A. No, I didn't.

Q. You were aware that there was one?

45 A. I was not aware there was one. No, I wasn't. There may have been a passing conversation, but I wasn't made fully aware of that meeting.

Q. You say at page 10:

5 "At 10am and immediately after the Rural Fire Service planning meeting that was convened at 9.30am in the executive conference room, the ACTFB IMT planning section met in the fire safety section's meeting room to consolidate and co-ordinate planning activities to date."

10 Before you had that meeting, did you contact anybody from the Bushfire Service to ascertain what the current situation was in relation to the fire?

A. No.

15

Q. You were still briefing your planning meeting on the basis of the information Mr Lucas-Smith had given you the afternoon before?

A. That is right.

20

Q. Resulting from that planning meeting further planning issues were discussed and resourced as follows: operations district officer Nester and Prichard. Operations district officer liaison, what does that mean?

25

A. What that means is that I assigned Mr Nester and Mr Prichard to liaise with the district officers. By that stage there were two district officers in charge of the fire stations. They were to liaise with them as to what we felt they may have needed to do.

30

Q. And they were also in charge of creating an incident action plan?

35

A. Yes, they were.

Q. Did you assign them those roles?

A. Yes, I did.

40

Q. Do you know at that stage whether they had also had ICS training?

A. I think that they received ICS training a number of years ago, like I did, yes.

45

Q. So what planning issues were actually discussed at that morning planning meeting?

A. We basically went over what everyone had done

the day before. At that stage there didn't seem to be an escalation of urgency with the fires at all. As a planning officer I felt that one of my duties was to form an incident action plan, one of the lists. It's my understanding that needs to be done. I did that not because the fires had worsened, the situation had worsened, I felt it was part of our role.

10 We went over what we did yesterday, talked about fire hydrants on the western interface, talked about how people were going with their duties. And we also felt that we needed to approach the district officers who were in charge of the fire
15 stations to get the crews and the fire pumpers and water tankers up to the western interface to ensure that the crews were familiar with the area, they knew where all the roads were, the access points, where they could retreat to, secondary
20 roads and things like that - just to become conversant with that interface. That's basically what we were doing.

Q. Were members of your team also checking access gates and trails on the urban rural interface?
25 A. Not my team, Ms Cronan, no. It wasn't incumbent on my team to do that. It was incumbent on my team to pass on the requirement or the necessity to do that to the operations part of the
30 fire brigade.

Q. So Senior Firefighter Prichard spoke to Acting District Officer Cartwright and get him to do that; is that right?
35 A. That is correct.

Q. So following the planning meeting, what duties did you practically undertake yourself?
40 A. I couldn't put a finger on what I actually did. I just made sure I was providing support to my team, making sure they were doing jobs assigned to them, things like that. It was just a management supportive role.

45 Q. What were you actually doing then in order to be in a position to scale up if required?
A. Well, we were putting a number of measures in

place. If you turn to page 15 of my planning section report, there is a list there of what my cell did - numbers 1 to 15. I don't know, Ms Cronan, if you want to go through them point by point. They were the activities that we were involved in.

Q. We might actually go through them point by point if you can give us practical demonstrations of each one. This is at [AFP.AFP.0001.0001] and page 0015. At point 3, this is still on the 16th - is it on the afternoon of the 16th you convened this meeting?

A. Yes, that's right. At 3 o'clock.

Q. Then at point 4:

"Ensured the fire brigade had in place a media liaison strategy including community warning messages."

What did you do in relation to that on the 16th?

A. What I did was assign one of my officers to make contact with the media liaison officer at the ESB and to help her through the terminology that she might use, should there be a necessity to start broadcasting public warnings.

Q. Do you know who that planning officer contacted?

A. Yes, I do - Ms Amy Lowe.

Q. Was anything else done in relation to community warning messages at that stage?

A. No, there wasn't.

Q. By your section?

A. No. No.

Q. Then at point 5 you planned for contingencies through:

"Continual liaison, advice and recommendations to brigade operations management for a possible western urban/rural interface fire."

What liaison are you referring to at that point?

5 A. What I was referring to was my officers who made contact with the district officers in operations to advise them that they might like to get their water tankers, their pumping appliances out to the interface and to become familiar with the area.

10 Q. Was there anything done in relation to spare appliances that the stage?

A. It was my understanding that every brigade appliance was fully staffed.

15 Q. Development of incident action plans and risk assessments. If we could go to 0034 on the same document. Is that the incident action plan that was prepared at your direction on the 17th by Mr Nester and Mr Prichard?

20 A. Yes, it was.

Q. After they prepared it, did they show it to you?

A. No, they didn't.

25 Q. Do you know what they did with it?

30 A. My understanding was they distributed it to a number of the fire brigade officers and placed the incident action plan on a G drive - our computer system that we all have access to, should we need it.

Q. Did they tell anyone they put it there at that stage?

35 A. If they did, I wasn't aware that they did.

40 Q. Point 7 back on 0015 you say you also conducted an investigation of risk assessment of vulnerable areas on the western urban/rural interface. How was that risk assessment carried out?

45 A. This was basically a combined effort. We told operations to come up to that urban/rural interface and to have a look at it and see what needed to be done and where they needed to be positioned should a fire come up there. It wasn't an ideal risk assessment undertaken as such; it was just to get our appliances up to the

urban/rural interface. It wasn't an ideal risk assessment by any means.

5 Q. It wasn't the type of risk assessment in that you were trying to ascertain what the risk was, what its level was, where it might occur?

A. No, not at all. No.

10 Q. Then point 8:

"Liaison with the Government Solicitor's Office over legislative issues."

15 What liaison occurred with the Government Solicitor's Office?

A. I was assigned that duty. I assigned myself that duty. I tried to make contact but I couldn't make contact with the solicitor's office. I admit I only made contact once; I didn't do it again.

20

Q. Why did you want to make contact with them?

A. I wanted to get an understanding of the Acts - the Fire Brigade Act, the Rural Fire Service Act and the Emergency Management Act. I needed someone there in case the situation escalated so that I could quickly ring up and get a position on where we stood legally with the situation.

25

30 Q. You were concerned then about where you stood legally in terms of your interaction with the other agencies?

A. Where we stood, yeah, as a whole: where our jurisdictions were, where they cut in and out - things like that. I didn't want to do anything inappropriate. I want to remain within our legislative framework. I didn't want to act outside of that legislative framework that we were allowed to act in. I need someone to give me some ready advice in case it was needed.

40

Q. You also liaised with fire protection companies and monitoring of regular business in the ACT commercial buildings?

A. Yes, that's right.

45

Q. What actually occurred in relation to that liaison?

A. I got one of my officers to ring a number of the fire protection companies up, just in case any smoke that could possibly come into the urban area could spuriously set off fire alarms in commercial buildings. We didn't want to be chasing false alarms whilst a possible fire was encroaching on our urban area. We basically discussed in very general terms what they could do to assist us insofar as making sure that didn't occur, that those spurious alarms didn't go off.

Q. Would they have a response duty to those alarms to help you out?

A. We talked very generally about should we need to, we could ring them up and say, "Could you attend these buildings here. There is an alarm going off. Could you attend to make sure there is no fire," things like that. "If it was becoming increasingly problematic could you shut it off altogether."

Q. You and your staff also liaised with ACTEW:

"... over the efficacy of fire hydrants and towns water supply in the vulnerable areas"?

A. That is correct.

Q. What liaison occurred?

A. One of my officers contacted Mr John Dymke from ACTEW and gave him a precis of the situation and would he mind if he got his staff to go along the entire western urban/rural interface testing all the fire hydrants to make sure they were all operating as designed.

Q. I think that contact took place on the afternoon of the 16th, did it?

A. Yes, it did.

Q. What did he say in response to that request?

A. I didn't talk to him specifically. One of my officers did. My understanding was that that request was going to be complied with, and it actually was carried out.

Q. You also say at number 11:

"Ensured arrangements were in place for immediate deployment of interstate urban firefighting assistance."

5 What arrangements were made for the possible deployment of interstate assistance?

A. It was me approaching the Fire Commissioner on the 16th and the 17th. I must put this in context. The Fire Commissioner was extremely
10 busy. It was more a chat in a hallway.

"Mr Bennett, have you approached New South Wales fire brigades about whether or not we could use them if the situation worsens?" That was it. I didn't think it appropriate if I pushed Mr Bennett
15 even further than that. It was basically a heads-up, "Have you done this?" and he assured me that he had.

Q. That was on the 16th and on the 17th that that
20 happened?

A. Yes, it was, ma'am. Once again, some of these things were more a hallway discussion rather than a formal meeting.

25 Q. Point 13 you put in place a liaison strategy with the logistics section of the fire brigade IMT. What was done in relation to liaising and logistics?

A. I assigned an officer to make contact with our
30 logistics section just to make sure they knew who they were and how to they could contact each other if the situation worsened.

Q. Were they not physically located in nearby
35 areas?

A. They were located - we were both located in the ESB building in Curtin. Yeah, we were in the one building.

40 Q. In areas that were near each other in that building?

A. No, it was a distance apart. I was operating from my meeting room in the fire safety section, and the logistics section was operating from the
45 back end of the building, some 40, 50 metres away.

Q. Where was the operations section?

5 A. I'm not totally sure where the operations section was running from. I can only assume it would have been around where the operations officer's desk was at the time, where he worked from in the building.

Q. Point 14 you say:

10 "Liaison, warnings and fire safety advice to rural residents and precincts including" --

The following areas - what was done in relation to warnings and fire safety advice to rural residents?

15 A. I got one of my officers to make contact with ACT Housing and advise them of the situation that there were some mountain fires occurring and they may need to put in place - they needed to start thinking about evacuation strategies and they
20 needed to check all their fire safety appliances, their fire hose reels and fire hydrants that were located on site to check that they were working correctly.

25 Q. That contact took place on 16 January?

A. Yes, it did.

Q. Was contact also made with the ANU about Mt Stromlo?

30 A. That's correct.

Q. And do you know what was said during that contact?

35 A. As I understand it, contact was made with the fire safety officer on Mt Stromlo. He again was informed of the situation and the low probability of a fire encroaching on that area. My officer was advised that a lot of arrangements had been put in place already, that the fire systems were
40 working correctly, an evacuation strategy had been organised and that they were fully aware of the situation.

45 Q. Was there any other activity done in relation to point 14 that you can recall?

A. Well, once again, it was made contact with Tharwa, and there was limited contact with some

rural lessees about the situation.

Q. In point 14 you say you ensured there was a fire brigade presence in the AFP Emergency Operations Centre, Belconnen. When did that happen?

A. That happened on the morning of the 18th and it continued with me going over there in the afternoon of the 18th.

Q. Point 15:

"Liaison with the ACT Community Recovery Subcommittee regarding all disaster recovery arrangements and evacuation arrangements for nursing homes and the like."

When did that liaison commence, can you recall?

A. I wasn't at any of those meetings but, as I can recall, it was late on the 17th of January.

Q. Does that essentially cover all of the activities that you and your section were involved in or did on the afternoon of the 16th and the 17th of January?

A. Yes, it did, yes.

Q. Apart from the two contacts you have described with Mr Bill Woodruff, did you have any other contact with anybody from the Bushfire Service over that day and a half period?

A. Not formally. I wasn't formally approached in any way, no.

Q. From your ICS training, did you turn your mind to or consider that your loose IMT perhaps should have been working with the Incident Management Team in the Bushfire Service in relation to preparation for this potential impact?

A. I really don't think it was as simple as that. This was a situation that was quite complex. It was a range of fires that were being handled by the Rural Fire Service and basically the urban fire service was a pool of experts they could draw on, if they needed to, up until January the 18th, when at 2 o'clock or 2.45 it became an urban fire problem.

As I said, it was a very complex situation that involved interstate brigades, interagency jurisdictions. It might not be as simple as saying, "We should have liaised with them more".
5 My impression was that had there been tangible information we could have used, all we had to do was go and ask, that it wasn't withheld, it was there. But my impression was that there was no information that the SMT could give me that was
10 useful to me.

Q. If the fire that the Bushfire Service was fighting came up to the urban interface, the fire that you would be fighting would be the same fire
15 that they were fighting; would you agree?

A. There would be remnants of a rural fire. But on the January 18th at 2.45 it became largely an urban fire. It hit the urban infrastructure, so it became basically a predominantly urban fire.
20 Infrastructure was burning. Structural fires were burning. I'm not aware of the extent of rural fire that was burning at the same time as ours. It may not be that it was the same fire. The fire had progressed from a rural fire into an urban
25 fire.

Q. Were you involved in fighting the Christmas 2001 fires?

A. No.
30

Q. You weren't?

A. No.

Q. Were you in Canberra at the time?

A. No, I wasn't.
35

Q. So you left duty at what time on the Friday afternoon?

A. Around about 4.30, 5 o'clock.
40

Q. Your intention when you left was to have the weekend off, unless you were recalled for something; is that right?

A. That is correct.
45

Q. When you left, what was your understanding of the potential threat to the urban area by the

rural fire at that stage?

A. My understanding was it was a very low threat.

Q. Had your understanding progressed at all since
5 your briefing with Mr Lucas-Smith on the Thursday
afternoon, had it changed?

A. No, no.

Q. In your mind Monday was still the potentially
10 bad day where this fire might potentially have
some low level of impact?

A. That is correct.

Q. After you left, what was the first contact you
15 had from either - from anybody at ESB?

A. I received a phone call on the Friday evening
from Mr Bill Woodruff who stated that there was
some burning - he had received a call from the
equestrian centre at the back of Chapman there and
20 that I might like to get a fire brigade appliance
to go and investigate it.

I thanked him and then I rang up Mr Peter
Cartwright from the fire brigade and asked him to
25 send an appliance out, which he did.

Q. Why were you contacted? What role were you
performing?

A. I guess because Bill - the only number he had
30 on him at the time was mine, because I presented
him with my business card on the day before.

Q. I see. Did he mention anything to you about
35 possible impacts on Narrabundah Hill when he spoke
to you that evening?

A. No, he didn't.

Q. What time did he speak to you?

A. I just have to check. I can't recall it. It
40 was around about 6 or 7 on the evening.

Q. When he spoke to you about some burning on the
equestrian centre, did you know where the location
of the equestrian centre was at that stage?

A. He advised me that there were some burnt
45 leaves that were falling out of sky. They weren't
actually alight. They were just blackened. My

understanding was that it was off the Cotter Road.
Left of the Cotter Road behind the suburb of
Chapman.

5 Q. Can you recall anything else that was said
during that telephone discussion?

A. No, that was it.

Q. You then rang District Officer Cartwright?

10 A. Yes, I did.

Q. And left it to him?

A. Yes, I did.

15 Q. When was the next time you were contacted by
anyone from ESB?

A. I wasn't.

Q. You responded again yourself on the Saturday?

20 A. Yes, I did. I - sorry, did I cut you off?

Q. What caused you to respond?

A. I was at home at the time - at the time I was
at my sister and brother-in-law's place. We went
25 for a walk on to Monash Ridge overlooking
Tuggeranong Hyperdome to the west and I saw a fire
front probably 500 metres behind the Tuggeranong
centre, and at that point I self-activated. I got
straight in my car and came straight into the ESB
30 building.

Q. What did you see when you got - approximately
what time did you get into ESB?

A. Approximately 2 o'clock.

35

Q. What was going on when you got there?

A. I went straight into the communications
centre. At that stage I passed a number of people
who seemed to me to be very anxious and working
40 feverishly. I walked straight into the
communications centre and I walked straight up to
Mr David Prince and I sought my directions from
him.

45 Q. What did he tell you to do?

A. He told me that a brigade presence was
required at the Winchester Centre, the police

Winchester Centre and I was to go over there straight away.

5 Q. So you effectively activated as the fire brigade liaison officer at the Winchester Centre for the rest of that shift?

A. Yes, I did.

10 Q. If I could take you to taped record of conversation [DPP.DPP.0004.0036]. If we could go to page 26 at question 224. I will just go through this answer and ask you for some explanations about some of the things that you have stated. You say:

15

"When you see minutes like that at 1800 on the Friday night you start, I mean some questions are raised. But the feelings in amongst the planning room cell, and I'll say this unashamedly, I said "yes, let's do this, let's do it, let's do it well." But the general the overwhelming feeling was that it wasn't going to occur. That was the feeling that no-one had come to us and said this thing is going to thump into you the next day or so. There was always this laid back, don't be an alarmist thing going on, you know, don't upset the community, you know we've seen this before. It's not going to happen."

30

What were you referring to there when you said, "There was this laid back, don't be an alarmist thing going on. Don't upset the community," can you tell us what you were trying to describe there?

35

A. I was trying to describe that there was no real sense of urgency either with us or within the Rural Fire Service about this particular fire, that I wasn't getting the impression that this thing was going to occur. There was a low possibility that it might occur. So that's what I was trying to state during that.

40

45 Q. You go on to say:

"Yes it was I don't know it was almost

tokenism what we were doing just to make it look good, but we did it anyway and the guys I think did a great job, you know, we made all the right phone calls and arrangements based on the information we got at the time and a sense of urgency we were getting at the time, you know."

10 So when you say it was almost tokenism, did you feel on the Thursday and the Friday that you were simply going through the motions for an event that may not occur?

15 A. Yeah. Look I think the word "tokenism" is a bit strong because what I don't want to do is belittle what we had done. We were going about our duties the best we possibly could. We had no idea what this fire - that this fire was going to occur. We had no idea of the threat but still, despite the fact that we didn't think it was going to occur, we did all our duties the best possible way we could in adherence of what was required of the planning cell.

25 The use of tokenism belittles the whole situation. It belittles what occurred afterwards as well. I really don't want to use that word. As you say, we did it based on what might occur and we did it the best we possibly could.

30 Q. Do you agree with this: your planning over that day and a half period was aimed towards making sure that everything you had was available and ready to go to the best of its ability if a problem arose?

35 A. That's quite correct, yes.

Q. And you achieved that?

40 A. I was very comfortable with the arrangements I put in place Friday afternoon commensurate with the level of risk, commensurate with the fact that it may occur on Monday. That's what I want to try and stress. We were told this thing make occur on Monday. It was never inevitable. In a day and a half we did everything we possibly could, and I went away very comfortable with what my team had done.

MS CRONAN: Thank you, sir. I have no further questions.

THE CORONER: Yes, Mr Archer?

5

MR ARCHER: Yes, thank you, your Worship.

<CROSS-EXAMINATION BY MR ARCHER

10 MR ARCHER: I represent the Australian Federal Police.

Q. Do you have your statement still with you?

15 A. I have the record of conversation in front of me dated 3 October, sir.

Q. Could the statement be brought up which is [ESB.AFP.0024.0145] at 0162. Just scroll down to the bottom of the page, if you could, thank you.

20 From about 3 o'clock on the afternoon of the 18th you were at Winchester Centre acting as the fire brigade liaison officer. What systems did you have in place so far as actual communication occurred and was concerned? Did you have a telephone line that was open and available to you?

25 A. In the end I went out there and, through asking some questions, I was able to work out what the technology is available to me. I only - using my mobile phone to make contact with the ESB.

30

Q. That became, as I understand it, a bit problematic as the time went on that afternoon?

A. Yeah. It came to the point where the mobile network was almost completely clogged up.

35

Q. At the time that you were able to make contact with ESB that afternoon, that is from 3 o'clock onwards, were you able to get somebody within ESB to talk to you about where they understood the fires were and what was happening at the fire front, particularly at Duffy?

40

A. I was able to liaise with Mr Prince, who was in the communications centre at the time. Mr Prince was absolutely overwhelmed with the workload and was doing all he possibly could to manage the situation. There were times where his phone was engaged, and I had to wait. But

45

essentially my liaison with the ESB was through Mr Prince.

5 Q. I don't imply criticism of Mr Prince at all. The information that was available to him was quite limited, therefore that which was available to you was similarly limited?

A. That's exactly right, yes.

10 Q. In the record of interview which is [DPP.DPP.0004.0036] at question 166, one of the issues that arose as a lack of that information that you were getting from ESB was whether or not people should be evacuated, particularly at Duffy.
15 I take it that issue was something that was very much on people's minds at the Winchester Centre; that is, the issue of evacuations?

20 MR PIKE: I object to that "very much in people's minds". How can this witness, unless he has had a conversation with somebody, speculate as to what was on people's minds?

25 MR ARCHER: I guess because he talked to them, I suppose.

Q. Did you talk to people about evacuation issues that afternoon after 3 o'clock at the Winchester Centre?

30 A. No, I didn't.

Q. You talk about there being an element of confusion as to that issue. Do you agree that is what the question implies --

35 A. When I was at the Winchester Centre or before that?

Q. Well, at the Winchester Centre.

40 A. At the time there was mass confusion everywhere. The nature and the extent of the fire was largely unknown by anyone. We were all trying to get some vital intel as to what this fire was doing once a state of emergency was declared. It was very, very difficult to get a grasp of the
45 situation.

Q. There was - as you have described it - a

limited flow back from ESB in relation to the fires. They were obviously dealing with a crisis situation over there and weren't able to relay back to you a lot of information?

5 A. That is correct. By virtue of the fact that everyone was totally overwhelmed with the situation and the workload required of them, the information from the Winchester Centre to the ESB was very limited. Very limited. We did the best
10 we possibly could in a bad situation.

Q. So far as the information that was coming in to the Winchester Centre from officers out on the ground, did that seem to you to be perhaps greater
15 than the information coming back from the ESB to the AFP?

A. No.

Q. Were you getting information while you were at
20 the Winchester Centre in relation to what AFP officers were seeing out at Duffy, for example?

A. No.

Q. Who were you dealing with out at the
25 Winchester Centre? Who was your immediate contact out there?

A. In the centre itself at the time, if I can recall it, it was Ms Mandy Newton who was in charge. I was liaising with her as best as I
30 possibly could.

Q. Were you monitoring their communication network at Winchester?

A. No, I wasn't. I was virtually sitting at a
35 desk with a telephone and my mobile phone. That was it.

Q. Your job was to extract as much information from Curtin as it was available to feed into AFP
40 processes?

A. Yes. My job, if they come up and ask me a question, I would make a phone call back to the ESB building and try and get an answer to them.

45 Q. I think it has been covered in evidence, but that Saturday morning when you weren't actually at work, you didn't receive any information at all

about the fires' progress?

A. No, I didn't.

MR ARCHER: Yes, thank you, Mr Collins.

5

THE CORONER: Yes, Mr McCarthy.

<CROSS-EXAMINATION BY MR McCARTHY

10 MR McCARTHY: Mr Collins, I represent the ACT in this inquiry or in this evidence.

Q. You were asked questions earlier about the fact that you didn't receive information from the SMT about what was occurring out in the rural areas, and in reply you explained that you didn't see that there was any information that they could usefully give you for your area of responsibility; is that right?

15
20 A. That is correct.

Q. But, nevertheless, you felt confident that if you needed any information, all you had to do was ask?

25 A. That is correct.

Q. That situation arose essentially because of the division of responsibilities between the Fire Brigade on the one hand and the Bushfire Service on the other, in the sense that the Bushfire Service is responsible for bushfires in the rural areas and the Fire Brigade for fires in the urban areas or urban structures in Canberra; is that right?

30
35 A. That is correct.

Q. So at the time that the fires were occurring, say on 15th, 16th of January, there wasn't any further information that you needed with respect to fires that might impact upon your area of responsibility; is that right?

40 A. That is correct.

Q. Nevertheless, it is in that context that Mr Lucas-Smith came to speak to you all on the 16th of January to alert the Fire Brigade as to the possibility of the fires coming into your area

of the responsibility; is that a fair statement?

A. I think Peter came to talk to us to give us a briefing of the current condition that the rural fire service was in. He did that. I think Peter
5 was very careful not to encroach on the Fire Commissioner's duties as far as protocol was concerned. He informed us of the situation. We asked him questions about the possibility of it coming into the urban area, and that possibility
10 was very low.

Q. But nevertheless you have said a number of times in your transcribed record of conversation that he conveyed to the Fire Brigade officers that
15 there was a possibility that this would occur and, as a result, a responsibility in your jurisdiction would arise; is that a fair statement?

A. I'm not sure what you mean by the last bit. He did state that there may a possibility of it
20 occurring, yes.

Q. So the general thrust of the meeting was to let you know in advance that the fire that was out there might become a fire that was within your
25 responsibility - namely, the urban area of Canberra - to use your term give a heads-up about the possibility?

A. Yeah, I would agree with that.

Q. It was essentially also to give you some time and to empower the fire brigade, to use your terminology, about what to do in preparation for that possibility?
30

A. I'd agree with that. He empowered us to
35 manage the information he was giving us.

Q. What essentially happened as a consequence was that the Fire Brigade organised the Incident Management Team that you have spoken about in
40 preparation for that possibility?

A. That is correct.

Q. I understand also that it was a situation where there was no cross-crewing of urban
45 appliances in order for those appliances all to be fully operational; is that right?

A. That's correct.

Q. The expression "cross-crewing" essentially means that for all the urban appliances there was enough crew to be able to fully man all of those appliances?

5 A. That is correct, yes.

Q. It wasn't a situation where some crew had been sent off onto say a rural fire appliance leaving an urban fire appliance without crew to man?

10 A. That is right. What we were trying to do was prevent a situation where one of our water tankers, if it was required, wouldn't be crewed by the same crew as an urban fire pumper thereby denuding that pumper's catchment area. It was to
15 make sure we had every appliance, every vehicle fully staffed, fully operational.

Q. That was the situation from the 14th of January?

20 A. I'm not too sure on when it came in. It was some time in between the 8th and the 16th. I'm not the best point to pinpoint exactly when those arrangements were made prior to the 16th because I was on annual leave.
25

Q. But in any event, certainly by the 16th of January a situation existed so far as the Fire Brigade was concerned whereby all appliances that were available to it were in a position where they
30 could be fully crewed if need be?

A. They were all fully crewed 24/7.

Q. It is the situation that even though the Fire Brigade, perhaps yourself, had an understanding
35 that the risks of the fire impacting upon Canberra were low, nevertheless the Fire Brigade hadn't taken any chances about that risk; had they?

A. No.

40 Q. In fact, on page 17 of your statement you make the point that, by the 16th of January, the ACT Fire Brigade was at its maximum response capacity and in a full state of operational readiness. That's a correct statement, isn't it?

45 A. That is correct.

Q. So that whether the possibility of the fires

hitting was low, high, medium, or whatever it was, the Fire Brigade was as ready as it possibly could be?

A. Yes, I would agree with that. Yes.

5

Q. When you, in your capacity as planning officer, spoke about the preparation of the incident action plan to address the risks that you saw of this fire impacting upon Canberra - that's right?

10

A. That's right.

Q. One of the observations you made was that "spot fires may occur up to 10 to 15 kilometres in front of the fires, predominant north-west winds are likely to initially cause grass fires within 5 kilometres of Canberra's western boundary and later to structures and bushland areas within the Canberra urban area". That was the scenario or the situation that you envisaged as at 4.30 on the 17th of January before you went home that day?

15

20

A. I have got to take responsibility for this incident action plan --

25

MR BRADFIELD: Before the question is answered, I object to the question on this basis: The officer didn't prepare that. He indicated he didn't see it until some time afterwards. Officer Prichard had prepared it. In my submission, the question is unfair.

30

MR McCARTHY: Perhaps let me clarify the matter. I am merely trying to ascertain that this document accords with the earlier evidence that the Fire Brigade was as ready as it possibly could be, and that that's a situation that was envisaged. And I am asking Mr Collins, as the planning officer, whether he shares the view that the level of preparation was, by reference to that possibility, being recognised. That's all.

35

40

MR BRADFIELD: Coroner, that wasn't the question.

MR McCARTHY: If it wasn't the question, it is now.

45

THE CORONER: That is the intention with which

you ask the question.

MR McCARTHY: Q. Would you share the view that that statement written there reflects your
5 appreciation of the risks that Canberra faced at the time and why the Fire Brigade was as ready to the maximum capacity that it was?

A. No, not really. We made all these
10 arrangements based on what might occur. I don't have a great knowledge of spot fires; I don't have a vast knowledge of rural fires. We made all these arrangements for what might occur. As I said, I really didn't see this incident action plan, although I should have. Probably I should
15 have ensured that that occurred.

But I would just like to reiterate that this incident action plan was carried out on my
20 direction. It wasn't carried out because of an escalation of the fire. The fire in our view hadn't worsened. It was carried out because one of the things a planning cell had to do was an incident action plan. I assigned a member to do that. Look, I'm not an expert on rural fires --

25

Q. Mr Collins please, I am not in any way being
critical of you. I am merely trying to ascertain that the briefings on 16 January, the preparation that the Fire Brigade, to its credit, had put in
30 for preparing for this event, even though it saw the possibility was low, was done to the maximum of its capacity; is that right?

A. That is correct.

35 Q. It was done because of a recognition that the fires might come into Canberra and the Fire Brigade needed to be as ready as they possibly could be?

A. That there was a recognition that it may
40 occur?

Q. Yes. And as a result, the Fire Brigade took every step it could to be as ready as it possibly could for these fires, for that eventuality?

45 A. Certainly from a planning point of view, we did the best we possibly could in accordance with our training and our ongoing experience with this

type of incident. We did the best possible with, we thought, was the best possible arrangements in place.

5 Q. Is it right, therefore, to say that even if you saw this as merely a possibility the Fire Brigade was, to use this expression, at its maximum response capacity and at a full state of operational readiness?

10 A. That's correct.

Q. That remained the case on both the 17th of January and through the morning of the 18th of January?

15 A. That's correct.

Q. Is it fair to say that, even if the Fire Brigade had appreciated or known that the risks of the fire impacting were greater than they thought at the time, their preparation couldn't have been any better?

A. That's a hypothetical situation.

Q. Let me double back a bit. Am I right to understand that, even though you thought the risks were low, the preparation was at maximum capacity; it was as good as it could be?

A. The preparation was commensurate to the information we were receiving. Yeah, that's all.
30 Had this situation worsened we would have reviewed our position and our arrangements in place. We would have reviewed it.

Q. But come the fires that actually did impact, is it fair to say that, because you were at maximum response capacity, it was a situation where the fires simply overwhelmed the Fire Brigade rather than them not being prepared in any way for what occurred?

40 A. That is correct.

Q. So that it is not the situation that the Fire Brigade was caught out, it was as ready as it could be; but it was simply that the scale of the fires was beyond the resources of the Fire Brigade?

A. The scale of the fire and the speed of the

fire, the speed of the impact. Yes, that was the telling factor. It wasn't though that the Fire Brigade wasn't ready; they were ready. The nature of the fire overwhelmed resources.

5

Q. So really there wasn't much anything else the Fire Brigade could have done about it anyway?

A. Again, I must state that - I must agree with you based on the information we had received, the sense of urgency we had about these fires, our state of readiness was commensurate to that. It was commensurate to the level of risk that we perceived. Had information come in that these fires were going to be huge, they were going to occur, greater arrangements could have occurred. That information wasn't forthcoming because probably no-one knew about it. It wasn't withheld. No information was withheld to the Fire Brigade. I always got the impression that there was always full co-operation amongst the SMT and the Fire Brigade. Full co-operation.

10

15

20

MR McCARTHY: Thank you, your Worship.

25

THE CORONER: We will adjourn for the short adjournment.

SHORT ADJOURNMENT

[11.30am]

30

RESUMED

[11.50am]

THE CORONER: Yes, Mr Pike, any questions?

<CROSS-EXAMINATION BY MR PIKE

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MR PIKE: Q. Mr Collins, you have already given us evidence to the effect that on Saturday you were not on duty until you saw some things that made you self-activate and you arrived at ESB at about 2pm?

40

A. That's correct.

Q. Prior to arriving at ESB at that time, you hadn't had any contact with anyone from the Fire Brigade or indeed with ESB that morning?

45

A. That is correct.

Q. When you did arrive, I think you told us you saw Mr Prince and you said words to the effect that there was a great deal of feverish activity going on?

5 A. That's correct.

Q. It was clearly a very serious situation?

A. That is correct.

10 Q. And it was clearly being taken very seriously?

A. Absolutely.

Q. And you were within a short time of your arrival dispatched off to the Winchester police headquarters?

15

A. That is correct.

MR PIKE: Thank you, your Worship.

20 THE CORONER: Thank you, Mr Pike. Any questions, Mr Whybrow?

MR WHYBROW: No thank you, your Worship.

25 THE CORONER: Mr Walker?

MR WALKER: No, thank you.

THE CORONER: Mr Craddock?

30

MR CRADDOCK: No, thank you.

THE CORONER: Mr Watts?

35 MR WATTS: Thank you, your Worship.

<CROSS-EXAMINATION BY MR WATTS

MR WATTS: Q. I represent Hilton Taylor, Tony
40 Bartlett, Neil Cooper, Andrew Winter, Tony
Corrigan, Peter Newham, Peter Cartwright, David
Jamieson, Robert Gore and David Dutton; do you
understand that?

A. Yes, I do.

45

Q. I want to ask you about one issue, if I might, Mr Collins. The question of recalling

firefighters who are off-duty on to duty - I want to ask you about that issue. As I understand it, after your meeting of the 16th any threat to the urban area as you understood it was likely to be on the Monday?

5

A. That is correct.

Q. And even after that meeting you were not aware of the precise nature of any such threat?

10

A. That is correct.

Q. It would be true, would it not, that to take the step of calling all off-duty crew to come on duty would only be taken if there was an imminent and known threat?

15

A. That is correct. It would have to be imminent. It would have to be occurring or about to occur.

20

Q. You would have to know, if it hadn't occurred, the nature of that threat and the extent of that threat?

A. Yes, that is correct.

25

Q. And certainly so far as you were concerned on the 16th and 17th, you were not aware of the precise nature of the threat which actually occurred on the 18th?

A. That is correct.

30

Q. The risk is, of course, if you call people in from off-duty too early, they might then have to be spelled at a time when they are needed?

A. That is one of the problems, that is correct.

35

Q. It is important to get your timing right; isn't it?

A. It is important to prepare the brigade commensurate to the threat.

40

MR WATTS: Thank you.

THE CORONER: Thank you, Mr Watts. Mr Bradfield?

45

MR BRADFIELD: No questions.

THE CORONER: Any re-examination, Ms Cronan?

MS CRONAN: No, your Worship.

THE CORONER: Thank you, Mr Collins. You are excused. You are free to leave.

5

THE WITNESS: Thank you, your Worship.

MR BRADFIELD: There is only one matter that arises in regard to Mr Collins. I note on the transcript that Mr Camilleri was called and certain comments were made by Mr Camilleri. I ask whether or not to accept that the evidence that has given to my friend Ms Cronan, counsel assisting, in respect to what happened in the planning phase can be accepted and that things were done by the planning section. Otherwise, I would see it that Mr Camilleri may need to be recalled, having account of the time restraints of this inquiry. I would see that maybe --

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15
20

THE CORONER: I don't know that Ms Cronan is prepared to --

MS CRONAN: My friend is being a bit too oblique.

25

THE CORONER: Yes. I think you might have to specify the issues that you are talking about.

MR BRADFIELD: Well, allegations were made by Mr Camilleri that the planning section really did nothing in regard to contacting or doing anything in respect to the fires. You have heard evidence this morning that certain things were done by the planning section. It is very clear on the statements and the report made that that had been done. I am asking whether or not it is deemed necessary for Mr Camilleri to be recalled in order for those to be specifically put to him.

MS CRONAN: Your Worship, my understanding of the evidence, and perhaps I might need to ask one or two more questions, that this witness gave instructions to District Officer Cartwright to advise the stations to check the urban interface. The evidence of Mr Camilleri is that when he was called out to Molonglo treatment works on the afternoon of Saturday, he was answering a call to

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check out some smoke and possible grass fire as he had no knowledge of any potential impact on the urban edge by the rural bushfire. Those two pieces of evidence are not, as I understand it, inconsistent. But I could certainly ask this witness if he has any knowledge about why it is that Mr Camilleri was not notified. He may be able to assist us in relation to that. That might clarify --

10

THE CORONER: Is that the issue you are talking about --

MR BRADFIELD: No, it wasn't.

15

THE CORONER: -- because that was Mr Camilleri's evidence. You are referring to a comment that Mr Camilleri made that the planning section did nothing --

20

MR BRADFIELD: Yes, basically that nothing was done by management in regard to contacting or organising property in preparation for the fire. It certainly seemed to be just a general criticism of the system by Mr Camilleri. It wasn't directly pointed towards Mr Collins but it certainly could be seen indirectly as being a criticism of him. That was my concern.

25

30

THE CORONER: I don't think there is any need to recall Mr Camilleri though, Mr Bradfield, on that basis.

35

MS CRONAN: His evidence was given on the basis from his perspective --

THE CORONER: Of what he knew and what he saw and what he was informed.

40

MR BRADFIELD: I will address the evidence again of Mr Camilleri and, if I still have a difficulty, I will approach you.

45

THE CORONER: That is probably the appropriate way to proceed, Mr Bradfield.

MS CRONAN: I should at this stage seek to recall

Mr Collins just in relation to that issue so that, if he has anything to say, he has the opportunity to say it.

5 THE CORONER: Mr Collins, would you mind just going back into the witness box. You are still under oath, Mr Collins.

10 <MICHAEL COLLINS, ON FORMER OATH RECALLED

<FURTHER EXAMINATION-IN-CHIEF BY MS CRONAN

MS CRONAN: Q. Are you aware that Station Officer Camilleri has given evidence in these proceedings that, when he was called out to check out a potential grass fire in the Molonglo treatment works on the afternoon of Saturday the 18th, he had not been advised that there was any potential risk at any level as far as he was aware that the bushfires may impact on the urban edge. Were you aware that that evidence was given?

A. I was.

Q. Do you have any knowledge as to how that breakdown in communication occurred?

MR BRADFIELD: I object.

MR WATTS: I object.

MR CRADDOCK: I object. There's a presumption that there was a breakdown.

MR BRADFIELD: There is no evidence there was.

THE CORONER: I am sure Ms Cronan realised what she said as soon as she said it.

MS CRONAN: Q. Can you tell her Worship: when you instructed District Officer Cartwright to liaise with the station officers, what instruction did you give him?

A. Our instructions were to get the fire attenders, the water tankers, up to the urban/rural interface so they could become familiar with the gates, the access points and the trails around the urban/rural interface.

Q. Were they the Fire Brigade's tankers only?

A. Yes, they were.

Q. Not the pumpers?

5 A. They were the Fire Brigade tankers and pumpers. But I might qualify that. The pumpers aren't designed to go off the road, but they can go right up - quite adjacent to the urban/rural interface.

10

Q. Did you specify in your instructions to District Officer Cartwright which stations were to be contacted in relation to that?

A. No, I didn't.

15

Q. Do you know from your own knowledge, and only what you know, whether or not the Ainslie station was contacted in relation to checking out the urban interface?

20 A. No, I don't.

Q. Did you give any specific instructions in relation to advising the station officers as to any potential risks?

25 A. No.

Q. Do you know if that was done?

A. No, I don't.

30 MS CRONAN: Yes, thank you. I have no further questions.

THE CORONER: Mr Watts?

35 MR WATTS: May I ask one question arising out of that?

THE CORONER: Yes, certainly.

40 **<FURTHER CROSS-EXAMINATION BY MR WATTS**

MR WATTS: Q. Mr Collins, it is not unusual for a fire brigade crew to be called out to an incident and have little knowledge of the incident when they are sent there. That is true; isn't it?

45

A. That is true.

Q. It is part of the training of a fire brigade officer to be in a position to assess the risk when they arrive?

5 A. It's part of the training and part of the duties of the station officer of a crew, armed with whatever information they have, to make an assessment of the situation in front of them and to work out how best to manage it.

10 MR WATTS: Thank you.

THE CORONER: Anything arising from that?

MR BRADFIELD: Nothing arising.

15

THE CORONER: Thank you, Mr Collins.

THE WITNESS: Thank you, your Worship.

20 **<THE WITNESS WITHDREW**

MS CRONAN: The next witness is Mr Val Jeffery who is locked in to 2 o'clock. If we could adjourn until 2 o'clock.

25

MR BRADFIELD: Could I seek leave to be excused unless a witness arises that may affect my client?

30 THE CORONER: Certainly, Mr Bradfield. You are excused. We will adjourn until 2 o'clock.

LUNCHEON ADJOURNMENT [12.06pm]

RESUMED [2.02pm]

35

MR LASRY: I call Valentine Max Jeffery.

<VALENTINE MAX JEFFERY, SWORN:

40 **<EXAMINATION-IN-CHIEF BY MR LASRY**

MR LASRY: Q. Mr Jeffery, would you tell the Court your full name, please?

A. Valentine Max Jeffery.

45

Q. Mr Jeffery, do you live at Tharwa?

A. Tharwa, indeed.

Q. Are you a store owner by occupation?

A. I am.

5 Q. Mr Jeffery, have you provided for the purpose
of this inquest quite a large amount of material.
First of all a submission - I am not sure what the
date of it is - provided in June of last year or
thereabouts and various attachments; is that
right.

10 A. Indeed.

Q. That material I think is all attached to
[DPP.DPP.0001.0008]. And also, Mr Jeffery, have
you provided what is effectively a response to a
15 questionnaire provided or circulated or sent out
by the Emergency Services Bureau, and did you
provide a response to a number of questions that
you were asked in writing?

20 A. I did, yes.

Q. That document is at [ESB.AFP.0023.0073]. Did
you also provide a statement to members of the
police investigation team on the 12th of May of
this year?

25 A. I did.

Q. Have you signed that statement and does it
have a couple of attachments as well?

30 A. I did, yes.

Q. As far as you are aware, is that statement
true and correct?

A. Absolutely.

35 Q. Mr Jeffery, as your statement indicates, first
of all you have lived in the area in which you now
live for a very long time; is that right?

A. All my life.

40 Q. You have been involved in firefighting since
you were very young?

A. Absolutely.

45 Q. As your statement indicates as a consequence
of that you were awarded the Australian Fire
Service Medal in 1994; is that right?

A. I was, yes.

Q. I will just refer to some other history briefly. If you have your statement with you by all means refer to it, Mr Jeffery. You say in paragraph 4 of your statement that in the 1950s
5 you initiated the formation of the Tharwa volunteer bushfire brigade and you were its first secretary?

A. I was.

10 Q. Some years later you established the Naas/Gudgenby volunteer bushfire brigade with the establishment of the Gudgenby Nature Reserve, and ultimately there was an amalgamation between the
15 brigades which became the Southern Districts Brigade?

A. That's correct.

Q. Is that still what it is called?

A. It is still called that.

20

Q. You have held the position of chairman and secretary of those brigades; is that right, and you have been the brigade captain now in excess of
30 years?

25 A. That's correct.

Q. Do you still hold the position of brigade captain?

A. I still hold the position.

30

Q. In paragraphs 7 and following you refer to the fact that you have been involved in fighting many hundreds of fires over a period of 50 years including mountain fires, grass fires, house
35 fires, caravan, car and chimney fires; and at the majority of those fires you were either the fire boss or sector leader; is that right?

A. That's correct.

40 Q. As part of your experience, amongst that list of fires, have you been previously involved in several or a number of what we have heard described in this case as "campaign fires"?

45 A. Certainly several - involved in most of the ones that have been in the ACT over those period of years.

Q. Does the phrase "campaign fire" that I have just used have some meaning to you?

A. To me it means something longer than a couple of days.

5

Q. Have you been involved in a number of fires which have lasted more than a couple of days?

A. I have.

10

Q. Have you been involved in fires apart from in your local area? For example, have you ever been seconded to task forces or any other group of firefighters that have gone to attempt to suppress fires in say, New South Wales, Victoria?

15

A. I have certainly been into fires in New South Wales. The term "task force" wasn't around as far as the ACT is concerned until later years. I have been involved in fires in New South Wales in various places, quite large ones at times.

20

Q. You refer in paragraph 8 to the fact that you have been involved in formal training in a variety of things which include, as you say there, basic training, crew leader, ICS, first-aid, chainsaws and so on. You have been involved in training sessions and led experiments in relation to the use of bushfire foam and so on. You have also had occasion to drive fire brigade vehicles, obviously during the course of your service; is that right?

25

30

A. That's correct.

Q. You say you also ran a trucking business, so I take it you hold a heavy vehicle licence --

35

A. I've held a heavy vehicle licence virtually all my life - all my driving life.

Q. In paragraph 11 you say:

40

"A significant number of the fires that I've controlled over 50 years were lightning strike fires and none of those lightning strike fires ever remained uncontrolled by daylight the next day. Most involved walking long distances in mountain terrain carrying all equipment as well as night-time firefighting."

45

Does that actually mean what it says, Mr Jeffery; in other words, you are saying there that every fire you have ever been to and/or had charge of, which has been commenced by lightning strike, has not lasted as an uncontrolled fire beyond the day that it broke out?

A. That's correct.

Q. How many fires like that would you say you have attended?

A. It's a bit hard from the top of my head. But probably 10, 20.

Q. In paragraph 12 you refer briefly to the fact that you note that you were involved in - I take it these were each of them, as you say major fires in paragraph 12, the Glendale fire on 23 December 1971, the Hall fire in 1979, Gudgenby in 1983, Lanyon fires in 1985 and the Yass River Road fire in 1985. For those who are unaware, myself included, what was it about each of those fires that made them major fires?

A. First of all, I'd like to delete Glendale fire of 23 December 1971. It wasn't a major fire; it was a lightning strike that we controlled overnight. It somehow crept in there. The other ones were large-scale fires in large acreages which made them significant. That's why they are in there.

Q. Were any of those campaign fires in the sense of lasting days at a time?

A. Well, certainly the Gudgenby fire lasted three weeks. The Lanyon fire, there was a week involved in that. Yass River Road fire was a couple of days. The Hall fires, I was involved in that for a couple of days.

Q. Did any of those fires carry a direct threat to residents - either rural residents - I presume they are all in rural areas?

A. They were all a threat to rural residents.

Q. Were houses or other buildings lost in any of those fires?

A. No.

Q. In your statement you also refer to your involvement in the Bushfire Council. As I understand it, up until the establishment of the Emergency Services Bureau, the Bushfire Council was effectively the principal or the only fire suppression agency in the ACT; is that right?

5 A. Bushfire suppression agency.

Q. I am sorry bushfire suppression agency?

10 A. Outside of the urban area, yes.

Q. So the Bushfire Council controlled all responses to bushfires prior to the establishment of the Emergency Services Bureau?

15 A. Yeah, the Bushfire Council through the Chief Fire Control Officer.

Q. As you have already said, you played a significant part in that council over its history?

20 A. Yes.

Q. In paragraph 18, if I can just ask you particularly about that, you say:

25 "The Bushfire Council encouraged early detection and rapid aggressive initial response. The BFC maintained aggressive standby arrangements, particularly on days of high to extreme dangers."

30

Just describe if you would what you mean - "early detection" is obvious enough, but what does "rapid aggressive initial response" mean?

A. Rapid aggressive initial response means to hit it hard and hit it fast with everything one possibly can, particularly in days of high to extreme fire dangers. The idea was - this is well documented in policy statements in Bushfire Council records - that this was the policy of Bushfire Council: hit them hard, hit them quick.

40

Q. Mr Jeffery, I am having a little bit of trouble hearing you. I am wondering if you could speak up a little bit.

45 A. Yes, sure.

Q. I take it, though, that you would accept that

the capacity or the extent to which one can, as you say, hit a fire quickly and hard depends on a number of things, doesn't it?

A. Absolutely. Absolutely.

5

Q. First of all, the size of the fire?

A. The size of the fire, the resources you have available and the will to do that.

10 Q. You would add to that, wouldn't you, also the accessibility of the fire?

A. Accessibility comes into it. But you have got to take that into account and allow for your preparations and planning for that.

15

Q. You also say in that paragraph that during that period when those tactics were encouraged, the last sentence you say:

20

"Members on standby during days of high to extreme weather would expect, if responding to a bushfire, to remain with the fire overnight until relieved by day shift crews the next morning."

25

Does that mean that, in those days when the Bushfire Council was the sole organiser of a fire suppression effort, overnight firefighting was a routine thing to be doing when it was thought necessary?

30

A. Absolutely routine. No doubt about it.

Q. If we can come to the fires in January of 2003. Perhaps I can ask you initially this general question: perhaps with the benefit of hindsight but perhaps even based on what you saw at the time, had you previously been involved or seen or witnessed any fire that was anywhere near the magnitude of what happened between the 8th and 18th of January 2003?

40

A. Certainly never witnessed anything of the magnitude of - from say the 14th to the 18th.

Q. In describing the events you refer to some efforts that were put in by your fire brigade I think on the 8th of January responding to roadside fires. I am not sure whether I announced the

45

number of this statement. If I haven't, I should do so - [DPP.DPP.0006.0268]. You say in paragraph 27 of your statement:

5 "After mopping up of the fires I radioed
COMCEN and advised them we had finished with
the fires and were remaining standing up. As
our crews were standing up and very
10 experienced in fighting mountain fires I was
expecting to be called to assist with the
suppression of the fires I was now aware of
to the west of Canberra."

15 Just pausing there for a moment, in the
communication on the 8th of January, I take it you
simply advised that what you were doing was
advising COMCEN that your crew was available?

A. I was advising them that our crews were
standing up and available, yes. That's the normal
20 procedures.

Q. Standing up obviously means more than just
being upright, it means being ready to go?

A. Ready and prepared to go.
25

Q. You also note in that paragraph that your
crews were very experienced in fighting mountain
fires. Did you have any other communication on
the 8th of January with anyone for example at ESB,
30 in which you made it clear that you thought that
your brigade should be tasked and had something to
offer?

A. No, I didn't. It wasn't my prerogative to do
that.
35

Q. At all event, as you say, you didn't receive a
request from ESB for your crews to become involved
and they were stood down in effect at 9 o'clock
that night; is that right?

A. That's correct. We stood ourselves down at
that time.
40

Q. Is that the usual procedure that, once it is
apparent that fires are burning as they were in
45 these circumstances in the broad vicinity of where
you were to the west of Canberra, you would simply
hold your serves ready and wait for a request; if

you weren't requested to attend, then you would stand down some time that night?

A. That's the procedures.

5 Q. You say in paragraph 28 if you had been requested you could have supplied one tanker, one light unit and three or four rake hoe teams. What is the total capacity of your fire brigade, Mr Jeffery?

10 A. I have about 35, 40 operational members. We have two types of members in my brigade. Some that I call operation members. They are the ones that are ready and prepared to go to this type of operation. Then I have resident landholders,
15 members that take an active part in the brigade and support the brigade.

Q. As far as vehicles are concerned, you say in this paragraph you had a tanker, a light unit and
20 three or four rake hoe teams available. How many vehicles in total is your brigade?

A. The brigade has two tankers and three light units as part of the ESB component of the brigade.

25 Q. Were you aware at this stage that fires had started in the vicinity of the Bendora Dam?

A. Absolutely. We were in the process of plotting them on the map when we got the call to the roadside fires.

30

Q. And Stockyard Spur also?

A. Yes.

Q. And Mt Gingera?

35 A. Yes.

Q. Just taking each of those three, so far as time taken was concerned, how long would it take a fully-equipped tanker from your brigade to get to
40 any of those three fires, would you imagine?

A. I would say roughly two hours.

Q. Two hours?

A. Roughly.

45

Q. To come forward to paragraph 30, you describe in that paragraph a warning that you circulated to

local residents in your area on the 15th of January. You say in the paragraph by way of introduction:

5 "On Wednesday 15th January 2003 under my own initiative I mailed a letter I composed to every resident in the Naas, Tharwa, Tidbinbilla, Lanyon as well as the Smith's Road area in New South Wales."

10

First of all, how many of these would there have been distributed, would you think?

A. There would have been approximately 80.

15 Q. What was it that decided you to take this step on the 15th of January?

A. I'd been concerned about the progress on the fires. I'd been elected as captain of the brigade. I believed by being elected I had an
20 obligation to protect my area from fires in all manner of means. And with my experience, I believe I had an obligation to my community to let them know and warn them.

25 MR LASRY: The document itself is [ESB.AFP.0012.0113], if we could have that on the screen, please.

Q. While that document is coming up, Mr Jeffery,
30 let me ask you this: have you had occasion to do this kind of warning of your immediate residents on prior occasions?

A. Not that I can recall.

35 Q. This is the first time you had ever done this?

A. As far as I can recall.

Q. I know you say you were concerned. Was there any particular event or any particular thing that
40 determined in your mind that it was now necessary to provide a warning to those residents?

A. Because I was certain in my own mind that these fires would impact on our area. The only thing as far as I could see that was going to stop
45 them was rain, and that was unlikely.

Q. I won't read the whole document - it is

apparent it is a letter. Before I ask that question, is this something that was hand delivered?

5 A. No. I have got the post office and it went out through the mail system.

10 Q. Is there a regular liaison, as it were, between you and your fire brigade and these residents so far as, for example, keeping people up to date on how they should prepare for fire seasons and any threat of bushfire?

A. The bulk of the residents in my area are part of the brigade. They are well aware, as rural residents, of what has to be done.

15

Q. In this letter there are a number of dot points that you set out. I take it on the basis of what you just said that none of those would come as any surprise to any of those residents?

20 A. It shouldn't do. You get a certain number of moving residents at times in rental houses that you need to keep up to date.

25 Q. I will quickly refer to those dot points. They sound like sensible advice. You urge people:

"Ensure your buildings are well clear of flammable materials;

30 Be prepared to stay at home on the expected bad fire days;

35 Do not evacuate unless you are scared or invalided. If you do leave, leave well ahead of the fire;

If you have a few able bodied friends to be with you, invite them along;

40 Make sure that you have any weed spray units or pumps, set up and filled with water ready to go;

45 Do not rely on electric pressure pumps as you can expect to lose power;

Keep filled buckets around your buildings,

complete with a mop if possible;

Muster stock into bare paddocks or yards well ahead of the fire.

5

Then emphasised in capitals:

10 DON'T PANIC, this is not the Blue Mountains,
with a bit of common sense everyone should be
safe and no property should be lost."

Those are the things that you thought people would usefully need to prepare; is that right?

15 A. Yes, they are the things that I have learned over the years.

Q. You say at the start of paragraph 31 that as a result of sending the letter, you alerted some residents who were down the coast or intended to
20 travel on the weekend to change their plans and stay at their property or return from the coast. From the 80 or so households that were you targeting with this letter, how many people would you say were in that category?

25 A. Probably about half a dozen, I would say.

Q. The other document I wanted to ask you about, Mr Jeffery, was the following day on the 16th you sent an email as a consequence of a conversation
30 with Mr Lucas-Smith. That document is [ESB.AFP.0012.0114]. You deal with the conversation in paragraph 32. Let me just take you through the email. This is an email being sent out to who? Who gets to be on this email
35 list?

A. Basically my operational members.

Q. How long after the conversation with Mr Lucas-Smith did you send this out?

40 A. It was either the same day or the next day. I'm not 100 per cent sure.

Q. You might have had the conversation with Mr Lucas-Smith on the 15th?

45 A. 15th or the 16th.

Q. Did you make any note of the conversation as

it was occurring or as --

A. No, no. It was just a personal conversation.

5 Q. You say in that email that - this is not
contentious:

10 "The Chief Fire Control Officer, Peter
Lucas-Smith, has asked me to pass on to all
involved his thanks for all your work on
these fires.

15 The facts of the situation is that despite a
massive effort now, even if the fires are
controlled before the bad weather that is
forecast for Monday Tuesday arrives,
containment lines will not be deep enough for
the fires to be held."

20 Just pausing there for a moment, is that an
expression of your opinion; or is that something
that you and Mr Lucas-Smith discussed; or is it an
expression of his opinion?

25 A. It is something we definitely discussed. It
was my opinion. And he - after I suggested it to
him it was a personal conversation, I suggested to
him that the containment lines, even if they were
completed before the bad weather came, they
wouldn't be deep enough to hold the fires when
that bad weather came. And Peter said he agreed
30 with me 100 per cent on that.

35 Q. In your statement you have quoted him as
saying that his reply was "I agree with you 100
per cent," and that was the end of your
conversation; is that right?

A. That's about it, yes. The telephone call was
from Peter to pass on his thanks to the brigade
members for their efforts.

40 Q. Going on with that email, you go on to say:

"The only question is really when and where
and in how big the fronts are."

45 Whose opinion is that in that particular sentence?
Is that something that you are saying as a result
of your opinion or is it a product of your

conversation with Mr Lucas-Smith?

A. No. That's entirely my opinion.

Q. And the rest of it is requests from you to
5 review their availability and so on?

A. Yes.

Q. We have heard some other evidence about this,
10 but I will just mention in passing, without by any
means wishing to trivialise the effort, that in
the early morning of 18 January you with the
assistance of Mr Cartwright conducted a back-burn
at Tharwa; is that right?

A. That's correct.

15

Q. As I follow it, it was a back-burn of
something in the order of a kilometre in length?

A. Yes.

20 Q. By about 300 metres deep; is that right?

A. Of variable depth.

Q. It would have been larger, I think you say, if
25 you had an earlier approval to conduct the
back-burn?

A. That's correct. We were held up for quite a
significant time. It was important at that stage.

30 Q. The incident controller who came to the Tharwa
Shed that you refer to in paragraph 36, who was
that? In the last part of the paragraph you say:

35 "After initially obtaining permission to
commence the back-burn from COMCEN, the
back-burn was delayed until the incident
controller came to the Tharwa Shed and I was
able to provide a briefing to her as
requested."

40 A. That's correct.

Q. Who was that incident controller?

A. Parks 1.

45 Q. Is that Ms Arman?

A. Yes.

Q. The other difficulty or one of the other difficulties that you encountered on the 18th, that you refer to in paragraph 38, is that when the firestorm actually hit the area - a few lines
5 down from the start of that paragraph you say:

"I approached a New South Wales Rural Fire Service command vehicle to see whether I could have some of the units moved to local
10 rural properties. I was told that the New South Wales Rural Fire Service would not work to me and would have to be tasked officially and couldn't be tasked by me."

15 Was it implicit in your request to the command vehicle that you wanted New South Wales Rural Fire Service units moved under your command?

A. Under my command. I wanted to place them out around the area. Instead of having them all in
20 one place, be able to get one of them at individual properties, or several at individual properties. After all, I only had very limited resources myself.

25 Q. The difficulty was, as you were informed, as I take it from that part of your statement, that you were being informed that personnel from New South Wales Rural Fire Service weren't willing to be under your command; is that right?

30 A. That is as I took it.

Q. Not taking it personally to you but because you are an ACT volunteer brigade captain, they weren't willing to work under your command?

35 A. That's as I understand it, yes.

Q. Did you take up with the people in the command vehicle that you spoke to whether or not they would take your advice at least and deploy the
40 vehicles as you had requested?

A. I asked them on a personal basis if they would, and that was denied.

Q. That was denied too?

45 A. Yes.

Q. The other matter I wanted to ask you about

comes towards the end of that statement,
Mr Jeffery. In paragraph 41 you describe speaking
with two young policemen at Tharwa village. The
paragraph in the statement says:

5

"They wanted to evacuate the village. I
spoke to the constables and explained to them
that evacuation would most possibly result in
the destruction of the village. I was
concerned that if the village had been
evacuated I would have lost a lot of prepared
people to put out spot fires in the village."

10

I take it that, in the circumstances, these two
young policemen were persuaded by what you said to
them?

15

A. Yes. I explained to them the situation that
the village was well prepared. There was a lot of
young people there. We had quite a number of
people that were part of the outward bound school
and were in there on courses but, because of the
fires in the bush, they weren't able to get out.
We had probably 150-200 people there. They had
been around and clearing up the whole place for
two or three days. People were well aware of it
and prepared and the village was well prepared.

20

25

We had to back-burn the night before so there
wasn't going to be a direct attack on the village.
It was only an ember attack that was possible. I
needed all these eyes and feet to stamp on these
embers as they dropped. I convinced - I explained
it to the two constables and they were quite happy
with what I said when I said I would take
responsibility for it, and they recognised how
valuable those people were to me.

30

35

Q. Did they remain those two police or did they
leave?

40

A. No, they left. They had other things to do, I
would imagine.

MR LASRY: Thank you very much, Mr Jeffery. I
don't have any further questions, your Worship.

45

THE CORONER: Yes, Mr Archer.

MR ARCHER: Thank you, your Worship.

<CROSS-EXAMINATION BY MR ARCHER

5 MR ARCHER: I represent the Australian Federal
Police.

Q. In relation to that conversation Mr Lasry took
you to, the conversation with the two young
10 constables, I take it that you outlined to them
the nature and preparation that had until that
time taken place?

A. I did indeed. I spent quite a few minutes
talking to them and explaining this to them.

15

Q. You have told me outside court that you
happened upon these two constables. It was a sort
of fortuitous meeting between you and the two
constables; was it?

20 A. It just so happened I was in the village at
that point in time and struck them there just as
they were setting out to go around the village and
tell people to evacuate. I think had I not just
struck them there, I would have been made aware of
25 it fairly quick.

Q. You let them know that you were the senior
firefighter in the area?

A. Absolutely, yes.

30

Q. In the answer to Mr Lasry's question, you
outlined the preparation which included
notification of the risks that this might happen
and you outlined the fact that a back-burn had
35 taken place that morning?

A. Yes, I did indeed.

Q. They were content with the assurances you gave
and went on their way?

40 A. They certainly gave me that impression.

Q. In relation to your letter of the 15th,
although it may not have reached the stage of you
auditing compliance with that, did you get a sense
45 from the comings and goings in the village between
the 15th and the 18th whether or not people had
acted on what you had told them?

A. Not only from the village but from the whole district. I had several conversations with people. They would come in and talk it over with me and ask my advice on what they should do or not do. Yes, there was certainly quite agitated activity throughout the whole district over that last few days.

Q. In your mind, as of the 18th, you were happy with the action that had been taken to prepare properties in the area in relation to the fire?

A. Absolutely. I don't think we could have done any more. I was a lot - put it this way: it made my job a lot easier as the captain of the brigade that the whole district had done this preparation.

Q. Apart from the volunteers that were under your command, were there other people in the community involved in other activities associated with preparing for the fires; for example, the back-burn --

A. For the back-burn I had the assistance of the fire brigade, and I needed it because my brigade units at that period were in property protection in Tidbinbilla and Naas area, and it was only later that I got a couple of units back. Without the fire brigade there that night, I don't think I could have so aggressively attacked the back-burn.

Q. Without having spoken to absolutely everybody in the district in those few days leading up to the 18th, you would have assumed I think that there was a fairly high degree of awareness as to what dangers the fire presented?

A. Oh, definitely. I mean everybody was talking about the fires. The smoke was over the top of us. We had crews out the whole time from about the 11th. Certainly everybody was well aware of it.

Q. We spoke outside court just a moment ago about the culture of a rural community. These were people - a lot of them were people who had dealt with fire before?

A. That is part of the rural life is fire and people are involved in fire protection because their livelihood depends on it. Certainly there

are a few people in the community that move in and out through rental properties. But as a whole rural people are very concerned about the dangers of fires and in most cases very prepared for it.
5 Their livelihoods depend on it.

MR ARCHER: Thank you, Mr Jeffery.

10 THE CORONER: Yes, Mr McCarthy.

<CROSS-EXAMINATION BY MR MCCARTHY

MR MCCARTHY: Q. Mr Jeffery, you were taken to paragraph 11 of your statement and in particular
15 Mr Lasry asked you some questions about the various fires started by lightning strikes which you had encountered over the many years that you had been fighting fires. Mr McLeod in his report makes mention of the 1952 fires started by
20 lightning strikes. Am I right to presume therefore that you weren't including that fire in paragraph 11?

A. In 1952 I wasn't involved in the fires. I was only young at that stage. The group of old hands
25 from the district went to that fire and left me at home with a few other young fellows to look after the place.

Q. At paragraph 19, if I could take you to that
30 in your statement, you talk about the granting of the lease from New South Wales for the purpose of fire mitigation and suppression; do you see that?

A. Yes.

35 Q. You comment further on about the relinquishment of that lease in about 1988. Your Worship, if I could have a document brought up, please. It is the ACT Parks and Conservation Service submission which is found at
40 [AUS.AFP.0101.0001], and in particular I would like to go to page 0094 of that submission.

Mr Jeffery, you will see at the very bottom of that page the title "7.6 Appendix 6 chronology of
45 the management of the lease area"; do you see that?

A. Yes.

Q. If you turn the page you will see over the following two pages a chronology of the land interests in that land running from the grant of the lease in 1943 as a result of the inquiries following the 1939 fires through to the relinquishment of the lease on 20 August 1996. Would you agree, Mr Jeffery, or do you take issue with any of that with respect to the way in which the land ownership changed as a consequence of the 1939 fires through to, correctly, the point about the relinquishment of the lease?

A. It is a bit hard to absorb that straight off.

Q. Perhaps I could shortcircuit this: Would you be happy to accept from me that in 1984 part of the land was resumed for the purposes of creating the Bimberi Nature Reserve; and that in 1988, the date that you mentioned, some of the land was actually leased back for the purposes of bushfire preservation; but that the ultimate result was that in 1996 the lease was terminated and became the Brindabella National Park?

A. That's correct, as far as I can without looking at the detail.

MR McCARTHY: I mainly do that in order to draw attention to quite a detailed history of that leased land which might be pertinent to your inquiries. Could I mention also in passing other matters pertinent to that are at pages 43 and 44 of that submission. Thank you, Mr Jeffery.

THE CORONER: Yes, Mr Pike?

MR PIKE: I have no questions, your Worship.

THE CORONER: Mr Whybrow?

MR WHYBROW: No questions.

THE CORONER: Mr Walker?

MR PHILIP WALKER: Just a couple.

<CROSS-EXAMINATION BY MR PHILIP WALKER

MR PHILIP WALKER: Q. Mr Jeffery, I just want to

understand when you describe a fire as being "controlled", what do you mean by that term?

A. Controlled?

5 Q. Yes.

A. I consider a fire controlled when there is no risk - very little risk of it breaking out. That is different from containment. Containment is when you have got enough resources - you feel you have got enough resources heading for it to bring it under control.

10 Q. Your conversation with Mr Lucas-Smith, I think you said it might have occurred as early as 15 January?

A. 15th or 16th, I think I said.

Q. You said the first thing Mr Lucas-Smith did was to ring you up and ask you to express his thanks for the work of all the people in your brigade?

A. Yes, that's what he said he rang for, yes.

25 Q. I just want to suggest to you that Mr Lucas-Smith did not express agreement with your proposition that fires would definitely breach their containment lines in that conversation?

A. My recollection of the conversation is as it is in the statement.

30

Q. At the time you were having this conversation recorded at paragraph 32 of your statement, I think you thought that the greatest problem might be experienced on Monday or Tuesday?

35 A. Yes, that's correct. At that stage the forecast of bad weather was looking like being Monday, Tuesday.

40 Q. That could be as far as six days away from the time when you are actually having the conversation. You could have had the conversation on Wednesday the 15th - the problem might have been at its worst on the following Tuesday, six days later; do you follow me?

45 A. Yes.

Q. Did you know in the course of your

conversation that there was to be some back-burning at the Stockyard fire on the night of the 16th?

5 A. I was fairly well aware of what was going on. I had crews out there at all stages.

Q. There was some plans for some burning-out work at McIntyre's Hut?

10 A. I had no confidence in any of that work being successful.

Q. But you did know that it was to go on?

A. I knew it obviously was going on.

15 Q. And there had been containment lines put around to the eastern side of the Bendora fire?

A. Not exactly - but I presume they were.

20 Q. If I were to suggest to you that Mr Lucas-Smith might have said that there would be difficulty in keeping fires behind the containment lines if the weather turned bad, would you accept that that might have been what was said?

25 A. I had no confidence in the fires staying behind containment lines.

Q. You didn't. But might Mr Lucas-Smith have expressed his agreement to there being difficulty?

30 A. My recollection of the conversation is as I state in my statement.

35 Q. Just one other matter, Mr Jeffery. Just on your reference in paragraph 11 to there never being a case where fires were uncontrolled by daylight of the next day, does that also apply to the Gudgenby fire?

A. The Gudgenby fire didn't start from lightning.

40 Q. I see. Can you tell me on the 8th you said you were plotting the positions of the fires in the mountains on a map at the time your brigade was called out to some roadside fires; is that right?

45 A. Yes.

Q. Can you give us just some indication of the time when that occurred?

A. I would say in roughly mid-afternoon.

Q. Could it have been possibly a little later than that, 4 or something like that?

5 A. I am not prepared to comment.

Q. Not certain?

A. Not prepared to comment. Obviously the times would be in the logs.

10

Q. Do you know when your brigade returned from that call-out to work on the roads?

A. Not the exact --

15 Q. The fires on the roads, I should say.

A. Not the exact time. That should be in the logs, too.

Q. Could I suggest that your brigade might have come back at 1819 or something like that - 20 past 6?

20 A. I'd only be surmising that. As I say, that's in the logs.

25 MR PHILIP WALKER: I have nothing further, your Worship.

THE CORONER: Thank you, Mr Walker.

30 MR CRADDOCK: I have no questions, thank you.

THE CORONER: Mr Watts?

MR WATTS: Thank you, your Worship.

35

<CROSS-EXAMINATION BY MR WATTS

MR WATTS: Mr Jeffery, I appear for Tony Bartlett, Neil Cooper, Hilton Taylor and Andrew Winter, also
40 Mr Tony Corrigan, Peter Newham, Peter Cartwright, Dave Jamieson, Robert Gore and David Dutton.

Q. I firstly want to ask you something in relation to paragraph 38 of your statement where
45 you talk about the New South Wales Rural Fire Service and your request that they work under you. Do you recall being asked about that?

A. Yep. I've got 38.

Q. At the bottom of the page. Do you know who it was that you spoke to from the New South Wales Rural Fire Service?

A. No, I've got no idea.

Q. Do you know what rank the person was?

A. I've got no idea.

Q. Did they make a phone call or a radio call into anyone else before they responded to you?

A. Not while I was talking to them.

Q. Can I just ask you if you would, in a general way, agree with this proposition that there has been in recent years an increasing tendency not to fight fires overnight?

A. I think that's without a doubt.

Q. I suppose you would agree that the advantage of fighting a fire overnight is that generally the wind is lower, the humidity is higher, there is lower temperatures, and particularly if you fight the fire the first night the fire hasn't got a chance to get away generally?

A. And this is particularly so in times of lightning strike fires. After the storm has gone through, you get this mundane wet weather during the first night.

Q. I want to ask you in relation to the policy of fighting a fire by putting in containment lines. Would you agree as a general proposition that the smaller the area that you can put around the fire as containment lines, the better?

A. Oh, absolutely. The greater area you have got between your fire and the containment line, the more opportunity there is for the main fire to develop steam and spot over your containment lines. But this is a judgment call. You have to have your back-burn started far enough away to get it developed enough before the main fire.

Q. When you decide to put in containment lines around a fire, I suppose it is important to try and work out how long it is going to take for you

to put your containment lines in?

A. This is a judgment call, too. I mean, if you are experienced you just have to make those assessments, absolutely.

5

Q. If you have a period of, say, benevolent weather, it is important to take advantage of that before the weather changes adversely?

A. Well absolutely. You don't want to be fighting fires in bad weather at any stage, if you can help it.

10

MR WATTS: Yes, thank you, Mr Jeffery. Thank you, your Worship.

15

THE CORONER: Mr Lasry?

MR LASRY: I have nothing further. Thank you, your Worship.

20

THE CORONER: Thank you, Mr Jeffery, you are excused. You are free to leave.

THE WITNESS: Thank you very much.

25

<THE WITNESS WITHDREW

MR LASRY: Your Worship, the next witnesses are tomorrow. I can tell your Worship who they are.

30

THE CORONER: We have a list of those witnesses for tomorrow, Mr Katz, Mr Kugler and Mr Dearsley.

MR LASRY: If your Worship wants to hear the rest of the tapes, I think I can provide those once someone tells me where we are up to.

35

THE CORONER: We might take the opportunity to listen to some more of those. I will take a brief adjournment and give you a chance to set those up.

40

SHORT ADJOURNMENT

[2.54pm]

RESUMED

[3.05pm]

45

MS DREW: Your Worship, I am appearing for the purposes of playing tapes. We are up to

10 January at 18:59:42 on Channel 54.

(Taped telephone conversations played)

5 MS DREW: The next call is 11 January at 19.53.25.

THE CORONER: We are up to 19.53.25 and I note that is 11 minutes' worth.

10 MS DREW: Is that a convenient time?

THE CORONER: Yes, I think so. We will adjourn to tomorrow morning at 10.00am.

15 **HEARING ADJOURNED AT 4.02PM UNTIL TUESDAY, 18 MAY 2003.**

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40

45

5 MS CRONAN: I call Simon Katz, your Worship.

<SIMON MAWSON KATZ, SWORN

<EXAMINATION-IN-CHIEF BY MS CRONAN

10 MS CRONAN: Q. Would you please tell the Court
your full name?

A. Simon Mawson Katz.

Q. You are a member of the Rivers volunteer
15 bushfire brigade?

A. That's correct.

Q. In fact you are the captain of the brigade?

A. That's correct, yes.

20

Q. You were the brigade captain in January 2003?

A. Yes.

Q. On the 8th of January, did you become aware
25 that some fires had started at Namadgi?

A. Yes, I was aware of that. I was actually at
home on the property and I saw the lightning storm
come through and I actually noticed a couple of
puffs of smoke.

30

Q. Whereabouts is your property?

A. We have a rural lease on the Murrumbidgee
corridor on the western side of Kambah Pool Road,
basically.

35

Q. Were you actually on stand-up that day?

A. No, we weren't.

Q. Did you do anything in relation to the fires
40 yourself that day?

A. Yes, I did. I wasn't available to do a great
deal myself at that stage. I recall that I
contacted one of my deputy captains, seeing the
smoke and realising that some sort of response was
45 going to be required fairly quickly, I contacted
one of my deputies to see if he was available, to
get a crew and stand a crew up at our shed and

make themselves available.

Q. Do you recall who you contacted that day?

5 A. I spoke to Matthew Dutkiewicz, who is one of my deputy captains.

Q. Do you know if that crew was utilised at all on the 8th?

10 A. That crew actually went up on the 8th - a tanker crew went up on the 8th, they were called to go up.

Q. And attended Bendora fire?

15 A. Yes.

Q. What was the first date that you actually attended at a fire with a crew?

20 A. I have got it all written down here. I think the 10th, from memory - the 10th.

Q. Can you recall how you were contacted for that duty?

25 A. I assume it would have been by telephone. I am usually contacted by telephone. I was contacted prior to that. As I said I had crews up there on the 8th; I also had crews up there on the 9th. I was normally - the captain is normally the first point of contact. As the captain I am generally the first point of contact so I would
30 have been phoned by somebody in ESB asking to get crews together.

Q. So you were contacted as the captain on the 9th and you provided crews?

35 A. Yes.

Q. Then you were contacted again asking for crews on the 10th; is that right?

40 A. Yes, that's correct.

Q. That's when you yourself actually attended?

45 A. Yes, I had a tanker crew go up on the 10th and myself in a crew leader type of a role - sector leader role.

Q. Your call sign is Rivers 1?

A. That's correct.

Q. You went in a command vehicle?

A. Yes.

Q. With one Rivers tanker?

5 A. Yes.

Q. Can you recall now which fire you attended?

A. That would have been the Bendora fire.

10 Q. I think in your statement you have got - I don't know if it is chronologically, the duties you performed yourself was sector leader Bendora, sector leader Bendora and sector leader McIntyre's?

15 A. Yes. I went up there on six occasions, I think - five occasions and they were all as sector leader. There was actually one that I omitted from my statement that on the 16th I also went up to the fire that was coming through the Cotter Hut in a sector leader role as well. That was on the 20 16th of January. I omitted that off my original statement.

Q. Can you recall now what specific duties you performed on the 10th? Say if you can't.

25 A. I can't remember all the specifics but basically I was in a sector leader role. It was mainly, you know, I had a couple of crews under me. We were patrolling and it was - I know we had 30 a couple of dozers, working with a dozer and doing back-burns around the Bendora arboretum, Bendora Hut and that sort of thing.

Q. That was generally over a period from the 10th to the 16th you performed that kind of role?

35 A. Basically, yes.

Q. You say also that you were a sector leader at McIntyre's Hut fire. Do you know when you 40 actually went to the McIntyre's Hut fire?

A. That would have been - it was an overnighter, on 11th and 12th of January, I believe.

Q. What role did you perform on that night?

45 A. Sector leader once again. We were putting in a back-burn on the Flea Creek fire trail. When we went up there, we went up there with an ACT task

force, for want of a better term. We were split into two groups. I had a couple of tankers and a light unit or something like that. We were lighting up and burning down at Flea Creek trail.
5 The ACT contingent was further west, further down that trail towards Flea Creek itself.

Q. That burn actually went ahead that night?

A. It did.
10

Q. If I could take you then to the 17th of January. Did you work on any of the fire grounds during the day on the 17th or the night of the 17th, 18th of January?

A. No. I had crews out on the 17th. I wasn't out personally. I was at the fire shed in the afternoon of the 17th just co-ordinating crews, swapping crews over because our crews went out overnight on the 17th and also getting crews ready
20 for the next day, for the 18th.

Q. Where were your crews going out overnight on the 17th?

A. Basically they were in the Paddy's River Road area. I had a tanker in the Naas area on the
25 evening of the 17th as well.

Q. You yourself actually took some crews out on the morning of the 18th of January?

A. Yes, on the morning of the 18th, I had all of my units stood up. We basically remained in - well, the call was to stay in our brigade area, which is a fairly large area. That morning I actually drove around and saw the incident
35 controller at Tidbinbilla at the visitors centre just to clarify and sort out exactly what area of responsibility we had for that day.

Q. When you say you had all your crew stood up, how many tankers and light units does that
40 involve?

A. In Rivers I had two heavy tankers and two light units. I was also allocated an additional Parks tanker and a volunteer light unit, Molonglo
45 light unit, was allocated to my sector.

Q. How was your sector allocated to you? Who

contacted you regarding this sector?

A. There was discussion over the phone with the incident controller, Peter Galvin. Basically I wanted to remain in our area in the property protection role. He asked me to drive around and speak to him in person. That's when I drove around to the visitor's centre at Tidbinbilla, spoke to him, had a look at the maps and sorted everything out. Confirmed that the sector that I was to be looking after was actually smaller than the whole Rivers area. It was running from the Kambah Pool Road through to the Cotter Road. I had those units split strategically, for want of a better word, along that strip.

15 Q. At approximately what time did you speak to Mr Galvin?

A. It would have been - I can't remember the exact time - around 9, 10 o'clock in the morning, perhaps a little bit earlier.

Q. Did you discuss with Mr Galvin what units would be in the sector adjacent to your sector?

A. Yes. Because the Rivers area, our area of responsibility, runs all the way through to the New South Wales border in a northerly - so we go across the Cotter Road, which includes the Uriarra Road, all the way through to the border --

30 Q. To the border in the north?

A. To the border in the north, yeah, towards the property Fairlight, Mountain Creek Road. To clarify what was happening there, my understanding was that New South Wales units would be looking after the area west of Mt Stromlo or the Stromlo pines. So I didn't need to worry about the Uriarra Road or Uriarra station or those areas. They were being looked after by another --

40 Q. By the New South Wales Rural Fire Service?

A. Yeah, by another.

Q. Who told that you?

A. It was discussed at Tidbinbilla.

45 Q. With Mr Galvin?

A. With Mr Galvin.

Q. So following your discussion with Mr Galvin, was it your understanding that your crews in your sector would just do purely property protection?

A. Yes.

5

Q. What did you task your crews to do after your meeting with Mr Galvin?

A. I went back to the rivers shed. We had a meeting. We put the map up on the wall. I
10 organised - the crews had already - we organised those earlier in the morning. Basically split the vehicles up and had them patrolling along that rural - in the rural lease land from the Kambah Pool Road to the Cotter Road. They were initially
15 to go and make contact with residents in the area, rural lessees and landholders, just to talk to them to let them know what was going on, where they would be, what they would be doing and patrol and deal with the situation.

20

Q. I take it that the rural lessees in that area were themselves fairly educated already in terms of what to do if a bushfire approaches; or were your crews educating them that morning?

A. Well, most of the rural lessees in that area
25 are actually members of the brigade. So we were all, like, we knew each other reasonably well. They were reasonably well educated, I suppose. It was still the duty of the crews, one of the jobs
30 to go and talk to the people and to answer any questions and to try and clear anything up and give them any advice to help them prepare.

Q. Had any parts of the fire front passed through
35 any of that area before this was occurring?

A. Not to my knowledge on the eastern side of the river, no.

Q. So you were essentially preparing people and
40 waiting for the fire front during the best part of the morning; is that what was happening?

A. Yes. Basically with the knowledge that we had
of where the fire was on the other side of the Bullen Range, on the western side of the
45 Murrumbidgee, and knowing the conditions that had been forecast for that day with my own personal experience and views and what had been discussed

and everything else.

Q. Were you also travelling around and talking to the rural lessees that morning?

5 A. Yes, I was in a command vehicle. Myself and a crew member basically accompanied me in the penciller-type role. We were basically covering the whole area, talking to my crews and talking to landholders. Also in that particular area you
10 have a lot of horse agistment places and that sort of thing. There were a lot of horse owners. We were talking to them as well.

Q. Did the rural lessees in your area appear to
15 be well prepared that morning in terms of what they could do to prepare for a fire front?

A. I think so. As well as - yeah, as well as they could be. There had been a fair bit of informal discussion over the period the week or so
20 prior. You know informal discussions and that sort of thing. And people were probably reasonably prepared, yes.

Q. Were you advising the lessees that you had
25 your crews in the area to assist them?

A. Yes.

Q. Can you recall approximately what time the fire front approached?

30 A. Actual times, I'm not very good with at all. But we were initially - the fire front initially started to impact on the western side of the Stromlo Forest in the Huntly area. COMCEN were actually calling units out of my sector to go over
35 on to the Uriarra Road and around the property Huntly.

Q. Were they calling your crews directly or via you?

40 A. No, they actually called a couple of them directly. I then contacted them to try and see what was going on. Initially the first couple of units were responded directly by comms to go to
45 Huntly.

Q. Were they your Rivers units?

A. I think the first unit that was called to

leave would have been the Parks tanker, Parks 12, followed by Rivers 10. Yes. At that stage I think I spoke to comms and I went across myself.

5 Q. When you spoke to comms, what did they say?

A. Look, I can't recall exactly what they said. There wasn't a great deal of conversation. I just sort of said "well, what's happening?" They had reports of spot fires coming across the river and
10 they needed units to go over there.

Q. Did you have an idea at that stage where the fire was in relation to your sector?

A. No. At that stage the fire I don't believe
15 had actually - it hadn't crossed the river, not where we were, not on that eastern side of Stromlo. Not that I'm aware of. Although it was getting very close. I know we were just monitoring the radio. The Tidbinbilla area was
20 being hit fairly hard at that stage. But from what I could gather, the initial fire front that hit that we were involved with came across the Uriarra Crossing area, through there.

25 Q. You say you went and joined your crew - or the Parks and Rivers crew at Huntly?

A. Yes, I took it upon myself to go over and see what was going on because the Huntly property is also a part of our Rivers area. Yeah, at the time
30 the landholder was a member of the brigade. I felt I should - since that area was being impacted on first --

Q. What was happening when you arrived at Huntly?

A. I went across there. I had a light unit and -
35 I think the two light units and the Parks tanker and one Rivers tanker were basically doing property protection type mode. There were numerous small spot fires kicking around the
40 homestead and the assets of the property. At that stage the crews there were dealing with the spot fires reasonably effectively.

I took a drive down the Uriarra Road down towards
45 Camp Sturt to see where the main fire front was. We saw a very fastmoving grass fire. Basically it had come up - I didn't get as far as Camp Sturt -

I got to basically the top of the hill before you start to descend down towards Camp Sturt. There was a fastmoving grass fire visible on the western side of Uriarra Road. So I contacted my units
5 again, who as I said were spread around the assets, to let them know where the fire was. I gave them a rough estimate of time as to how far away it was. Then I turned around and went back towards those units.

10

Q. How many units had you left at this stage in your original sector?

A. At that stage I had one heavy tanker and a light unit. I actually think at that stage
15 somewhere around there I contacted the other heavy tanker and actually requested them to come over and join us.

Q. Where had that been?

A. That was the unit - they were actually on the Kambah Pool Road. They were the furthestmost south of my units. It was a heavy tanker. I called them to start heading north towards where we were. At that stage my idea was that they would probably
25 come through and join us. I called them again on the radio and they had just arrived at the Cotter Road turn-off, or the Cotter Road/Uriarra Road turn-off or around about that area.

30 From calls that I was receiving on the mobile phone as well as from what I was hearing on the radio, by then the fire was impacting on the Cotter area. So I actually asked that tanker to head back down the Cotter Road and they actually
35 ended up at the property Winslow, which is the last rural lease on the northern side of the Cotter Road before you get to Camp Cottermouth and Greenhills. I asked that tanker to stay there. I had all the other units that were allocated to me
40 were with me at Huntly, except for a light unit which was still in our original sector.

Q. How many properties were in your original sector?

A. Oh, there were quite a few. The southern-most property at Kambah Pool, you have two properties there, Amberly and the Lions Club youth haven farm

or whatever they call it. Then there is one, two, three, about another four or five - I can point them out exactly if you want me to - rural leases between there and the Cotter Road.

5

Q. You were left with one light unit to protect those properties?

A. Yes.

10 Q. Do you know what happened to the New South Wales Rural Fire Service units who you had originally believed would be looking after the sector to your north?

15 A. No, I don't. That was something that I was fairly concerned about at the time. Because we were told that there were New South Wales units there. At one stage through the course of the morning - just to clarify, when we were first spreading the units out, I actually sent a light
20 unit to Camp Cottermouth/Greenhills. When they arrived there, they called me on the radio to say there were numerous New South Wales units already there. So I thought well, that's terrific and I called them a bit further back up the road to the
25 property Fairvale.

Through the course of the morning, particularly when I heard what was happening in the Cotter area - we were at Huntly - I called comms on the
30 radio to ask where these New South Wales units were. The only response I can still recall - there was frustration in his voice and all he knows is they had gone to safer ground. He didn't know where they had gone. They were the units
35 that were at Camp Cottermouth.

The units that were supposedly in the Huntly area, it was only in conversation later on with my crew members, with other people and with landholders
40 that there were apparently New South Wales units in the area but they had received calls from their controllers, in Queanbeyan I believe, to leave and go elsewhere. I'm not sure where they went. My understanding is they probably went north, because
45 I didn't pass any New South Wales units going south. Talking to a couple of landholders and people after the event, there were definitely New

South Wales units there, but they received a call --

Q. They weren't there when the fire --

5 A. I didn't see any New South Wales units personally by the time I got there.

Q. I think you say the one light unit that you had left in your original sector was also
10 redeployed to Pine Island?

A. It was redeployed initially to Pine Island and the Gordon area, and I think they actually ended up at the Molonglo treatment works. They were all over the place during the course of the day. I
15 lost track of them through most of the day. I can recall late in the afternoon of the 18th working fairly hard trying to locate where they were. Because they were at that stage down near the treatment works, which is a bit of a black hole
20 communications wise, that is why we had trouble locating them.

Q. They ended up at the Molonglo sewerage treatment works?

25 A. In the afternoon, yes. I didn't see them again - personally I didn't see them again during the course of the day.

Q. Could you describe to the coroner the work
30 that your crews did throughout the day?

A. On the 18th?

Q. Yes.

A. They were very, very busy. The tanker that
35 remained on the Cotter Road at the property, Winslow, they were actually burnt over on one occasion at least that I'm aware of. But I have no doubt that their efforts, combined with the efforts of the landholder, they certainly saved a
40 main house and a couple of the outbuildings. There were other sheds that were lost. They would have certainly helped in the saving of livestock and that sort of thing. They certainly assisted
45 in that area as well.

The units that were at Huntly were involved in pretty vigorous firefighting. A couple of crew

members actually had to be flown out at some stage
or later in the day by the SouthCare helicopter
because they had suffered smoke inhalation, a few
minor burns and that sort of thing. They were
5 involved in structural protection; they were
involved in actually getting a resident out of one
house.

I think it would be fair to say that all of the
10 crews that were in the Huntly area experienced
near-miss type situations. All the vehicles were
threatened considerably and were actually burnt
over by the extremely fastmoving grass fire that
had no right to be moving as fast as it was.

15

Q. Do you know what the impact of the fire was in
the area that you had originally been tasked to
look after?

A. I had a fair idea, mainly because I actually
20 live in that area myself. So I was in touch with
my wife and kids on the phone trying to ascertain
what was happening. That area was hit later than
where we were. It was hit considerably after the
time that we were hit.

25

Before I lost phone communications, a fire had
actually burnt through the northern end of my
property. From what I can gather later on, that
turned out to be one of those little mini tornado
30 type events because it went through a fair way
ahead of the main fire front. I actually called
that one in because where we live basically joins
on to the Cooleman Ridge Reserve and then you are
on to Chapman, the residential area. I called
35 comms at one stage just to say I had this report
that the fire was very rapidly moving through this
area going through Cooleman Ridge and would impact
upon Chapman very, very shortly.

A couple of the crew members that I also had on
40 other units live in that area. So they were
trying to communicate - have conversations with
their families and so forth. One member of which,
you know, he got the call while he was trying to
45 fight the fire that his house was actually burning
down as well. There were a couple of events like
that. We were aware that it was starting to

impact upon that area.

By the time that we were finding most of this out, the fire had done more or less what it was going
5 to do at Huntly. We were in the mop-up type of
stage and making efforts or trying to see if we
could release - I actually requested comms to
release a couple of units to go to Uriarra and was
in the throes of trying to work out the best way
10 to get other units out, including myself, to head
back into that area of the Stromlo pines. But the
information that I was getting on the radio was
that it was impassable to go back the way we had
come through Stromlo. So I actually ended up
15 driving out on the Uriarra Road past the Uriarra
Settlement and I went back into the urban area
that way.

Q. Into the?

20 A. The urban area, back into Canberra.

Q. Meanwhile, you and some of your crews had left
your wives looking after your own properties
whilst that was happening?

25 A. Yes.

Q. Did you manage to get back to the area where
your property was?

A. Eventually. When I got around - the fire
30 front had basically gone through the property
Huntly. But somebody at comms I assume, and I'm
not sure, a couple of other ACT units had actually
come through to assist us in the Huntly area
before the fire hit Stromlo and made that road
35 impassable, including another captain from a
volunteer brigade. I asked him to stay in that
Huntly area with those units. And I drove around
to try and find out the best way to get our units
out of that area. When I got back into Canberra,
40 I made a point of actually going back home to see
what was going on there as well.

Q. What had gone on at your home whilst you were
at Huntly?

45 A. Well, the whole area had been burnt. My own
house had only been partially burnt, only the back
verandah and a few bits and pieces. My parents'

home had also been fairly severely impacted upon. We lost numerous sheds and stored stock feed and that sort of thing. I went down to the house just to make sure everybody was all right, which they
5 were fortunately. I had a quick reconnaissance and moved a few things around - dragged a few things out of sheds that were burning, and that sort of thing. I euthanased a couple of animals, just livestock that had been injured, and then
10 went back and rejoined crews who at this stage had been mainly in the Duffy/Chapman area.

Q. The crews that you had under you originally that morning ended up in the Duffy Chapman area?
15 A. Yes, except for that light unit.

Q. That was at Molonglo?
A. Yes, well, they ended up at Molonglo. I am not sure where they were in between. The units I
20 had, there was a unit at Kambah and the others were spread in that Duffy/Chapman area trying to help out there.

Q. Can you recall approximately what time your crews - you ended up in the Duffy area?
25 A. No. Look, I sort of lost track of time through the afternoon.

Q. So what did you do when you got back to the urban area?
30 A. I just more or less caught up with my units again and then just worked with them in trying to do as much as we could do in that urban area, helping them out. The rest of the afternoon and
35 that evening we were just spread around the area doing what we could do.

Q. Trying to save houses?
A. Yes.

40 Q. How long did you remain on duty that day?
A. Once again, I don't know, it was very late in the evening. I'm not sure of the exact time. At some stage through the evening I went into Curtin
45 into the ESB, because I had actually been requested a day or two prior to be part of the overnight crewing arrangements at Curtin. I went

in to make sure that that still wasn't required,
which it wasn't. Then I went back and it was
just - yeah, what time I went home, I'm really not
sure. But it would have been early in the
5 morning, I suppose, of the 19th.

Q. You have made a number of points in your
statement that I will take you through. Firstly,
you were asked in the questionnaire that you
10 did --

THE CORONER: It is [ESB.AFP.0070.0002].

MS CRONAN: Thank you, your Worship.
15

Q. If we could go to the second page, 0003, you
were asked, sir if you felt that any issues should
be raised, operationally or otherwise, to be
examined as part of the coronial investigation
20 into the January 2003 bushfires. The first point
that you have to raise, which is recurring
throughout your statement, is the issue of
communications. Can you tell the coroner what you
see to have been the problem in relation to
25 communications, particularly on the 18th of
January?

A. Internally and interstate, there was major
issues with the lack of direct communications
between us and the New South Wales units. We
30 don't have any radio communications between unit
to unit. On the 18th, the fact that these New
South Wales units had left and I wasn't aware that
they had left. If we had known they weren't there
whether we could have done anything or not, I'm
35 not sure, but we could have made some efforts to.
A recurring problem over the course of the whole
campaign, so to speak, was the fact that we
couldn't communicate directly with New South Wales
units.
40

Q. So your radios were just simply incompatible
with the New South Wales Rural Fire Service
radios.

A. The other comment there "internally ESB", I am
45 assuming that I am referring to between the
Bushfire Service units and the ACT Fire Brigade
units. Even though the technology is there and

the radios - we can communicate but there are problems with one unit or one service communicating with the other. It has been a recurring problem for a long time.

5

Q. What is the problem with the communication if the radios are there?

A. It's people turning them on and using them. The ACT Fire Brigade have their own system; the Bushfire Service have their own system. Certainly, it is mainly a case of turning it on so we can communicate directly. And more often than not that does happen, but it doesn't happen. It does create problems occasionally.

15

Q. That could be addressed by exercising and training?

A. Yes. It shouldn't be a problem because there are SOPs in place that clarify when you should and when you shouldn't. But those SOPs weren't always followed.

20

Q. In practice they don't have the experience of communicating with each other.

A. Well, not a lot. It often does happen but it often doesn't happen, and it does create a lot of frustration. If you have Fire Brigade units and Bushfire Service units on the same incident and there is no communication between them, it does make it very awkward - potentially. But, you know, it is not always a problem. But that is what I was referring to in that comment, I think.

30

Q. Your crews were essentially involved in structural property protection on this day; is that right?

35

A. Yes - well, asset protection to try and minimise the damage, so obviously we were including structural protection.

40

Q. Had you personally had any training from ESB in relation to structural protection?

A. Personally I have. I've been involved for quite a long time and part of the training package that was provided was a basic structural protection course. I can recall going out to a facility that the Fire Brigade had at the airport

45

and doing some basic training there.
Unfortunately, that training hasn't been offered
for a long time.

5 Q. How long have you been in the Bushfire
Service?

A. Well, I've been a captain at Rivers for
approaching 14, 15 years and prior to that - in
total it would be probably close to 20 years,
10 around 20 years.

Q. How long ago were you given this training?

A. We haven't had any for quite a while. It
would probably be at least five or six years, but
15 I'm not sure exactly how long. None of the newer
members of the brigade had any basic structural
protection training, apart from a little bit of
in-house training that we had done.

20 We also done a bit of in-house training in
training for field days and activities like that.
Often in field day activities there is some sort
of structural protection component - not in the
ACT field day but in the New South Wales field day
25 that we used to compete in, so some of our people
had done basic training in that. Apart from that,
we hadn't been provided with any basic structural
protection by ESB for a number of years.

30 Q. So one of the things that you would recommend
if improvements could be made is that you would
recommend that bushfire crews be provided with
basic training in structural protection; is that
right?

35 A. I believe it is essential. We don't do
structural fires; we don't do urban fires; we
never have. That's never been a part of or one of
our duties. But having said that, it is not
uncommon in a bushfire situation to have a
40 structure or a home or a shed threatened. So just
some basic understanding in dealing with these
types of fires. Not to the extent of BA or
breathing apparatus training and that sort of
thing but just some basic understanding of the
45 best way to deal with these fires, rather than
rolling up there and having a home on fire or a
shed on fire or a home threatened and not knowing

where to start. Obviously it puts these crews at a certain amount of risk. So yes, I do believe some basic structural protection, as used to be offered, should be re-offered.

5

Q. You also have a comment about mapping and information provided to crews who are leaders. You encountered some problems with receiving maps and information throughout the 10-day period; did you?

10

A. Yes, there was a difficulty with that. A lot of maps seemed to be out of date by the time we got them. On a couple of occasions you would go up to a changeover type of situation and you would have a bit of paper like that, A4 or something, a photocopy with a few lines drawn on it.

15

Q. And that would show you where your sector was?

A. That would theoretically show you where your sector was, where the fire was at or what the plan was for the day. But it was a bit hard to follow and, by the time it got through, it was often out of date.

20

Q. What effect did the lack of good operational maps have on your ability to fight the fire?

A. It made it very difficult. The main hampering was like in the sector leader role where, if the map wasn't up to date, you had to go and acquaint yourself with exactly what was going on. So there was a certain amount of time taken up there. Rather than being able to know that the fire was from point A to point B or that you were to put in a burn from X to Y or something, you had to go and physically have a look at things or talk to a lot more people to try and get a better idea of what was going on.

25

30

35

A number of the briefings that I had were basically sitting on the grass with the paper or somebody's notebook and saying "This is what is going on. We want you to do this or that".

40

Q. When you got to the sector that information was not up to date?

45

A. Often that was the case, yes, because you know things moved fairly quickly. There was a fair bit

of confusion.

Q. In question 2 further down the page you mention that the chain of command between the
5 Incident Management Team in the field on the fire ground and support management team at ESB in Curtin was confusing and had a detrimental effect on the ground management. Can you explain how you saw the interaction between the IMT and the SMT?

10 A. From my role, in a sector leader role, on a couple of occasions where decisions were made on the fire ground by the incident controller, by the person in charge, they seemed to be overridden by somebody on the other end of the radio. There
15 were a couple of occasions that I'm personally aware of where that appeared to be happening. It was confusing to me only because my understanding was basically that the fellow in charge or the lady in charge on the ground was in the best
20 position to make the decision.

Q. Did that happen whilst you were at Bendora?

A. I can recall it happening a couple of times. One evening when we were at Bendora when the
25 decision was or the thought was - this was late in the evening and there was a dozer that was basically available, so it was sort of a quick decision, we had a quick look at the possibility of putting in an extra burn, a small burn, which
30 the incident controller was happy with and he asked me what I thought. I thought it was a pretty reasonable suggestion at the time. That call went through to Curtin, and it was denied by the operations person. I'm not sure who - whoever
35 was on the other end of the radio at the time.

There was another event on another evening, it was actually the evening when I had crews on the
40 McIntyre's Hut fire. We knocked off comparatively early. We were to be there overnight to roughly 6 o'clock in the morning - the crews were prepared to stay to roughly 6 o'clock in the morning. We were knocking off a couple of hours early.

45 The incident controller on the Bendora fire heard that we were leaving and basically called to see if he could utilise the units that were going

home, because his view was if he could get those additional units he could do a bit more than what he initially planned to do. That call again was overridden again by somebody at Curtin or somebody in the communications room at Curtin.

Q. Were you and your crews willing to go to Bendora?

A. On that evening we probably would have preferred to go home but, as I said, the crews were prepared to stay up until 6am. We had arranged to stay until 6 o'clock in the morning. So they would have been happy enough to assist if called upon to do so.

Q. Do you know if those crews were utilised the following day?

A. No. They wouldn't have been, I don't think. Because the way things are organised, that crew was to go in and their shift was to finish at 6am, so they wouldn't have been - I'm not sure, but basically as far as the logistics people in Curtin were concerned, those crews were doing a shift until 6am in the morning. And the crews that I had in with me were volunteer crews as well.

Q. But you yourself weren't utilised the next day on a fire ground?

A. Not the next day, no.

Q. So the chain of command from IMT on the fire ground through to sector leaders was effective in your experience throughout the period of the fires?

A. Generally speaking, yeah, I didn't have any problems there. Things worked quite well.

Q. But you found the chain of command between ACT and interstate personnel confusing and not clear. What did you observe in relation to the chain of command between the ACT people and the New South Wales Rural Fire Service?

A. It was disjointed. Communications were the main concern. I had more to do with New South Wales crews after the 18th, but they seemed to be sort of managing their own side of things. I think we worked as well as we probably could have

together. From my recollection, I don't think I had anything to do with New South Wales crews up until the 18th, and on that day I didn't actually see them anyway.

5

Q. You didn't have anything to do with them on the 18th?

A. I didn't have anything to do with them on that day either. But then in the campaign for the week
10 or so after the 18th, there were still the communications problems but they seemed to be sort of managing themselves. You would be allocated a New South Wales task force and they were sort of
15 still talking to their own people rather than working with us as well as they probably could have been - I felt at the time.

Q. If you were assigned New South Wales crews, they would not necessarily take your orders, they
20 would --

A. They would take your orders and that sort of thing, but it wasn't as streamlined as it could have been. They have their own ways of doing things. It is probably understandable that it is
25 very hard for them just to release their strings, so to speak. So, you know, it wasn't as effective as it probably could have been.

Q. I am just going through the questionnaire that
30 you filled out. Essentially they seem to be the issues that you felt through that questionnaire you wanted to have addressed. Are there any other issues or problems that you experienced that could be effectively addressed through the coronial
35 process?

A. I think I have covered most of it. I had a few issues on the 18th, I suppose, that have probably been covered - like the lack of
40 communications and the fact that units that I believed were in one area had left and we weren't told. There wasn't any notification, which would have made it very difficult from the point of view of the people trying to manage things in Curtin as well. They also wouldn't have had that
45 information, I assume.

As a result of that sort of activity, there was a

lack of backfilling and things like that that are standard procedure. Like the usual procedure would have been that if units looking after one area or a unit or whatever has to move, then you
5 try to backfill with other units and that sort of thing, which wasn't happening. When you take into consideration the events of the day, that's probably understandable with the chaotic confusion that was going on around the place.

10

Q. You also mention the issue of breathing protection on that day. What kind of breathing protection --

A. That was an issue that was raised by crews, by
15 firefighters. Basically for breathing protection - yeah, you've got a wet nappy or rag that you wrap around your face, which traditionally people use, but in extreme situations something a little bit more effective
20 would probably be good. Particularly, yeah, if you have got people trying to remove people from houses and things like that. That was one of the main concerns that was raised to me by my crews - one of the issues that was raised was lack of
25 breathing apparatus.

Q. I will just bring up [ESB.AFP.0070.0010]. This document, sir, was attached to your statement and is called "Rivers Brigade wash-up of
30 January 2003 bushfire". Was that compiled after a debrief of your brigade?

A. Yes.

Q. Does it essentially encapsulate all of the
35 concerns that were raised by your brigade members during that debrief?

A. It would have done, yes.

MS CRONAN: Thank you, I have no further
40 questions.

THE CORONER: Q. Mr Katz, have you had a response to that letter dated 20th of February last year?

A. I haven't seen it since I wrote it. As I
45 said, these were raised by members of the brigade and it was something that I requested they be considered. It is not necessarily - from my

recollection it is not in order of priority, or certainly not my personal priority, but it was a list of concerns that the firefighters in general raised. I wanted to bring it to the attention of
5 them. I think this letter was sent to Peter Lucas-Smith.

Q. But has anybody responded to you and said, "I'd be happy to talk to you about it," or have
10 you had any other communication with anyone at ESB?

A. I really - I can't recall whether it was responded to or not. The same issues were raised at numerous forums, whether they were the
15 Volunteers Brigade Association or the Fire Controllers Group and those sorts of forums. All of these issues have probably been raised a number of times by different people.

20 THE CORONER: Thank you, Ms Cronan. Mr Archer?

MR ARCHER: I have no questions, thank you, your Worship.

25 THE CORONER: Mr Lakatos?

MR LAKATOS: I would like to go at the end to the extent that I need to.

30 THE CORONER: Mr Pike?

MR PIKE: Just very briefly.

<CROSS-EXAMINATION BY MR PIKE

35 MR PIKE: Q. It seems one consistent trend in your narrative of what happened on the 18th involved the speed at which things were happening?
A. Yes, definitely.

40 Q. That impacted on everything that was being done as far as you could see operationally and in a planning context?

A. (witness nodding).

45 Q. It impacted, for example from what you told us, on the issue of operational maps in that by the time you got them they are often out of date

because of the speed of the events?

A. Well, I didn't - that was on the 18th.

Q. Prior to that.

5 A. But prior to that, yeah, that would have certainly impacted and, you know, made their job a lot more difficult.

Q. It certainly has an impact on things like
10 assigning crews from one place to another. In circumstances where there is a need for a crew to proceed to a certain place, given the speed of events by the time sometimes a crew got there the events had already happened?

15 A. On the 18th, that's definitely the case.

Q. You gave some evidence in relation to the difficulty of the communication with New South Wales. I take it from your comment that you
20 sensed a note of frustration from the COMCEN operator and your impression was they weren't getting much information about where New South Wales were either?

A. Yes. I can fairly clearly recall his comment
25 was - when I asked the whereabouts of these units to see if they could back up my unit, his response was all he knows is they have gone to safer ground. You could sort of imagine him throwing his hands up. He had no idea where they were.
30 The information he had was that they were gone and he didn't know where.

Q. And in your experience some COMCEN operators are very good at communicating what information
35 they do have if they have something to communicate to you?

A. Yes, the quality of COMCEN operators does vary, although I think I made the comment in my
40 statement that the fellows on that particular day under the circumstances did a very, very good job.

Q. You would expect that, if they had more information about where the New South Wales crews had gone and when they had gone, they would have
45 communicated that to you?

A. I'm sure they would have.

47

Q. Finally in relation to some of your evidence where you commented about the dispatching of crews to the Huntly area, and that being done by COMCEN directly as opposed through yourself - do you
5 recall that evidence?

A. Yes.

Q. I think you said the first crew sent out was Parks 12, do you recall that?

10 A. I think so.

Q. Let me just read from the radio transcript at around 1.05 on the 18th to see if it refreshes your memory at all.

15

MR PIKE: I am sorry, your Worship, I don't have the reference number, but it is the radio transcript on that day.

20 Q. At 13.05.32, there is the entry:

"Parks 12, message. Yes, Parks 12. Are you in a position to respond to Huntly to help Rivers 1, over? Thank you Parks 12, that's
25 compliments of Mr Graham."

Then at 13.06.11, which is 40 seconds later:

"COMCEN to Rivers 1. Did you copy that that
30 Parks 12 is responding?"

And your response:

"Received thank you."
35

Does that refresh your recollection at all as to the dispatch of that first unit to assist you at Huntly?

A. Well, it does inasmuch as - but Parks 12 was
40 actually responded before I was. I was not at Huntly when the Parks tanker. So he wasn't actually assisting me. There may have been some confusion.

45 Q. In any event, Parks 12 was dispatched by COMCEN and, within a space of seconds, an inquiry was made of you by COMCEN to make sure that you

had heard --

A. Yes.

Q. -- and recognised that call?

5 A. Yes.

Q. Relatively instantaneously?

A. Apparently so, yes.

10 MR PIKE: Thank you, your Worship.

THE CORONER: Thank you, Mr Pike. Mr Whybrow?

MR WHYBROW: Thank you, your Worship.

15

<CROSS-EXAMINATION BY MR WHYBROW

MR WHYBROW: Q. Mr Katz, you have indicated you have been a volunteer bushfire fighter for about 15 years?

20 A. I have been the captain of a brigade for about 15 years. For numerous years prior to that I have been involved either in the ACT or in New South Wales in places that I have worked. I have been actively involved in a volunteer fire brigade
25 since I was about 16 or 17.

Q. It is a close-knit community, the volunteer bushfire fighters?

30 A. I think that is a fair comment, yes.

Q. In fact, without the goodwill of such volunteers there would be no volunteer service?

A. Yes.

35 Q. This firefight from the 8th of January to the 18th, and indeed up until about the 30th when the emergency ceased, was the most overwhelming incident that the volunteer service has had to deal with in your experience?

40 A. Yes.

Q. Given that the ongoing support of the volunteer service is important to Canberra, what is your current feeling as to the morale of the service following this fire?

45 A. Generally speaking, I think it's good. I can only comment for people within my own brigade, a

number of which were severely impacted upon. I think I had three members of my brigade who lost homes and a number of them being rural landholders were extremely severely hit. There was about
5 another 12 or so who lost vehicles, so they were certainly severely impacted upon.

As I said, a lot of my crews had near-miss situations and events which would have tested them
10 as well. Having said all of that, they've come through it, I think, very well on the whole. A couple of people took a bit longer to, you know, deal with issues, so to speak. But as far as Rivers are concerned, we haven't lost any active
15 members directly. They haven't sort of said, "Because of this event I am no longer going to be involved" or "I won't be available any longer". So generally speaking the group have tied together fairly well and are supporting each other quite
20 positively.

MR WHYBROW: Thank you.

THE CORONER: Thank you, Mr Whybrow. Mr Walker?
25

<CROSS-EXAMINATION BY MR PHILIP WALKER

MR PHILIP WALKER: Q. Just following on a bit, Mr Katz. A couple of the questions that you have answered seemed to call for negative answers. For
30 example, at any stage were you hindered and, if so how; and did you experience any logistical problems. I wonder if you could tell us in the circumstances in which you and your brigade found itself what are the things that you think worked
35 particularly well or of which you are particularly proud?

A. I think the individuals generally speaking coped very, very well. I was very proud - and I say that openly - any of the people or any of the
40 volunteers from my brigade handled themselves. I think they did an outstanding job.

I was very satisfied in the main part with the level of training that we had received from a
45 bushfire fighting point of view, both internally and through ESB - and I do clarify from a bushfire fighting point of view that I did have concerns

about the lack of any structural training.
However, other training I feel was pretty good.

5 Certainly internally we as a brigade train very,
very hard and work very well together. Far and
away the main part, any dealings, you know, when
we worked with any other Bushfire Service units,
we worked very well together. I think the level
10 of professionalism displayed by volunteers was
extremely high.

The same can be said about any dealings that we
had with the Fire Brigade in the main part. There
were occasions where there were breakdowns in
15 communications, but overall for that particular
period of time I think everyone did as good a job
as they possibly could and did it very, very well.
I was quite proud to be a part of the effort.

20 Q. I take it some of the criticisms, which I take
to be constructive criticism, grew out of the
rather unique circumstances in which the bushfire
fighting service found itself with this particular
fire; is that a fair comment?

25 A. Which criticisms are you referring to?

Q. Some of the references to, for example, maps
by the time you got them being somewhat out of
date and that things sometimes perhaps couldn't
30 keep up with the magnitude of the task. Would
that be fair in certain circumstances?

A. In certain circumstances, yes, I do feel that
it probably could have been done better.
Particularly in the time leading up to the 18th
35 when things weren't quite as hectic, I think there
could have been a bit of dissemination of
information.

Q. You mentioned structural training. Was it the
40 case that the Bushfire Service did provide some
structural training in years gone by; is that
correct?

A. Yes - well, the ACT Fire Brigade provided the
training for the Bushfire Service.

45

Q. I stand corrected. The Bushfire Service
arranged for some structural training --

A. That's right.

Q. -- through the good offices of the ACT Fire Brigade?

5 A. That's correct.

Q. That has ceased?

A. To my knowledge it has ceased. We haven't received any structural training for quite some period of time, or haven't been offered any training.

Q. Do you know why that has occurred?

A. Not officially. My understanding is that the Fire Brigade basically didn't want to provide it. Whether they weren't in a position to provide it, some people suggested it was because they didn't want volunteers being trained in what was their area, but that wasn't official. That was just anecdotal.

Q. In fact to be more specific on that, do you understand that the training from the Fire Brigade ceased because the United Firefighters Union opposed it because of concerns that it might lead to the establishment of a volunteer urban brigade of firefighters?

A. As I have said I have heard unofficially that the union weren't in favour of it. I have never heard of any specific talk of forming a volunteer urban brigade. But I do believe that the union had concerns about volunteers being trained in that.

35 MR PHILIP WALKER: Thank you, your Worship.

THE CORONER: Thank you, Mr Walker. Mr Watts?

MR WATTS: Thank you, your Worship.

40

<CROSS-EXAMINATION BY MR WATTS

MR WATTS: Q. On the 18th you were in regular contact obviously with Mr Galvin?

A. Not really, no. After we left - after the initial discussion that we had at Tidbinbilla --

45

Q. Sorry to cut you off - that was at the

visitors' centre, was it?

A. That was at the visitors' centre at Tidbinbilla. I can't recall any further communications with Mr Galvin. There may have
5 been, but I can't recall.

Q. When you were at the visitors' centre, were any New South Wales Rural Fire Service officers present?

10 A. Not at the briefing, not at the discussions I had with Peter, I don't think. There were lots of New South Wales personnel present on site, you know, in the carpark or on the road prior or in the actual visitors' centre. But I don't recall
15 there being any New South Wales officers at my meeting with Peter.

Q. Did you meet a Mr John Ryan during the day?

A. I may have but I can't recall.
20

Q. A New South Wales officer?

A. I may have.

Q. Or a Mr Duckworth?

25 A. Once again, I'm not sure.

Q. It was put to you that on the 18th things were moving quickly and therefore maps perhaps couldn't keep up to date. Prior to the 18th, did you have
30 in your opinion adequate maps of incidents?

A. No. As I tried to say, on the 18th there weren't maps. I wasn't in a position to receive maps or see maps, apart from my initial meeting with Peter Galvin where we had a quick look at the
35 large map on the board then. My main concern with mapping was prior to the 18th.

Q. And prior to the 18th I take it you never had any written incident action plans when you went to
40 an incident?

A. There may have been. I don't recall actually seeing any, although I was in a sector leading role --

45 Q. I am asking from your observation, you didn't see any?

A. I didn't see any that I can recall.

MR WATTS: Thank you.

THE CORONER: Yes, Mr Lakatos.

5 MR LAKATOS: I have some short questions.

<CROSS-EXAMINATION BY MR LAKATOS

MR LAKATOS: Q. Mr Katz, you have already
10 answered some questions about the morale of your
brigade and how it survived this ordeal and in
fact got stronger in some respects?

A. Yes.

Q. You have already outlined the fact that many
15 of members of your brigade suffered various damage
in terms of their property, livestock and the
like. Would it be fair to say that the matters
you have raised in your questionnaire were matters
of concern to you and members of your brigade as
20 to things that could be improved?

A. That's probably a fair comment. I wrote the
statement after there had been obviously
considerable discussion, so those discussions
would have probably influenced what I wrote to
25 some extent.

Q. You approached the filling in of the
questionnaire and this whole process as a way in
which various shortcomings that you have
30 identified might be improved for future events;
would that be fair?

A. That is fair.

MR LAKATOS: Thank you, your Worship.
35

THE CORONER: Thank you, Mr Lakatos. Yes,
Ms Cronan?

MS CRONAN: I have no re-examination.
40

THE CORONER: Thank you, Mr Katz. You are excused
and are free to leave, if you wish.

<THE WITNESS WITHDREW

45

SHORT ADJOURNMENT

[11.13am]

47

RESUMED

[11.40am]

MS CRONAN: I call Dennis Kugler.

5 <DENNIS ROY KUGLER, SWORN

<EXAMINATION-IN-CHIEF BY MS CRONAN

MS CRONAN: Q. Would you please tell court your full name?

10 A. Dennis Roy Kugler.

Q. Your current occupation?

A. I'm retired.

15 Q. You are a member of the Bushfire Service?

A. I am a member of Guises Creek Volunteer Bushfire Service.

Q. You have been a member of that brigade since 20 1994?

A. That's right. Correct.

Q. You have made a statement in relation to your involvement in fighting the January 2003 25 bushfires. Could the witness please be shown [ESB.AFP.0111.0221]. Have you had an opportunity, Mr Kugler, to go through your statement recently?

A. Yes, I have.

30 Q. Is there anything you wish to alter or correct?

A. No. Nothing whatsoever.

Q. I think you say at page 2 of your statement 35 that, up until you joined the brigade, you had very little firefighting experience except for a small amount with the Australian Army. Since joining the brigade in 1994, what kind of firefighting experience have you obtained?

40 A. I've had a fair bit. Experience-wise I have been to a fair few fires over the years, 2001 Christmas fires, January the 18th as well. Training-wise I have had a lot of training over the years, plus we have had a few major very small 45 fires. I couldn't actually say how many I have actually been to. Over the years a fair few.

47

5486

Q. You gained quite a experience and you are now senior deputy captain?

A. Sorry?

5 Q. Are you still a senior deputy captain?

A. I'm senior deputy captain at the moment, yes.

Q. Page 3 of your statement you say on Wednesday the 8th of January you noticed lightning above the Brindabellas from your loungeroom window. You were at home obviously?

10 A. Yeah, I was at home on that day. I was just looking - my house actually faces the Brindabellas. I was looking out of the window and noticed a few lightning strikes on the Brindabellas. About 20 minutes later, I noted smoke coming from one of the areas where the lightning hit.

20 Q. What did you do when you saw the smoke?

A. I actually rang up our brigade. There was already a crew out there standing up on that day. They already had a tanker stood up, so I actually said I would be out there. When we got out there, we had enough to actually stand both tankers up. We had six people all told. We actually put three in each tanker. We radioed in to comms and said we were standing up for the afternoon.

30 Q. You have got two tankers and two light units at Guises Creek?

A. That's correct, yes.

Q. Can you recall who you spoke to at comms?

35 A. No, I can't. The radio operator at comms is the only one we spoke to. We said we were standing up. That was the last we heard from them until - we were waiting to get responded to the fire. We could actually see - we couldn't see from Guises Creek but I knew that smoke was still building up there.

Q. Where there is smoke there is fire?

A. Yeah, that's right. Yeah.

45

Q. How long did you stand up for?

A. We stood up that afternoon till about, I think

it was around about 7 o'clock. Then we actually -
by 7 o'clock come, we actually stood down then.

5 Q. Had you been called by COMCEN to attend one of
the fires, were you in a position with your crews
to attend the fires overnight?

A. We were - had the opportunity to go to the
fire. We were ready to go. We had no call from
COMCEN to respond to any fires whatsoever. So
10 come 7 o'clock, we actually stood down.

Q. Did you personally at that stage have any RAFT
experience?

A. I myself haven't, but a few crew members we
15 have on board which are younger members have RAFT
experience.

Q. So you say in your statement that you went to
Bulls Head at 6 o'clock on January, the 9th. How
20 was that arranged?

A. We actually got a phone call by our captain,
Richard Cannell, on the 8th, probably around about
8 o'clock that night, to actually go to Bulls Head
by 6 o'clock. We actually rang around then and
25 got our crews up. We met out at the shed around
about 4.30, quarter to 5, and continued up to
Bulls Head, the staging area up there.

Q. You had two tankers and one light unit?

30 A. We had two tankers and one light unit.

Q. Fully crewed?

A. Fully crewed yes.

35 Q. What happened when you got to Bulls Head?

A. We seemed to sit around for a while. Then we
were actually told to go down to the arboretums,
the historic pine forest they have got there.
They were worried about the fire coming into that
40 area. So our crews actually responded down to
that area. We spent the day there protecting all
the pine forest and the forest hut.

Q. Where was that in relation to Mt Franklin
45 Road?

A. It was just on the - I'm not quite sure the -
I think it is on the lower - on the eastern side

of the Mt Franklin Road.

Q. Was the fire actually approaching --

5 A. The fire was actually down there around that
area at the time. It was actually virtually
coming up towards the pine forest. Our job was
actually to protect the pine forests, which we
did. The fire seemed to be diverted around the
10 pine forest itself. We actually stayed there
until about 7 o'clock.

Q. Do you know what other resources were on - you
were at the Bendora fire?

15 A. Bendora, yeah.

Q. What other resources were at the fire that
day, can you recall?

20 A. At the time we only seen our vehicles ourself
down around the pine forest itself, we had the two
tankers and the light unit. There were no other
units to my knowledge that were down around that
area.

Q. Friday, again, you worked at the Bendora fire?

25 A. Sorry?

Q. On the Friday the 10th of January?

A. The 10th, yeah.

30 Q. What time did you arrive at the staging area
that day?

A. I can't recall the time on the 10th. I think
it was --

35 Q. In the morning?

A. I think it was in the morning. I'm not quite
sure, to tell you the truth now.

40 Q. You say in paragraph 15 that you worked all
day at the Bendora fire but you weren't able to
stop it. Can you recall now which area of the
fire you were working on that day?

45 A. I think Bendora fire. We were actually down
on the lower part of Mt Franklin Road. But I
can't remember the name of the track itself it was
actually on. It just slips my mind at the moment.
We were down there. It was just dribbling through

the forest area there. It wasn't going fast. We were told to keep an eye on it. Sorry, we were actually down there that night. We actually stayed there overnight.

5

Q. On the Friday?

A. On the Friday I think it was - Friday the 10th - no, sorry I'm thinking another day. Yeah. I just lose track of the days itself, actually.

10

We actually spent the day just combing the area. We worked - my wife was actually with me. She was actually doing the pencilling. I was in the command vehicle that day.

15

Q. What does doing the pencilling involve?

A. She wrote down all the commands that came in over the radio, any communications I had to send back. So she virtually took down all notes that was going on in that day.

20

Q. On the day shift on the 10th, the Friday, can you recall what part of the fire you were working on that day?

25

A. No. All I can remember was actually around the Bendora area itself. I can't recall exactly where. It all seemed to be in the same area most of the time when we did go up there.

30

Q. What functions were you performing that day?

A. Just knocking down any little spot fires or anything else. Just knocking down any flames we could actually find that were running around the forest. There seemed to be a lot going from one side of Mt Franklin Road. It was actually all over the place at the time.

35

Q. Did you have your two tankers and light unit with you?

40

A. Yeah, we had the two tankers and the light unit.

Q. Then you say:

45

"I can't remember much about the days from then to the 18th of January."

A. Yeah.

Q. You seemed to go back and forth to Bendora without achieving too much. Some back-burns were going in with assistance from Parks and Forests team, but the perimeters seemed to be getting
5 bigger all the time. Could you describe to the coroner generally what kind of firefighting activity you undertook over that period?

A. Over that period of time, there was a fair bit of back-burning being put in of a night. We
10 actually done a few night shifts up there. There was a few burns being put in overnight. I wasn't really involved that much in the section itself. I was virtually under the command of someone else there. We were just putting the back-burns in.
15 In my opinion, I didn't see we were getting anywhere, to tell you the truth. It just seemed to be back in the same place all the time, and the area just continuously seemed to be on fire there.

20 Q. On the 17th of January you were at Tharwa for the whole night?

A. Yes, I was, yes.

Q. You were there when the fire front came
25 through?

A. When the fire front came through Tharwa, yes.

Q. What crews did you have on with you that night?

30 A. I was actually up there in the command vehicle myself. There is a few New South Wales units there. I didn't have any crews that was under command of myself from Guises Creek that I can remember anyway. I was actually told to go up
35 there in the command vehicle, and we actually organised New South Wales to come in a few areas with us and just showed them how to get in through the forest areas.

40 Q. Who were you working under in that area?

A. I think at the time Val Jeffery actually was the one who was in charge up there at the time. He was actually given the command. We were actually going along the main road where they
45 actually put the burns in there and just keeping an eye on everything else.

47

Q. Did you assist him with the back-burn that night?

5 A. I didn't do any back-burning myself. But I just observed a few other people doing it. I was told to go back and forwards along the main road there, just checking there were no spots over the other side into the unburnt area.

10 Q. You patrolled that area throughout the whole night?

A. Just patrolled that area throughout the night.

Q. You were there when the fire front came through?

15 A. Yes. I was actually told to go back to Guises Creek that night and pick up a quickfill tanker, quickfill pump and take it back out towards - down the entrance towards Tidbinbilla Nature Reserve there. They set it up on - I don't know exactly
20 the name of the creek, but across the road from where the entrance to the nature reserve is there is a bit of a concrete area there. I set the quickfill up there. They told me to keep an eye on it for a while. They were going to send a New
25 South Wales crew member in to look after it.

Q. What time did that happen?

A. That was probably around about 11 o'clock, 30 12 o'clock that night.

30

Q. On the Friday night?

A. On the Friday night.

Q. How long were you at Tidbinbilla for?

35 A. I wasn't actually in Tidbinbilla. I was across the road from it. I was there for about three-quarters of an hour once I set the quickfill up and then the New South Wales - I think it was a
40 New South Wales captain actually came in and said he was being sent there to look after the quickfill. Then I left and went back to patrolling back towards Tharwa again.

45 Q. Can you describe the behaviour of the fire front when it came through that area - at Tharwa I'm talking about?

A. The fire front itself, the area I was in at

the time when the fire front came through, I was driving down the road along Tidbinbilla. You could actually just see it coming along through Tidbinbilla. Quite large in a few spots. Other parts seemed to going very slow. Up in the very top of Tidbinbilla itself, it was full of blaze up there.

Q. It was a crown fire?

10 A. Yeah, it was crowning at the top, yeah.

Q. Was it crowning when it travelled down to Tharwa?

15 A. I don't think it was crowning by the time it got to Tharwa. I think it actually died down a bit. I think there was a back-burn that was being put in at Tharwa on that evening, early in the evening, and it actually met up with it. It actually slowed it right down.

20

Q. So you got home at about 6am on Saturday, the 18th?

A. About 6am, yeah.

25 Q. You say in your statement that you couldn't sleep after getting home?

A. No. I think the adrenaline was running and I couldn't sleep. So I rang up the brigade and asked could I do anything. My wife was out there at the time.

30

Q. She was out at the brigade?

A. She was out at the brigade. She was doing all the rostering for the different crews and organising the crews for coming in for different shifts. And she actually said that I got a phone call to go and pick up a tanker from Kambah workshops.

40 Q. So you went to Kambah and picked up Guises Creek 11?

A. 11. Well at the same time that Tim Holdsworth was actually told to pick it up at the same time. There was a bit of cross message there somewhere along the line. We ended up going down. He had a crew of four on board. When I got there, I actually stayed with them and we made a crew of

45

five on the tanker. The idea was to pick the
tanker up. I think it was the day before I
actually rolled through a bridge and done damage
to the left-hand door. They flew a door down
5 overnight and replaced it so we could get the
vehicle back on the road. The idea was to pick
the tanker up and go straight back to Guises Creek
shed.

10 Q. Did you join up then with Tim Holdsworth?
A. I joined up with Tim Holdsworth at Kambah.
Once the vehicle was actually roadworthy, we
called in to COMCEN that we were going down to
Guises Creek.

15 Q. Where did you go after you left Kambah?
A. COMCEN actually radioed back to us and said,
"Can we go down to Kambah Pool and have a look
around the area down there?" We actually drove
20 down to Kambah Pool. We got just on top of the
ridge before we got down there and noticed the
fire front was coming through. It hadn't jumped
the river at the time. This was probably around
about 1.30. We radioed back into COMCEN and said,
25 "We weren't going out any further. We could see
where it was and we were getting back out that
area."

Q. How far from the river was it at this stage?
30 A. It was actually pretty close on the bank, on
the western side of it.

Q. What did the front look like at that point?
A. Very large. Very large.

35 Q. Can you try and describe the height of the
fire front that you observed?
A. Yeah. Actually as far as the eye could see
from both sides all along the whole ridge, it was
40 just one big fire front.

Q. You radioed back to COMCEN, and what did they
say to you?
A. Well, we actually told them what was going on
45 there. We actually suggested to them that we
would go down and check out the ranger quarters
there at Pine Island. We thought we would go down

and have a look around that area. They said, "Do that, and while you are down that way can we go down and patrol along Bonython/Gordon area because the fire front was coming along the back end of that area."
5

Q. You were just a single tanker at that stage?

A. Just a single tanker, yeah. We drove down into Pine Island to the rangers headquarters.
10 They had put a small bulldozer trail around the house itself, around the unit, and had hoses laid out. They said they were quite all right. They were going to stay there until they could - until the last moment.

15

Q. They seemed prepared for that?

A. They were prepared for it, yes.

Q. So then where did you go?

A. We went down to Bonython. Between Bonython and Gordon along Woodcock Avenue, we could actually see the fire front coming through. But where it was actually coming, we couldn't get to it. We had to virtually wait until it came to us.
20

25

Q. So you waited on Woodcock Drive for the firefront?

A. On Woodcock, yes.

Q. Were there any other units with you at that stage?
30

A. At the time we were the only unit there. Once the fire front actually hit the Woodcock Avenue there, we actually noticed another light unit, which was Rivers 20.
35

Q. What kind of terrain were you waiting for the fire in --

A. It was a very grassy area, very tall grass. The fire front come through there very, very quick.
40

Q. Was it on flat terrain?

A. It was actually up on a rise. Slight rise coming up towards Woodcock.
45

Q. What width was the front coming?

A. Well front was - as I said it was virtually one big front coming through the whole area. We actually picked the corner of where Point Hut Crossing and Woodcock actually join there. We
5 actually waited on that point to find which way the fire was actually going to come up the hill. It just virtually came through without any warning. One minute it wasn't there and the next minute it was.

10

Q. What is the distance of the grasslands where you are describing?

A. The height of the grass.

15 Q. No. Distance from the trees to the grassland?

A. The grassland itself from where we were on the road, it was right up to the road itself. There is not much trees around that area. It is mostly all grassland through the whole area there.

20

Q. How fast was the fire travelling as it came towards you?

A. Very, very quickly. It was actually on us before we even realised. They had dumped a lot of
25 pine chip along the side of the highway, along the side of Woodcock Avenue and they were ignited straight away. They were actually blowing across the road into the reserve behind us. So we were just continuously back and forwards trying to
30 knock these spot fires down. That's when Rivers 20 actually arrived just as the fire front arrived on the road there.

35 Q. So you stayed and tried to knock the fire front down?

A. We stayed there and tried to knock the fire front down. At one stage we were completely surrounded by flame. We weren't sure where we were on the road. It was so smoky and everything
40 else. We had no idea. I had three people on the back of the tanker.

Q. What were they doing?

A. They were using the cannons on the back of the
45 tanker trying to knock the flames down as I drove down the road.

47

It got so bad we weren't even sure where we were. So the best thing we could do, I was thinking of the chaps on the back, was to try and drive out of there as quickly as I could. I put my foot down
5 and drove out. Luckily we came into a bit of a clearing where we actually stopped for a couple of seconds to get our bearings and continued up the road a bit further.

10 Q. What was the flame height that you were surrounded by?

A. Well, the flame height itself was actually vertical coming across the road.

15 Q. Because of the wood chips?

A. Because of the wind itself. But it was actually lapping on one side of the tanker and actually going under the tanker and seemed to be coming up the other side of it. So I don't know.
20 I couldn't actually say what the height was.

Q. When you came out to the clearing, what could you see?

A. A lot of flame. It just seemed to be a clear
25 spot where it just seemed to be - where the area was itself, there seemed to be no grass or growth there. It just seemed to be that one little section. And we could actually see it was actually coming up the back of Bonython, very
30 quickly up the back of the houses at Bonython there.

Q. You were still on Woodcock Drive?

A. We were still on Woodcock.
35

Q. Was there any other traffic on Woodcock that you could see?

A. The traffic was a real shambles. There were cars going in all different directions trying to
40 go home. The police blocked the road off to try to stop the traffic, but the traffic was just going around the police. A few of them almost hit our tanker while we were working on the road.

45 Q. Was there a lot of traffic on that road?

A. There was a lot of traffic at the time, yes. It soon cleared away very quickly once the flames

came through. There seemed to be no-one there at all then.

5 Q. Was the traffic mostly going into Bonython or away from Bonython?

A. No, it was coming from the Bonython area back into Gordon area. It was coming down. So they were probably coming from the Hyperdome or something, on their way back into Gordon, trying to get through.
10

Q. You saw the fire front coming into the back of Bonython at that stage?

A. That's right, yes. At the time we actually noticed a bulldozer parked on the side of the road near Bonython. The bulldozer driver was there. He said, "Could we use him?" We said, "If you get a chance to, if you could put a fire trail right around the back of Bonython as fast as you possibly could, it would be appreciated." He said, "No worries whatsoever." As it was, we have got no idea who the chap was on the bulldozer whatsoever. We never did get his name.
15
20

25 Q. You asked him to put a trail --

A. A trail around the back of Bonython to try and stop any fire that was coming up the back of Bonython.

30 Q. That trail was between Bonython and the fire front at that stage?

A. The fire front itself, yes.

Q. He did that?

A. He did actually. He had to knock down some gates and fences and a few trees. They had some red gates across the area back there. We couldn't actually get through because we didn't have any keys for those gates.
35
40

Q. So he knocked them down with the bulldozer?

A. We actually asked him - the best way we could think was just to flatten them, which he did actually with the bulldozer. He just went straight through that way. That way we could get through there and we followed him through, knocked down any running flame that was actually creeping
45

past where he was going.

Q. Did you stay with him and knock out flame while he put the --

5 A. Yeah, while he was actually going up around Bonython, we stayed with him and worked our way around Bonython knocking the flames down. The neighbours were working at the back of their houses with their hoses, hosing down most of their
10 fences and everything else.

Q. Did the people that you saw hosing down their houses, did they appear to be appropriately dressed and prepared at that stage?

15 A. A few were, a few looked like they were on a picnic. But we actually suggested to them they actually get a bit more protective clothing on. I think a lot of them were just panicking, because there was a lot of spotting - spot fires were
20 going around the area itself. They had hoses, buckets, wheelie bins just everywhere, you know, like going all over the place. We had to watch ourself where we were going out there. At the time it was pretty smoky, pitch black. There were
25 a lot of people dressed in very dark clothing.

Q. How long did the work around the back of Bonython with the bulldozer take?

30 A. Probably about an hour, I suppose, around the area. Once the fire front settled down, we actually got radioed into comms and said that the area was in quite a safe position at the moment.

Q. Did you get in trouble for the gates?

35 A. Yes, I did. I got a bit of a phone call next day actually about the gate, said if we would have lifted it up at one corner it would have come out of the ground. We didn't know that. At the time we didn't even think about worrying about --
40

Q. You were worried about the houses?

A. We were just worried about the houses and the properties in the area. We thought, "Well the gate can be replaced." A lot cheaper than a house
45 can be, anyway.

Q. So you radioed to COMCEN eventually that you

thought that area was safe?

5 A. We actually radioed in and said, "We think the area at the moment is quite safe." The rest of the neighbours in the area, the residents, had controlled over their back fences and everything else, and the fire front had died right down.

Q. Had it passed through?

10 A. It actually passed through. There are a few spot areas over in the reserve behind Woodcock, but the neighbours in the back of that area were actually looking after those anyway. As I was saying, we only had our tanker and one light unit. We were pretty short of resources.

15

Q. Where was the light unit from?

A. Rivers.

Q. That whole period was just yourself?

20 A. Just the two of us vehicles for the whole period were there.

Q. And the dozer.

A. We didn't see anyone else whatsoever.

25

Q. When you told COMCEN you thought it was safe, what did they ask you to do next?

30 A. They asked us to respond to a house fire at Torrens. I can't recall the name of the street off-hand. When we first got there, there was a car in the middle of the road on fire and one house was completely gutted. I think a gas main had burst. There was one large flame coming out through the centre of it. The house alongside had just caught fire. So we actually went down there and started getting our hoses ready to try and put this fire out in this house.

35

40 Now, with our tanker we've only got 38 - which is the biggest hose we actually have got to get to a hydrant. We have got one, 65, which is only short for refilling, drafting and stuff like that, you know. So we had to use two lengths of hose to actually get down to the hydrant. Once we
45 actually done that, we ran three hoses off our tanker onto the house. One side - I think it was the main bedroom - was completely ablaze. We had

three of our firefighters working on that. With the small hose we couldn't keep the water pressure up to the tanker to feed the three hoses out at the time.

5

Q. So after you joined the hoses up, you had one hose to use on that house?

A. We virtually joined one hose up to bring the water from the hydrant. We ran three hoses off the tanker into the house. We just couldn't keep the water into the tanker to control the three hoses going out.

Q. So how did you --

15 A. Lucky, just as we actually started doing that, we had a New South Wales unit turn up. They had 65 hoses. We actually used two of theirs and connected it up to ours. It worked beautifully then. We had enough pressure to actually - but 20 the house meanwhile, the fire had spread right through the house itself, and one side of the house just exploded.

Q. So you were unable to save that house?

25 A. We were unable to save that house, yes. As we were actually there, the owner arrived. An old chap. He came up the street. He actually lived there all his life. All he was worried about was his two dogs he had inside his house.

30

Q. Did he find his dogs?

A. His dogs were well and truly gone by then. We explained they would have been dead before the flames had got them. He was taken by his 35 neighbour across, opposite the road, put on a seat and he actually sat there and watched his house burn to the ground.

Q. Did you do something in relation to his car?

40 A. Yes. He had an old Valiant Charger in his driveway. He came over and asked us if we could save his car at least. I said, "We can do that for you. Where's the keys?" He said, "They are in the house." We went into his garage. He had a 45 garage underneath the house. The house hadn't collapsed completely. We got this little tommy hawk we found there and smashed the side window.

Rolled his car across the road into the driveway. It was lucky it was completely straight opposite. We just drove it across there. He got out of his seat and he then actually started picking the
5 broken glass. I think he was in pretty - shock. The only thing he could do was pick the broken glass up that we had smashed the window to get into his car.

10 Q. Did he also have a caravan?

A. He had a caravan in the front of the house itself. We asked him was there any gas bottles. He said there were four full gas bottles inside
15 the caravan, which we thought at the time where the flame and the heat was coming down, it wasn't a very good idea to be around that area at the time with four gas bottles there.

We decided we couldn't save that house. That
20 house was completely gone. We decided to move to the house alongside. Meanwhile New South Wales had set up some hoses as well. They were hosing down the side of the house, the unburnt one. We were concentrating on trying to keep the heat down
25 on the house that was actually burning and try to keep it away from the caravan.

Q. How long did you remain at that site?

A. We stayed there till I think it was - just
30 starting to get dark. It was daylight saving. It must have been around 8 o'clock, around about that time.

Q. Were you then sent by COMCEN to Curtin?

A. We were then actually radioed by COMCEN to
35 attend a house fire at Curtin. We got to Curtin. There was an urban fire service there with a light unit. One house was completely burnt to the ground. They were actually running a 65 hose
40 straight from the hydrant straight across the road and they were attending that fire.

They asked us to go up to the very back of the
45 house. The fire front had already gone through by the time we got there. The house alongside it, their backyard was still on fire. We went around the back of the house and we realised when we got

to the back of the house that the telegraph poles that were at the very back there were on fire. We weren't sure if the power was turned off. So we decided the best thing we could do was go around
5 the front of the house and try and work our way back into the house from there.

Q. The power poles were dangerous?

A. They were dangerous if they had fallen down.
10 We weren't sure if the power was turned off. So we decided to keep our crews right away from them. We actually informed the urban firefighters out the front that they were on fire. We kept away.

15 Q. Did you work your way around then --

A. We actually worked our way from there up the side of the house to the house where the backyard was burning. That was extinguished very quickly. There was no damage to the house whatsoever.
20 Meanwhile, the urbans were actually concentrating on trying to turn the gas off on the house that had actually burnt to the ground.

Q. Only one house was lost in that location?

25 A. Only one house was lost there. The house on the other side of the house that had been burnt, the fire front came down between the house there and burnt the side of it but didn't do any structural - any bad damage inside itself.

30

Q. Did you still have the Rivers light unit with you at this stage?

A. No, the Rivers light unit, they stayed down at Bonython. That was the last time we actually saw
35 them. We were told to respond to those two fires. We just seemed to be by ourselves the rest of the time until we got to the area. We found other units when we got there.

40 Q. Before this day, had you yourself had any experience fighting structural fires?

A. No experience, but I had been trained out at the airport by the Fire Brigade in just basic structural firefighting.

45

Q. When was that training?

A. That would have been, oh, probably 3, 4 years

after I joined the brigade.

Q. About 1997?

A. About 1997 or so, yeah.

5

Q. What were you actually taught when you undertook that training?

A. They actually had containers set up there at the airport, which is designed like a house. How to actually enter it, the building, with the hoses directed so that the fire actually goes with the hose - the pressure pushes the smoke away from where you are actually going in, like that. How to enter a building properly to a certain degree. Like, we couldn't actually go out there properly. It was only a basic one. We didn't have any breathing apparatuses. We couldn't go into the building properly until the smoke was completely out. All we used was just nappies and stuff like that. We didn't have any proper breathing apparatus at all.

Q. Did anybody in your crew have any experience fighting structural fires?

A. I think about only two other members on our brigade had experience - it would have been Tim Holdsworth and Simon Fraser. I think the other two were only newer members and they wouldn't have had any whatsoever. I can't be sure if they did - I know Tim Holdsworth did but Simon Fraser I'm not quite sure.

Q. So when you finished at Curtin, were you told by COMCEN to go to the Glenloch Interchange?

A. We were told to go to Glenloch Interchange, probably around about 9 o'clock, half past 9, vaguely what the time was, I think. When we got there the fire front was actually still in the forest area there. It was heading towards Black Mountain.

Q. What is the name of the forest area where it was in at that stage?

A. The Stromlo. Well, there is actually Stromlo - that had gone the year before, in the Christmas fire. One part on the very corner hadn't been touched up the very top there.

Q. That was alright?

A. That was actually - a few parts of that was
alright. It seemed to go around that and get into
the grass at Glenloch Interchange on Tuggeranong
5 Parkway and William Hovell Drive, I think it is.

Q. What units were in that area when you arrived?

A. At the time I think there was a couple of
Parks units. Most of them were urban fire units.
10 Most of them were pumpers that were there. We
were directed by the urbans actually to knock down
any running flame that was along the area before
it crossed in towards Black Mountain.

15 Q. You and the other Bushfire Service units did
that?

A. I don't recall seeing - like there was Parks -
no other volunteer units there. Parks and Forest
I think might have been there. As I say, it was
20 pretty dark there. There were a few vehicles
there. I can't recall exactly what vehicles were
there at the time.

Q. Were the pumpers knocking down the flame as
25 well?

A. Yes, they were doing it along the road as far
as they could actually get in with the hoses. We
were going off road getting further in.

30 Q. How long did you remain at that location?

A. We stayed there till about 11.30. COMCEN said
we were going to get relieved and could we go down
towards the aquarium and a new crew would be
brought out there and take over our tanker.

35

Q. Had you succeeded at this stage in crossing
the --

A. The fire had died down there. There was just
a few little burning embers here and there, which
40 the urbans and the Parks unit were going to look
after. There was no chance of it going any
further than where it was.

Q. Then the wind changed at that stage?

45 A. It had quietened right down.

Q. So you went to the aquarium?

A. We went to the aquarium. While we were there we had a chance to have a bit of a rest. We refilled our tankers. We actually used the hydrant from inside the aquarium. Over the fence.
5 They had some old - one down inside the aquarium. We went inside the aquarium and the lady gave us a few drinks while we were in there, while we were waiting to get relieved. We waited there for about three-quarters of an hour and we got a radio
10 call to say we are not going to be relieved there; we have to go back to the staging area at Curtin Oval. We were a little bit annoyed about that because we were pretty exhausted by then. We were looking forward to getting relief.

15

Q. Were you personally working on fires since 6 o'clock the night before?

A. Well, from that night before I got home at 6 o'clock in the morning and then back out the
20 shed at lunchtime and then virtually going from lunchtime right through until half past 11, 12 of that night.

Q. So you took your tanker back to Curtin?

A. We went back to Curtin. There was a relief crew brought there from Guises Creek. I don't remember who the crew was now. We weren't that interested in who it was at the time. We just wanted to get home at the time, I think it was.

30

They were going to take us back to Guises Creek shed, because we actually picked our tanker up from Kambah workshops, we had all our cars parked there. Earlier in the afternoon we actually heard
35 that Kambah workshops was burnt. I think it was half past 5, 6 o'clock that the fire had come through there, vaguely that time, and we all thought we had lost all our cars that were parked there.

40

The word we got was that the Kambah fire station was burnt to the ground. That's what we got. So we asked the ES troop carrier who took us back to Kambah workshops just to drop us there to see if
45 our cars were still there. When we actually arrived there were two cars out the front which were completely burnt. They belonged to the Fire

Brigade. One of our member's cars was completely burnt. He had it out the very back, and mine was parked alongside his. When I got there I couldn't find mine. I thought mine had completely melted
5 away to nothing. There was nothing there at all. I found out later on that one of the firemen had moved it about 100 metres towards one way. There wasn't a mark on my car at all.

10 Q. That was lucky?

A. Yeah, very lucky. We had one car to at least get us home.

Q. You took everybody home then?

15 A. Yes. One other car was out the front. The front of his grille and everything had just melted. His car was still driveable. We put everybody in those cars and dropped everyone back to their own respective houses. I just went home
20 to my place.

Q. How did you feel?

A. Pretty run down at the time. I think more shocked than anything else, not realising what we
25 had actually gone through. The whole day just seemed to be continuous going from one point to another point to another point. I got home, I couldn't - I just went out the backyard on the back porch. My wife was still out at the Guises
30 Creek shed, and I think I sat out there - I think at the time I had half a dozen beers, just relaxing, just trying to unwind, just trying to debrief myself.

35 Q. Trying to take it in?

A. Just trying to relax a bit. And I sat there until about 2.30 when my wife actually came home then. Got into a shower, had a shower and got to bed, but still couldn't sleep.

40

Q. So you resumed work on Monday the 20th. You went back on your tanker on the morning of the 20th?

A. On Monday we actually went back out again. We
45 went back to the back of Bonython area to see how things were out that area. We just patrolled around that area all day. There were a few little

spots here and there around the area. A few sawdust that had been built up around the area in certain places, they were on fire. So we just virtually patrolled the whole Bonython/Gordon area
5 for the rest of the whole day.

Q. You took some time off after the 24th of January?

A. By the 24th I decided - my wife and I had had
10 enough. We left Canberra and went up the north coast for a while.

Q. Paragraph 30 you say:

15 "I believe the main problem with all the operations was the lack of communications. We could not communicate with any other interstate crews. We could only call our own
20 resources. I was surprised that we only saw crews from Rivers and Guises Creek during the whole time we were at Bonython and Gordon. Only a light unit and a tanker covered that
25 area. I know that other pumpers were busy at Duffy and Chapman and all those areas but it was still surprising. The staging area we had set up at Guises Creek worked well for the New South Wales crews and ourselves."

30 Can you expand on the first sentence in that paragraph where you say, "The main problem with all the operations was the lack of communications"; what are you referring to there?

A. Well, different radio frequencies with New South Wales and ACT. We couldn't get in contact
35 with them. We had no idea. When we were down at the Bonython/Gordon area, we didn't even know that New South Wales was around. They were supposed to be around the area but we didn't see anything there. The first New South Wales units we
40 actually seen was when we got to Torrens. That's when we actually spoke to them verbally. We couldn't talk to them on the radio or anything else.

45 Q. You couldn't co-ordinate --

A. We couldn't co-ordinate with anybody, to ask for any resources from them to come down and help

us.

Q. Is there anything that you would like to add, sir, to the statement that you have provided?

5 A. No. I think the communications was the main thing in the whole day, I think. Even with COMCEN a few times there we had a few black spots and we lost communications altogether. Mobile phones, we tried that, but the network was completely loaded.
10 We couldn't even ring home or ring anybody whatsoever from where we were. So we didn't know what was going on anywhere at one stage.

15 While we were at Curtin we just seemed to be in a black spot there. We had no communication with anybody for what might be 10 to 15 minutes. Everything just seemed to go dead. We just stayed there - tried using the radio back to COMCEN, tried using the mobiles, and we finally ended up
20 getting through to COMCEN after that. As I say, at one stage we seemed to be alone.

Q. Effectively working in isolated pockets all throughout the afternoon and evening?

25 A. Yeah, the whole afternoon we seemed to be actually all over the place, backwards and forwards in different areas. COMCEN were quite good in actually keeping in contact with us and sending us to these other fires.

30 As I say when we got to these house fires, none of us had any real structural firefighting experience. We found the hardest part was the fumes that were coming from the house were very
35 overpowering. A few of us, we actually dropped back a few times there to get a bit of fresh air before we went back into the house - not going into the house but on his front lawn.

40 Q. You actually needed proper breathing apparatus?

A. Well to actually attack something like that, yeah. All we had was our face cloths that we had, which doesn't give you much protection whatsoever.
45

MS CRONAN: Thank you, sir. I have no further questions.

THE CORONER: Q. Mr Kugler, when you were in Gordon, Bonython and later Torrens and Curtin, did you know what was happening in Duffy, Chapman and Holder?

5 A. We heard a few radio calls coming through every now and then. They would say one house was on fire, and then someone said there was another house on fire. It just seemed to be continuously all afternoon they were radioing through and
10 saying just houses were burning in that area. We just couldn't imagine what was going on at the time from where we were. We didn't realise it was that bad over there at the time.

15 Q. Do you not have any breathing apparatus at all as part of your equipment?

A. Nothing whatsoever on a bushfire tanker, no.

20 Q. Are you saying when you were fighting the fire at the house at Curtin that you weren't in communication with COMCEN in Curtin, that you had difficulty?

A. We lost communications at one stage. I don't know whether it was the area we were in or
25 whatever it was, but it seemed for about 15 minutes there was completely - a whole big black spot. We continued on fighting these fires with the New South Wales crews that actually arrived with us.

30 Q. You are still a member of the brigade?

A. I am still a member of the brigade, yes.

35 THE CORONER: Yes, thank you, Mr Kugler. Mr Archer?

MR ARCHER: No questions, thank you, your Worship.

40 THE CORONER: Mr Pike?

MR PIKE: Just one point, your Worship.

<CROSS-EXAMINATION BY MR PIKE

45 MR PIKE: Q. The two tankers that you had organised on the 8th, were they Guises Creek 11 and Guises Creek 21?

A. No, it was Guises Creek 11 and Guises Creek

10.

Q. 21 is one of the light units?

A. Was one of the light units, yes.

5

Q. Would it be correct to say or consistent with your recollection that your unit stood up at around 4.26 in the afternoon, around that time?

A. It would be around that time. Somewhere around about that time, yes.

10

Q. Do you have any recollection of around 5pm being tasked by COMCEN to go to a grass fire at Tharwa Road or Tharwa Drive?

A. I don't recollect that.

15

Q. I will just read something to you from the radio log - see if this helps you. The log for 8 January, 1700 indicates call from COMCEN:

20

"COMCEN COMCEN Guises Creek 11."

Then they are having a discussion with other crews, someone from Guises Creek 11 heard it and tried to get back to COMCEN, saying:

25

"COMCEN, I think you are trying to contact us. Do you wish to us respond to these fires at Tharwa Drive? Over."

30

So somebody has apparently been listening in to the radio and heard that?

A. I didn't hear that one, no.

Q. The response back from COMCEN:

35

"That's affirmative, Guises Creek. If you could just head towards Tharwa Drive. There is a grass fire there on just this side of the bridge."

40

That doesn't refresh your memory at all?

A. No.

Q. Then about 8 minutes later, at 8 past 5, you were recalled by COMCEN because the fire was under control?

45

A. It might be that one of the units went down there. I don't recall going myself. Maybe I wasn't there when that other unit might have already gone. I'm not quite sure.

5

Q. Apart from that incident where it turns out that Guises Creek 11 ultimately wasn't required because it was under control, that was the only instance when you would have been called upon that evening?

10

A. Yes, that would have been right, yes.

Q. That is consistent with your experience with COMCEN - they call you in circumstances where A it is geographically appropriate to call your unit; and B when your type of unit is to be sent to a particular location?

15

A. That's correct.

20

Q. Pending any other calls for you, you go back to the place where you are standing up, waiting to be resourced?

A. Yes. If you are no longer required, you go back to the shed and stand back up again.

25

MR PIKE: Thank you, your Worship.

THE CORONER: Thank you. Mr Whybrow?

30

MR WHYBROW: No questions.

THE CORONER: Mr Walker?

MR PHILIP WALKER: No questions.

35

THE CORONER: Mr Watts?

MR WATTS: No questions.

40

THE CORONER: Mr Lakatos?

MR LAKATOS: I have one matter.

<CROSS-EXAMINATION BY MR LAKATOS

45

MR LAKATOS: Q. In paragraphs 17 and 18 of your statement you talk about the events that occurred on 18th January, and in particular you say at

about 1313 hours, which is 1.30, you met Mr Holdsworth at the Kambah workshop and picked up Guises Creek 11.

A. That's right, that's correct.

5

Q. You say in the following paragraph that COMCEN tasked you and Mr Holdsworth to go to Kambah Pool. You describe the fire front as being as far as the eye could see in broad terms?

10 A. Yes, that's correct.

Q. You then say:

15 "At that time, probably 1430, it had not actually jumped the Murrumbidgee River."

A. At the time 1430?

Q. Yes.

20 A. We were actually tasked down there at 1330. It actually hadn't jumped the Murrumbidgee River then. 1430, I think we actually already left that area and gone down towards Pine Island, that area.

25 Q. Well --

A. As far as I know, it still hadn't jumped the Murrumbidgee River down near Pine Island area.

30 Q. The evidence that you gave to Ms Cronan earlier on suggested that the time that you observed the fire front and the time that it had not actually jumped the Murrumbidgee River was in fact 1330; that is to say, 1.30pm?

A. 1.30.

35

Q. Whereas your statement seems to suggest that that observation was made probably about 2.30pm. I just wonder which is the correct one?

40 A. It would be - 1.30 would be the correct one. We actually got tasked from Kambah Workshops straight down to Pine Island at 1.30. It would have been 1.30 when we were down there. Probably would have been about quarter to 2 by the time we radioed through back to comms.

45

Q. When you say you met Mr Holdsworth at about 1.30 at Kambah Workshops, is that time out as well

a little bit?

A. Well, we actually met there before that, but that's when we were actually tasked at 1.30 to leave Kambah Workshops.

5

Q. I take it you have relied upon your memory, have you, to remember these times when you made the statement initially?

A. Oh, yeah. As I say, some of those times were just off the cuff, just to say --

10

Q. I understand.

MR LAKATOS: Yes, thank you.

15

THE CORONER: Thank you, Mr Lakatos. Ms Cronan?

MS CRONAN: No re-examination.

20

THE CORONER: Thank you, Mr Kugler. You are excused. You are free to leave, thank you.

<THE WITNESS WITHDREW

25

MS CRONAN: I call Benjamin Dearsley.

<BENJAMIN DEARSLEY, SWORN

<EXAMINATION-IN-CHIEF BY MS CRONAN

30

MS CRONAN: Q. Would you please tell the Court your full name and your current occupation?

A. Benjamin Dearsley. I am currently the vendor manager for IT security at the Health Insurance Commission.

35

Q. You are also a volunteer firefighter with the Gungahlin Bushfire Service?

A. I am, yes.

40

Q. Are you still with the service?

A. Yes.

45

Q. You made a statement, which is [ESB.AFP.0108.0192], in relation to your involvement with fighting the January 2003 bushfires.

A. (witness nods).

Q. It is dated 15 August. That is an exhibit in these proceedings, sir. Is there anything in that statement that you, having read it again recently, you wish to alter or correct?

5 A. Apart from my occupation, no, I don't think so.

Q. You joined the Bushfire Service in approximately January 2002, so you had been in for about a year before the January 2003 fires?

10 A. Roughly, yes.

Q. Before you joined, did you have any firefighting experience at all?

15 A. None at all.

Q. After you joined, what kind of training did you receive?

20 A. I went through four basic modules, I think, in firefighting and then pretty much every Wednesday night from that period we were in training. I was only allowed under live exercises or live fires once I had been to a few test burns and that sort of thing. I couldn't be sure of the exact detail.

25

Q. You were trained in dry firefighting and remote area firefighting?

A. Trained in remote firefighting.

30 Q. I take it you received an arduous fitness level?

A. I did.

35 Q. You say in your statement you have also been involved in two RAFT callouts in and about the Brindabella Ranges around December 2002?

A. I think so. I couldn't be sure of the dates. But both were lightning strikes and both were actually black by the time we got there.

40

Q. Both were black?

A. Yes.

45 Q. So the first one that you went to, can you recall approximately what area in the Brindabellas you drove to?

A. No.

Q. What did you do when you actually got there?

A. I proceeded to basically hike around the fire. It was in very steep terrain, quite rocky, hard to stand up, and just made sure that there were no
5 smouldering sort of outcrops. At the time the ACT had a policy of not leaving a fire unattended. The fire had to be black. We had to ensure that was the case and couldn't go anywhere else.

10 Q. Was that during the day-time or night-time?

A. Day-time.

Q. Did you remain there at any stage overnight?

15 A. No.

Q. Or did you leave before --

A. We left before dark.

THE CORONER: Q. What do you mean by "black",
20 Mr Dearsley?

A. It is a term we use, the fire being out.

MS CRONAN: Q. The second call that you attended as a RAFT member, was that a similar experience?

25 A. It was, smaller though. It was black again. Yeah.

Q. That again was in the day-time; was it?

30 A. It was in the day-time.

Q. You say you mostly worked on Gungahlin 10 and 20 during the January 2003 fire event. In paragraph 7 you say you were part of a six-person RAFT team that went to Stockyard on the 9th of
35 January?

A. That's correct.

Q. How were you contacted in relation to the tasking you did on the 9th of January?

40 A. My recollection was I was at training at the time on Wednesday night and had spoken to John Jenkins, who is the captain, about potential lightning strikes I think. At the end of the training I was asked to attend this fire, a remote
45 area fire, in the morning.

Q. Were other members of your brigade asked to

attend as well?

A. Yeah. I think there was about six.

5 Q. The whole RAFT team were Gungahlin brigade members?

A. There were other RAFT team members. I think they were Parks. Brett McNamara led us up there.

10 Q. So where were you staged on the morning of the 9th?

A. We left from Gungahlin, and I think we met Brett out at Bulls Head.

15 Q. After you met Brett at Bulls Head, can you describe what you did?

A. We went down Mt Franklin Road. I couldn't be sure of how far, quite a few kilometres. In the statement I think I indicated we proceeded through - sorry, we were stopped at a set of
20 gates. That was correct. But there were a series of gates that we proceeded through before we were stopped by a final set. And left the vehicles where they were. It was just like a grassed-out area, not a carpark but just where we parked our
25 vehicles. We proceeded to hike in to the fire.

Q. What were you driving? What were you in?

A. I think I was in Gungahlin 20. I don't recall what other units Gungahlin sent out. It could
30 have been Gungahlin 60. I don't recall having a heavy tanker driver with us. I don't think 10 came out.

35 Q. You proceeded through the gate in the Mt Ginini carpark. How far off the Mt Franklin Road did you drive?

A. Probably 50 metres.

40 Q. What equipment did you take with you from the vehicle?

A. We took chainsaws, rake hoes and packs which included water and food. That was about it, really.

45 Q. Were you qualified on the chainsaw at that stage?

A. No.

Q. How far into the terrain did you have to walk before you saw any fire?

A. It was about an hour and a half, I think. The first hour was reasonable terrain. You probably
5 could have with some damage got vehicles in. The last half hour was quite steep and rocky.

Q. Did you have some conversation with your incident controller - with Mr McNamara about
10 whether or not you could have got vehicles into the area?

A. We mentioned to Brett that perhaps we could have got the vehicles closer to where we were going. We had quite a bit of gear and we were
15 mindful of just being quite tired by the time we got there.

Q. What did he say?

A. He declined. He gave us some reasons that
20 there was some endangered species that were being cultivated in the habitat in there that perhaps could have been damaged if we brought a whole lot of trucks through. He was concerned about the rest of the environment as well.

25

Q. Could you describe the fire as you saw it when you arrived at the fire ground?

A. Very small, probably around about ankle height, maybe a bit bigger. Yeah, we walked in on
30 what was probably the south-eastern edge, I guess.

Q. So you weren't able to see the entire perimeter of the fire from where you were?

A. No. Brett proceeded to move around the fire,
35 which was standard process, to just make sure he knew and could map out the fire circumference.

Q. Did you and the rest of the RAFT team rest while he was mapping the circumference of the
40 fire?

A. Yeah. We had a cup of tea and sort of relaxed, took in as much of the environment and terrain as we could. I took a few photographs.

45 MS CRONAN: Photographs are attached to your statement but they are not in a useable form. I wonder if the original files could be brought up.

MR LAKATOS: I have some in useable form if it assists. I have three spare copies.

MS CRONAN: I have them on the screen now.

5

THE CORONER: Thank you, Mr Lakatos. I would appreciate having a look at those, if you have a spare. Thank you.

10 MS CRONAN: Q. Could you tell her Worship what the first photograph shows?

A. I believe that first photograph was actually taken on the way out of Stockyard Spur.

15 Q. Heading north up Mt Franklin?

A. Heading out, yeah, basically.

Q. If we could go to the next photograph.

20 A. This is the RAFT team preparing. It is probably where we left the vehicles. The only reason that I think that is, we are all fairly clean and we walked out black.

25 Q. The terrain that you see in that picture, is that typical of the terrain you worked in throughout the day?

A. Yeah, apart from the beginning of the fire. The beginning of the fire was quite sparse. You will see in photo 6.

30

Q. Could we go to the next photograph, please. This is photo 3. What does that show?

35 A. These are rake hoes. They are the standard equipment for dry firefighting in a RAFT context. That's all we used basically - that and a chainsaw.

Q. Is that area the area where you were working in?

40 A. No. I believe that area was the second relocation that we made about 3.30 in the afternoon. That was where we were waiting to hear where Brett would like us to move next. We had actually been forced to retreat from the fire by
45 then.

Q. Move on to photograph 4, please.

A. This is the photo that was taken as we were rapidly moving away from our position. That's the fire coming towards us.

5 Q. What direction are we looking at?

A. You are looking south - sorry, you are looking north. We were heading south.

10 Q. So the fire front was coming to you in a southerly direction on a flat terrain?

A. No, that was quite steep terrain. Yeah, that would be correct.

15 Q. When you say steep terrain, was it travelling uphill towards you?

A. Yes.

Q. What was the wind direction at that stage, can you recall?

20 A. I couldn't be sure.

Q. The containment line that you were working on, can you say where that was in relation to what we are looking at now?

25 A. I think this that would be down to the left and considerably further in to where that fire was. As you can see, the smoke is getting quite dense and dark - I would suggest quite an intense burning fire.

30

Q. So you had been working on, as you look at that photograph, the left flank of that fire front?

A. That's right, yes.

35

Q. If we could move on to photograph 5.

40 A. This is the fire that we got to originally. That was where we were having a cup of tea and just waiting. It had similar characteristics to a backing fire. It seemed to get rid of everything on the scrub, on the floor of the forest, but it wasn't moving fast by any means.

45 Q. How does that terrain shown in that photograph compare to the terrain where you were working?

A. It's quite different. The fire was in - that's actually quite flat terrain. Where we

started attacking the fire, it was the beginning of, yeah, a reasonably steep slope.

5 Q. Where you were attacking the fire, was that upslope from the fire?

A. It was, upslope.

Q. If we could move on to photograph 6.

10 A. Same thing. That's just the beginning of the fire. There's a few sort of teatree bushes in there that can a bit of a hassle. The rest of it was all sort of small scrub stuff.

Q. Photograph 7.

15 A. I honestly don't know. That is indicative of the terrain. I couldn't say when that was.

MS CRONAN: Your Worship, I seek to tender those seven electronic files as one exhibit.

20

THE CORONER: Do you have a copy or do I keep Mr Lakatos's copy?

MS CRONAN: I am tendering what Geoff has just shown. If I could have a number.

25

THE CORONER: The photographs are already in the exhibit. So the photographs taken by Mr Dearsley will become exhibit 0060.

30

EXHIBIT #0060 - PHOTOGRAPHS TAKEN BY MR DEARSLEY TENDERED, ADMITTED WITHOUT OBJECTION

MS CRONAN: Q. Where we left your oral evidence was you were waiting for Mr McNamara to do a check around the perimeter of the fire. Could you describe to her Worship what work you did in relation to the Stockyard fire on that day?

35

40 A. When Brett returned, he gave us a sitrep for fire intensity, rate of spread and all that sort of thing. And advised us that we were to be moving in a north-westerly direction, I believe, to what was the head of the fire, the most intense portion of it, bearing in mind the characteristics of it, it looked like a backing fire all over. It was expanding in a circular way. And I don't recall having had any influence - there was no

45

wind influencing the fire at that stage. So we were just basically attacking the most aggressive part of the fire.

5 Q. You were working on the western flank of the head of the fire?

A. Yes.

10 Q. When you say you were working on it, what were you physically doing?

A. We were using the rake hoe and chainsaw to try and put in a control line right on the fire to slow its movement. Because it was at that stage probably up to knee height, we were able to work in close proximity and remove any brush underneath it and thereby reducing the amount of fuel that could be burnt.

20 Q. Can you describe where your anchor point was on that path?

A. You probably walk through the flame.

Q. Because the flame was so small?

25 A. Yes.

Q. At that stage?

A. That's right.

30 Q. How long did you continue to work on the flank of the fire?

A. Not really sure, I think that was probably quite a few hours in total.

Q. Did you have air support at that stage?

35 A. No, not to begin with. As it turned out, probably half an hour into beginning, the wind did in fact pick up. Combined with a change in terrain, it became quite a slope, and we were in quite a dense area of teatree, so, yeah, it was beginning to get quite hot.

Q. So the flame height started picking up where you were working?

45 A. That's right.

Q. What did you do when the flame height picked up?

A. Basically worked harder. We were trying to remove more fuel than the fire could combust and thereby gain momentum. The chainsaw operator that we had on the aggressive point of the fire was
5 lopping trees. We were removing anything else that we could find.

Q. You worked that way on the fire for a number of hours?

10 A. We did, yeah.

Q. Were you having much effect on the fire in that period?

A. It is probably fair to say no. We were
15 slowing its growth but towards the end of that stint we were being outflanked by the fire. I think there was about four or five of us at the head there that were being sort of surrounded by fire. We were also beginning to get split off
20 from the other six-man RAFT crew to our right-hand side. In effect, there was no anchor point.

Q. So at that stage I think Mr McNamara tried to gather you all together?

25 A. He did, yes. The fire was getting out of our control. We had called in and received some air support. They weren't having a huge amount of luck in trying to locate us because of the dense smoke and were consequently dropping their payload
30 in an incorrect area.

Q. Did you at that stage still have the option of walking through the fire to an anchor point?

A. Probably not. There was a period of half an
35 hour where you probably could have walked through initially and then the fire, you know, sort of got a lot more aggressive. Wind speed picked up. Yeah, so after that, no, we wouldn't have - and we were being flanked on our left-hand side and our
40 right, so it was splitting us from our other crew members. We would have had to run upslope, and that is just unachievable.

Q. So did Mr McNamara take you to a retreat point
45 at that stage?

A. He did. Probably I think 50 metres,
100 metres from where we were fighting the most

aggressive part of that fire. That was to gather up our things, the packs, food and try to get some water in. By that stage I was quite dehydrated.

5 Q. Before you had to leave the fire, how far off the head of the fire did you get to?

A. It is my belief that we were fighting the head of the fire. That was the most aggressive part of it.

10

Q. So you were resting and getting some liquid into your bodies. What happened whilst you were doing that?

15 A. I guess the entire western edge seemed to pick up and proceed to move towards our location. We knew that there wasn't an opportunity to now use the black area as an anchor point with all our gear and that we needed to rapidly vacate our location.

20

Q. How many hours had you been working on the fire at that stage?

A. I think we probably would have been five, I guess.

25

Q. So you found a second retreat point about a kilometre back from the first retreat point?

A. Roughly speaking, yes.

30

Q. Then Brett McNamara and Elliott Callwell went back to the head of the fire to have a look at it and see what could be done?

A. That's right. Trying to work out another plan of attack or whatever.

35

Q. You say the SouthCare helicopter returned. What did it actually do?

40 A. I think it was just using the Bambi bucket on what it could see as the most aggressive part of that fire.

Q. Could you see whether or not that was having any effect?

A. Not from that location, no.

45

Q. What happened when Brett returned?

A. He advised that the fire was now out of our

control and that we would just basically leave.
So we moved back again. It was just not
achievable. The entire crew - Parks and
ourselves - were fatigued and there wasn't enough
5 manpower to stop it.

Q. You say also that, apart from that day, you
worked up until the 17th three or four shifts from
the Bulls Head staging area?

10 A. I did, doing various tasks but mainly on
back-burning operations out of Bulls Head. At one
stage I was navigating and assisting a bulldozer
in putting in fire trails as well.

15 Q. Would you tell her Worship what that involves,
bulldozer chasing?

A. Basically when it is pitch black, the light
unit or whatever vehicle you are in is guiding the
bulldozer on his location with his headlights or
20 lights or whatever you have got. If he is in an
area that is susceptible to fire approaching, then
we would be protecting the bulldozer.

Q. You essentially guide the bulldozer into the
25 best part of the terrain to get the --

A. He was getting the instruction from an
incident controller about where he needed to go.
He needed, I guess, a bearing point. That's what
he was using headlights for and that sort of
30 thing. If he was anywhere near the fire then
yeah, we were protecting him, the appliance.

Q. Now at 3.30 on Friday the 17th you started
from Gungahlin Joint Emergency Services facility
35 on Gungahlin 10, under the control of Lee Carmody.
Where did you go when you left the station?

A. We were actually filling the tanker with fuel
at the time and got the call at approximately 1530
from Shell in Dickson and proceeded back to the
40 Joint Emergency Services to pick up a full crew
and then proceeded out to Tidbinbilla Nature
Reserve.

Q. Where did you go in Tidbinbilla Nature
45 Reserve?

A. Into the zoo. We proceeded into the nature
park there. We were fighting in effect a spot

fire that had come out of the Bendora fire and was proceeding very rapidly throughout the area at the zoo.

5 Q. Who briefed you and tasked you when you got out there?

A. John Jenkins was officer in charge. He relieved Lee Carmody. Lee was able to drive. I can't be sure of who tasked us. It was fairly
10 hectic. I don't think there was much command and control in that specific fire.

Q. That you observed?

A. That I observed.
15

Q. What did you do in relation to fighting the spot fire whilst you were at the nature reserve?

A. The fire had fairly much taken hold in the southern corner. It was proceeding rapidly
20 throughout, I don't know, emu enclosures, kangaroo enclosures and all that sort of thing. We were basically chasing the head of that fire to the northern edge.

25 Q. With water?

A. With water. We had Gungahlin 10 we were on, so yeah we were basically attacking that with - and I think we had a naval sea helicopter above us.

30

Q. After some time you had a rest, something to eat and were dispatched to Corin Forest?

A. We did. There was quite a number of situations in that time that we were forced to
35 move back. It is probably the hottest that I've ever been. The truck was alight on a number of occasions. Yeah, we pulled back.

40 Once that fire was put out, we moved back out to the carpark at Tidbinbilla Nature Reserve and had something to eat and laid down, basically.

Q. You were actually able to put out the spot fire that you were working on?

A. Yeah. It was a full fire by the time we got
45 there. It spotted out of Bendora but was definitely probably one of the biggest I had been

to behind Stockyard.

Q. Did you say you were able to put it out?

A. We did. We did.

5

Q. How many units worked on that fire with you?

A. I couldn't be sure, quite a few. I know there were some urban pumpers that were out on property protection in and around that area as well. There was probably three or four heavy tankers and numerous light units - in my immediate vicinity, anyway.

10

Q. So after you had a rest and something to eat, you were retasked?

15

A. We spent a bit of time in the carpark at Tidbinbilla Nature Reserve. I watched the fire, the Bendora fire come out of where it was basically crowning across the range.

20

Q. Can you describe what you saw?

25

A. Crowning fire. There was fire as far as I could see from right across that western sort of range. And we stayed in the carpark until we were retasked to go to Corin ski resort for property protection.

Q. Can you recall approximately what time you were retasked to Corin ski resort?

30

A. I can't. I think it would have been roughly 10pm, I guess. Maybe later.

Q. You were going there to relieve some Parks crews?

35

A. Yeah, we were. At that time we were - I should sort of - in between that we went back into Tharwa to just check that road. In fact, because of the time taken to call us out, I didn't have any food. I went in to grab some food there.

40

Then we were tasked to Corin. Yeah, basically went up and relieved their Parks crew. The Corin ski resort surround was well alight. But the fire front had moved through and they had been successful in keeping the front away from the ski resort itself.

45

Q. You were in a light unit at this stage?

A. No. I was in the heavy tanker, in Gungahlin
10.

Q. Who was with you?

5 A. Lee Carmody was driving and John Jenkins was
the crew leader. I had Allen O'Brien and Paul
Long with me in the back.

Q. You were with a light unit?

10 A. There was a light unit there. Simon Butt I
think was driving Gungahlin 20. We were tasked to
property protect. Keep this fire away from any of
the surrounding areas, so, yes.

15 Q. After the Parks units left, was there anybody
apart from yourself and the light unit left at
Corin ski resort?

A. I don't recall. I don't think so.

20 Q. So what did those two units do throughout the
night?

A. Basically keep that fire away from any of the
resort facilities. So we were, you know, watering
down buildings and making sure that glass wasn't
25 going to shatter, you know on the inside. I've
had no training in that sort of firefighting, so
we just did the best we could.

Q. When you say "no training in that sort of
30 firefighting", what kind of firefighting?

A. Property protection. Anything relating to
buildings, yeah.

Q. So you put out spot fires as well?

35 A. We did. The ski resort is sort of set on a
horseshoe sort of shape. So we could use the
central area which is as big as two or three
football fields I guess as a control point. And
continued to monitor the perimeter for that fire.
40 It proceeded to burn itself out.

Q. How long did you monitor that area for?

A. We were relieved at 10am by an Oscar unit.
Yeah we probably actively fought fire until 4 or
45 5 o'clock in the morning.

Q. You say in your statement that you radioed

COMCEN to be relieved at the fire had gone through and no longer presented a fire threat at Corin. What was the situation like at Corin when you made that radio call?

5 A. It was completely black.

Q. You make a comment that you found the four-hour delay from that time to when you were relieved to be useless resource allocation?

10 A. Yeah, I did.

Q. Is it the case that your heavy tanker and the light unit sat there effectively doing nothing for four hours?

15 A. That's correct. It's no indication of command. It was just - that was the fact. That resource could have been used elsewhere.

Q. Now on Saturday during the day you slept through the main fire event until 3pm. Then you got a phone call asking you to return to duty?

20 A. I did, yeah. Under the control of Simon Butt to relieve the crew that had left earlier that afternoon.

25

Q. So you were out again on the night of the 18th doing property protection in the Cotter Road/Stromlo Forest area?

A. It was off Uriarra Road, yeah.

30

Q. What did you actually physically do on that shift?

35 A. We were transported to the Uriarra Settlement by Gungahlin 60, one of the SES units and basically took over from the crew that were out on Uriarra Road, and they went back to the shed. We were sitting looking after - just basically a house and some sheds.

40

Q. Did you have any units with you?

A. 10, there was another heavy tanker, and I think 20 was around there as well.

Q. You were in 10?

45 A. That's right.

Q. And 20 was with you as well at that stage?

A. In that rough area, yeah. There was no fire around. Obviously all the fires were in and around Duffy at that stage.

5 Q. You essentially did nothing for that shift?

A. That's correct.

Q. Paragraph 17 you say:

10 "I do not recall any specific detail or specific issues in relation to those shifts, aside from noting difficulties with communications."

15 It seems to be a recurring theme. What difficulties did you experience with communications throughout the period 8 January to the 18th?

A. I think communications in general were
20 overloaded. But the channel allocated for various incidents throughout the exercise was reasonably often inundated with calls, urgent calls, but the allocation of resources to the frequency range for that communication medium was too great, I guess.

25

Q. Is there anything that you would like to add to what is already contained in your statement in your evidence at this stage?

A. No. Other than it was uncomfortable to have
30 to support the Corin ski resort without proper training.

Q. So you would add your recommendation essentially to Mr Katz this morning the Bushfire
35 Service could do with some training in structural protection?

A. Absolutely, yes.

MS CRONAN: Thank you, sir.

40

THE CORONER: Yes, I note the time. If counsel isn't going to be too long with Mr Dearsley and if it is convenient we might sit through and that way Mr Dearsley can be excused sooner. Mr Archer?

45

MR ARCHER: No questions.

47

<CROSS-EXAMINATION BY MR PIKE

MR PIKE: Q. Mr Dearsley, when you were preparing
your statement, did you have access to or
reference to the radio logs in terms of the timing
5 of events on the 18th?

A. No.

Q. It is hardly surprising given what you went
through that 24-hour period. I have been looking
10 at the logs. Could it be the case that your first
contact with COMCEN on the morning of 18th was
shortly after 8am?

A. It could have been. It could have been.

15 Q. And that in fact your discussion about being
relieved was some time after that, between 8 and
9 o'clock?

A. We were relieved at 10am to my recollection.

20 Q. I am sorry, I didn't make myself clear. The
discussion you had with COMCEN about being
relieved, could that have been somewhere between 8
and 9 o'clock and not towards 6 o'clock as you
indicated in your evidence?

25 A. It could have been. It was dawn, or morning,
yes.

Q. Quite frankly, you were a little bit too busy
with things to be looking at your notes and making
30 careful notes about things such as that?

A. I didn't have a watch on at the time. We
certainly weren't busy. I had time to have a cup
of coffee and something to eat, so no. If they
were the facts, then this would have just been a
35 miscalculation of time.

MR PIKE: Yes, thank you.

40 THE CORONER: Thank you, Mr Pike. Yes,
Mr Whybrow?

MR WHYBROW: No questions.

45 THE CORONER: Mr Walker?

MR PHILIP WALKER: No questions.

47

THE CORONER: Mr Watts?

MR WATTS: No questions.

5 THE CORONER: Mr Lakatos?

MR LAKATOS: No questions.

10 THE CORONER: Any re-examination, Ms Cronan?

MS CRONAN: No.

15 THE CORONER: Thank you, Mr Dearsley. You are
excused. You are free to leave.

<WITNESS WITHDREW

20 MS CRONAN: Those are the witnesses we have for
today. I wonder if your Worship would be minded
to adjourn until 10 o'clock tomorrow.

THE CORONER: I will do that, unless someone has
objection to that course. I will adjourn until
10 o'clock tomorrow morning.

25 **MATTER ADJOURNED AT 1.13PM UNTIL WEDNESDAY
19 MAY 2004.**

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TRANSCRIPT OF PROCEEDINGS

CORONER'S COURT OF THE
AUSTRALIAN CAPITAL TERRITORY

MRS M. DOOGAN, CORONER

CF No 154 of 2003

CANBERRA

INQUEST AND INQUIRY INTO
THE DEATH OF DOROTHY MCGRATH,
ALLISON MARY TENNER,
PETER BROOKE, AND DOUGLAS JOHN FRASER
AND THE FIRES OF JANUARY 2003

DAY 57

Wednesday, 19 May 2004

MS CRONAN: Your Worship, I call Reginald Park.

5 <REGINALD GORDON PARK, AFFIRMED

<EXAMINATION-IN-CHIEF BY MS CRONAN

MS CRONAN: Q. Sir, could you please tell the court your full name and your current occupation?

10 A. Reginald Gordon Park. I am retired but am a part-time figure ice skating coach.

Q. What is your current address, Mr Park?

15 A. 27 Pethebridge Street, Pearce.

Q. Prior to 18 January 2003, what was your residential address?

A. 53 Doyle Terrace, Chapman.

20 Q. On the 18th of January, I think you were at work at the start of the day; were you?

A. Yes.

25 Q. What time did you arrive home from work that day?

A. Approximately 11.30 - between 11 and 11.30am.

30 Q. Before the 18th of January, did you have an awareness that there was a potential risk to your area from bushfires that were burning in the Namadgi?

35 A. I wouldn't say that I took it as a tremendous risk. I was aware the night before when I was driving home over from Curtin and I saw the fires in the Brindabellas or the smoke. I had my camera with me. My dad was an artist, and I thought that would make a good painting. I took photos of it but I didn't even worry at that time as to how close it was or if the potential risk was great.

40

Q. You just thought it was interesting to look at?

45 A. No, I was doing it more from thinking, "This is a marvellous subject for a picture," rather than the risk involved.

Q. Had you been following the progress of the

firefighting efforts in the media at all?

A. Yes, I had.

5 Q. You had been following it in what way? Do you
get the papers daily or you are watching the TV?

A. I get the papers daily. I read all the
reports on it that have been in the papers. When
possible I have watched any television interviews
and things like that. After the fires there were
10 quite a lot of specials and special documentaries
and things like that that I did watch or, if I
couldn't watch at the time, people have given me
tapes of and I have watched.

15 Q. When you arrived home from work, what was your
awareness about any potential risk that might be
posed to your area from the fires that were
burning at that stage?

A. To be quite truthful, I feel that I was
20 thinking, well, this is getting rather close.
This is strange. But I still didn't think for a
moment that it would burn my house down or come
over the ridge and get that serious. The radio -
I did have the radio on. At that stage we were
25 not on full alert. We were on alert. So really I
didn't take terribly much notice of what was
happening until just by observing all the changes
in the weather and things like this. As it
worsened, then it started to get pretty scary.

30 Q. After you arrived home, you had the ABC on the
radio?

A. I had it on all the time, yes. That was the
only thing I had on. I don't have television on
35 during the day-time.

Q. Had you read the 'Canberra Times' that
morning?

A. No, I hadn't.
40

Q. You had no information from the papers about
the fires that day?

A. No.

45 Q. What did you actually do? How did you occupy
your time after you got home from work?

A. Just had a coffee and got changed and went out

in the garden. I thought I would try and clean up
some of the garden. I mean there is always
rubbish around in the garden. I thought I would
make a bit more of an effort and cleaned up some
5 more.

I was busy doing that and then things started to
worsen. I was unaware of the time really because
once I get out in the garden, I don't even think
10 of it.

Q. Were you cleaning up your garden to prepare it
for any potential fire or were you just gardening?

A. Not really. I was just doing what I normally
15 do on a Saturday afternoon. I get out there and
stay out there for as long as I can.

Q. When you say you were on alert, what do you
mean by being on alert? What did that mean to you
20 at that stage?

A. To me, until I heard anything that I suppose
I had to evacuate or had to prepare to evacuate,
I didn't really do much else except just
commonsense things.
25

Q. Did you hose your roof or grounds at all?

A. Yes, after about an hour then I did so. I saw
my neighbours were starting to do it so I thought
I better do the same thing. I was hosing my roof,
30 although the pressure wasn't great and I didn't
think it was doing much help.

Q. Who was home with you that day?

A. I was alone.
35

Q. So you were hosing because your neighbours
were hosing?

A. Well, they started. I started to do the same
thing. My neighbours opposite on the opposite
40 side of the cul-de-sac, she was up the roof
hosing. My other neighbour opposite in Doyle
Terrace, she was hosing. I actually took photos
of them. I think any of us weren't really aware
of what was actually happening until it really got
45 serious when it got darker. The wind and the
noise started to become quite horrific, and then
just all hell broke loose.

Q. I think the first time you actually saw the flames coming towards you was along Cooleman Ridge?

5 A. That's right. My neighbour opposite me, she was on her roof and she pointed up. You could see the flames on the top of Cooleman Ridge.

Q. What did they look like when you saw them up there?

10 A. It was just - everything else was - by then it was very dark and the trees were almost flattening with the wind. It was really quite frightening. I mean, to suddenly see something that you don't expect to see or you don't think is going to
15 happen and it is suddenly there - I don't really know what I actually felt. I can't say other than it was just terribly scary. That's when I did start to think, "Well, what do I do now?"

20 Q. Were you outside your house at that point?

A. I was outside at the back of the house.

Q. What did you do then when you saw it?

A. It was just shortly after that, I didn't hear
25 it but the police along Doyle Terrace and said "prepare to evacuate". My neighbour from the back, he probably thought that I didn't hear it, which I didn't, and he said, "They have just said to prepare to evacuate". From then on, I went
30 straight away into the house.

I am sorry, prior to this I had just purely, I suppose, as a precautionary measure, the cat hadn't appeared for ages and normally appears as
35 soon as I arrive home. She appeared about half an hour before all this happened, and I put her in the cage. I got my car out from the garage which is in the cul-de-sac and put it facing out into Doyle Terrace. It was just probably a commonsense
40 thing to do. I didn't do it with any actual intention. I thought in case any did happen that I would be prepared in that respect to get away with the car, which proved to be a Godsend because when everybody started to leave by then the almost
45 cyclone effect that was happening had uprooted some of the trees, and the people in Perry Place couldn't get out. So I was able to get out

through having the Doyle Terrace access.

5 Q. When your neighbour told you the police said "prepare to evacuate", is that when you put the cat in the car?

10 A. No, I had done that before. But I went straight away inside, grabbed the car keys and a folder which was on the table, which happened to have my passport in. I was looking at preparing something for a trip. At that stage that's all I took with me, and by then it was too late to go back into the house. I just got in the car --

15 Q. And drove out?

15 A. And drove out. But by then Doyle Terrace was like Pitt Street. It was just that my neighbour saw me coming and let me in. It was practically bumper to bumper even in that short space of time. Everybody was just flying out.

20

Q. Where was the fire as you were leaving?

25 A. It was still up on the top of Cooleman Ridge as far as I can remember. I just thought, "I just have to get out now". By then it was getting very, very black. I got in the car and, as I drove through the effect of the wind, I think it was the only time that I was really frightened. The back of the car lifted. It was like being in a washing machine. All the embers were around already. It was quite frightening. For the first time in the whole of that experience I really was frightened. And then the car settled down, I managed to drive and I just drove with all the rest of the traffic.

35

Q. Where did you drive to?

40 A. I was intending to go down towards Phillip. When I got to the bottom of Hindmarsh Drive, there were three lanes of traffic which was practically at a standstill. I was on the inner lane and I thought, "We're just going to sit here." I remember very clearly turning on the grass median strip, did a turn and went to Cooleman Court because there was practically nobody there.

45

All street lights were out. The wind was very bad. The trees were almost flattening. I parked

opposite Cooleman Court near the post office.
There were no other cars there at all. There were
no people there, nothing. I just stopped the car
there and tried to get myself together. Then
5 another lady drove up at the same time, a young
lady. She had two children in the car, some
pets - dogs, cats, two birds. I said, "Oh, how
are things with you?" She said, "I've just lost
my house in Duffy". We commiserated. I said,
10 "I don't know what's happened to mine. I just
left Chapman." A few minutes later an old man
drove up and he had lost his house in Duffy.

We sat there and talked for about, I suppose,
15 five, 10 or 15 minutes later. We didn't really
know what to do. The lady from the tavern - there
is a local tavern there - came out and said to us
all, "I think you all ought to come in and have a
drink, have a cup of coffee or something, a beer
20 or whatever you want." She led us away, and we
were so thankful we went in. It was in candle
light, and there were about a dozen people in
there. She said, "have a drink or something".
She took care of the kids and got them some soft
25 drink. We just sat there and commiserated and
talked. Some of the people there, I think they
were regulars. They were just sitting there quite
stunned.

30 Then I suppose about half an hour afterwards,
I asked her could I have some water for my cat who
was in the car. I took the water to the car and I
looked around and I thought, "Perhaps it might all
be all right up there. It has all passed or it
35 has all settled down" - very stupidly. I managed
to drive back up to Doyle Terrace and when I got
to the top - just driving from the height of Doyle
Terrace I was stopped. The trees were right
across the road and everything like that. There
40 was some police there and they said, "You can't go
any further". I said, "That's my house down
there". They let me walk to the edge where I
could see a little bit further, and right in front
of me my house was burning from end to end. It
45 was quite devastating.

I think I probably - I don't know, I think I was

5 crying at the time. I was just absolutely
stunned. I stayed for a little while. I went
back to my car and, as I was walking past, one of
the neighbours from further - the part that wasn't
10 affected by the fire - he said, "Mate, you look as
though you need a drink." I have met this man
several times. He used to walk past occasionally.
We went into his house. We sat on his terrace at
the back and had a drink. You could see it all
15 along Doyle Terrace. Every few minutes there was
a big explosion and another house would explode.
The windows would go out and it would burst into
flames. Then it was something like a movie
because you would see one and then another one.
20 By that time I remember we couldn't do anything
about it and I just said, "Well, okay, I'm going
to leave." I didn't know quite what to do.

25 I still had the cat in the car. So I took the cat
to Waramanga veterinary where I usually board the
cat when I go away. They took her and said, "We
will take care of her." I thought it was the best
thing while I tried to sort out things and what I
was going to do. I really didn't know. They took
30 the cat and kept her there for a week or so.

35 After that I drove to a friend of mine in Rivett,
the mother of one of my pupils. She had a house
in Bangalow Street. I went there and said, "I've
lost everything". I said, "Look, I have to go
back and have another look". She came with me,
and we drove back up to Doyle Terrace. Of course
it was just the same. It was even worse. Nobody
was allowed to go anywhere.

40 I stopped the car. We got out and actually one of
the people here was Sergeant Spence at the time.
I didn't know him at that time - he stopped us and
said, "No, you can't go any further, mate. This
is it." It was very dangerous. A couple of other
houses by that time were burning. The trees were
all down across the road. Just stopped and looked
at it.

45 After a while I then went back to this lady's
place and I stayed there the first night. We
didn't have any power. It was quite frightening

because they were on alert as well in Rivett.
Some neighbours up the road made a meal for us.
We had a meal and then went back and spent the
night there.

5

Woke up very early the next morning, because I
couldn't sleep anyway. The next-door neighbours
had asked this friend of mine if they could leave
some of their horses in her backyard because they
10 had taken their horses from the equestrian centre.
I can remember half falling off to sleep and
hearing all this pounding and whinnying. I didn't
know where I was and I just looked out the window
and there were all these horses.

15

Q. This was a normal-sized backyard?

A. It was just a small backyard. It was
concreted. So I thought "what else can happen?
This is just a bit ridiculous". So I got in the
20 car - it was daylight by then - and went up to
Doyle Terrace. Even then we weren't supposed to -
we were stopped. I said, "That's my property up
there. I want to go and have a look". They said,
"I'm sorry, you can't go past there".

25

I knew there was a walkway down the other side.
So I drove down the back street and walked through
the walkway. There were police at either end -
they didn't see us anyway. My next-door
30 neighbours appeared at the same time. We just
fell into each other's arms and burst into tears,
because they had a cat and two kittens which they
couldn't get out. They lost them; they were
upset; they were only renting that place at the
35 time. I just looked stunned at everything.

I stayed there and just walked around - I couldn't
believe what I was seeing. Didn't meet anybody
else. Then I went back to where I had been
40 staying the night. And about two or three hours
later I said, "Well, I will go up again". When I
went back this time the police were allowing
people, if they were a resident, to go through.

45 Another good friend of mine, the father of one of
my pupils, he came and he said, "You are going to
come and stay with us now until you get things

sorted out". And that was more or less it.

Q. When you went back to your house, were you able to recover any of your possessions?

5 A. Not on that day. It was still mouldering. Everything was just rubble. Some walls were left half standing. The chimney was standing. Most of the garden was gone. It was burnt. About two
10 days later I remember going through the rubble and I found a few ornaments - very few, some charred and burned, very little. Some charred papers and things like that. But everything was gone.

Q. So you lost everything?

15 A. Everything, yes.

Q. You stayed with the father of your pupil for some time after that?

20 A. That's right, yes.

Q. How did you get yourself back on your feet after that?

A. I had to leave about three weeks later to
25 Washington. The pupil I was coaching was going to the World Championships in Washington. I got back to work as soon as I could. The rink was shut for a couple of days because of power failures, and we didn't have ice. When that was repaired, I think it was 4 or 5 days later, we started training
30 again because I had all these kids in competitions and things like that. Then I went to Washington.

While I was away in Washington, the people that I was staying with had sold their house - it was up
35 for sale - and they had moved into another house which was quite small. It meant that I had to find somewhere for myself. This was the second week in March when I got back, and I went into a rented townhouse in Pearce. I have been there
40 ever since. I just got on with doing what I had to do.

Q. Are you rebuilding?

45 A. Yes. I move in on Monday week.

Q. Do you have any issues that you believe the coroner should deal with in this inquiry?

MR McCARTHY: Your Worship, I would be grateful if I could be heard on this point. I don't in any way take issue with the importance of Mr Park telling his story about what he experienced and
5 what occurred. It is important that that form part of the factual matrix of matters for you to consider in this matter.

10 What I am a little concerned about is that whilst Mr Park obviously was one of many people who experienced much loss and trauma as a consequence of this event, for him to be expressing opinions on the wider issues which are really for you to decide based on the factual material put before
15 you is not helpful, in my submission. I would suggest that the majority of people in Canberra have a view about these kinds of things and the question that has been asked by counsel assisting. I think we all know people's views on that vary
20 widely. The purpose of the inquiry is to look at the facts and form a view about what happened and why and such things.

25 It is important that Mr Park be able to tell his story from his experience, what he saw and what he did and the kinds of things which you alluded to earlier in this proceeding. In my submission, for him to venture opinions about the wider issues that extend beyond his own personal experiences is
30 not helpful to the inquiry. It really leaves the question, "Well, why shouldn't thousands of other people be similarly placed to do so?"

35 That said, I don't see any problem with Mr Park, and others for that matter, expressing their views on such things, for example, to the DPP in general or to counsel assisting so they may take those on board as food for thought in terms of what
40 submissions ought to be put to you about the issues arise based on the wider facts before you. There is little to be gained by Mr Park expressing things beyond his own level of experience.

45 I rise now because of the breadth of the question that was asked. If my friend wishes to confine the question to something that is within his own personal purview and experience of what happened,

then obviously that is something that is acceptable. I would have no objection to it. It is when it starts to go beyond that when, in my submission, it is not of assistance to court.

5

THE CORONER: I don't need to hear from you, Ms Cronan. Mr McCarthy, the only way I can form an opinion and indeed express an opinion and make recommendations is based on the information that I obtain from people like Mr Park. That's the only way that I will know what happened. I have seen many submissions and I have read many submissions and I am prepared well and truly to listen to any opinion that people like Mr Park and other people are willing to express.

I am sure the opinion that Mr Park will express is based on his own knowledge and his own experience of what happened to him on that day. That is absolutely the best evidence that any of us can have in this inquiry. I am not going to prevent Mr Park from giving me the benefit of his experience on that day and also the benefit of any information, any criticism or any comment that he may wish to make.

What ultimately happens to that is another issue, Mr McCarthy. I am not going to prevent Mr Park from giving me that information.

30

MR McCARTHY: I tried hard to say that I have no difficulty with views being put forward based upon his personal experience upon the facts. It is where it starts to canvass beyond that that in my submission he is in no different position from pretty well everyone else in Canberra. If that line is not crossed, then I accept my objection falls away.

THE CORONER: That hasn't happened. Mr Park hasn't done that as yet. We will see what happens. Thank you. Please continue, Ms Cronan.

MS CRONAN: Q. Do you have any issues that you wish to raise with the coroner from your experiences on the 18th of January?

A. Since that time I've often been asked, "Do I

lay blame on anybody?" I find there are quite a few things that I would like to have answers to. As to laying the blame, I am not expert enough to know. The people that are in charge of these
5 various departments, I wouldn't dare to say whether they were right or wrong. I just feel that, even at my age, I'm still very innocent and naive about what happens in some of the things that run government or run life in general.
10 I leave those things to people who are expert or have the expertise to run these departments.

As for laying blame, I won't blame anybody. Some mistakes I'm sure have been made. I think it is
15 only human that mistakes are made. We are all human. Mistakes in any place can be made. All I say is that I only hope that, from the whole thing, we can learn from these things so that this doesn't ever happen again or the chance of it
20 happening again.

My one thing I would have preferred is that, as I said, we weren't really aware of the danger until actually the fires were coming over the ridge. I
25 thought that was a little bit late. I would have loved to have been able to save some photos of my mum or my family or something like that, which I didn't. But it has happened. I'm probably not putting this very well --

30

Q. You are.

A. Okay. I've probably lost a bit more innocence than I had and I don't trust things as much as I used to. That is the only thing that I would just
35 like to have, I think, that somewhere along the line it would have been better. I just don't really know. I'm not putting this very well.

Q. You would have liked to have had more time?

A. I think so, yes. As I said, I had the radio on, but it was not saying "prepare to evacuate" or something like that. That didn't happen until we
40 actually had to evacuate. I don't think - everybody just went at that time.

45

MS CRONAN: I have no further questions, your Worship. Thank you.

THE CORONER: Q. Mr Park, how long had you lived in Doyle Terrace?

A. 23 years, your Worship.

5 Q. You are pretty much an original resident. Did you buy the land there and build there?

A. No, I didn't. I bought the house there when I moved to Canberra in 1983.

10 Q. You had been there a long time?

A. Yes.

Q. You are moving back - what next Monday?

A. Monday week.

15

Q. It must a very exciting prospect for you?

A. Yes, I think so. I don't know. I have mixed feelings about it, because the suburb doesn't look what it used to look like.

20

Q. What about your neighbours? Have they moved back in - the ones that were burnt out?

A. No. Three or four houses on one side of me were only affected by the cyclone effect. They had things blown out and wind damage. Where the houses were destroyed all round in Lincoln Close, only three have started rebuilding - two beside myself. The rest are still vacant. There is nothing happening there yet.

30

Q. Do you know whether they are planning to move back or whether the land has been sold?

A. Four or five of the blocks have been sold. The other two, I don't know. At this stage I believe they are moving back but they haven't started rebuilding yet.

40

THE CORONER: I will see if other counsel have some questions for you. Mr Archer?

MR ARCHER: Yes, thank you, your Worship.

<CROSS-EXAMINATION BY MR ARCHER

MR ARCHER: Mr Park, I represent the Australian Federal Police.

45

Q. Mr Park, we have had the opportunity of

following your story through the ABC largely with the programs they run and we have seen what has happened since the fire in your life. I wonder if you could spend a little bit of time painting a picture for us what your house and garden looked like and the streetscape on Doyle Terrace at the time of the fire. What did the house look like and what was the streetscape before the fire on the 18th?

5
10 A. It was a very leafy street, lots of trees.

Q. What sort of trees?

A. There were some very mature gum trees which, when the cyclonic effect happened it just uprooted the trees completely. Probably 75cm or maybe even a metre wide were some of the trunks - huge trees. They just lifted up out of the roots. It was quite incredible.

20 I didn't notice those at the time until I drove back and saw it. It was one of the things that hit me straight away. The trees, you couldn't see Cooleman Ridge or very little of it because the trees in the neighbouring gardens and streets. When you sat in your own garden, you couldn't see any of the landscape very much beyond you, except in patches you could see part of the ridge depending on where you were placed.

30 From the front of the house, my house had three or four big gum trees when you look to the right, which actually belonged to the property next to mine. I had three or four birch trees quite mature birch trees on one side. They weren't right on the house. I had cleared the house around - when I first bought the house there were trees right up to the house. Over the years I had managed to - I had removed those trees as being too close to the house. There were still quite a lot of other trees all around the garden on the perimeters of the garden and on the nature strip.

45 Q. Did the larger trees that you have described overhang the house?

A. No, no.

Q. Were there lower shrubs near the house?

A. In my case, no. I had roses towards the front of the house. The front entrance. There was a rosebed of about one-and-a-half metres wide, which then came up to about a metre and a half high.
5 Several camellia trees which were close to the house which were only perhaps maximum one-and-a-half to two and three-quarter metres. I did have a courtyard in front of that which had roses here again, camellias and things like that -
10 no major trees. The trees were mostly on the perimeter of the property.

On the back of the property along the fence line, when I first bought the house there were a lot of
15 big trees, but they had to be taken out because they were taking up the driveway of the following - they had been planted on the fence line but they were taken out. The ones in the other houses, there were still quite big trees in
20 some of the other houses all around me.

Generally speaking, you could drive down that part of Doyle Terrace and you could say, "Yes, this is a very treelined, very leafy street".
25

Q. Was the nature strip a conventional nature strip in the sense it was grassed or were there shrubs?

A. Some of the houses there have - do you mean
30 about my house specifically?

Q. Yours and close by.

A. It was just grass, which was practically non-existent at that time because of the hot
35 summer. It was about two-and-a-half metres wide to 3 metres wide, the nature strip. I am on a corner. All around that was quite free, all around.

Q. When you came back to the house that morning, did you just come back in the normal course of your day or did you come back because you sensed there might be something happening?

A. On the day of the fire?
45

Q. Yes.

A. That was my normal procedure. I train kids in

the morning and then usually go to perhaps do some shopping. I am always home usually about 11, about that time every Saturday morning, except if I am doing something specific.

5

Q. As the minutes and then hours progressed that morning into the early afternoon, you started to sense that something was threatening and went outside and saw people starting to do things in relation to their houses like hose it down, for example?

A. Yes. I did. I more or less went out straight away after I had a cup of coffee and just changed clothes and things like that. It was boiling hot. I remember I just had shorts and sneakers on; that was all. I didn't even have a watch on so I am not sure of the time. When I go out, I usually take that off when I go into the garden. That's why I am not absolutely sure of the time frame. As I said, the radio was on but it was in the house. I wasn't specifically just listening to the radio all the time.

But when there was a bulletin, I would try and stop and listen to it. It wasn't until, I suppose, probably after 1 o'clock that I started to really feel that this was getting scary. By then the wind was coming up, the sky was getting darker. You know, it was starting then.

30

Q. The neighbours that you saw doing things in preparation, did it go beyond hosing the house down or were they, for example, clearing shrubs or bushes from the house?

A. Mostly both the neighbours that I spoke to - as I said, I took photographs of them up on the roof - were hosing their roofs down. One neighbour, when it came to evacuate they couldn't get out because the trees had come across the cul-de-sac entrance and they had to stay there. They jumped in their swimming pool when the fires came.

Q. What happened to their house?

A. It was only damaged by the winds. I was talking to a neighbour opposite me - he stayed there the whole time - and he said after we left

the wind came up first and went around the three houses around the cul-de-sac which are up behind me. It wasn't then until the fireball came and then my house was one of the first to go.

5

Q. Had you had a chance to read your questionnaire of recent times that was provided to the police?

A. Yes, I have.

10

Q. You mention in that, Mr Park, that - you were asked at question 15 this:

15 "Did you have any contact with Emergency Services? If yes, can you explain the contact?"

And you ticked "yes". That is on page 3. Do you see that question?

20 A. When you say "emergency services", do you mean members of police?

Q. Well, I think the way you answered that question seemed to suggest that you thought it referred to firefighters and to police officers. You said that you saw police officers. Did you see any firefighters on your various trips back to that house that afternoon?

25 A. I didn't see firefighters. I did see police. I stated in here, "The police came flying by and told me to evacuate". That was incorrect. I didn't actually see them.

Q. You were told, I think, that they had come by; is that right?

35 A. My neighbour had told me that they had come by and said "prepare to evacuate".

Q. Prior to that time had you noticed in the street whether or not people under their own steam, as it were, had decided it was best to leave?

40 A. Very few. Very few. The neighbours across the road who have a large family, the mother left with the family. They said they just didn't like the way things were going; they thought they would take the children out. The father decided with

45

the elder children to stay. She took the younger children to go to friends of theirs.

5 Apart from that, I didn't notice anybody else leaving prior to when things started to really get worse.

Q. On one of your trips back you ran into Sergeant Spence?

10 A. Yes, I did. He was on duty at the top, stopping people going - it was too dangerous for all vehicles to proceed further. Quite a lot of vehicles even at that stage were trying to get into Doyle Terrace. They had to turn around there
15 and leave.

Q. On that return when you were speaking to Sergeant Spence could you see the fact that there were trees down; could you see power lines on the
20 ground?

A. Yes, there were power lines on the ground. The trees were down at that stage because this was after the initial effect of the cyclone effect. When I was there several days later, CSIRO people
25 came round and they said, "We were tracking this mini cyclone," and I said, "thanks very much" - from space. They were tracking it from their satellite in space.

30 Q. So you were able to give them directions as to where it went?

A. Yes, I did.

35 Q. If you could just turn up page 4 of your questionnaire and look at question 22, the last one. You say that the support from community and government since that time has been great. I represent the police. What do you say in relation to the support you have got from the police since
40 that time?

A. Just that I feel that I know that Sergeant Spence thought that I was one of the people that wouldn't get out of my house because I was trying to find my cat. I think he may have mistaken me
45 for someone else. He was quite concerned. He came around several days later or a couple of days later inquiring if I was all right. I didn't know

Sergeant Spence at that time. He talked to my neighbours and asked them was I all right. They said to him that they presumed that they thought I was okay.

5

Eventually I did - this is after I came back - I didn't get to personally meet Sergeant Spence until he rang me, left a message saying if there was anything he could help with, if I was all right. Then I did meet him down at the Phillip pool one day after that. That was the first time I actually met him personally. He had made numerous phone calls to inquire whether I was okay and things were okay and if I needed any help that he would - I just had to let him know.

As for other members of the Police Force, as they came past, drove past in the days that followed, they inquired if they could do anything to help. There was nothing actually anybody could do at that stage. I'm sure a lot of people did need help but I was kind of handling the thing okay.

Q. One other question: you described the fact it was really hot and what you were wearing. Was that clothing typical of what you were seeing your neighbours wearing as well - shorts and a light top?

A. No. Probably everybody - whenever I got out in the garden and it was hot, I always got into shorts. I used to have a pool and I would jump into the pool every now and again. Normally I would probably have at least a sweat shirt on or something and long pants. But it was just so damned hot. I had no idea what was going to happen, of course, so I was quite ill-prepared for having to go further. I think I lived in those shorts and things for the next 24 hours.

Then people gave me clothes when I went to - where I stayed the first night, they gave me clothes and other people gave me clothes and just support groups - I went to the Phillip evacuation centre. It was so packed that I didn't go back until a couple of days later until things started to quieten down a little bit. It was quite extraordinary - the whole thing after that was

really quite extraordinary.

MR ARCHER: Thank you, Mr Park.

5 THE CORONER: Mr McCarthy?

MR McCARTHY: No, thank you, your Worship.

THE CORONER: Mr Coleman?

10

MR COLEMAN: No, thank you, your Worship.

THE CORONER: Mr Whybrow?

15

MR WHYBROW: No, thank you, your Worship.

THE CORONER: Mr Walker?

20

MR PHILIP WALKER: Just a few questions.

<CROSS-EXAMINATION BY MR PHILIP WALKER

MR PHILIP WALKER: Q. You mentioned the cyclone effect, as you have described it. How long would you say what you described as a cyclone lasted?

25

A. I really can't answer that because I left right in the middle of it. It happened. I didn't realise until afterwards that it was like this cyclone effect until I had been informed later on the damage it had done to the houses surrounding me. All I know is that when I left, with the wind the trees were almost flattened at the time I left. As I said before, when I got in the car the back of the car was lifted up and probably at the time I just saw the wind effect and said, "Oh, this terrible wind". When I explained it to people afterwards I used the term "cyclone" because that was what people had told me happened, that a mini cyclone came around that area and flattened or pulled all the trees up. I wasn't there when that actually happened because I drove out just as that hit, apparently.

30

35

40

45

That's why I just use the term "mini cyclone". As I said, the CSIRO came around a few days later and they said, "Oh, we were watching this mini cyclone from a satellite," I thought it must have been a mini cyclone. I wasn't there actually at the time

it happened. It must have just been commencing when I evacuated the premises and left Doyle Terrace.

5 Q. You have given some indication of the force of this cyclone by reference to the size of some trees you said were uprooted and the effect that it had on your car. Is there anything else that you saw which would give some indication of the
10 force of this cyclone?

A. Anything I had seen afterwards?

Q. Yes.

A. When I returned back and all the neighbours
15 around me, apparently the inside - I had seen the inside of some of their houses it was just absolutely horrific. It had torn the inside of the houses out. The tiles had blown up through the roof. Half of them - nearly all the houses
20 suffered huge holes in the roof from the force of the wind.

I have spoken to all these neighbours actually since. One neighbour who was there, he said it
25 came in the back of their place and the plate glass windows went flying through with such force. He was just there on his own. He had made his family go. That was one of the first houses to be hit.

30 First of all, he said that the trees went and then it came in the back and lifted up all their back decking, broke all the windows at the back and came flying through. Then it continued on the
35 same pattern through the three or four houses in a semicircle around my house. That pattern seemed to be what happened to every house. They all suffered tremendous interior damage.

40 Q. The houses that were otherwise not affected by the fire?

A. They weren't affected by the fire, no. They did suffer some burning in the gardens. But
45 nearly all of them suffered burns on the gardens but the actual house, no. Their houses escaped fire completely. The damage was all done by wind.

47

MR PHILIP WALKER: Thank you, Mr Park. Thank you,
your Worship.

THE CORONER: Ms Cronan?

5

MS CRONAN: No re-examination, your Worship.

THE CORONER: Thank you, Mr Park. You are
excused. You are free to leave, if you wish.

10

THE WITNESS: Thank you, your Worship.

<THE WITNESS WITHDREW

15 MS CRONAN: I call Mr Michael Boyle.

<MICHAEL DORRINGTON BOYLE, SWORN

<EXAMINATION-IN-CHIEF BY MS CRONAN

20 MS CRONAN: Q. Could you please tell the Court
your full name and your current occupation?

A. My full name is Michael Dorrington Boyle. I
am a non-ongoing employee of the National
Archives. I had 30 years with the Australian
25 Security Intelligence Organisation before that.

Q. Where do you reside, Mr Boyle?

A. We are back at 19 Kathner Street, Chapman.

30 Q. That is where you were residing on 18 January
last year?

A. Yes.

Q. Were you at home all day that day until the
35 fire hit?

A. Yes.

Q. Who were you at home with?

A. I was at home with my wife and my son. We
40 were later joined by two young men who are friends
of ours, who came over especially to give us a
hand when they saw I think from Black Mountain
that the situation was getting very bad. One of
them subsequently left to help his mother who
45 lived in one of the closes off Doyle Terrace.

Q. Prior to the 18th of January, had you been

5555

following the progress of the fires since
8 January?

A. Yes.

5 Q. How were you following it? Were you
getting --

A. Standing on my front step watching the
McIntyre's Hut fire through my binoculars.

10 Q. Were you also getting information from the
media at all?

A. Yes.

Q. For example, daily newspapers?

15 A. Yes, we were reading those accounts. For
quite a while it seemed fairly distant from us,
although I was watching the McIntyre's Hut fire
for 10 days.

20 Q. You could actually see it from your house
through the binoculars; could you?

A. Yes, you could see it virtually from day one,
just a puff of smoke or a thin spire of smoke on
the horizon which, when the weather turned good, I
25 think it was the easterly wind flow it seemed to
steady it and be held.

Q. Did you have a particular interest in fires at
that stage?

30 A. Yes, we did. I think everyone along Kathner
Street or who live along Cooleman Ridge have an
interest in fires because we get them fairly
regularly, normally lit by arsonists. The paddock
opposite us is from the Cooleman horse agistment
35 farm and riding school and the forest. The last
time that went up, which was 2 or 3 years ago, in
the evening - and I think that it was deliberately
lit - we had something like 11 fire units there to
put it out. That was coincidental, the Rivers
40 fire brigade was having one of their nights and it
so happened that it turned out to be a practical
experience for them. But we do get fires there
and we get fires on the ridge.

45 Q. On the morning of the 18th of January, what
did you actually do?

A. Probably from about 11 o'clock - after

breakfast, reading the paper and listening to the
2CN gardening program - at about 11.30 my son and
I got onto the roof and started clearing the
gutters. There wasn't a great deal to do there,
5 because I had done that before Christmas as a
result of an earlier warning.

Q. Before you got up on the roof, were you aware
prior to that that your area was potentially at
10 risk of an impact from any of the fires?

A. I was aware in general that we were very much
at risk but not particularly from that fire. If I
may go back to the year before, I paid particular
attention to the fire that started on the other
15 side of Mt Stromlo and burnt through to the Mint.
In fact, on Christmas Even I went up onto
Narrabundah Hill, again with my binoculars, to see
which direction that fire was going because I had
no illusion that, if the wind changed, we could be
20 hit. By the time it would get into Duffy forest,
Stromlo Forest then they wouldn't be able to stop
it. They would have to rely on the space of about
600 metres between the forest and Kathner Street.
I noticed that the fire had already gone past us
25 at that point so I wasn't concerned about that any
more.

The effect of seeing the fire and the density of
the smoke was such that I felt sure that the
30 authorities who responded to that fire must take
it into consideration in their contingency
planning for the future. It was the clearest
indication you could get, I thought, of what would
happen if Duffy forest or Stromlo went up.

35

Q. This is the Christmas Eve fires?

A. Yes. It was, as I understand, lit by an
arsonist, and that arsonist was never caught. The
possibility of him lighting Duffy or Stromlo - or
40 Black Mountain for that matter - was always I
thought a very real one and would have to feature
prominently in the thinking of the emergency
services.

45 Q. I just need to clarify: I think at the start
of that answer you said you were aware of some
risk but not from the McIntyre's Hut fire?

A. No, I had watched the fire and I thought that, if I could see it so easily for so long, then clearly the authorities could see it. I think everybody in Canberra could see it virtually. I perhaps didn't realise the extent of the fires from Bendora and Gingera, the other one.

I felt reasonably confident that action would be taken to contain it and then control it, particularly on the days when the weather seemed to change.

Q. Did you still feel that confidence on the morning of the 18th of January?

A. With increasingly less certainty but nevertheless I still felt that, if we were at risk there was a real danger those forests would go up, we would be told; and that in all probability they would try to hold Kathner Street to prevent the fire getting into Chapman or beyond by using that huge break that we have got there. I again wasn't aware of the fires burning behind us, because we could only see that way (indicating), that much of the whole horizon.

Q. That was your level of awareness when you and your son got up on the roof?

A. Mmm.

Q. Why did you get up on the roof at that point?

A. I thought it a sensible and wise precaution to do, to check again for cracked tiles and for any overhanging branches.

Q. Was that you just using your common sense or had you some experience in the past that said that was a wise thing to do?

A. These are the sorts of things we have been told to do through the media and those sorts of things. It was pretty sensible. It was also, I thought, pretty obvious.

Q. Your wife was in the house when you were up cleaning gutters?

A. Yes, she was working in the house.

Q. Did you from that point on take any other

measures to prepare your home for a possible impact?

5 A. I walked all over the roof very closely looking for loose tiles and looking for cracked tiles. I found a disused solar heater which hadn't been used for a number of years because the birds had virtually destroyed it - for heating the pool - and underneath that had accumulated a lot of leaves and things of that sort. So I was
10 actually engaged in hosing that when the fire hit Stromlo.

Q. When it hit Stromlo Forest?

15 A. Yes, but also I can see the observatory and the water pumping station from where I am, my roof.

Q. So you were hosing that area when you saw it hit the observatory?

20 A. Mmm.

Q. Where was your son at that stage?

25 A. I think he was either giving me a hand or working in the garden.

Q. Before you saw the fire at the Stromlo Observatory, were you actually listening to the radio or watching the television for information?

30 A. No. We were listening to the radio up until about 11.30. It was just a normal broadcast --

Q. Garden show --

35 A. I wasn't in a position on the roof to listen to the radio. I might have when I was younger felt a lot more surer walking around the roof but certainly not at that stage. It was a sloping roof, and I had a hose up there. My concentration was between the roof and watching the fire.

40 Q. At what stage did you become aware that your area might potentially be at risk of an impact from a fire?

45 A. We had helicopters - there were two as I recollect. One was quite a small one and the other one was the big 'Elvis'. I remember 'Elvis' going over and waving to him, indicating that I had 40,000 litres of water sitting in the pool in

the backyard and he was welcome to it. But I didn't realise that was his last flight. It had already got to the point where it was too hazardous for the helicopter to stay airborne.

5

I then saw that the fire had got on my side of Duffy forest. So I went to the end of the roof and looked across into Duffy and I saw flames coming out of Duffy. At that point I knew we were in for real trouble. There was no sign - I had heard nothing of any Fire Brigades, Emergency Services or police or anything at that stage.

Q. So that's the first --

15 A. That's when it dawned on me that we were going to be alone.

Q. What did you do when you saw the flames in Duffy?

20 A. As I was watching that - all this happens very quickly - there was this tremendous roar which I describe as a 747 just lifting off. So much so that my immediate reaction was, "What idiot is trying to fly a jet around this." Then the heat and the wind picked up at the same time, and I realised it was. I can only say that I scampered off the roof as fast as I could because I had an idea that, if I didn't, I was going to be blown off the roof. I was actually coming down the ladder when the fire hit it and rolled over us.

Q. What direction did it come from?

A. It came from the west. Kathner Street, you may not be familiar with it (indicates) but in Chapman you have Darwinia Terrace going that way, Hindmarsh going around the back, up around there is Eucumbene and Waramanga around here. Kathner is off Darwinia, the first street after Hindmarsh. Our driveway is almost parallel to the forest, about 600 metres away. The house faced due west, as all the houses there did and some still do. So we were actually looking in to the area from which the fire was coming from. That's why I said I could see it from my front doorstep. My front doorstep faced due west.

Q. So you had come down off the roof and you were

outside when fire actually hit you?

A. Yes. My son saw it coming. He had actually moved around to the front and was behind a very large bush. He actually saw it come across.

5 There was one of my neighbours right down at the end of the street who works for the CSIRO on bushfires, he saw it coming too. He described to me - the embers spotting into the area of the paddock, which virtually had no feed in it. It
10 had been grazed almost bare. My son described it later to me, when I asked him, as like a row of fire demons dancing under a caramel sky. I think that is probably - it just came across.

15 Q. Like demons coming?

A. Yes. He thought it was about a metre high.

Q. The embers --

A. I think he said it was the actual fire.
20

Q. The actual fire front came across?

A. Mmm.

Q. So what did you do after the fire hit you?

25 A. We had already laid our hoses and we were filling the guttering at that stage. I had assistance from Gavin. We had first took shelter in the house. We then went around the side of the house with a hose to see what was happening in the
30 front. It was so hot that, even with the hose turned on us, we couldn't stay there. Simon joined us from where he was, and we retreated back behind the house again.

35 Q. Can I just ask you what you were wearing at that stage?

A. The standard bushfire fighting gear not recommended by the fire services - T-shirt, shorts, sandals and hat. We subsequently changed.
40

Q. But you and your son were both dressed like that?

A. Yes, we were all dressed that way.

45 Q. Sorry I interrupted you.

A. No, that's fine.
47

Q. You were around the side of the house --

A. We went around to the side of the house. I remember looking at what had been the lawn. We hadn't watered the garden because of the drought
5 and restrictions. I remember seeing what was left of the grass just literally lift up and disappear in burning embers. It looked to me at one stage as though the earth itself was on fire. I remember thinking if that's the case, there is
10 nothing we can do. If the earth is burning, we have had it. But I suspect it probably was only an illusion at the time.

Q. From the embers --

A. Yes. It just seemed to (indicated) the heat was enormous. Everything was dark. There was this all-pervading ruddy glow that you saw by. There was no other light to see by. It was quite eerie. It was dread laden. It was full of awe,
20 if you like. Suddenly your whole living environment had changed.

Q. Were you in contact with your son at this stage?

A. Yes, we were all together. I can't quite remember the chronology of what happened next. I have to go through it as it occurs to me.

First I should mention that before the fire hit
30 two things happened. One was that my eldest daughter living in Canberra rang us and said she was very concerned from what she could see. She could see from where she was much more of the horizon and she was coming to come and help us.
35 My wife told me this when I was on the roof, and I said - it will probably rate among the famous last words - "That's very nice. We will have a cup of tea and have a talk."

The other thing is my sister-in-law rang from
40 Melbourne before the fire hit us and said, "Are you all right?" My wife said, "Yes. Why?" She said, "The fires in Canberra are dreadful. They are all on the TV." So there you have a situation
45 where people in Melbourne are seeing it on TV, and we are still wandering around in a state of naive innocence.

Q. In your T-shirts and shorts.

A. Yes. Going back, we then divided the size of the house up between us. I am not 100 per cent certain what the others were doing, but they were
5 doing similar things because each side had a hose. I went down the side of the house, bearing in mind that the front faced directly into the fire, so this is the side which was closest to the fire. I saw a pile of rubbish on fire, and Gavin came past
10 with a bucket of water and put that out.

I then realised that the trapdoor underneath the house had caught fire. It was so hot and the wood was so dry that it was almost instantaneous
15 combustion. I put the hose on that. The hose had very little pressure. We had very little pressure by this time. We had lost power and there was very little pressure.

I put the fire out and then realised that half the door had already burnt right through. The effect of this was to act like a vortex. So this great blizzard of embers coming out of the forest and elsewhere was being funnelled underneath the
20 house. I tried to jam it with an old garbage tin that was there, but of course it didn't fit properly and it was getting past it.

So I thought I better check under the house. I
30 couldn't remember anything there that would burn, although I remembered later that there was central heating under the house and perhaps plastic covering that could set alight. I got under the house and dragged the hose, couldn't see anything
35 that looked like it was going to burn, crawled across to the heater where I could see a globe. I put water on that without actually being able to see the flame. I had this very strong sense of a glow and I formed the opinion that maybe somehow
40 the floor had caught alight in the house.

So I crawled out from underneath the house, ran around the side, got to the end of the house and found myself virtually exhausted. This came as a
45 considerable surprise. One of the firefighters later explained with me that I was competing for oxygen with the fire, and at that point the fire

was winning.

But it only took a couple of seconds to recover. I went back into the house and was looking for
5 signs of fire in the floor around the heaters and
couldn't see anything. At some point the door
bell rang. I went to the door and there was
nobody there so I don't really know whether that
was the first round the police made or whether a
10 fire had affected the wiring or something, and
that is what set it off.

I remember looking out - we had two large
15 terracotta pots on the porch, and both of them had
fire coming out of them about that high
(indicated). Again, I thought, "This is really
bad if this soil is burning." They had potting
mixture in the pots, and I think that is probably
very flammable when it dries out.

20 I had a discussion with the cat that was inside.
He was under a table in the family room. I was
some distance away from him. I knew that if I
went for him, he would run into the back of the
25 house. I didn't have the time or the opportunity
to go looking for him. It all depended on the cat
staying there. So I spoke to him in very serious
terms trying to explain to him what was at risk
here and not sounding panic stricken myself.

30 The cat looked at me rather disdainfully, turned
around and I thought "I'm going to lose him" and
he put his tail up. So I leapt about 10 feet,
grabbed his tail, put a towel over his head and
35 raced outside and handed him to my wife - "Here
you are. I've just saved the cat." And she said,
"That's nice, dear, what do you want me to do with
him?"

40 I looked around and all around us - the garden,
the neighbour's gardens and the plants in it were
all on fire. It was like a gigantic fireworks
show. There were explosions. The photinias were
going up like Catherine wheels. I said, "That's
45 fine. What are we going to do?" So we put him in
the lounge room and shut the doors. That's where
we rescued him subsequently.

Other things that were going on, my wife called to me and said, "The house is on fire. It's at the front". So I went around and saw the architrave along a large pane of glass near the front door
5 was burning and that there was fire coming out of one of the electrical fittings. I went out of the house, and we had kept the door shut. Even though we kept the door shut and had draft excluders on it, the wind was so strong that it was blowing
10 embers underneath the draft extractor but, as it was falling on tiles, it didn't worry us greatly.

I went around and found the hose around the front. The embers had fallen onto the nozzle so there was
15 a small dribble of water coming out of that. It was the only hose I had at that stage. I raced in and dribbled water on it, because there was very little water coming out, and put the fire out on the architrave. After that I turned round to the
20 study windows alongside the porch and I saw the curtains in the windows catch fire. So I opened the door, raced in and put the fire out on the curtains.

As I did that, I saw there was a bulge in the plaster of the wall behind the curtains and I was full of dread at this stage. I had a good idea what that meant. I put my hand against it and it was very hot, so I smashed the plaster away, and
30 the joist running up and supporting the roof was on fire. I dribbled water on that, and it was only a thin line of flame running down. But then I looked up and there was this enormous golden ball like a bright yellow sun above me in the roof and I thought, "That's it. There's nothing more I
35 can do. It's in the roof." I didn't know where it was in the roof and I formed an opinion that the fire must have started at the front and worked up into the roof.

40 I now think that is wrong because the fire was going the other way. The embers had been driven under the slate - under the tiles on the roof, got into the roof space and had caught fire. They had
45 been burning there for some time. At that point I grabbed everyone and said, "We have got to get out. We can't do any more. We've got no water,

the roof is on fire and I can't get up there. I certainly can't get up there with a hose." I don't think I really wanted to, if the truth be known.

5

So we started to evacuate the house. My wife went for the cat. I remember trying to grab her saying, "You can't do that. It's too late. You've got to get out now." I'm not weak and I'm fairly fit. I grabbed her arm and found I couldn't close my hands around her wrist. She pulled away from me easily.

I again was becoming exhausted. So I left and told Gavin, and Gavin went in and gave her a hand. I subsequently think that is probably how people get overcome. It is very easy, and I had never realised how easy, to get lost in your own house when it is black and full of smoke. You just don't recognise things. I think it is very easy to get exhausted. Once you are exhausted, you become disoriented and then you go down. It happens very quickly. I had never appreciated until then just how quickly this process could happen.

We got out. I grabbed my wallet in the dark. I got the wallet and nothing else on the table. I couldn't see anything else. I was going by feel. I think my wife did the same. I grabbed a file of important papers, raced out and put them on the porch and promptly forgot them.

I went in for more material, got an armful, came through the door and at that point the police came. They said, "You've got to get out. If you don't get out, you are going to die." I recall looking at him and saying, "I don't want to see you. I want to see a fireman with a fire hose." He very sensibly replied, "Well, you are not going to get one". I moved down and I was looking at the police car with my arms full. It looked as though I was going to dump it, and the policeman said, "No, not with me. Haven't you got your own cars?"

I hadn't even thought about the cars, but my wife

had. She had gone around - the garage faced out too and unlike neighbours and others we were able to get our cars out. We put into them whatever we could grab because at this point the fire was in
5 the roof. It was over our bedroom. It was over the study. If it came down it blocked our access to the garage from internally. So we got out. We put the cat in the car. The two cars got away.

10 Simon had already gone over the back fence, which had burnt down, to the house next door and he helped people there for a while. Then he sat and waited for us. We had moved him out of the way because he was being affected with smoke because
15 he had sinus trouble.

As we drove out, I could see that our house was on fire; the neighbour's house was on fire; and for the first time I actually realised what we had
20 been dealing with. I had been so focused on dealing with the immediate problems that I was dealing with, I looked around and saw 20-foot flames coming out of our neighbour's house. I really couldn't believe we had nine houses on
25 fire.

As we drove away I saw that poles were down, burning lines were down and the trees were burning. We drove around up into Percy Street
30 where there were more houses burning. I remember passing four young people who seemed to be sitting on a nature strip talking and watching what was going on. I thought, "Bugger them. They are not my responsibility."
35

I drove up to where we thought we had left Simon. We got Simon. He got into the car with his mother. As I was pulling out, a man ran down the road, Percy Street, and said, "Can you give us a
40 lift? I have been left behind. I was helping a mate but he's gone." So I said, "hop in". We drove out past a wrecked car that was on fire. I was amazed to see that the houses were burning 200 metres behind my house and burning through the
45 roof and through the windows.

At this point I realised just how lucky we had

been. We probably stayed too long. I hadn't realised at the time that my wife was actually injured, but we had actually got out. I think that helped in the recovery process, because I
5 always thought that we were lucky to get away.

We drove to the first check point. The police gave directions and they said that Phillip College was the evacuation point. I thought my wife had
10 heard, as I had, but she didn't. I went down a street that I had probably driven down every day for the past 15 years and couldn't recognise the houses because it was so dark. We got into Hindmarsh Drive and joined huge traffic that was
15 coming out of Holder, Duffy and Weston by that stage.

Gavin and I got down to Phillip College. We parked there and went in. I found some of my
20 neighbours. Nearly everybody was dressed the same - T-shirt, shorts and thongs with a Woolworths shopping bag in one hand and the family pet on a leash. They were all talking. We all seemed very high I think with a tremendous surge
25 of adrenaline.

When I realised my wife wasn't coming there, I went looking for her. She had gone to Cooleman Court, which was closed, then she went to friends
30 in Weston. By this time she was very much aware that she was burnt on the foot. She had been burned down like a thin wire across the foot and down through as far as the tendon but fortunately hadn't damaged the tendon.
35

Gavin at this stage became concerned because he heard that Kambah was on fire and his wife was there. Interestingly, his father-in-law was one of the people living at the Stromlo Settlement.
40 And from what I heard subsequently, he was probably the last man to see the old lady alive there who died. He had tried to talk her into getting into his ute, but she refused to leave the dogs. Of course she couldn't get out; they were
45 overwhelmed.

Gavin drove himself home with me. My daughter had

arrived after a pretty horrendous experience of her own, thinking that we had all been killed and was very pleased to see that we were still alive. She insisted that Gavin drive. I was probably a
5 little shaky at this stage. The power had gone off at the evacuation centre because the substation at Lyons had burnt down. I drove back and we had to get across to the Monaro Highway because we could get down to Kambah. Every road
10 had been cut off by fire or was blocked by the police. I dropped him off --

Q. You were going from the Phillip evacuation centre?

15 A. From Phillip College.

Q. Where were you going to at that stage?

A. To Kambah, which is south. In fact Kambah had been cut off.

20

THE CORONER: Q. Is that where your daughter was, in Kambah?

A. No, she had been coming from Hackett. She got up Hindmarsh Drive but they had already closed
25 Hindmarsh Drive and they weren't letting people through. My son and one of my neighbours was also in the same situation. My daughter subsequently, because she had grown up in the area, tried to get back up to us through Rivett. She got up into
30 Darwinia Terrace and found the whole place was blocked by smoke.

Somebody from ACTEW, I think it was, was coming down the road in his emergency vehicle said, "You
35 can't go through this. Come with me". He took her back to where he lived where there were other people, gave her a drink and then, because her mobile wasn't working in those circumstances, put her in touch through his emergency phone.
40 Eventually they worked out that we were probably over at Phillip. So she made her way across to Phillip from there and picked us up.

I got back and found the rest of the family there.
45 My wife had already gone off to hospital. My daughter then took over and said, "This is what I have arranged; this is what is happening. I am

taking Simon and the cat to our place. This is where you will be staying. I have rung Bob, who is her partner, and I have told him what he has to get. He has gone shopping already for some
5 things. You are to go up to the hospital where mum is. Then when you are finished up there, you are to come across." I was very pleased to hear this because I hadn't done any thinking about that at all at that stage what we were going to do.

10 We spent about two hours at the hospital where I talked to one of my friends who had been one of the mechanics down at the BP Duffy garage that burnt down. He spent much of the time saving his
15 house. I spoke to a young policeman who had been down at the garage in Duffy who was suffering serious smoke in his eyes from those circumstances. And of course there were other people comparing their experiences of what was
20 happening.

After that we drove across to Hackett. Telstra had already arranged for people's telephone numbers who had lost their houses to be
25 transferred to where they were staying. Bob had done this. People were able to get in touch with us in the next 36 hours, which they did. That in itself was an enormous boost to our morale and to our confidence.

30 On Sunday we went shopping for clothes. We were fortunate in that we had our wallets because we had credit cards. I met Sir Peter Lawler and somebody else in David Jones all looking for
35 trousers. And from then we just sort of picked up.

We stayed with Stephanie and Bob for 10 days. Then we moved to another friend's place who had
40 quite a large house for another 10 days, by which time my wife had to go into hospital because her foot had become very badly infected. She was in hospital for three days on intravenous drugs every three hours.

45 Then we were fortunate because another friend who was going overseas gave us their house for a month

to sit. Finally, we were extremely fortunate because old friends of ours allowed us to rent their mother's house in Griffith. She had just moved into a nursing home. So that was basically
5 the period of time.

Q. You were able to rebuild?

A. Yes. Canberra is a place where if you have lived here long enough you have all sorts of
10 contacts, people who know you. So word about the fires and what was going on and how they had been managed got around very quickly to those who were interested. The builder we had worked for someone else and we had seen his work. It was very, very
15 good. I had known his father who had been a senior navy officer. We rang him within a week to 10 days and he just said, "Come out and have a talk." We sat down and designed the house with him. We built into it a number of features that
20 would make it less disaster prone in the future if we ever had similar events again. We moved back two months ago. We regard ourselves as being extremely fortunate in the support that we have had from friends and family and others.

25 MS CRONAN: Mr Boyle has a number of issues that he has certainly raised on paper, your Worship. Before I ask him about that, would you take the morning adjournment?

30 THE CORONER: Would you like a break, Mr Boyle? We will have a morning adjournment and you can go and have a cup of coffee, if you wish.

35 THE WITNESS: That would be very nice, your Worship. Thank you.

THE CORONER: We will take the morning
40 adjournment.

SHORT ADJOURNMENT [11.29am]

RESUMED [11.50am]

45 MS CRONAN: Q. Material that is currently in the coronial brief incorporates not only your questionnaire that you provided to the AFP

investigative team but also your submissions to the Commonwealth Parliamentary inquiry into the bushfires and your submissions to the McLeod Inquiry. As I read the material that you have
5 provided, the issues that you wish to raise fall broadly into three categories. The first of those categories I could call contingency planning or emergency contingency planning?

10 A. Yes.

Q. Before you tell the coroner about your concerns in relation to that area, can you say whether or not you personally have any experience in the area of emergency contingency planning?

15 A. Yes. As I mentioned earlier, I spent a number of years, 30 years or more, in ASIO. I rose to a reasonably senior level in that organisation and for a number of years I was involved in aspects of contingency planning both in Papua New Guinea and
20 also in the early days of the national counterterrorist plan. At one stage within one of the branches that was in the division that I controlled, the officer who wrote the contingency scenarios and the aspects of ASIO's response in a
25 number of levels, including operational areas, came under my direct control.

Before that I had also been involved at various times with interdepartmental committees and other
30 aspects of the Commonwealth's work in the counterterrorist contingency planning area. Therefore, my concerns that I raised are not simply based on the experience that I had on the day or before nor on conversations I've had with
35 people who were involved in the aspect of the fires following that, it is also based on my own prior experience.

Q. The contingency planning that you were
40 involved with that largely included contingency planning for disaster scenarios, did it?

A. If you consider a major terrorist incident as a disaster, yes it did. It did not involve such things as civil disasters. There were separate
45 organisations doing that. My organisation would not be involved with that aspect of it. The point I would make in that context is that the

principles of contingency planning are in fact the principles that are employed and applied are pretty much the same across the board, even though the details, the technology and the actual details
5 of the organisation or administration may differ.

Q. From your knowledge and experience of the events from the 8th to the 18th of January last year, what concerns do you wish to raise in this
10 inquiry in relation to the contingency planning that you are aware was done?

A. My primary concern is, I suppose, the lack of warning that was given to us. I wouldn't like to think that a judgment was made not to warn us, but
15 I would very much like to know what the reasons were for making that judgment. I would presume that they were duly recorded and were made by more than one person; there was an agreement at senior level. I would also presume that a series of
20 questions might have been posed by the people making that decision in order to ascertain that the judgment would be the right one.

In our case, even though Chapman now is perhaps
25 largely populated by people in their 50s and older, most of us are still fairly able and given warning we could have done a lot to lessen the impact of that fire on our homes and our belongings. How many houses might have been
30 saved, I have no idea. Certainly people could have got elderly people out; they could have got sick people out. They wouldn't have gone off and done other things, which the lack of warning encouraged them to do. Most of us would have got
35 out many of those things that are most precious to us, particularly family records.

In my own case, the woman on my right had just put her husband into a nursing home, or not long
40 before. She was there by herself and she didn't drive. Fortunately, she had family in Canberra and they came and got her out.

The woman next to her was recently widowed. She
45 didn't drive either, and her family were in Queensland. I drove past as we were driving out and I thought we were the last people out of the

street. I was wrong. She saw us go. I had thought of stopping to check. Then I thought no, the police would have cleared her. In fact, the police came back and did pick her up.

5

She was upset obviously by the event. She had been born and raised in the country. She was very practical. I asked her subsequently, "What would have happened if your house had caught fire?" It was the only house out of 10 that didn't. She said, "Oh, I simply would have gone out into the paddock. I knew the fire had gone through there and wouldn't come back. I would have simply waited there". I thought that was admirable. There was no sign of panic in none of those women.

The people on my other side were in their 70s. He fought the fire for as long as he had water, then they had to evacuate. So it goes down the list. The people next to them originally lost their first home in Cyclone Tracey. Apart from being a Commonwealth employee, he was also in the Emergency Services up there. He was very steady and calm. He reckons he got something around about 10 to 20 seconds to get out of the house before the fire broke in and he had to leap off the roof.

And so on you go down the line. All of us have friends who were in areas that weren't threatened. We could have called upon those to come and give assistance. In my case, had I been given the right advice I probably could have got a pump for the pool and used that to help preserve my house, if that was possible, and perhaps neighbouring houses. There was at least one other pool in the street, and the same thing could have been done with.

When you come from a background that you think you have all these resources in the town and they are all there and you are a long way from where you think the fire is, you are going to have this huge fire break between you, without warning you are inclined to think you will be facing something like a severe grass fire but you will be well able to handle that. It won't be terribly different

from the other. Yet, the fire went in all directions. We simply had no real understanding or knowledge of that. I felt we were left pretty much in the lurch. I don't think that was
5 necessary.

Decent planning would have placed those who were involved in making these types of decisions in a situation where they would have foreseen not the
10 exact situation that happened but something similar to it. They may well have been able to recognise the sorts of problems that might emerge and would perhaps months before worked out, "when
15 this happens, we have to warn people. If we are to prevent panic, we must warn people" - not the other way around.

Q. You would advocate contingency planning for the worst case scenario?

20 A. Contingency planning I'll talk for a moment - I can probably talk about this because it is 10 years since I have been involved. But in the counter-terrorist area at that time - this has nothing to do with what we are facing today in
25 that area - in Australia the most terrorist actions have been either bombs going off, we would have an assassination of the Turkish consul and his driver. It that basically I think was pretty much there had been threats and those sorts of
30 things. We had not had a hijack, not a major kidnapping, particularly of VIPs. That occurred in other countries.

Our training and our planning always assumed and
35 took the higher approach. One of the reasons being that involved most people, most organisations, and you were dealing with a federal/state relationship. So you have a federal/state range of agencies that you have got
40 to deal with. They all have their interests. They all have their leading personalities. They all have people who think that they are right and other people are wrong.

45 Behind them all is the Treasury who says, "This is going to cost us money. The Commonwealth ought to pay." Or the Commonwealth says, "No, the states

ought to pay because it is that sort of
situation". The bigger exercises involved
everybody. They involved the cities. The whole
purpose was not to get it right but to test what
5 we thought had to be done and to find all the
problems; what went wrong.

I never knew an exercise to go completely right.
We did get better. Each time we got better
10 because of the mistakes we made in the past. You
don't do that unless you build up your scenarios
and then you exercise all the parties that are
needed. Part of that, of course, is having
reliable information. There are two aspects of
15 exercising, one is what the military used to refer
to as tactical exercises without troops, which is
on sand tables or in classrooms, conference
centres; the other is actually organising
deploying the forces in the field - or as close to
20 them as you can get that you would actually have
to do at the time.

Q. Any other comment that you wish to make in
relation to that issue?

25 A. No. I think that probably encapsulates what I
would say. It is a fairly large subject. A lot
of questions come out of it.

Q. You have covered it fairly well in your
30 written submissions.

A. Thank you.

Q. The second note I have here is the issue of
lack of warning, which I think you have covered?

35 A. Sorry, the issue of?

Q. Lack of warning, which you covered in the
first issue.

A. Yes.

40

Q. You also have concerns in relation to the
issue of fuel loads; is that right?

A. Yes. I spent, I suppose, 20 years or more
jogging along Cooleman Ridge and down through the
45 forests and the other sorts of things. You just
notice things as you go along that doesn't
particularly worry you at the time. But there did

seem to be a big build-up of fuel on the ground partly when trees get blown over in the high winds which we have and are not removed. Partly when areas are cleared, which they do by sections,
5 there is a great deal of material left on the ground which is not burnt off.

Some months before the fire, the big fire of January the 18th, an area had been cleared in the
10 Duffy Forest and it had left tree trunks on the ground. That's obviously going to be fuel if it catches fire. Now at some point the authorities must have realised this because they actually burnt that on one of the days - or a lot of it.

15 In the course of jogging and walking through there, I used to meet occasionally forest workers. I just struck up a conversation. I suppose that is being an old ASIO man, you do that, you are
20 always on the hunt for information of one sort of other. I was just speaking to him. He explained, when I raised this with him, he explained that not only did the authority not remove that stuff, they would not even allow the contractor who cleared it
25 to remove that stuff from the ground. It just sort of lay there to rot was the impression that I got.

I just don't think that that is a very sensible
30 approach to forests which are close to the urban environment. It may be economically sound from some quarters but, as a safety factor, I feel that it increases the risk for the rest of us. I can't say if someone had gone through and removed all
35 that stuff before the firefighters hit what difference that would have made. I think it certainly would have lowered the intensity.

Q. To your observation --
40 A. It's just observation, yes.

Q. -- that material wasn't removed prior to January the 18th?
A. Yeah, that was my own impression, yes.

45 MS CRONAN: I have no further questions, thank you.

THE CORONER: Yes, Mr Archer?

MR ARCHER: Yes, just briefly, your Worship.

5 <CROSS-EXAMINATION BY MR ARCHER

5

MR ARCHER: I represent the Australian Federal Police.

10 Q. You gave us a description of your firefighting efforts that afternoon, and in the material that is before the coroner you indicated one of the problems you encountered was the low water pressure.

15 A. Mmm.

Q. Your watch was in your pocket so you can't be precise about what time various things happened. When did you first notice that water pressure was a problem?

20 A. Probably when I raced to the side of the house to deal with the trap door, underneath it, which is fairly early in the piece.

25 Q. Are you able to give a rough estimate of what time that might have been?

30 A. I think I came off the roof at about 3 o'clock. The difficulty is that so much seemed to be happening that you lose track of time. I remember being very surprised when the sky began to clear after the wind turned around, and I was down at Phillip. It was the first time that I looked at my watch. It had 20 to 5 on it, I think - yeah, 20 to 5. I thought the watch had stopped. I thought we were some time into late at night - of course we weren't. It was just the compacting of events. Sorry, I can't be more precise than some time after 3 o'clock - possibly around half past 3, quarter past 3.

40 Q. Prior to that when you had been on the roof using the hose, had the water pressure been okay then?

45 A. Yeah, it had been okay. That seems to have been the impression of others who were doing the same in the street that I had spoken to. They all suffered the same sort of problem, their hose went down. It may be, I don't know this, when I looked

up from the roof and saw the ridge on fire, it may be what I was looking at was Chauvel Circuit being on fire, which means that instead of being one of the first houses being hit, there were already
5 problems in Chapman with people turning on and using water. I can't really be more precise than that, I'm sorry.

Q. The heat was so intense that you had problems with the hoses burning through or melting down?
10

A. Yes. The embers that were coming down would lie on the hoses. I have since found out that the thing to do, from one of these fire days they have had since, is to put your hoses inside the house
15 until the first lot passes over and then you go out. Of course we all had our hoses out and the embers are going to land somewhere. If they land on the hose and they are a big enough ember, a plastic hose, they melt it.

20

MR ARCHER: Thank you, Mr Boyle.

THE CORONER: Mr McCarthy?

25 MR McCARTHY: No questions, your Worship.

THE CORONER: Mr Coleman?

MR COLEMAN: No, thank you, your Worship.

30

THE CORONER: Mr Whybrow?

MR WHYBROW: No, thank you, your Worship.

35 THE CORONER: Mr Walker?

MR PHILIP WALKER: No, thank you, your Worship.

40 THE CORONER: Ms Cronan, do you have any re-examination?

MS CRONAN: No, I don't, your Worship.

THE CORONER: Q. How long were you in your street; were you one of the original residents of that street?
45

A. No. We have been in Chapman for nearly 30

years. We were in Kathner Street for about 14 years. I think we moved in at about '89.

5 Q. Where were you before that, in Chapman as well?

A. Yes. Everybody in Chapman goes from lower down up the hills. We went from the east across to the west.

10 THE CORONER: Thank you, Mr Boyle. You are excused. Thank you for your assistance.

<THE WITNESS WITHDREW

15 MS CRONAN: I call Ms Jill Hardy.

<JILL LANGDON HARDY, SWORN

<EXAMINATION-IN-CHIEF BY MS CRONAN

20 MS CRONAN: Q. Would you please tell the Court your full name?

A. Jill Langdon Hardy.

Q. Your current occupation?

25 A. Public servant.

Q. What is your current address?

A. Number 6 Burara Crescent, Waramanga.

30 Q. Prior to 18 January were you living at 3 McCubbin Street in Weston?

A. I was, yes.

35 Q. On 18 January were you at home at that address?

A. Yes and no. I went out shortly after 9 to drop off a birthday gift to my sister-in-law. Went home. I took my son - my youngest son is still living with us - I took him to work. He had a job at Tuggeranong Hyperdome. I would have been driving between - about quarter to 12. I can remember saying to him, "I feel awful. It is as though I am driving into a halo of fire." You could see the horizon. It was quite disturbing. He said, "That's fine." I came home after that. I would have been at home at about 20 past 12.

47

Q. Prior to 18th of January, had you been following the progress of the fires at all in the news?

A. I had indeed, yes.

5

Q. What kind of media did you get? Did you get the paper?

A. I particularly like reading my news. But certainly on the 17th I had accessed the Internet at work. There was a bulletin there which said fire was in specific parts of the Namadgi park and other areas which I am not familiar with. I asked a colleague, "Do you know where these are?" He did. He is a cyclist who does mountain bike riding and he had been on the trails. A couple of nights before he was telling me when they were doing some night riding that they actually had ash fall on them from the fires. He said they are quite close in.

20

Q. Were you also listening to the radio and watching the news on television that week?

A. Watching the news in the evening, yes, and just sort of being updated. At no time during that period either through the written media or the television did I think that I was at risk.

25

Q. What was your awareness of any risk of potential impact from the fires when you got out of bed on the morning of the 18th of January? Did you have any level of awareness?

30

A. No more than usual, I don't think. It was a particularly hot day. I think the atmosphere - it sounds a very strange thing to say - the actual sounds were different on that day. As the day progressed there was a sort of stillness amongst activity, if you like. I think that's what prompted us, when I got home from delivering Rollo to work, we started a heavy - we had always been mindful of pruning around the house - we did a very heavy prune taking off all the branches that were even quite close to the house, filling gutters, blocking downpipes, buckets at doors, and all that kind of stuff.

45

Q. You started that kind of activity from --

A. We started at about quarter to 1, 1 o'clock.

Certainly not from anything other than the sense, this atmosphere that we perceived. On the radio at that time, which I had just turned on, they had started to talk about the fires coming into
5 Canberra. But at no time did Weston get onto any alert - certainly before the electricity gave out.

Q. How did you know what to do in relation to pruning and gutters? Did you have some prior
10 experience of that?

A. Well, my husband is Australian. When he was at university he helped fight bushfires in Melbourne. I mean we had a sort of loosely coordinated group of people. My son had been sent
15 home from work at about 1.30, 2 o'clock from Tuggeranong. They sent everyone back from that area. He was doing buckets, sinks and towels. We were doing the gutters and getting hoses into appropriate places. Our house is actually - was a
20 battleaxe house. So although we are McCubbin Street or were McCubbin Street we had number 1 in front of us. We were on a corner which abutted onto Streeton Drive and Hilder Street. We were on that particular corner.

25 Q. Did you see what your neighbours were doing throughout the morning?

A. During the morning I don't think anything much at all, just sort of life as usual.

30 Q. The suburb was going about its business as usual, from what you could see?

A. I think so, yes, as far as I could see.

35 Q. In the afternoon did you see if your neighbours were preparing their --

A. I think we were sort of focused more on what we were doing. We were certainly aware of activity at the next house down which wasn't part
40 of the battleaxe combination. Our neighbours had actually gone to the coast for the day.

Q. When did you first become aware that the fires may impact on the area that you lived in?

45 A. Well, it was mainly on the Streeton Drive side of things. Obviously we could see cars coming down from Duffy and Holder. Even at that time

there was no sense that we were at risk. But then on the other side of the road in Streeton Drive from us there is a paddock and behind that paddock was Holder High School. Then we could see the
5 fire just coming down, and then there was a line of fire that sort of advanced from Holder High School across the paddock.

In Streeton Drive there was a tanker. I mean at
10 that time even then we thought, "Hey, Streeton Drive, it's quite wide. The tanker is there. They will just put it out." It went up and down shooting water out, then it drove off. Basically the fire was pushed across the road, very, very
15 quickly - very quickly.

Q. So the first time you became actually aware that you might be at risk was when you saw the fire coming towards you?

20 A. When we saw that line of fire coming towards us, yes.

Q. Even then you still had some hope or some assumption that the tanker would be able to --

25 A. We were just waiting for it to, you know, put the fire back, you know. We thought perhaps Streeton would still save us.

Q. What happened? What did you do as the fire
30 came towards you?

A. The wind was sort of quite capricious. It was pushing fire and then sucking and then pushing. It went into the treetops quite close to us in the back part of our garden. My husband also had his
35 studio in the garden. He is a professional artist. It was pushing along through the trees and coming in to the studio area, which is all very close. We were really fighting it with the hoses, and our son was, you know, doing the bucket
40 stuff. We were very ineffectually trying to stop this.

It was very shortly after that that a 4-wheel drive came along Streeton and just banged up on
45 to - I was in Streeton Drive with the hose. My husband was in the back garden, Rollo was with the buckets. It bumped up onto the kerb and

forcefully but courteously just told me to get out of here. I mean, it was just swirling flames. They hadn't actually gone to the house at that stage. They had gone to the studio.

5

Q. Was the air black at that stage?

A. Yes. I mean, fire is frightening but it is also very beautiful. It was extraordinary. It was orange and red and black and swirling smoke.

10 It was quite an extraordinary emotion to have, and yet we were just standing there. My hose at that stage was (indicating) just not producing. It was an amazing situation. I had no control over this.

15 To be given that information to go was just like being given permission to leave. I was very grateful and I just went back in through the house to get into the back garden. We had a wooden filing cabinet in our hallway. I always kept all
20 our documents in a separate file at the front, you know, birth certificates and all that sort of stuff, deeds to the house. It was all very useful. I plucked it out as I went through the house. I took my son with me.

25

But because we hadn't had the foresight to turn our cars around, I had to back down the battleaxe lane part. At that stage there was fire in Streeton, Hilder and they were dropping water by
30 helicopters on the front garden in McCubbin Street. But my husband stayed behind. He stayed for about another half an hour. He saw the flames go into the house. In fact, when he backed the car out he actually singed - the number plate and
35 the lamps on the back melted as he went down. He was quite lucky that it didn't get the petrol tank.

Q. Was any part of the house alight at the stage when you left?

40 A. No. Just the pergola.

Q. What happened to your husband's studio?

A. Nothing left.

45

Q. All the paintings were gone.

A. Forty years of creative life. Apart from

those that people had bought along the journey.

Q. After the 4-wheel drive people told you you could leave, did you take your son with you?

5 A. I took my son, yes.

Q. Before we go on to that, what were you wearing throughout the period when the fire came into your suburb?

10 A. I was wearing a T-shirt, long cotton trousers and just leather shoes.

Q. What about your husband and your son?

15 A. Well, Rollo had come home from work. He had long trousers on. My husband had this unbelievable combination of shorts and top and some leather shoes. He said that you always have to fight fires with leather shoes.

20 Q. Was this your first experience of a fire?

A. It certainly was, yes.

Q. What was the situation like when you drove away from your house?

25 A. Well, I chose to go up onto Hindmarsh Drive. I just went the back way up Hilder and McInnes up into Hindmarsh. It was really hard to get into the traffic because it was just bumper to bumper. We just edged our way in. I asked Rollo, "Where
30 would you like to go?" We went to my brother-in-law's house. He lives in Swinger Hill. We moved across the road and then managed to do that.

35 Q. Managed to get to Swinger Hill?

A. Yes.

Q. When you left your house, did you have any idea where you would be going to?

40 A. No, no.

Q. Your husband stayed behind to see if he could save anything?

45 A. Well, he did. I sort of felt really bad about this afterwards - one because I thought he was following me. I feel perhaps I should have helped more. He stayed and actually got singed. He hurt

his eyes and had smoke inhalation too. He came about an hour later to where I was.

5 Q. Do you know why he stayed? Did he tell you why he stayed behind?

A. Because he didn't want the fire to beat him, I think. He just wanted to save, you know, things --

10 Q. Some of your possessions?

A. Yes, yes. He didn't even have his wallet when he left. He just focused the whole thing on fighting the fire.

15 Q. So you were reunited with him about an hour after you left?

A. Yes.

20 Q. Where was that?

A. At his brother's house in Swinger Hill.

Q. How did he know how to find you?

25 A. He didn't. He had been to his mother's house in Deakin first. Then he thought the other place would be that.

Q. Did you stay there for the night?

A. Five weeks.

30 Q. Five weeks?

A. Yes.

35 Q. How did you effectively manage to get back on your feet after you lost everything in the bushfire?

40 A. It's been a really strange journey over the last year. The very next day we went back to our house very early because we thought perhaps something had been saved. But in fact, it had burnt down to the soil under the house. The studio was gone. We had one remaining - a shed which had a lot of manuscripts and paintings stored in it. It was actually pulsating. I can't describe it. Smoke was coming out. It was about 45 7 in the morning. We phoned the Fire Brigade. They came. They kicked the door in and flames just gushed out. It was just an extraordinary

experience.

5 I think we just realised, you know, this was the
end of everything on this piece of land. We've
actually been very fortunate. We stayed with my
brother-in-law for five weeks. Someone let us
have a unit in Woden for seven weeks. We knew
right away we did not wish to live on that piece
of land ever again.

10

I found a place that I thought was quite nice on
the Internet, and we bought it last March. We
found a home again very quickly. Friends and
family and the community have been absolutely
15 wonderful. Not that I advocate going out and
having a house burnt down, but it's been a very
liberating experiencing too. I mean, it gets rid
of the clutter of life. As long as you can
balance everything, as I said, I think we have
20 been very fortunate. We are very positive people.

My husband, who had lost work for two exhibitions
that were planned has, in the last year with the
support of the art community here, produced
25 another exhibition which was opened in a big
gallery in Melbourne three weeks ago. It is a
real testament to him. I mean to lose everything
you have created is an amazing thing. There it
all was. It has actually had lots of positive
30 parts too - so not a bad journey.

Q. Are there any issues that you wish to raise
for the coronial inquiry?

35 A. I think I probably said it to the person who
phoned me up all those months ago. I love
information. I mean, I read the papers to gain
information. I really like to make my own
decisions about how I am going to deal with
information. It wasn't there. We took nothing.
40 A different emphasis on the information put in
newspapers - I might have put something in the
car. It is as simple as that.

45 Q. You would have liked to have known what was
coming?

A. I would have liked to have known what was
coming. I would like to have some tangible

evidence of my personal history. I don't have that. Not that my children necessarily want it, but I mean I actually think it would be quite nice to be able to pass that on. So I wasn't given the
5 choice.

MS CRONAN: Thank you, I have got nothing further.

THE CORONER: Q. Mrs Hardy, how old is Rollo?
10 A. He is 19 now.

Q. He was sent back - he was working in Tuggeranong?
A. He was.

15 Q. They were told to go home?
A. Yes.

Q. Do you know what he was told or why he was
20 sent home?

A. He was told there was an emergency in Weston Creek and anyone who lived there was to go home immediately. Someone gave him a lift home.

25 Q. And when was that; how long after you dropped him off?

A. I dropped him off so he could start at 12. I think it was about 1.30, quarter to 2 when he came home.

30 Q. How is he getting on with things; what effect has it had on him?

A. He had a very rocky start to the beginning of last year. He actually lost his car which, as it
35 only had third party property, it just went.

Q. It is very tragic, isn't it?

A. It was very tragic for him. His behaviour was a bit tragic too for a while. In all respects I
40 think he has come out of it very well. He is a very nice person to be with and he has a permanent job. I think he is just taking one step at a time.

45 Q. Is he the only child you have? Do you have other children?

A. No, I have two other older children, one

married and one in his 30s.

Q. Were they living here at the time?

5 A. No. They actually came down as soon as they knew though. But they also felt that they had lost part of what they had been brought up with too.

10 THE CORONER: Mr Archer?

MR ARCHER: Thank you, your Worship.

<CROSS-EXAMINATION BY MR ARCHER

15 MR ARCHER: I represent the Australian Federal Police.

Q. The 4-wheel drive vehicle that you referred to, was that a marked vehicle?

20 A. No, it wasn't.

Q. Do you know who those people were?

A. Absolutely no idea. But I saw a uniform with the person who was driving.

25 Q. What did that uniform look like?

A. Well, it looked like a police uniform. I sort of --

Q. Bluish --

30 A. Bluish, but I mean, I was trying to think of something - a sort of more casual aspect of uniform. They looked as though they had a pretty hectic time. They were obviously going somewhere quite fast.

35 Q. But the vehicle was unmarked?
A. Mmm.

40 Q. The pergola, was that on the side of the house facing the fire?
A. Yes.

Q. At the time that you decided to leave, was the pergola alight?

45 A. It was just going into the pergola, yes.

Q. Your husband's studio, was that part of the

main part of the house or was that --

A. No, it wasn't. It was actually a converted lined double garage which we had windows put in. It was separate.

5

Q. At the time you left, at what state was your husband's workshop in; was it alight?

A. The flames were mainly in the trees around it. In fact, they were around most of the house. But they were touching it. Yes, it actually hadn't caught steadfastly alight. It was just, you know, pushing into it.

MR ARCHER: Yes, thank you.

THE CORONER: Mr McCarthy?

MR McCARTHY: No, thank you, your Worship.

THE CORONER: Mr Coleman?

MR COLEMAN: No, thank you, your Worship.

THE CORONER: Mr Whybrow?

MR WHYBROW: No, thank you, your Worship.

THE CORONER: Mr Walker?

MR PHILIP WALKER: No, thank you, your Worship.

THE CORONER: Ms Cronan?

MS CRONAN: No re-examination.

THE CORONER: Thank you, Ms Hardy. You are free to leave. Thank you.

<THE WITNESS WITHDREW.

40

MS CRONAN: I call James Geoffrey Lewington.

<JAMES GEOFFREY LEWINGTON, SWORN

<EXAMINATION-IN-CHIEF BY MS CRONAN

45

MS CRONAN: Q. Please tell the Court your full name and your current occupation?

A. James Geoffrey Lewington. I've retired.

Q. What's your current address?

A. 92 Allchin Circuit, Kambah.

5

Q. You were living at that address on January the 18th last year?

A. That's correct.

10 Q. Were you actually at home at your residence on the morning of January the 18th?

A. That's correct, yes.

Q. Did you go out at all that day?

15 A. Yes.

Q. Prior to the 18th had you actually yourself been following the progress of the fires in Namadgi?

20 A. In a general sense I knew there was a fire out there. You could see the smoke in the evenings, against the sunset, that sort of thing.

Q. So it is just in a general sense there is fires out there somewhere?

25 A. I knew roughly the direction, yeah.

Q. Did you used to get the daily paper or listen to the radio news or television news at that time?

30 A. Certainly television. Paper was only delivered at that stage Mondays and Wednesdays. I had a general idea of roughly what the fires were about and that people were out there fighting them.

35

Q. When you woke up on the morning of the 18th of January, did you have any awareness that the area that you lived in may have been at risk of some potential impact from the fires in the Namadgi?

40 A. No. I had heard of the fire at the north side of Canberra. One of my sons mentioned - I think he must have heard it on the radio himself - there was a fire I think he said within a couple of kilometres of the north side of Canberra, up in the Belconnen area. That's what I am talking about, up in that area.

47

Q. Was that when he was up at the golf course?

A. No, this was early in the morning. This was roughly about 9 o'clock in the morning.

5 Q. So what did you do during the morning of the 18th?

A. I can't remember.

Q. You can't remember?

10 A. No. Nothing out of the ordinary.

Q. Just normal business?

A. Yeah, nothing out of the ordinary during the morning.

15

Q. Your wife, daughter and son were going about their normal business as well?

A. Yeah. My recollection, for the purposes of this inquiry, really kicked off at around the middle of the day. My eldest son went to the pictures at the Hyperdome. My youngest son went to the golf course at the Murrumbidgee Country Club. My daughter was at home with my wife and myself.

25

Q. You say your recollections kick off at about the middle of the day. What do you first recall happening on that day?

A. I remember at about that time we could see the heavy smoke out in the Namadgi direction. It was about the middle of the day. I say, I think in my statement, it is probably about 12.30 that my wife and daughter and I took a drive down to Kambah Pool. You could see the smoke quite clearly from there drifting along the other side of the river corridor, if you like.

35

Q. Why did you take a drive down to Kambah Pool?

A. Just as a matter of interest, to look at it. See the smoke - yeah. It was quite spectacular actually. There was a plume of smoke drifting along there.

40

Q. How long did you stay at the Kambah Pool for?

A. We turned around at the gates at the top of the drive down into the pool. We drove down, turned around and slowly came back.

45

Q. What did you see when you were there?

A. At the top of pool, all we were doing was looking at basically the smoke drifting along. Again for the purposes of this discussion, on the
5 drive back when looking in the Belconnen direction you could clearly see a white plume of smoke going up in the air. That was the one I presume my son was talking about in the morning?

10 There were two distinct lots of smoke. Smoke going from Namadgi along, roughly from a westerly to easterly direction, running parallel to the river, was very black and heavy looking. It was still obviously a fair way away. It was sticking
15 out about that high (indicating). It was drifting along in a column. The white smoke on the north side was shooting up quite high in the air. There was a spiral of it going straight up. It was a whitey sort of grey colour, if you like.

20

Q. After your drive around to look at the smoke, did you go home and watch TV?

A. Yeah, went back home and watched TV. I think in my statement, it might be worth mentioning it,
25 that I did see a fire engine on the side of the road about a kilometre and a half back from the top of the gates of the Kambah Pool gorge itself.

Q. Did you go near the fire engine and speak to
30 them?

A. No, no. We noticed it driving down and driving back. I have got in my statement what we saw there.

Q. So you went home and watched TV. Can you recall what you were watching?

A. No, I think it was something to do with the tennis. The tennis was going to start at 3 -
3 o'clock was going to be the time when something
40 was coming on. I don't even know what happened with the match after that. That was the end of our television for the day.

Q. You watched the tennis between 1 and 3?

A. Whatever was on the TV. It could have been preliminary games or something leading up to it. I think particularly at 3 o'clock a match was

about to start, as I recollect it now.

Q. Did you see any alerts or warnings?

A. No.

5

Q. Whilst you were watching the TV?

A. No.

Q. So at about 3pm I think you were called
10 outside by your wife and daughter?

A. That's right, "come out and look at the sun".

Q. What did you see when you went outside?

A. The smoke was starting to drift across the
15 valley at that stage of the game. The sun,
looking up, it was starting to get that evil eye
look about it, that reddish look about it. The
smoke was coming across. You could still see
20 distinctly Mt Taylor and everything around the
area. The smoke was coming across. Whereas the
rest of it - early in the morning through to
lunchtime there was no smoke coming across our
area. The smoke was actually down over the other
side of Kambah Pool, if you get what I mean.

25

Q. So the situation in the area had changed
significantly since --

A. It was starting to change, yeah. That could
30 have been through a wind change with the way the
smoke was drifting. That's all it meant to me at
that stage.

Q. Did you see any flames at that stage?

A. No, no. None at all.

35

Q. Did you speak to neighbours?

A. Yes. When we went out at 3 o'clock I spoke to
the lady opposite me. She heard us - probably my
40 daughter or the wife yelled to come out and have a
look, and she came out wondering what it was. I
went and had a quick chat to her. We looked up
and we could see the neighbours immediately beside
me were starting to do preparations around their
45 house. They had a ladder out and they were
putting water in the gutters, and doing things
like that.

47

So I went across and asked them if they had heard anything. They said they hadn't. They were getting a bit concerned about the conditions. They were a bit worried about it so they started
5 to do something. My wife and daughter went back home immediately and started doing the same thing. They started to clean out the house and load up the cars. They were a bit worried. I must admit, myself, I wasn't. I thought there was nothing to
10 get really concerned about at that stage.

Q. You say your wife and daughter asked you to start preparing. Did you actually do any preparation?

15 A. Well, they started to. They started getting certain things out and putting them into the cars. I mentioned that we have five cars, so there was a fair bit of loading up to do. It got more serious. As you progress you will see why.

20 Q. What did you actually do after you spoke to your neighbour?

A. I then went back across to our house. Then a neighbour from the other side came over. He could
25 see that the wife and daughter were starting to move a few things. I asked him if he would like a beer. So I went to the garage and got a couple of beers out. We were about to open them up on the front verandah and have a drink.

30 Q. Had your son telephoned you at that stage?
A. No.

Q. You had a couple of beers?

35 A. I had a couple of beers. We hadn't cracked them. We were about to and then the phone rang and my wife took the call. It was my son who was on the golf course. She was relaying it out to me. He said that they had been told to leave the
40 golf course and to go home. As a throw-away line he said, "oh, by the way, I can see the flame. It is halfway down the Kambah Pool Gorge". By that he meant he could see the gorge, running away south of where the golf course is. I assumed he
45 had seen the flames halfway down coming down the gorge. How far along the gorge, I don't know - you would have to ask him.

Q. He relayed that message that the flames were down the gorge?

A. He relayed that message. That's when I clicked into gear, if you like. I realised
5 straight away it was pretty serious.

Q. What did you do after that?

A. Well, I didn't crack the beers. My neighbour went next door. I know I went and put some
10 footwear on. I must have been in thongs, too, like my predecessors. I know I got a ladder out of the garage to around the back, got the hose out and started hosing down the roof for a while, and a bit of the backyard.
15

Q. What were you wearing at that stage?

A. Probably shorts and a T-shirt, and probably thongs before - I put the footwear on mainly because I think I was going to be going up on the
20 ladder on to the roof. I didn't want to slip off. In fact I didn't actually get on to the roof. I put the hose onto a connector and sat it up there for a while. I took the ladder around the front. So I would - held this direction the fire would
25 come, if it came. I took the hose further up the back and I started hosing from the back boundary, if you like, from my place all through the back yard. It was a waste of time, but I did it.

30 Q. Had you had any education or prior experience relating to preparing for a bushfire?

A. Well, in the immediate area I have seen Mount Taylor burn on average probably once a year for 25
35 years. So they would have one fire up there every year. I have forgotten which hill is beside me now. Mount Arrawang, I think, probably has one every 5 or 6 years. Mount Neighbour, directly behind me has never had a fire on it. I have
40 lived out there for 25 years, and I have always been waiting for the day a fire would come anyway. I always assumed we would get a grass fire through there. It was inevitable.

Q. How did you know how to fill your gutters?

A. I suppose it is general education over the
45 years. I will say when I was younger my first experience with a major bushfire, a country grass

fire, was when I was about 16 - I was either still
at school that Christmas or after I left school
early in the next year. On that occasion a few
miles out in Narrandra I saw a grass fire come in
5 a big front. There were country firefighters
doing a back-burn from the road we were on. We
couldn't see the fire when we arrived. We had
been young and were skylarking around a bit, I
suppose. We said, "Where's the fire?" They said,
10 "You will see it shortly". You could see a glow
appear on the horizon.

That fire came directly at us. They told us
afterwards it was doing about 28 miles and hour.
15 That was pretty - you learn - you never forget it,
let's put it that way. That was coming through
grass, probably knee/waist height. I realised at
that stage you don't run away from those sort of
things. It is an experience that always sticks in
20 your mind. They are pretty severe things when
they happen, if you are not familiar with fighting
or anything like that.

Q. You started hosing down your back fence?
25 A. Yeah, the backyard and that sort of thing. I
suppose the next major thing that happened was the
siren started going on a vehicle. I could hear
it. I didn't see them. It was going around the
Allchin Circuit area. It was a loud hailer, a
30 loud speaker or something. It was telling
people - I can't remember the exact words but it
was to the effect that you had an hour in which to
prepare to evacuate.

35 Q. Your wife and daughter were already doing
that?
A. They were in the process of doing that anyway.

Q. What did you continue to do?
40 A. What I was doing. I only had two things that
I wanted to pick up out of the house. I knew
where they were. They were the last things that I
grabbed to put in the car. I put, you know,
basically insurance papers and things like that.
45 They were in a couple of bags. I threw some of
them into my car.

47

Then I suppose I kept hosing things down most of that time. My neighbour that I was going to have a beer with, he went back to his place. At some stage before the fire came, he yelled out he
5 thought he would leave. He was yelling that out. He relayed that message to me that he was going to go.

10 Q. So were you aware at this stage that there was a potential for the fires to impact on your house and area?

A. Not so much on my house. Certainly it was coming in and direction was going to be around - I
15 always thought over the 25 years that I lived there that the fire would either come over the hill from the west or it would come up from the south. I always made up my mind, and I discussed it with the previous neighbour beside me, that I was going to stay if we ever had that situation.

20

Q. So when was the first time you actually saw the fire?

A. There were two things relating to that. The first was a spot fire. I would have to check my
25 note, but I think it was about 4 o'clock. From where I am I can clearly see Mt Neighbour. On the reverse slope of the eastern side of Mt Arrawang there was a rainbow of sparks. It was quite dramatic actually. I don't think I will ever
30 forget it. It was arcing across the whole air across to Mt Taylor. I couldn't see any flame from it. It was just the sparks coming out of the other side of Mt Arrawang. It was going over Tuggeranong Parkway. It was hitting Mt Taylor
35 about a third of the way up. I suppose I looked at it for 2 or 3 seconds; it seems like that anyway. I think in that time it had gone another third of the way up the hill.

40 The shape of it was like a half moon. It was a flat base, perhaps a hundred metres. I am only guessing. It seemed to be approximately a hundred metres and a moon shape. It shot up the hill in that style about another third of the way up the
45 hill. That's the last I saw of it. I turned around and just went on with what I was doing. Sooner or later it is going to arrive on my front

and back door - or back lane.

Q. You kept hosing?

A. Yeah, kept doing that sort of thing. My
5 daughter or wife, I think it was my daughter
yelled out, she saw it first. And then I turned
around and looked at it, "Oh, shit". If you like,
that is the first flames I saw.

10 Then some time during the next 20 minutes I got a
phone call from my eldest son. He had been at the
picture theatre and had gone back to Nick's place
in Rivett. He was with some friends at the
pictures. They stopped the movie and told the
15 people who lived in Rivett and suburbs in the
Weston Creek area to return to their homes. They
hadn't mentioned Kambah. He went with his mate
and somebody else to Rivett. When they got
there - the friend's place is in Burgen Place -
20 there was a fire across the street from his
friend's place, it was the shed I think that was
on fire.

He left his friend there, with his friend's father
25 who was over there helping to fight that fire. He
came back to our place. Somewhere in that process
he must have rung up and said where he was. I
suppose I was pretty keen, I said "we have a
situation developing here. Be careful", whatever.
30 "That's where we are at. I can't stay on the
phone talking."

Q. Did he live with you at that stage?

A. Live with us?
35

Q. Yes.

A. Oh, yes, yes. He obviously got in the car
with the other friend and came haring back towards
Kambah. He got to the Kambah Pool/Barrett Street
40 roundabout. I think the police had already set up
there. The car couldn't come in. He ran through
the park, back to our house. We live on the
opposite end of the park, if you like, facing out
to the west.

45

Q. The road was blocked?

A. The road must have been blocked at that stage.

The car couldn't come in. Not that the car was going to come in. I think there was a girl driving that. She lived down the end of Barrett Street, and one off. She went her way and he got
5 out and ran through the park. I think they tried to stop him or yelled out something. He just came up the pathway til he got home. He must have arrived a few minutes before the firestorm, if you like, hit the back of our place or the back lane
10 because he had time to get a pair of overalls and get some boots on or whatever and get himself prepared.

Q. What were your wife and daughter doing at this
15 stage?

A. My wife - both she and my daughter were supposed to go. I told them we would all meet, if anything came to anything, to go down to the Burns Club. That was a rendezvous for us. So she went
20 to the Burns Club. My daughter was supposed to follow her in her car. But I think she misplaced her keys. There was a bit of drama. Anyway, she didn't get away. She finished up staying at the house.

25

Q. So --

A. That leads to around about when the fire flames appeared, which would have been around about 20 past. I should mention that the warning
30 from the loud hailer, whether it was police or fire people, they gave an hour. That hour was virtually to the minute, I reckon. I think they came past approximately 20 past 3 and the flames hit about 20 past 4.

35

Q. They were telling people to prepare to evacuate and what - the fires was going to arrive in an hour?

A. The sense I got from it was, yeah, prepare to
40 evacuate and that you had an hour in which to do it. In other words, the fire front was going to be impacting somewhere around that time in an hour's time. I think it was an hour almost to the minute. It was pretty accurate.

45

Q. But you didn't see that vehicle?

A. No, I never saw it. When I gave my statement

to the police, in fact they asked me what the siren was and I had a mental block. I couldn't think of it. As soon as I got home I mentioned it to my wife. She said, "You sure? You remember
5 that?" When I got talking to her I knew. It came back straight away. It was like a World War II type siren. It is one that I actually have heard myself, it was in Seoul, Korea where they used to have air raid warnings once a month. I was there
10 one year when it happened. A national drill takes place. It echoes through. I mean, you never forget it when you hear it. This siren - it was that sort of a siren.

15 Q. The emergency --

A. I don't know whose it was. No, I have no idea. I never saw the vehicle.

Q. About 4.20pm you first saw the firestorm
20 coming through?

A. That's when I first saw the flames.

Q. Where did you see them?

A. Again, I was out the backdoor of my place. My
25 place is on a hill. It slopes up fairly sharp. It goes straight up to the top of Mt Neighbour. As I said, I expected and always thought a fire would come from the west or the south; it came from the north. Now the flames were roughly at
30 about a 45-degree angle. I could see through my immediate neighbours's house fence because it is a chain wire one. But his far fence was a wooden paling fence. I was looking through the corner of that fence and part of the next fence. I am
35 looking over, if you like, to where the flames were coming up.

Q. What did they look like?

A. If I can just mention, because it is not
40 written in here, I know the time can be verified, or be more accurate, if you need it to be more accurate, because there was a - I don't know what she was - I presume a firefighter of some description - but she was reporting over a loud
45 speaker or whatever you call it in a vehicle out in the street. I couldn't see, it was pitch black because of the smoke. I could hear her quite

distinctly and you could hear the crackling and the feedback when some answers or whatever were coming back. She was reporting that the ranger's house was on fire.

5

She was right. From where she was, she would be looking straight up at it. In fact, I think it was the trees around it. I understand the ranger's house didn't actually get burnt. From
10 where she was, she was dead right, it looked like it was going up in smoke because all those trees would have been burning. Whatever time that was - as I saw I put that at 20 past 4. That would
15 verify the exact time, because I saw the flames shortly after that. It might have been a minute or two minutes. That's when I saw the flames at the back of our place, if you like, at roughly a 45-degree angle.

20 Q. How far away from your house were they when you first saw them?

A. Up to 25 - 35/40 metres away. I am trying to think - we were working - say roughly 25 through the backyard, another 10, 20 after that. It
25 seemed to me like it was - again because you have the slope of the ground, it would have been from the ground up maybe 8, 10-foot high. It seemed like an ordinary sort of flame flickering away. It hadn't got into the tree canopy proper. It was
30 probably up to about where the trees were starting to branch.

Q. What did you see it do?

A. I watched that for a couple of seconds, maybe
35 two, three, four seconds, I don't know. Then all of a sudden the whole thing just erupted. It obviously kept coming along the lane. Then it hit. There was a whole lot of small wattles - I suppose shrubby type wattles and then a big gum
40 tree. Then the thing just erupted. It just shot up in the air. My guess is roughly about 50-foot. If you are behind a street or two looking up, it could have been much bigger than that. I don't know. My 50-foot height estimate is just on the
45 basis of the height of the tree because the whole tree from the ground straight up to the top of the tree was just a massive blaze.

It extended from the lane back up the hill probably about 20 metres. So suddenly it was from halfway up it, something about that high, halfway up a tree, it suddenly erupted a bit further along
5 into something like that. (indicated) It became a wall of flame. At least to the top of the trees. I am looking up at an angle. But down in the street it could have been higher even. It kept like that and it went in a wall straight down
10 the lane.

Q. In what direction relative to your house?

A. Oh, I've got a lane behind my house which is a fire lane. It went from north to south because
15 that is the direction of the lane. It was on the other side of the lane, it went straight down that way.

Q. Was your house impacted upon?

A. Yeah, not from the immediate firewall that went down the lane, no.

Q. Did you and your family, your sons and daughter start putting out spot fires at that
25 stage?

A. Yeah. When that erupted and went up the trees, I know my two sons were certainly with me. My daughter might have been back in the house somewhere. When it took up the tree I said, "Okay
30 let's get inside the doors." I have got big glass doors in the family room and a sliding door that comes out as well. I said "Get inside". I just moved these shut.

I had no idea what the radiant heat or what would come off that. It was quite massive. We watched it go by. It was pretty spectacular. That's all I can say about it. It wasn't coming up the house, though. You have to appreciate that. It
40 was going along, in line with the house, along the back fence. I watched it from there. It was about 45 degrees again. Over the fence I have the southern side neighbour, again you can see the angle. You can see it because the tops of the
45 trees were up that high. It just followed going up that height. It went down the lane further. That's when I said, "okay, let's get out and

seeing what we have got to do here".

At that stage when we got outside already there were - I remember my backyard there were three
5 rivers of flame coming down, you know, ankle high, if you like. It was grass fire coming off down into my backyard. Each of the kids took one on each and started putting them out.

10 Q. How long did they stay out there putting out the spot fires?

A. I don't know. It must have been 5 minutes, I suppose - a few minutes anyway. At one stage my youngest son suggested he go and get the hose from
15 the next door neighbours' to help. When I looked across there they had rivers of fire coming down through their backyard as well. They left their place. You know they obviously decided to go. I said, "Yeah, okay, you can go over. Don't worry
20 about getting the hose back here. Start putting those bits of grass fire coming down the backyard as well." They had - I can't remember - a number of them coming down.

25 He was over there for quite a while putting them out. The paling fence on that neighbour's other boundary had caught on fire and was burning down. He said he couldn't get it out with the hose. He finished up kicking the fence in and stopped the
30 fire coming down that way.

After getting out and fighting those fires - that's my first memory, the fire front going by, the rivers coming down - then all of a sudden the
35 shrubbery and the things along the boundary lines along my place and the neighbours' place were starting to go up like mini sky rockets. They were just taking off bing, bing, bing, sort of thing.

40

Q. How did you deal with those?

A. We didn't. We let them burn.

Q. About 5.30 the power went off?

45 A. No, let's come back before that. I would like to emphasise during that, possibly 15 minutes, it is pretty hard for me to - you know things get

compacted and stretched out - certainly for the first 15 minutes it was almost surreal. It was absolutely calm out there. There was no wind behind that firestorm if you like that went along the back. You could see the bits of glowing embers, I suppose, or whatever on the ground here and there. There was no dust or anything blowing around. No ash flying about. Nothing. It was just peaceful.

10

In fact, I think it went through my head at one stage, "This is going to be a piece of cake. Just watch the house and make sure nothing else comes from it." But then, as I said, things started to move from there. One son went that way (indicated) and a neighbour from over the street from us came in. He and my eldest son could see the house beside me on the south side of me on the far corner, there were some flames in that corner. They actually went over a brush fence that my neighbour had, went over the top of that fence into the corner with the hose in that backyard and tried to get that fire under control in that back corner. It wasn't on the house. It was up in the corner. Maybe it was shrubby or whatever in there.

It obviously got pretty intense. My son said the neighbour actually jumped in and out of the pool three times while they were over there trying to cool down and then went back to fight it. In the finish they came back - I don't know how they came back, over the fence, through the fence, around, I don't know - they came back. They said they were going around to the verandah side of that house and tried to fight that fire from up the other side.

About the time they had come back, the brush fence then finally ignited up in the corner. In fact I raced in the house. The bathtub was filled with water; I got a bucket of water and took it up the back and flung it into it. I got blown back about 20 feet. It was like a bomb went off. It just blew out flames. There was no point trying to hit it. We just let it burn. It was pretty slow burning.

I know it was that slow that another - I had two neighbours ultimately in the backyard with me. As I say, one had gone to help my son in one house. The other fellow and I talked about this brush
5 fence and what we would do about it. He suggested he would go and get his chainsaw. He lived down the street a few houses away. I said, "Oh, no point in it." What is inside the fence was the problem; metal pipes and wiring. We decided to
10 give that the flick and let it burn. Because, it was, as I say, slow burning. But as it was burning what was dropping down was nothing on the ground. It was a big flame where it was actually burning. It was gradually coming down.

15 So that was the plan there. The youngest son, at one stage I think I then said, "You better come back over here." The wind started to get up then, about 15 minutes or whatever after that, it
20 started to get flurries. I suppose for the rest of that hour it was like almost like a snow storm. Because there were flurries, it was whipping around in the air, little bits of embers like that.

25 The neighbour and my son on the house that was burning tried to put the hose up the side of it as the fire was coming down the paling fence along that side. I am not too sure which came first. I
30 think it was the house in the centre of three which ultimately were destroyed was a small timber house. They said it had actually exploded. It was there and it just went like that (clicked fingers) - in one poof, it was gone.

35 Q. At what time was that?
A. I can't tell you the precise time. It would have been, I would think half past, quarter past, 20 past 4, 5. Probably a bit after 5 o'clock.
40 That is an estimate. Shortly after that house went up or just exploded, as they say, the gas connection that goes up the house that they were trying to save, if you like, where it goes up and goes into the house, that blew out. There was a
45 jet of flame going up in the air for the next 3 or 4 hours, I suppose from that. They looked in the lounge room and saw the inside of the house was

then on fire. Then there was nothing they could do for it. They came back to our place and then we all congregated in my backyard, if you like.

5 I know I was talking to one of the neighbours about what would we do. Do we let this fence burn all the way to that neighbour's garage, which is on the boundary of our place and then we stand, you know, next tier up from - we have ground level
10 at my house and we direct the hose and try to keep the fire as it burnt in that house back into their garage and stop it from impacting on my house.

Q. So you still had water pressure at this stage?

15 A. We still had water pressure then, yes.

Q. How long did do you that for?

A. Well, that just carried on until - that fence gradually kept burning down. We hit then - it was
20 around about half past 5 - the time I put in there is a reconstruct from the 10 to 6 when I believe I arrived at the Burns Club. I think it was my wife I asked - I asked somebody what the time was; I was given that time. I've counted back
25 approximately 20 minutes to give that half past 5 as to when I actually left the house.

Q. Was the power still on when you left?

A. The power - just shortly before - you will go
30 through the story if you like. That fence was burning down. The two - I had both boys back in the house. The two neighbours were with me. We were in the backyard. We were just waiting for the inevitable, the house burning back towards us.
35 All this time from the time the fire started - I have flood lights in the backyard and they had been on. It was pitch black and they automatically come on. All of a sudden they went out. When the fire was on the fence, it was
40 probably from me to the middle of that table, I suppose, away from where it would finish.

The power went out, and about a minute, I would say roughly a minute, I am just jabbing there, all
45 of a sudden the water pressure dropped. It suddenly died by half - about half. Maybe more, but about that. We were trying to keep the hose

up so we could hit the corner of the eaves of the house. All of a sudden from the heat on the fence that was burning down they ignited. There was a bare flame coming off there. We thought we could reach it. The pressure suddenly went down. You couldn't get it halfway there. That was a dead loss.

Q. So the power and water pressure --

10 A. I thought the two were associated. I don't know. I would like to read this bit out, if I could, as we come to it in a minute. The water pressure went down. The lights had gone. The water pressure went down. Within a minute of that
15 there are these two bodies at the back door screaming and telling us to basically evacuate - you know, to order us out.

Q. What did they say to you, can you remember?

20 A. I can't remember the exact words. The one distinct thing I remember was "you can't save it" - in my head, well, they were firemen. I was intending to stay and fight it. The firestorm had been gone an hour. All we were doing now was try
25 to stop this thing from touching my house. I finished up complying. I went along with it. I couldn't see the point of getting into an argument in that situation, so we went. I had my daughter, two son, and myself, four car loads of stuff out
30 in the street ready to go so we went.

When I was running out into the street, we got directions from one of them about which way we had to go, around Allchin Circuit, not to go that way, go this way sort of thing. So a convoy of us set
35 off. When I got down the street 150 metres, say 200 metres to say roughly 73 Allchin Circuit, one of my friends who lives at that area was trying to do some firefighting with the fire that had gone
40 down the lane - the fire lane behind our house, where it had come around the next walkway through to the park and then jumped the road. It was going down through the walkway into the park from my house, if you understand where it is on the
45 map.

He was running backwards and forwards across the

road trying to put it out. It was only a low grass fire about ankle high sort of thing. It was all over the mown area near, if you like, the street-side of the horse yards. It was that same
5 sort of fire was going down through the lane. I remember seeing him distinctly there, running around. I have talked to him, laughed with him later on about it.

10 That was at 87 Allchin Circuit, sorry. We went down another 100/200 metres. We were driving all of a sudden through bloody trees which are burning from ground to top level. We were driving through them. That was a real concern. I was starting to
15 let fly with the language at that stage. You know, "what the bloody hell are we doing this for?"

Q. Driving through a canopy fire.

20 A. It was nuts. We should never have left the house.

Anyway, we went through them further around the circuit. The next thing I really remember is the
25 interior of the park. It must have been a fair way around the circuit to be able to look into it. To me it looked like a choppy sea, and the whole thing was on fire. The centre of the park seemed to be on fire. It was like little waves. It
30 wasn't roaring up trees or high, or anything, it was again probably ankle high going across the grass.

Q. You drove to the Burns Club?

35 A. Yeah, I went from there through to the Burns Club. When I crossed the roundabout I still remember the volcano tree in particular standing out. That's a big gum tree that is on the side of the road from the roundabout. And the flames were
40 shooting through the top of it. They were also coming out the dead branch on the side.

Q. Like a volcano?

45 A. Yeah, it looked spectacular. We went down to the Burns Club. I saw my wife there. I told her I thought it looks like we might have lost the house.

She was one of the first to have arrived there. She took the dog and a couple of budgerigars in a cage. She said the Burns Club was about to close up and send their people home. The next minute
5 they had a spot fire out the back of it. When I arrived there there were a few cars in the street. The budgies were perched on top of the lobby foyer desk.

10 Then cars started arriving. The whole of Kett Street I think had cars in it. In fact they were starting to park cars in the middle of the playing fields to accommodate more that were coming in. I was there for about, I suppose, 20 minutes. I
15 think I went back home at about 10 past 6. I was there for about 20 minutes in my estimation. I got home very quickly. There were no controls on the roundabout we went through. The sky was actually starting to clear again. There was a
20 group of people running a bucket brigade across the street to one house that had caught on fire on one side. I think it was the Marshall's place --

MS CRONAN: Could I interrupt for one second? We might actually leave you at the Burns Club and pick that up again after lunch, if that is okay with you.

A. Yeah, sure.

30 THE CORONER: We will adjourn for lunch. We will resume at about 5 past 2.

LUNCHEON ADJOURNMENT

[1.07pm]

35 **RESUMED**

[2.08pm]

MS CRONAN: Q. So you left the Burns Club shortly after you arrived there and returned home at about 10 past 6?

40 A. About 10 past 6 I believe, yeah.

Q. What was happening at your home when you arrived home?

A. I arrived back and saw three houses beside me
45 had been destroyed. I knew two had gone and I was surprised to see that the third one was gone. Going past them, I was thinking, "What are we

going to be in for?" I drove into the front of the house and the whole bloody thing was standing there. There were four fellas sitting on the front verandah and two of them are drinking the
5 two beers I talked about earlier.

Q. They were all there, were they?

A. They were all there. They had been through the house looking for the rest of the beers in the
10 fridge and couldn't find any. But they hadn't looked in the garage where the stockpile is, so we emptied them out in the next hour or so. I am one of the luckiest blokes in Canberra, I believe.

15 Q. Were there still spot fires occurring around your yard?

A. Oh, yes, certainly. The house next door was down on the ground. It had been destroyed. It was burning down through the garage which then
20 butts onto my fence line. That was still burning. The fire officer might have smashed a window and stuck a hose in so it was sort of spraying around in there - what dribble of water was coming out of the hose. I just had a quick check around and
25 said something to them.

Then I went across the street and grabbed the hose off somebody that was there who wasn't an owner and started putting out spot fires in the tan bark and stuff that was out there on their street side.
30 Then I think maybe 10 minutes later the owner of that place turned up and I just gave him the hose. The house next door to him, there could have been 5 or 10 people who were putting out spot fires on
35 their street side as well.

Q. Had the people around your area used tan bark quite a lot?

A. Yep.
40

Q. How long did you keep putting the spot fires out for that night?

A. When Winny came back to do his place, I then went back across the street. The house next door
45 to me, the house had been destroyed but the fire kept popping up around the tan bark between the house and the street. So we mucked around that

for half an hour but you could never get it out. You would get it down and up it would come again. But there was no threat of danger or anything.

5 As far as our situation was concerned, it was all stabilised and it was a matter then of keeping an eye on the house next door. The wife, the kids and I took turns through the night, two on/two off sort of thing, to make sure it didn't get going again. I mean it was burning even on the ground level sort of through the timbers and bits of pieces all night. It even flared up a couple of times with a bit of a breeze in the morning. So, yes, it was mainly keeping an eye on that because we were concerned that it might come up and come across again.

Q. So after patrolling all night was it stable and blacked out by the morning?

20 A. Yes, it was pretty well. Up the back, once the firestorm went past there, everything was gone. There was nothing to burn. That was the best place in the world to be if you had to go anywhere. What you had to work at was putting out what was coming off it and coming down into the yards.

Q. Following the bushfires in Canberra in December of 2001, you received a letter in the mail in April of 2002?

A. Yes.

Q. That was signed by the Ministers of both Urban Services and Emergency Services?

35 A. That's correct.

Q. Could the witness please be shown [ESB.GSO.0005.0268]. You can see that on your screen, sir?

40 A. Yes, sure.

Q. Is that a copy of the bushfire safety message you received?

A. Yeah, it looks the same one, yeah.

45

Q. That letter, amongst other things, asked people to reduce fuel loads around their homes?

A. Yes.

Q. You say you did that in response to the letter?

5 A. Yes.

Q. What did you do after receiving that letter?

A. I checked my house and around it. I have no qualms about the general keeping down of the fuel
10 around the house. I have had a 25-year ongoing dispute with my wife about growing a big tree in the backyard. Up until now I have won, and essentially she has always won because of the sunlight coming in in the afternoon in the summer.
15 I have never wanted one there, particularly because big trees in the backyard is a bit of a fire hazard anyway. As far as my situation was determined, I thought it was pretty right anyway.

20 Q. Did you make a phone call in relation to that important safety message?

A. Yes, I did. My concern was with the fuel buildup on the other side of the fire lane which runs along the back of my place.

25

Q. How wide was the fire lane along the back of your place?

A. It's a street width. It would be a bit over a car width, whatever that is - two or three metres.

30

Q. What kind of fence did you have next door?

A. I don't actually have a fence right on my boundary. I have a fence back a few metres to keep the dog in, but it is a wire fence. It is
35 not going to have an impact in terms of fire.

Q. So you have had concerns about the fuel loads on the other side of the fire lane?

A. Yes.

40

Q. What was your concern?

A. The fact that it had been building up for many years. The first few years I lived out where I am there were control burns put through there in the
45 off-season. To my memory, there was certainly two and perhaps three in the first few years but in the last - I think I have written down there about

15 years there has been none. So it has been building up for a long time.

5 Q. On 30 April last year did you make a phone call to the Bushfire Service on the number provided?

A. Yes, I did. The notice actually gave two numbers to ring, and I rang that one on the 30th of April.

10

Q. Which number did you ring?

A. The 6207 8603. I have underlined it. I annotated my copy after I rang. Before I actually rang, I went up the back and walked along. I wanted to make sure I had the right numbers. I wrote on the front of the envelope "houses 84-100". So then I went down and rang them up on 30 April - I have annotated this - with the request that the fuel build-up at the rear of the houses from about 84 to 100 Allchin Circuit be examined with a view to a controlled burn-off. I was thanked and told the request would be passed on. I initialled it and dated it the 30th of April.

25

Q. You are reading from --

A. I am reading from my notes. It won't be on that one. A copy of this, by the way, was given to the police when I gave them my statement as well. They photocopied that; and they also photocopied the envelope.

30

Q. So you were thanked and told the request would be passed on. Was anything done in relation to that request?

35

A. No, nothing physically behind me, no.

Q. Sir, you have also given to me this morning a typed account consisting of three and a bit pages of three major concerns you have for the coroner's inquiry?

40

A. That's correct, yes.

MS CRONAN: I will tender that document, your Worship. Copies have been provided to my friends.

47

Q. That can become an exhibit in the coronial inquiry and all your concerns will be taken into account, Mr Lewington.

A. Thank you very much.

5

THE CORONER: I will just mark that as an exhibit. The document prepared by Mr Lewington will be exhibit #0061.

10 **EXHIBIT #0061 - DOCUMENT PREPARED BY MR LEWINGTON TENDERED, ADMITTED WITHOUT OBJECTION**

MS CRONAN: Q. Is there anything you wish to add to the matters raised in your statement, in your evidence and in your documents?

15 A. No, I think the original letter to the coroner's inquiry, the police statement plus the one you have got and the bushfire matters constitute all that I wanted to have presented.
20 That covers it.

MS CRONAN: Then I have no further questions.

25 THE CORONER: Mr Archer?

MR ARCHER: I have no questions.

THE CORONER: Mr McCarthy?

30 MR McCARTHY: No questions.

MR COLEMAN: My learned friend has just given me this document that has been tendered. I just need to get some instructions potentially on one matter raised in there.

35 THE CORONER: That is fine. What I might do is I will see if anyone else has any questions. Then I might take a brief adjournment if Mr Lewington doesn't mind waiting a short while.
40

THE WITNESS: Yes, sure.

45 THE CORONER: Mr Whybrow, any questions?

MR WHYBROW: I don't think so, your Worship.
47

THE CORONER: Mr Walker?

MR PHILIP WALKER: Your Worship, neither do I but I will take the opportunity just to have a look at this document.

THE CORONER: Q. Do you mind if we have a short adjournment, Mr Lewington?

A. No, not at all.

THE CORONER: If you can just wait outside for a few moments, and we will resume shortly.

SHORT ADJOURNMENT

MR COLEMAN: Thank you for the time, your Worship. I understand this document will go in as evidence of this witness's concerns and on that basis I have no questions.

THE CORONER: Mr Walker?

MR PHILIP WALKER: Just one question.

<CROSS-EXAMINATION BY MR PHILIP WALKER

MR PHILIP WALKER: Q. I think you indicated in a countback from the time you were at the Burns Club that you thought you left your house at about 5.20?

A. 5.30 I thought, but anyway --

Q. When you were informed by the people who came to your house saying that it can't be saved and you should get out, do we take it that that occurred at about that time, 5.30, or somewhere like that?

A. Yeah. I asked my wife, I think it was my wife anyway, when I got to the Burns Club what the time was and it was about 10 to 6. So I counted back to 5.30 to say that's about how long it probably took to get there. It was pretty slow moving down the street. We were just creeping along in the car because it was pitch black and the head lights were on. You were flat out seeing the car in front of you. So it was a pretty slow trip down. That's why I come to the 5.30, and then the events go back behind that - the police, then there was

the water pressure and the lights, if you like.
There wasn't much between each of them.

5 Q. So the direction that you were given was
5.30ish or somewhere thereabouts?

A. About there, I think, yeah.

MR PHILIP WALKER: Nothing further, thank you.

10 THE CORONER: Any re-examination, Ms Cronan?

MS CRONAN: No re-examination, your Worship.

15 THE CORONER: Thank you Mr Lewington. Thank you
very much for your evidence. You are excused.
You are free to leave.

THE WITNESS: Thank you.

20 **<THE WITNESS WITHDREW**

MS CRONAN: That is all the evidence we have
today, your Worship.

25 THE CORONER: Any matters anybody wishes to raise?
If not, we will adjourn until tomorrow morning at
10 o'clock.

30 **MATTER ADJOURNED AT 2.35PM UNTIL THURSDAY
20 APRIL 2004.**

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TRANSCRIPT OF PROCEEDINGS

5

**CORONER'S COURT OF THE
AUSTRALIAN CAPITAL TERRITORY**

10

MRS M. DOOGAN, CORONER

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CF No 154 of 2003

20

CANBERRA

25

**INQUEST AND INQUIRY INTO
THE DEATH OF DOROTHY MCGRATH,
ALLISON MARY TENNER,
PETER BROOKE, AND DOUGLAS JOHN FRASER
AND THE FIRES OF JANUARY 2003**

30

DAY 58

35

Thursday, 20 May 2004

40

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50

MR WATTS: Can I raise a couple of matters which
are related. As I understood how the inquiry is
5 to be conducted, fuel management was to be dealt
with I was told as a discrete issue. Today two of
the witnesses have matters in their questionnaires
to say about that. Yesterday, when I wasn't here,
a question was directly asked concerning that. I
10 have no wish to cross-examine these people about
fuel management but I would ask that that evidence
not be given at the present time, because it does
contravene the arrangement which I understood was
in place that it would be dealt with later.

15 The second issue is that I have been asking now
for some time for some details of my clients who
might be called on that issue of fuel management.
Several of them have given records of conversation
20 concerning that issue, and at the present time
I would like to know who is to be called so I can
prepare those persons.

THE CORONER: That is a fair comment, I think,
25 Mr Watts. Just in relation to the comments by the
people on the list today, Ms Cronan --

MS CRONAN: Fuel management is going to be dealt
with as a separate issue towards the end of the
30 inquiry in terms of the expert evidence that will
be given in relation to that by Mr Cheney.
However, we don't propose to recall individuals,
certainly not victims of the firestorm. Their
comments can be inserted at a separate time. I
35 mean their comments are factual comments not
matters of expertise, which have always been there
on the face of their documents and shouldn't be a
problem for my friend to deal with.

40 THE CORONER: On that basis, Mr Watts, comments by
these people will be on that basis that they had
factual comments and they are their opinions.
They are not necessarily by way of expert opinions
but they are certainly observations that these
45 people have made. They are quite within their
rights to make that observation.

MR WATTS: That is not the issue. The issue is whether they should be dealt with at the present time. I have not taken instructions from any of my clients, particularly in Forests, concerning the issue of fuel management because it is to be dealt with at a later time.

Having regard to the questions that were asked yesterday of Mr Boyle directly on that issue, I certainly now have to seek some instructions this morning concerning the comments particularly of Melinda Latta concerning the maintenance of the forests. If it is to be dealt with now, well --

THE CORONER: I am not going to stop these people making comments in that regard, Mr Watts.

MR WATTS: I am not trying to stop them making comments. I am simply asking that the comments they might make concerning fuel management should be deferred.

THE CORONER: No, I am not recalling these witnesses, Mr Watts.

MS CRONAN: In relation to my friend's second point, the discrete issue of fuel management is going to be led by Mr Lasry. It is my understanding from discussing it with him that at this stage the only witness of Mr Watts that he would be calling on that issue is Mr Bartlett. I will speak to Mr Lasry later today. I will confirm that and be in touch with my friend.

THE CORONER: Thank you. Yes, Ms Cronan.

MS CRONAN: I call Perry Smith.

<PERRY BRIAN SMITH, AFFIRMED

<EXAMINATION-IN-CHIEF BY MS CRONAN

MS CRONAN: Q. Please tell the Court your full name and your current occupation?

A. My full name is Perry Brian Smith. My current occupation is retired but, at the time of the fire, I was employed as a senior economist with ABARE in the Commonwealth government.

Q. Where were you living at the time of the fire?

A. 19 Jemalong Street in Duffy.

Q. Who did you live with there?

5 A. With my wife Jennifer and my two adult children: Andrew, who was 26 at the time, and Stephen, who was 24 at the time.

10 Q. On the morning of the 18th of January were you at home?

A. Yes, I was. We were all at home. I did go out on two occasions during the morning, but that's life.

15 Q. I will just ask a question about your state of awareness prior to the 18th of January. Were you aware prior to that day that there were actually bushfires in the Brindabellas?

20 A. Yes, I was. I had gone over to Belconnen on the previous night and I had actually seen the current state of the McIntyre's Hut fire which had significantly increased.

25 Q. Had you been following the progress of the fires from their ignition on the 8th?

A. Very much so, yes.

Q. What kind of media were you looking at or listening to over that 10-day period?

30 A. Generally television. Some observation. I did go out just because we could actually see the smoke there. Obviously when I took a walk over Narrabundah Hill, you could also see it too.

35 Q. Were you listening to the radio at all over that period?

A. Oh, yes, very much so. I tend to listen to ABC quite a lot.

40 Q. Were you reading the 'Canberra Times' at all?

A. Less so. I suppose I glanced at it rather than read it, yes.

45 Q. On the morning of the 18th of January, did you have any level of awareness that there was some potential threat to the area you lived in from impact by any of the fires?

A. No specific threat, I was well aware from the smoke and what I had seen the previous night that there was a general level of threat. The smoke in the air certainly affirmed that.

5

Q. You had gone up to Belconnen you say on the night of the 17th. Whereabouts did you go?

A. It was just on Bruce Drive, I think; I can't think of the name of the street; the main one that goes into Belconnen. It has got quite a good view, particularly of the McIntyre's Hut fire.

Q. Had you gone there specifically to have a look at the fire?

15 A. No.

Q. You had gone there for another reason?

A. I had gone there for a social event over on that side of town, yes.

20

Q. Whilst you were there you were able to see McIntyre's Hut fire?

A. Very much so, yes.

25 Q. Were you actually seeing flames or just glow and smoke?

A. At that stage you could very definitely see flames from a fair distance, but definitely flames were visible, yes.

30

Q. On the morning of Saturday the 18th, can you tell the Court what you were doing generally throughout that morning?

A. Okay. From about 8.30 till about 10, I was cleaning up the remnants of some work I had been doing in relation to renovating the house. It was partly in relation to fire preparation, taking away cans of paint and stuff like that, storing those.

40

At about 10.30 I went to Woden. Prior to that day I had actually done all the standard things like cleaned the gutters. We actually trimmed back a lot of the trees in relation to contact with the house. So there were no trees with contact to the house.

45

At about 10.30 I was at Woden and I was there until about 11. I came back to the house. I don't even remember what I was doing in the house. At 11.30, quarter to 12, I went down and did the family shopping at Cooleman.

Q. You said you had done some preparation with your gutters and pruning before this morning?

A. Yes.

Q. Why had you done that?

A. Partly because I was doing renovation anyway and partly because I do tend to do that around about January. Having previously experienced the fire on Boxing Day two years earlier, you know, I was reasonably aware of some of the dangers, yes.

Q. And how you could protect your house in some respect?

A. Yes.

Q. So you did the family shopping around a quarter to 12. Where did you go and do that?

A. Down at Cooleman Court. It was a bit later than quarter to 12. I remember talking to a friend of mine at about half past, so it would have been later than that.

Q. What did your wife and children do throughout that morning?

A. Basically they were all up at the time. My wife was listening both on the radio and trying to scan the TV to see any developments and couldn't find anything. They were basically doing their own thing at the time.

Q. What about your son Perry? Was Perry at Cooleman Court?

A. I was at Cooleman Court at that time. I was by myself. My sons are Andrew and Stephen.

Q. I apologise. You went to Cooleman Court and you were speaking to a friend of yours?

A. Yes.

Q. What time did you arrive home?

A. Well, I went and did the weekly shop. I

thought I left there at about 2, because I hadn't realised then - it was only when I walked out of Cooleman Court that I realised how rapidly everything had deteriorated from the time I had gone out.

Q. What could you see when you walked out of Cooleman Court?

A. Very, very dark sky and a very red sun. Certainly it was very red, and I was at that stage extremely concerned.

Q. What did you do?

A. I started back. I thought the quickest way back is probably - I didn't know whether there would be streets blocked. I went back through the back streets of Holder. It was then that I really realised some of the extent, because the car in front of me got hit by an extremely large - well, it was about a 3-foot piece of wood coming down from the air that was on fire. The car was hit and she pulled off the road and I continued. By even that period there was a major deterioration in terms of visibility.

Q. Where did you drive to?

A. I drove to 19 Jemalong Street in Duffy and parked out the front where I thought my car would be safer.

Q. Do you recall approximately what time you got home?

A. Not really, no. I don't.

Q. What was happening when you arrived home?

A. There were fires all around. On the end of Jemalong Street there were houses on fire at that stage. There were houses on fire also on the southern end of Jemalong Street. There was somebody who I thought was a sightseer who I had a lot of trouble getting around because there was zero visibility. I still remember that. I raced inside and I saw my wife and my sons had evacuated by that time. My wife had left a very large note at the front door saying, "We have evacuated. We will meet you in Woden".

Q. Was your house on fire at that stage?

A. No, it wasn't. But I had small embers - basically I had - when I arrived, there were fires on behind houses on the south side of Eldon Place and fires on the north side of Jemalong Street near the park. So we were somewhat between them. We were certainly getting a large number of embers and fairly large debris at that stage.

10 Q. What was visibility like?

A. Close to zero. I would say probably 4 feet.

Q. Was it dark at that stage?

A. It was very dark at that stage; it was very smoky at that stage and very hot. We probably didn't get the full extent of the wind at that stage because we are down lower than most, but that certainly increased while I was there.

20 Q. How long did you stay at your house for?

A. I stayed at the house until the water pressure ran out. I had fire - I originally started off with spot fires front and back. I had two hoses running, one with a nozzle on just basically wedged it on the area where the spot fires were occurring at the front while I did the ones at the back. A fire came down the back fence line and I put that out between ourselves and 21. I knew 21 Jemalong Street weren't there. The embers really started to increase.

35 There was quite a large fire in bushes out the front, and I put that out. Basically it was then about that stage I had gone back to around behind the house where there was another fire starting. I put that one out and then water pressure died. Then I could see the fire ball actually coming at us. I thought it was time to go.

40 Q. Can you estimate how long you were at the house for before the fire ball came at you?

A. I would say - I tried to think about it. I think it was about 30 to 35 minutes.

45 Q. As the fire ball was coming, what did you do then?

A. I raced out because I didn't have any water

pressure whatsoever. I had already sustained an injury, just basically had been hit by a piece of flying wood. It was getting very, very scary there. I just looked up and I thought it was about 60 feet in the air - flames were 60 feet in the air. I thought if it was going to go, it was going to go. There was a fire under my car at the same time, and I made the decision, "Okay, I'll go".

10

Q. Where did you drive to?

A. I drove out past more fires to Renmark Street and joined the bottleneck that was there. It was up that high. We worked our way slowly down Renmark into Burrinjuck past the Duffy BP, which was at that stage well and truly - probably had 60-, 70-foot flames coming out of it. I was pretty petrified that it was going to explode at that stage, because we weren't moving.

20

Q. How long were you stuck next to the Duffy BP station?

A. It seemed like eternity, but it was probably 10 minutes.

25

Q. How long did it take to get out of the suburb altogether, can you say?

A. It took the best part of 20 minutes to get from my house onto Hindmarsh Drive.

30

Q. Were the houses alight around you as you were driving?

A. There were some, but once you got past Duffy BP you could see some, but basically it wasn't anywhere as near as daunting as when I was up high near Renmark Street.

35

Q. When you were trying to defend your house, did you have any contact with anybody else, other neighbours or Fire Brigade people?

40

A. No, I didn't. But my wife got her first notification of the fire via our neighbour in Eildon Place who had actually walked up to Eucumbene Drive - or had run up, I think - and had actually asked the fireman what was going on. He said, "Look, the fire is at the top of Duffy".

45

Q. That's when she came back and told your wife?

5 A. That's when she came back. At that stage both of my sons were watering the house and filling the gutters. She was preparing the house. I had one son on the roof and one doing everything else. Then they made the decision to evacuate, which I think at that time was the right one.

10 Q. After you got out of Duffy, did you know where to go to?

15 A. Well, my wife's note said we would meet at Woden. She actually meant Phillip College. I actually went to Woden and tried to find her, and then realised at that stage the notification on 2CN was to go to Phillip College. So I went there. I found them pretty easily there once I was there.

20 Q. Was she able to save any of your family belongings when she evacuated?

25 A. Very few. My wife took her jewellery, some documents, one of my sons grabbed my guitar and the other one grabbed a large portrait of his girlfriend. But that was pretty much it. We basically didn't have anything else, no.

Q. Where did you spend the night that night?

30 A. We originally were going to spend it at the motel in Woden on the corner but they then refused bookings because there was a chance that they may have to be evacuated when the fire came into Lyons. We then went from there and we went right up to the motel run by Dickson Tradesmen's, the club up there and stayed the night up there. Went
35 back to the Woden one the following day.

Q. When was the next time you saw your house?

40 A. After they let us in on Monday. We weren't allowed in on Sunday.

Q. On Sunday were you told what had happened to your house?

A. No.

45 Q. So is it the first time you were aware that your house was destroyed was on Monday?

A. I think we all had it in our mind that we knew

it was gone. I was quite sure - there was some problem - not quite sure but 90 per cent sure it would have gone.

5 Q. When you went back on Monday, what did you find?

A. Smouldering ruins. The walls were still intact but that was basically it. We could see the path of the fire right from Eucumbene right
10 down. It was just a narrow swag of houses all the way down, and we were at the end of it.

Q. Were you able to recover any of your possessions from that?

15 A. No, nothing of any note, no. There were very few things. We actually managed to find some odd things such as, for example, a ginger jar which had been encrusted with all of our crystal glasses and also the family silver which had just melted
20 down through the cabinet, and it happened to be at the bottom. Some things like that - but very, very little.

Q. How have you managed since then to recover?

25 A. I think in some ways well; I think in some ways poorly. We still in some ways are fairly devastated. I think the personal cost of the fire was quite tremendous. For example, I'm still being treated for depression and stress, and other
30 members of my family also have the same thing.

The fire brought us back into living back together in one house. I think everyone has been unsettled since then. We sustained pretty substantial -
35 while the house was insured we are underinsured in terms of contents. Basically that was a bit of a blow. We had lost all of our personal possessions and I actually had all of them, the antiques, which hurt me greatly. The previous year we had
40 distributed them between myself and my two sisters. All of those had gone. It was some of the small things that actually hurt most, I think.

Q. Have you decided whether or not you are going
45 to rebuild?

A. No.

Q. You haven't decided?

A. Well, we have decided numerous times. It is just that we have never made - decided finally. You think about rebuilding, and I'd love to go
5 back to Duffy. But it is a different Duffy.

Q. Do you have any issues that you want the coroner to consider in relation to what happened on the 18th from your experience?

10 A. Certainly the lack of effective - any effective communication. I think this actually was before that. Essentially we had lived previously through one bushfire there, which is the Boxing Day one. I do think that we should
15 have been better informed earlier.

It is not only on the 18th. I think on the 18th we should have been informed much earlier. But I think the warning bells should have been ringing
20 from, say, the same time that all the senior briefings of the ACT government took place. I think the difference - we wouldn't have made our home completely fire proof in those three days, but it would have made a considerable difference
25 and undoubtedly a large number of other residents would have done the same.

On the 18th it made a hell of a difference as to when we actually knew because of the need to
30 evacuate. With two cars and four of us, we could have done a pretty good job of actually taking the more precious possessions. For example, one of my sons is in the computer games industry. He had a very substantial computer and games, computer
35 tools and stuff like that. A large amount of our material was mobile. The other son had just come back from university in Wagga. He had all of his university textbooks there. He had his own computer. That was all mobile. Most of the more
40 precious things could have been moved out, yes.

Q. You also mention in your statement you were concerned about the chaos you had to go through to get out of the suburb?

45 A. Well, I think - yes. I just think that it was not well managed - partly in terms of if we had of known earlier, I think there would have been a

more orderly flow anyway. Even when my wife and sons left, they had some delays. But they were nowhere near as large as delays that I had when I went out. So I think more information actually
5 assists you rather than puts you into a situation where you are not sure what to do.

One of the things that really frustrated me was when I was actually driving down Jemalong Street,
10 I was listening to the radio and 2CN was saying, "Duffy residents are advised to stay with your houses." That really created a massive uncertainty with me. Am I supposed to go back
15 into it or what? As a bland statement with no qualifications whatsoever, I thought it was very poor information. Something that has actually haunted me ever since.

You go to meetings and one of the things - after
20 the fire so many residents really had a virtuosity that "we saved our house because we stayed with it". Now I think that it basically depended on your luck on the day rather than staying or not staying. I'm sure that, you know, I put myself at
25 risk by staying there. I'm extremely glad that my family evacuated when they did evacuate. Two of them suffer asthma, and one has had a period of epilepsy. I didn't want to have them around at the time. I think they did exactly the right
30 thing.

MS CRONAN: Thank you. I have no further questions.

35 THE CORONER: Q. Mr Smith, had you been in Jemalong for long? When did you move in there?
A. We had been there for 19 years. So that was 1984.

40 Q. Did you buy the house or did you build?
A. We bought the house. It was quite a special house, too. It actually was an interesting house because in fact it was made out of the sand stock bricks that came from Goulburn. It was very much
45 an interesting house in the street.

Q. You haven't decided what you want to do?

A. No.

Q. Have you still got the land?

A. Yes. We decide regularly.

5

Q. It takes time?

A. Mmm.

10 Q. Everybody has to do it at their own pace and
in their own time when they are ready.

A. Yes, I certainly believe so.

Q. How are your boys; how are they managing?

15 A. I think they originally were big and tough.
It has affected them as time has gone on, yeah. I
think they have become extremely unsettled, both
in terms of both their work and they are less
certain than they used to be, yes.

20 THE CORONER: Mr Archer, do you have any
questions?

MR ARCHER: Yes, thank you.

25 <CROSS-EXAMINATION BY MR ARCHER

MR ARCHER: I act for the Australian Federal
Police.

30 Q. Just a couple of questions. The questionnaire
that you probably have with you there --

A. Yes.

35 Q. You refer to the fact that you were at
Cooleman Court until about quarter past 2?

A. I actually think that I left there before
quarter past 2, yes.

40 Q. Having gone through the back streets of
Holder, what time do you think it was when you got
back to the house?

A. I think it took me - I think I was there by
quarter past 2, actually.

45 Q. At home by quarter past 2?

A. Yeah, about that.

Q. At that time when you arrived home, you

already saw that some houses in your street or nearby were alight?

5 A. Yes, very much so. Right at the end near Renmark Street there were police cars. Basically at the end of Renmark near Eucumbene Drive into Jemalong Street was already very high flames, yes.

10 Q. Once you had arrived at your house, did you see there were spot fires or fires in and around your house threatening your house?

A. Very much so.

15 Q. You went to the hoses and tried to put them out?

A. Yes.

20 Q. When you first turned the taps on, was there good water pressure there at that time?

A. Yes, there was quite good water pressure.

Q. How long did that last for?

A. I'd say probably 30 minutes.

25 Q. When it started to decrease, did it do that suddenly?

A. Very suddenly, yes. It went from a spurt to just dripping at the end, yes.

30 Q. Did you have any other means of putting out the fires that you were then fighting without the hoses?

A. No, I didn't - not at all.

35 Q. You described an event as you were driving back from Cooleman Court when you saw the car in front of you being hit by a fairly substantial piece of wood. How big was that piece of wood?

40 A. It was about that size and it was on fire (indicating). It was pine, I think. It was quite a substantial piece. It hit right on the windscreen. The poor woman must have been petrified at that stage. I could see it hit her car.

45 Q. When you were at the house, you also described that you were being hit by flying embers as well?

A. Yes.

Q. Were they smaller pieces of wood or large pieces of wood?

A. I think a reasonable number of them were probably less than 12 inches. Some of them were a reasonable size. They had a reasonable force to them. I got hit on the side of the head. I was wearing glasses and I grabbed a hat out of the car. It managed to collect me just above the eye. I think it is the one time I was actually thankful that I was wearing glasses.

Q. So far as your clothing was concerned, what were you wearing as you were fighting the fires?

A. I actually changed while I was fighting them. I was wearing something that had a reasonably high polyester content. We had an outside laundry on the back verandah there, and I grabbed one of my work shirts - not dissimilar to this actually - which is long-sleeved. I already had jeans and shoes on. I grabbed a hat. After that I felt reasonably okay, despite being quite hot - just basically having hairs being singed off and stuff like that.

Q. When you had time to reflect later that day, there would have been some burning on your face, I take it?

A. Just some blood actually. I lost a bit of eyebrow from burning. No, I just got cut up there (indicated). I was pretty lucky because I did have the hat down and did have the glasses on, and it just managed to collect me right on the corner of the glasses into there. It could have been worse.

Q. So far as your attempts to save your house were concerned, you were doing that on your own?

A. Yes.

Q. When you got back from Cooleman Court to your house, what did you see on the street so far as the attempts of your neighbours to do things in relation to their property? Were there very many people there?

A. At the end of the street near Renmark Street there was intense activity. The further we went down, there was less and less. When I got to my

area, which is the corner of Jemalong and Eildon Place, I couldn't see anybody. Again I wasn't looking either. I knew my neighbours at 21 were not there.

5

Q. The steps you had taken prior to the 18th to make your house ready, where did you get that information from that that was a good thing to do?

10 A. It probably came more from the renovations I was actually doing. For example, I painted the back verandah; I painted the living room; and we had just recently installed air-conditioning, and stuff like that. It was probably more of a
15 follow-on from that. From being on the roof and around the roof, you were aware of some of the fire hazards that were actually there. I had a couple of loose tiles that I put back into place. That was probably the key reason why I did it at the time, yes.

20

Q. So to put it in a hypothetical sense, if you hadn't been doing those renovations you may not have done that work?

25 A. I think I still would have made sure that the gutters were clean because, during the previous one, basically what I had done then was cut back bushes away from the house and cleaned the gutters. They were probably the two standard
30 things that I did. My son when he was on the roof watered down the roof, because at that stage they were getting sprayed by embers. He watered down the roof and my wife had secured the house. We had done as much as we could.

35 In retrospect it probably isn't the most fire safe of houses merely because it has got quite a substantial front and back verandah. The back verandah you know I think would have provided a
40 prime area of entry for a fire.

40

MR ARCHER: Thank you, Mr Smith.

THE CORONER: Mr Lakatos?

45 MR LAKATOS: I have no questions, thank you your Worship.

MR PIKE: No, thank you.

<CROSS-EXAMINATION BY MR COLEMAN

5 MR COLEMAN: Q. When you arrived back at the house, you said your wife and sons had already evacuated?

A. Yes.

10 Q. That was a decision that you agreed with?

A. Completely.

Q. You told us that there was significant embers in the air at the time you were at the house?

15 A. Yes.

Q. The ember attack was increasing, I gather?

A. Yes.

20 Q. It was very hot and you say you saw the firestorm approaching; is that right?

A. Yes.

Q. At that time you formed a view that for your own personal safety you ought to evacuate?

25

A. It was partly the firestorm, partly the fact that I had no water pressure and partly the fact that there was a fire underneath the petrol tank of my car that was out the front. I thought I had the opportunity of using the car to get out and I wasn't sure, you know, how I would get out without the car.

30

Q. And for your own personal safety you then took the view that you should leave?

35

A. Yeah. Absolutely.

MR COLEMAN: Thank you.

40 THE CORONER: Mr Whybrow?

<CROSS-EXAMINATION BY MR WHYBROW

MR WHYBROW: Q. You said a moment ago that you had done some of the things you had done last time in terms of preparing your house. Were you referring to the fires of Christmas 2001?

45

A. Yes.

50

Q. As a result of those fires had you, if you hadn't already been aware, become aware of certain precautions that could be taken around the houses to try and help protect them from fire?

5 A. I think some. You know, it was just the general scariness of having the sound of a Boeing 747 about five feet over your house. You certainly can't ignore it. You tend to think, "Well, how would I handle it." I actually thought
10 that we were safer because of that fire. I think I was probably mistaken - when I walked through the back of Narrabundah Hill, I had seen how much material had been wiped out by that fire. Admittedly they hadn't cleaned up the debris.
15 There was still far more - there was a reasonable gap in the forest at least. So I actually felt safer because of that fire rather than less safe.

Q. Did you feel some improved level of awareness
20 of the risk of fire because of the experience of 13 months earlier?

A. Yes, I think so. I think, yes, I was more aware.

25 MR WHYBROW: Thank you, sir.

THE CORONER: Thank you, Mr Whybrow. Mr Walker?

MR PHILIP WALKER: I have no questions.

30

THE CORONER: Mr Watts?

MR WATTS: Nothing, your Worship.

35 THE CORONER: Ms Cronan?

MS CRONAN: No re-examination.

40 THE CORONER: Thank you, Mr Smith, you are excused. You are free to leave.

<THE WITNESS WITHDREW

45 MS CRONAN: I call Melinda Latta.

<MELINDA ALISON LATTA, SWORN

<EXAMINATION-IN-CHIEF BY MS CRONAN

5 MS CRONAN: Q. Please tell the Court your full name?

A. Melinda Alison Latta.

Q. Your current occupation?

10 A. I am a double certificate registered nurse.

Q. Where are you currently living?

A. We now live at 16 Kurton Street, Wanniassa.

15 Q. Where were you living prior to 18 January 2003?

A. We resided at 60 Eucumbene Drive - I'm nervous.

20 Q. Don't be nervous.

A. Sorry.

Q. Just take it slowly. So you were at 60 Eucumbene Drive?

25 A. That's correct, sorry. I'll get myself together here. I'm right.

Q. How long had you lived at 60 Eucumbene Drive for?

30 A. We had been living there for 12 months. We had moved up from the coast.

Q. You lived there with your husband?

35 A. Yes, I lived there with my husband Allan and our daughter Emily.

Q. How old was Emily at the time?

A. She had just turned 12.

40 Q. You said you moved from the coast?

A. I beg your pardon?

Q. Whereabouts did you move from?

A. We lived at Tuross Head.

45

THE CORONER: Q. It is a bit unusual, isn't it, moving from the coast to Canberra? Isn't it the other way around, people move from Canberra to the

coast? You are doing it in reverse.

A. Your Worship, you would be amazed at the number of people who have said that to us, yes.

5 MS CRONAN: Q. In the week prior to the 18th of January, were you aware that there were fires actually out in the Brindabellas?

A. Oh, yes. Yes, definitely.

10 Q. Your husband was actually a firefighter?

A. Yes. My husband had been a volunteer firefighter with the Eurobodallah Shire for close to 20 years.

15 Q. Did he actually follow the progress of the fires in the media since they lighted on the 8th?

A. Not particularly closely, but we certainly did discuss it at home. In the weeks leading up to 18 January, I was working interstate; I was
20 working in the Eurobodallah Shire and managing a nursing agency. So I wasn't at home at the time. But we would discuss it over the phone when I wasn't in Canberra and then certainly when I was at home we would discuss it.

25

Q. When did you get home from the Eurobodallah Shire?

A. It would have been about mid-week.

30 Q. About the Wednesday?

A. Probably about - yes, it would have been the Wednesday.

Q. Did you notice some leaves on the Wednesday
35 and the Thursday?

A. Yes, yes we did. There were burning leaves coming into our backyard swimming pool.

Q. When you noticed the leaves, did you pay more
40 attention to the news that you were listening to about what was happening?

A. Not really. I mean, we were certainly following it on the television news. Some days we bought the newspaper; some days we didn't. But we
45 weren't particularly concerned at that point in time because we had experienced bushfires down the coast.

Q. Your husband was experienced in bushfires?

A. Yes, very experienced.

5 Q. Were you generally listening to the radio just
in the normal course of your lives at all?

10 A. Oh, on and off. You know we lead fairly busy
lives. It was school holidays. Children being
children wanted to go movies or keeping them
occupied. The radio didn't actually feature much
10 in our lives.

Q. Say as at the Friday evening, did you have any
awareness that there may be some potential threat
to the area that you lived in?

15 A. Well late Friday evening - Friday was just so
incredibly hot. We have two golden retriever
dogs, and I was walking them in the forest late
that evening. My daughter was walking from our
house with her friend who lived two doors up from
20 us at number 64, and they had been swimming in the
pool. They were both walking up to Caroline's
house. I was in the forest walking along the
track parallel to the road. They called up to me
and drew my attention to the fact that there was a
25 big orange glow through the forest. They could
basically see the top of the forest. It was
sunset but it was very orangey. The girls called
out to me, "What's that, Mum? Is that the fire?"
I was "Oh, yes, I guess it is the fire," and so
30 forth. And then I just continued walking the
dogs. I didn't feel any panic or any particular
feeling of alarm.

35 Q. So you went to bed that night with the same
sort of level of awareness or concern?

A. Yes, we were more worried about the heat and
trying to keep cool. No, we had no feeling of
impending danger whatsoever.

40 Q. In fact, your husband was due to go interstate
the next day; is that right?

A. Yes, he was due to fly out to Brisbane
Saturday afternoon.

45 Q. What time was his flight?

A. He had to be at the airport by 3 o'clock.

Q. So what did you do yourself on the Saturday morning?

5 A. Well, we woke up Saturday morning and thought, "Oh, another hot day". Our daughter was getting ready because she was going for a sleepover with a friend at O'Connor. Her friend and her father were coming to pick her up at around about 10 o'clock, which they did do.

10 The previous week I had had a birthday, so Allan was keen to take me shopping down at Woden. He wanted to buy me some jewellery for my birthday.

Q. So you went down to Woden?

15 A. We went down to Woden. We had morning tea. We went into the jewellery shop and chose a particular item of jewellery. It was a little bit more expensive than we had anticipated. We didn't quite have enough money on us so we said to the
20 store that we would pay half and then come back the following day to pay the other half.

It was a nice morning and Woden Plaza was just its usual self, people going about shopping and doing
25 their own business. We were also thinking of buying a new car so we thought on the way back home we would drop in to one of the car dealerships and have a look. So we were there for about an hour, I guess, and finally got home
30 around about - I think it would have been quarter to 1, 1 o'clock.

Q. Did you notice anything unusual occurring as you drove home that time?

35 A. I think, if anything, the heat was certainly intense. The heat was very very - it was just such a hot day. I think if anything the sky was more overcast. No, we weren't bothered by smoke.

40 Q. Were you listening to the radio at all that morning?

A. No.

Q. Watching TV?

45 A. No.

Q. After you got home, you went and looked for

your cat?

5 A. Yes, we had a 10-week-old Burman. Our house
was on three levels. We usually - up until that
particular morning we had barricaded off the top
of the staircase, so he could just run around
upstairs. But on this particular morning because
it was so hot we thought we would give him the run
of the house. We got home - and actually we came
home at that particular time because of the heat
10 we were worried about our animals. We just wanted
to make sure that they were okay. Then of course
we got home, and I couldn't find Oliver anywhere.
We spent the next 45 minutes looking.

15 Q. Searching the house?

A. Searching through the house and then looking
for him outside. We thought maybe on the way out
that morning he may have tricked us and got
through the front door. I was rather frantic,
20 because this little fellow was incredibly
important to not only my husband and myself but
also to my daughter, because in the October I had
lost my brother with cancer. He was my daughter's
favourite uncle. She was a cat lover. We thought
25 this was a combined birthday and Christmas present
for her. We thought it was incredibly important
to find this cat.

Q. To help her get over the loss?

30 A. Yes.

Q. Did you find the cat?

A. Yes, we found him eventually.

35 Q. So about 1.30 then you went for a walk along
the nature strip adjacent to Eucumbene Drive
looking for the cat?

A. Yes.

40 Q. You felt the heat then?

A. Yes, it was just getting hotter and hotter.
The grass was dead. I mean, it just crackled
under your feet.

45 Q. You say in your statement that you spoke to
your neighbour twice during that period?

A. Yes, I did. I rang Gail and asked if she had

seen the cat because we had shared - they were wonderful neighbours and they had become our friends as well. I was so frantic about the cat. I rang Gail and said, "Look, we can't find Oliver. If you see him" --

5

Q. Was there any discussion about the fires in those conversations?

A. None whatsoever. The fire didn't enter the discussion at all.

10

Q. Whilst you were out looking for the cat, did you see any of your neighbours preparing?

A. No. No. No. The street was quiet and normal for a Saturday.

15

Q. You decided with your husband going away and your daughter away that you would go to Weston and get a video for the night?

A. Yes. Because I was going to spend the night on my own, I went down to Weston and I thought I'd just get a couple of videos for myself. It was there in the video shop that the young fellow serving me said that they were concerned about Gordon, and were evacuating Gordon and parts of Tuggeranong.

20

25

Q. That was about 2 o'clock, was it? Do you know what time?

A. Yes, it would have been around about 2 o'clock. And then I walked further down to the ATM and got some money out for my husband at the ATM. It was then that I looked over - I'm not very good with directions but I presume it was towards the west, and there was a very ominous looking orangey black colour. I just had no, no feeling of impending danger whatsoever.

30

35

Q. At that stage still?

A. No.

40

Q. What did you do after you left the ATM?

A. Well, I came home. I came home via Hindmarsh Drive because on the way to Weston I could see that the police were setting up a road block. So I thought I would come back that way so I could get some information about what exactly is going

45

on here. So I was stopped by a policewoman and she asked if I was a resident of the street. I replied yes I was. She said, "Well in that case you may go through." I said, "Well, please can
5 you give me some information. Are you planning to evacuate us residents?" She said, "Well, maybe not at this point in time. If it does happen it might be an hour, an hour and a half." She was very uncertain of any time frame. And then I just
10 proceeded through and drove to our house.

Q. Once you drove to your house, could you see if any of your neighbours or --

15 A. No. The street still looked quite normal.

Q. When you got home, you spoke to Allan about what you had seen?

20 A. Yes. Allan was on the footpath speaking with our neighbour, Mary Boyle. Soon after I pulled up in the driveway there was a huge gust of wind to the point where it nearly blew Mary over. It was incredibly strong. I said to Allan there and then that I was a little bit frightened because I wanted to go and get Emily. I was just frightened
25 that I didn't know where she was. And Allan said, "No, don't be silly. She's fine wherever she is".

It was then that Allan basically alerted Mary and I - you know he said "I just don't like this at
30 all", something to that effect anyway. So he told Mary to go in and put on a long pair of trousers because she had shorts on and start preparing the house, which Allan did do. He told me to go indoors immediately and start packing a few
35 things. He said, "I think we really do need to get out of here."

Q. You said he told Mary to start preparing the house?

40 A. Yes.

Q. Did he give her any instruction on how to do that?

45 A. Yes, just hosing and told her to get more appropriate type of clothing on.

Q. So you started packing at that stage?

A. Well, I rang my elderly parents down the coast first. That was at 10 to 3. I know that exactly because it was on the phone bill, and that sort of helped me put some times into perspective.

5 Because they had heard on their radio that they were concerned about the fires up here, and my dad had also been a volunteer firefighter, so he was wanting an update.

10 And then I said to mum, "It looks like we are going to go, mum." I then went upstairs and started packing. Still at that point of time I didn't take it seriously. I looked at things and I thought, "Well I won't really need to take
15 that." I thought I would pack some essentials. We had done a big washing on the Friday, so there was very conveniently folded clothes in the clothes basket. So I was able to put them at the front door with other items which included photos.
20 I was just more interested in the photos, toiletries and make-up.

Q. So that's all you packed?

A. During that period of time I put that at the
25 front door. But also during that time frame obviously things deteriorated very quickly.

Q. How long are we talking about, 10 minutes, 15 minutes?

30 A. It would have been, yes, about 15 minutes, I think.

Q. What was Allan doing whilst you were inside?

A. He was outside preparing the house. He had
35 already changed into appropriate clothing, boots, old track pants, a yellow T-shirt and an old wet tea towel around his neck.

Q. What were you wearing at this stage?

40 A. I was wearing clothing that I had been wearing all day.

Q. What was that?

A. Sandals, Capri trousers and a light white
45 linen shirt. I was still wearing my jewellery.

Q. You went outside and talked to Allan whilst he

was hosing the house?

A. Yes, I did go outside because he stopped to speak to two police officers that came up Eucumbene Drive in a green 4-wheel drive. He said
5 to me, "I'm going to stop these fellows and find out exactly what's going on." I said, "Oh, okay," or something to that effect anyway. That's right, I was further down the driveway when Allan stopped the 4-wheel drive and approached the two police
10 officers to ask what was going on.

Q. What did they tell him?

A. They said that - well, they weren't exactly sure. The young police officer in the passenger
15 seat seemed quite relaxed. He was sitting there with his feet up on the dash board. They were unsure of any time frame. Allan said, "Well, I'm an ex-volunteer firefighter. I reckon it will be here in 10, 15 minutes. I reckon it is coming."
20 They said something to the effect of "yes, well you would know" and they drove off. They weren't actually doing anything physically. I'm assuming - yes, just driving up Eucumbene Drive. I don't know why they were there because I only
25 just found out recently there was another road block at the other end of Eucumbene Drive. I wasn't aware of that.

Q. Did your husband then go and talk to the
30 neighbours again?

A. Yes. And during this time he was preparing the house, watering.

Q. And were you back inside gathering your
35 belongings?

A. Yes, I went back inside. He was still watering, and then we lost water pressure. Then from there on the conditions deteriorated very, very rapidly.
40

Q. Can I stop you there. What were the conditions like at the point in time when you lost your water pressure?

A. It was starting to get quite dark. It was
45 becoming very smoky; it was becoming very noisy; and it was becoming even hotter.

Q. Could you feel the wind at that stage?

A. I was indoors so no, I can't actually remember the intensity of the wind.

5 Q. Were embers settling on your house at that stage? I am trying to pinpoint the time when the water pressure died.

A. I can't remember the relationship of the water pressure dying and then the flames. I was inside
10 most of this time. I noted that the house was becoming very smoky and soon after we lost water we lost power. About 5, 10 minutes earlier, Allan had said to me, "close up all the blinds," so the house was very dark. But I did have all the
15 lights on in the house. So consequently when we lost the power, the house was incredibly dark.

Q. Where were you when the lights when off?

A. I was in the dining area because Allan was
20 outside. I screamed out to him that I couldn't see with the power gone. I couldn't see.

Q. Could you see outside of your house at that stage?

25 A. No. No. Because all of the blinds were closed.

Q. So what did you do next?

A. Allan started screaming at me "it's coming.
30 It's coming". Sorry.

Q. Was he still outside at that stage?

A. Yes. "It's coming. It's coming. Get out.
35 Get out. Get the animals. Get the animals".

Q. Did you understand what he meant when he was screaming out?

A. And I think he came into the house at that point in time. Previous to that - I'm sorry, I
40 missed a step. Just before we lost the power I had gone upstairs because I had heard this very very loud noise from the top of the house. It was the Ericsson skycrane. I believe it was trying to extract water. At that point in time I thought it
45 was trying to extract water from the pool because with the long hose I was just amazed that it didn't come in contact with the house. Then my

husband told me later that it had to go because of the wind conditions. So obviously when I was in the house the wind was getting stronger and stronger. Fortunately at that point in time I
5 decided to check where Oliver was. He was under my daughter's bed.

Q. Oliver was your only pet at that stage?

10 A. Beg your pardon?

Q. Did you have other pets besides Oliver?

15 A. Yes, we had two golden retrievers. They were downstairs at this point in time. That's when I came down and, shortly after that, that's when we lost the power.

Q. So you got Oliver and --

20 A. No, I didn't have any animals at that point in time. It was then that Allan did come in and helped me get the dogs to the door. They were very agitated. We didn't have time to put their collars and leads on. Because at that point in time what Allan didn't tell me was that the roof was on fire. That's why there was so much smoke
25 in the house. He didn't tell me that because he knew I was just panicking. I was just responding to him because I knew he had taken control of the situation. He had taken control of me and he had taken control of Mary as well because I can
30 remember Mary panicking as well.

So he was just - it was so noisy. It was so dark. We couldn't breathe. We couldn't see. He was just screaming at me, "Get the animals. Get out. Get out." So I ran upstairs because I had checked
35 earlier where Oliver was. I was able to pull him out from under the bed. We just shoved him into his cat box, his little transport box. We got the dogs into the car. I remember Mary just
40 panicking. She was trying to get the car out of their garage but she couldn't override - she couldn't remember the switch to override the electrical system to get the garage door up.

45 Q. How did she get it up?

A. She didn't. The car perished with the house. That's right, and Allan screamed me to go upstairs

again because we had two love birds. They were in the study upstairs. I managed to get upstairs, get the love birds and literally threw them into the car. At this stage the dogs and the cat were
5 in the car. It was Armageddon; it really was. At that stage everything just happened so quickly. It is difficult to get the time frame right.

10 It was most certainly raining fire. It was just raining fire. My husband, he had holes in his T-shirt from the flying embers. It sounded like there was at least six jumbo jets coming up Eucumbene Drive at full throttle. The wind, the heat - everything that you could imagine
15 Armageddon to be, it was it. I was just responding to Allan's commands.

I screamed at him, "I haven't got my handbag". I knew we had to leave everything that I packed at
20 the door. Most certainly the animals were our priority. But I desperately wanted my handbag. I said, "I'm going back for my handbag". He said, "Get in the car. Get in the car. Get in the car," and I didn't. I ran to get my handbag which
25 was just at the door. I don't remember this, I just don't remember it.

Q. Did you get your handbag; were you able to?

A. Yes, I got my handbag but nearly lost my life
30 in the process. Allan said as I ran through the door a huge flame followed me. And he - no, I don't remember this. I've blocked it out. He just screamed at me "get down" and this huge flame just flew over my head. I ran to the car. At
35 this point in time Mary was just dazed. Allan just pushed her into the passenger seat, just shoved her in, and I drove out of the driveway. I just - I looked at the forest. It was just fire everywhere. There was just fire everywhere. So
40 we drove along Eucumbene Drive.

Q. Were there many cars along the drive at that stage?

A. No. No, I don't remember so. We turned left
45 into Renmark. I remember saying to Mary, "Where are we going?" She said, "Turn left into Renmark. We will go to Anne's house." She had four

grown-up married children. Anne was one of her daughters who lived at Curtin. We turned left into Renmark and that's where we hit the traffic jam. Visibility was appalling - it was almost
5 nil. Everyone had their headlights on. At that time we turned the radio on to ABC 666. They were saying, "Stay with your home".

Q. But you didn't follow?

10 A. Mary and I screamed at the radio "what home!"

Anyway, we did our best to get out of Duffy. I don't know how we got out but we did. Everyone was behaving beautifully on the road, you know,
15 were giving way - one in/one out - that sort of thing. We finally made it to Curtin. I don't know what time we got to Curtin. I left Allan behind. I didn't know where he was.

20 Q. You didn't know where he was at that stage.

A. No. So we arrived at Curtin.

Q. Did Mary's husband meet you there?

A. Yes. Yes. He had come to the house at
25 Eucumbene Drive. He had left his car somewhere and walked. But he just stood there in a dazed situation because he arrived quite late and at this point in time the situation was quite dire.

30 Q. Where had he been, do you know?

A. He was a builder. I think he had been out attending to some business. So he had arrived. He had no car. Allan said to him, "Look, you have to come with me," so they left together.

35

Q. How long did you stay at Mary's daughter's house, do you recall?

A. Well, we arrived there and soon after Tony arrived and you know I said to him "where's
40 Allan?" So Allan had dropped Tony off so he could get his car.

Q. So you knew at that stage that Allan was okay?

A. Yes. But Allan had then gone to help friends
45 of ours, very close friends of ours, in Tullaroop Street. The back of their house was on fire. Allan was there helping them to evacuate, to get

out of the house. From then on he was helping police with evacuations and also at road blocks.

5 Q. You yourself went to the Phillip evacuation centre?

A. Well, by the time Tony arrived at Anne's house at Curtin he was unsure as to where - he knew Allan had gone to Tullaroop Street to help our friends get out. But from there on he didn't know
10 where he had gone to. From there we thought we would go to Phillip evacuation centre. One of Mary's son-in-laws, Daniel - I wasn't in a fit state to drive - he drove Tony and I to the Phillip evacuation centre. Dropped Tony off
15 there, and then Daniel and I continued on to O'Connor to pick Emily up. I felt sure that she would be there. We picked her up and then we went back to Curtin.

20 But during that period of time that I was away, things were starting to get very worrying for Curtin. And soon after that Curtin lost power as well. It was very smoky and Anne had two young children. So we thought it would be a very good
25 idea to continue on to another married daughter who lived in Campbell.

Q. At that stage when you had gone to Campbell you still hadn't heard anything from Allan?

A. I had heard from a journalist. Unfortunately
30 the Mobile Net had gone down for a short period of time, but obviously it came back into operation again. The journalist had actually spoken with Allan at one of the road blocks, and Allan didn't
35 have his mobile phone on him. We didn't get his mobile phone out of the house. Allan asked the journalist to ring me to tell me that he was okay. He was at the road block. At that point in time, yes, I knew that Allan was at the road block
40 helping out.

Q. What did you do after you went to Campbell?

A. Well, it gave us a chance, because we felt
45 safe there. We felt very safe. It was as if nothing was happening in Canberra. It was quite amazing actually. It gave me time to gather my thoughts, to see what I should do.

It did come to my attention, and I can't remember how it came to my attention, that a man in Duffy had perished. So it was at that point in time that I rang the police - yes, I rang 000. I rang 5 000 and I spoke with a police officer and explained the situation to him. Because by the time we got to Campbell it had been some time since I had heard from this journalist. Knowing Allan, I was worried that he had gone back into 10 the fire again to help people out and sure enough later on I found out that he did.

But when I heard about a man dying in Duffy, I was just really very, very concerned. So I rang the 15 police officer and, look, he was very nice. But he said, "I'm sorry, madam, we can't help you. I suggest you ring back in a couple of hours". So that was the end of that.

20 I had a very upset 12-year old daughter. I had two very agitated golden retrievers, a very distressed cat and two birds. I thought, "What am I going to do?" So I decided there and then that I would drive down the coast.

25

Q. So you took them all down the coast?

A. I took them all down the coast. Our neighbour Tony came with me. He did the gentlemanly thing. He insisted that he drive. I was able to ring our 30 friends who own kind of a pet lodge at Nelligan, very, very close friends of ours. They were very concerned for us. I said, "Please, I need to get Emily and the animals down to you," and of course they said yes. So we drove down. I think we left 35 Canberra between 7, 7.30 and got down to Nelligan at about 9.30, had a very quick cup of coffee and then came straight back.

Q. Do you want to have a break?

40 A. No, I'm fine thanks.

Q. You want to keep going?

A. Thank you for that.

45 Q. So when you got back to Canberra, what did you do?

A. It was very eerie driving along Hindmarsh

Drive. It was so black. There was no street lights, no traffic lights. I knew at that point in time that Allan was at the road block at Dixon Drive because another friend and neighbour had rung me on the return trip to Canberra to say that he had sneaked in to Eucumbene Drive to see what was left and he had encountered Allan at the road block at Dixon Drive. At that point in time I knew that Allan was - well, I hoped was okay.

10

Q. So you drove to that road block?

A. So we drove straight to there and we were reunited. That was around about 11.30.

15

Q. So after you met up with Allan again, did he go with you --

A. Yes. Yes. He had very little petrol in his car. Tony had a house at Hughes, so we dropped the car off there and then went on to Campbell and spent the night there.

20

Q. When did you get back in eventually to see your house?

A. We were allowed back in after lunch on Sunday.

25

Q. What did you find?

A. Nothing. We drove up Dixon Drive and then up Warragamba Street and nothing could prepare us. I think I described it as looking at pictures of post-war Germany, Dresden. That was the first thing - the blackened walls and the blackened trees, just devastation and destruction everywhere. The forest was black. There was a dead bird on the other side of the road opposite our house. It wasn't burnt; it was just dead.

30

Q. Were you able to recover anything from your house?

A. No. Everything was gone. My photos.

40

Nothing. We were just left with the clothes we were standing in. I didn't have a chance to put anything out. Thank God Allan was there, because we would have died. There was no-one there to help us. No-one. And that's what I can't come to terms with. There was no-one there to help us. Sorry.

45

Q. That's fine.

A. Sorry. I'm all right.

5 Q. How have you been able to recover from this experience?

A. With friends. The Sunday morning my mobile phone was jammed with messages. Even though Allan's mobile phone was completely non-existent his message bank still held all his messages as
10 did the home phone. It was quite amazing actually. There must have been - I don't know I have lost track of how many calls.

A friend and a work colleague had a vacant
15 two-bedroom garden flat at Aranda. She rang me and she just told me that we were going there. There was no ifs or buts. She said, "You are coming here and we are going to look after you". So that Sunday night we moved over to their place.
20 We had gone to Canberra Centre prior to being allowed back into Duffy just to get some essentials - underwear, toiletries.

Q. Do you still own your block at Duffy?

25 A. Well, the house that we lost we were renting. But it was a funny situation because we were renting that house with the option to buy at the end of 12 months. On the 14th of January the owner had come over from America. We were quite
30 friendly with him actually, he was a widower. He had just secured a 5-year contract with NASA in America, which is where he was working that 12 months. We were starting to talk to him about buying the house. We had just settled on our
35 property down the coast on the 14th of January - yes, on that previous Tuesday. So everything was in place.

Q. You hadn't signed the contract at that stage?

40 A. No, we hadn't signed any contracts. Within about a fortnight after the fires, we thought about buying the block and rebuilding. But we soon came to the conclusion that that was
45 definitely the wrong thing for us to do. For two reasons, the main reason was that we could never come to terms with the way Duffy looked now. And, secondly, we had built previously two houses and

we knew how stressful it was at the best of times.
So we thought it was wise to move on.

5 We have some regrets but at that point in time we
thought that would be the best thing to do.

Q. What issues would you like to raise with the
coronial inquiry that have come out from your
experience from the 18th of January last year?

10 A. Well, I have lived with a volunteer
firefighter for - we have been married 28 years
since last month and, as I said, we have
experienced fires down the coast. There are two
that stand out, but most recently we experienced
15 the Christmas 2001 fires in very inaccessible
areas of the Deua.

I keep comparing the way that was fought with the
way this was dealt with. That's what makes it
20 very difficult for me to come to terms with what
happened to us on the 18th of January. I can
remember there's a big playing field in Moruya and
it looked like a M.A.S.H. camp. We called it the
M.A.S.H. camp because it was set up with all the
25 resources to fight this fire. We were constantly
kept in contact; we were constantly told about the
progress of the fire, what to do. I can remember
Allan getting up on the roof of the house. We had
sprinklers on the house. We were able to put
30 precious things aside so that if we had to go we
were able to go.

Yet nothing like that happened to us on the 18th
of January, absolutely nothing. That's what I
35 find so very, very difficult to come to terms
with. The other is the fact that, at the end of
Eucumbene Drive, on the corner of Warragamba
Street and Eucumbene Drive, people were being told
by police that was going to be the last stand to
40 get out. Why wasn't I told that at the other end
of Eucumbene Drive?

Q. So there was nobody down your end?

A. No. No. And there was a fire tender at the
45 other end of Eucumbene Drive hosing down the
houses. Here we were in the middle. We were
diagonally opposite Narrabundah Hill, and it was

as if we were forgotten about. Hey, what about
us? And we were the ones that copped the full
force. That's what I find so very - and I think
to myself, why did I go home via Hindmarsh Drive,
5 because quite often from Weston I go home via
Warragamba Street.

Q. And you would have seen the fire truck.

10 A. I would have seen the fire truck, and this
police officer would have said to me, "This is the
last stand. Get out as much stuff as you can".
Now fair enough - well not fair enough, at least
if we had been able to get some things out.

15 Q. You would have liked to have warning about
what was happening even if you couldn't have help?

A. And because of what we had experienced in the
past down the coast, we were lulled into a false
sense of security. When I spoke with my neighbour
20 Gail on that afternoon there was absolutely - Gail
and Laurie had absolutely no feeling of impending
danger, the same as Mary and Tony. The street was
as normal. And then all of a sudden this thing
was upon us; and we were just literally running
25 for our lives.

As I have said, if Allan wasn't there, I would
have perished because I didn't have a clue what to
do. This overwhelming feeling of - it is a funny
30 thing when you are placed in this sort of
situation. And the same with Mary and Tony. I
spoke with Mary at the beginning of the week and
she said, "Without Allan we would have perished."

35 And then how we got out of Duffy with the traffic
jam, how we got out, I have just absolutely - that
was the miracle that happened on the afternoon of
the 18th of January, that only four people died.
When I say "only", I am not trivialising their
40 deaths, but there should have been many, many
more. I just can't emphasise enough to everyone
we were just totally and utterly on our own. And
also - I'm sorry --

45 Q. I was going to ask you if there were any other
issues.

A. Well, the forest. I mean, we had lived

opposite Stromlo Forest, admittedly for only 12 months, but because of our history down the coast and because of Allan's knowledge of control burning. And, mind you, our back yard and our front yard, Allan wasn't working. He hadn't been working for the 12 months. He was a Mr Mum. He had trimmed back all the bushes. The garden - not that there was much grass - but what grass there was it was mowed on a very regular basis.

10

But the forest opposite, nothing was done. In the December of 2002 there was a fire in the forest. Some kids had got up there and there was so much dead wood. Trees had fallen down and where they had fallen, that's where they lay. Nothing was done. So kids had got up there before Christmas and, boys being boys, they had made a cubby house. But, unfortunately, they got hold of some matches and started this fire. It was on a Friday evening. We had to call the fire tender. Then later that evening, three or four hours later, the fire tender had to come back because the fire had reignited.

20

25

Then on the Saturday morning - Allan and I knew that forest very, very well. We walked our dogs almost the length and breadth of Stromlo Forest along Eucumbene Drive with our dogs. The following morning Allan was walking the dogs.

30

There were still some embers, so he came down and got a bucket of water and tried to put the dying embers out - as did our neighbour Laurie Buchanan two doors up. He did the same thing as well.

35

I realise that they couldn't control burn it because of the drought conditions. But the thing that Allan and I used to discuss was the fact that surely they could come and use chainsaws or whatever and just generally clean up. So that was another issue that we had.

40

Q. You also mentioned firefighters and airport trucks being turned away. They were two issues in your statement. Do you want to comment on that?

45

A. I'm allowed to talk freely?

Q. That is what you are here for.

A. Well, I am a registered nurse and I do come into contact with a lot of people. One of my nursing colleagues, her husband actually works at the airport with the fire tenders. She actually
5 said to me her husband was very, very upset because he had approached the authorities twice about bringing in the fire - these particular airport fire tenders to assist in any way - and twice his request was denied.

10

MS CRONAN: Thank you. I have no further questions.

15

THE CORONER: We might take a short adjournment to give you a little break. You can go and have a cup of coffee.

THE WITNESS: Thank you.

20

SHORT ADJOURNMENT [11.37am]

RESUMED

[12.00pm]

25

MR LAKATOS: Your Worship, before this witness is resumed, I apologise for interrupting on a matter disconnected with her evidence. Your Worship has probably heard on the news that there is at this moment a fire happening in Namadgi south of Canberra. Yesterday, two of my learned colleagues
30 and I took the opportunity to go down and have a look at the operation whilst it was occurring. I must say I think we all found it extremely beneficial in the sense that there are new technologies in terms of map production and the
35 like which are available in the field close to the fire front.

40

In terms of the proposition that one of the major areas your Worship is concerned with is future improvements, it is my submission that your Worship would be greatly assisted by seeing how the situation is handled now as compared to what occurred in January 2003.

45

In that light, there is an opportunity for yourself and such other interested lawyers to be transported there to have a look at, amongst other

things, what they call the "big black truck". It
composes a pantechnicon full of computing
equipment, plotting equipment, planning equipment
and so on, which as I say yesterday was located
5 about 4 kilometres from the fire front and see how
the situation now works in, I have to say, a
situation pretty dissimilar to January 2003. But,
nevertheless, it gives an indication of the
present capacities for production of plan,
10 conveying information and the like.

Therefore, I make this application that at the end
of tomorrow's evidence, and I hope that that can
be done probably about - there are three
15 witnesses - one would hope, middayish or
thereabouts. We could arrange, if your Worship
accedes to my request, for the lawyers to travel
down. It is about an hour and a half's drive from
here, to have a look at the big black truck, to
20 perhaps overfly the fire and to see what is now
happening in terms of firefighting techniques.

As I say, this is a personal opinion - one ought
not give opinions in court, and I appreciate
25 that - and those of my colleagues is that it would
be certainly extremely beneficial for your Worship
and others who are minded to have a look to see
how it actually works in practice. It is much
harder of course to get a grasp of things from
30 reading something on a piece of paper. That is my
application. We can arrange to have people
transported.

My learned friend Ms Cronan raised with me whether
35 or not we could do it this afternoon. That is
probably not desirable in the sense that, if we
finish at 3 or 3.30, it is really quite late for
this kind of thing to happen.

40 What will happen this afternoon, I am told, is
that aerial incendiaries will be dropped in order
to burn out an area of something exceeding
100 hectares or more. Tomorrow there will be
mopping up operations, but everything will still
45 be in place. The more dramatic part of it would
be this afternoon, but I think court time does
not allow us to do that.

So my suggestion, as I say I can put things in place to have people transported there, my suggestion is that if your Worship sees fit to take the opportunity that we should do it tomorrow, hopefully shortly after midday, if we can finish the three witnesses reasonably promptly.

10 THE CORONER: I thank you for that opportunity, Mr Lakatos.

MS CRONAN: In my submission it would be beneficial.

15 THE CORONER: It would be.

MS CRONAN: I have just heard about it. If it is to take place, I would like to arrange for Mr Cheney to accompany us as well.

20 MR LAKATOS: I am more than happy that that occurs. Perhaps I should say, and my learned friend Mr Watts reminds me, that at about 4 kilometres from the fire front at the point on the corner - I will just hand this up by way of illustration - this was a map which was plotted on the ground after a helicopter had overflown the area and marked out the area of the fire at that particular time. They were spewing out, to use a colloquialism, many maps like this which, as we know, the issue of maps and their timeliness has been a tremendous big issue in this inquiry as it should have been, but it seems there is a capacity now to be able to do it quickly. I hand this up just as a way of illustration. It doesn't need to be tendered. It is indicative of the new technology which is there.

40 THE CORONER: Thank you, Mr Lakatos. I will certainly give that some thought. If we do finish at a reasonable time tomorrow, and it looks as if we may, then I certainly would appreciate the opportunity to have a look at the technology.

45 MR LAKATOS: I wonder if I might press your Worship only in this regard about a final decision, if we are to arrange things we would

need some time to do it, and the more time the better. I appreciate your Worship is juggling a lot of balls here in relation to this.

5 THE CORONER: I can say that if we do finish by
lunchtime I would certainly be interested in
undertaking the excursion. I can indicate that
now. I think there is a very good prospect that
10 we do finish by lunchtime tomorrow. Thank you,
Mr Lakatos, for that opportunity.

MS CRONAN: I have no further questions. I just
ask my friends to announce who they appear for if
15 they have any questions.

THE CORONER: Yes, thank you.

MR LAKATOS: I have no questions, your Worship.

20 THE CORONER: Mr Pike?

MR PIKE: Nor do I, your Worship.

25 THE CORONER: Mr Coleman?

MR COLEMAN: Nor do I, your Worship.

THE CORONER: Mr Whybrow?

30 MR WHYBROW: No, your Worship.

THE CORONER: Mr Walker?

35 MR PHILIP WALKER: No, your Worship.

THE CORONER: Mr Watts?

MR WATTS: I have two short questions.

40 **<CROSS-EXAMINATION BY MR WATTS**

MR WATTS: I appear for a number of people,
including people from the ACT Forests and two
senior officers of the Fire Brigade.
45

Q. I wonder if you could tell us when it was you
moved into Duffy?

A. 31 January 2002.

MR WATTS: Thank you.

THE CORONER: Thank you. No re-examination,
Ms Cronan?

5

MS CRONAN: No, your Worship.

THE CORONER: Thank you, Mrs Latta, you are
excused. You are free to leave.

10

THE WITNESS: Thank you, your Worship.

<THE WITNESS WITHDREW

15 MS CRONAN: I call Reimke Kampen.

<REIMKE KAMPEN, SWORN

<EXAMINATION-IN-CHIEF BY MS CRONAN

20

MS CRONAN: Q. Please tell the Court your full
name?

A. Reimke Kampen.

25 Q. Your current occupation?

A. I am a public servant with ACT Health.

Q. Where do you currently live?

A. I currently live at 21 Mirrool Street, Duffy.

30

Q. Prior to 18 January last year you lived at 89
Somerset Street, Duffy?

A. That's correct.

35 Q. Who did you live there with?

A. Myself, two dogs and a cat.

Q. Before the 18th of January were you aware that
there were fires burning up in the Brindabellas?

40

A. I was aware that there were fires burning in a
distant forest, as was conveyed to me by the
television and radio news and paper.

Q. Were you reading the 'Canberra Times' over the
period of the 8th to the 18th?

45

A. Yes.

Q. Were you watching the news nightly?

A. I watch the ABC News and SBS News and whatever other news is on, yes.

5 Q. On the morning of the 18th, what was your level of awareness in relation to where the fires were?

A. On the morning of the 18th, I had absolutely no sense at all that we were in any danger whatsoever. In fact, at 6 o'clock in the morning
10 a friend and I had arranged to go and take our dogs for a walk in the forest, because it was too hot during the day. As we were walking along these black leaves were everywhere. We were talking about that, you know, what does that mean.
15 And he said, "Well there is obviously an intense fire and the wind is obviously blowing these burnt leaves." Neither of us had ever seen anything like that before in our lives.

20 Q. What did you do after you walked the dogs?

A. I decided to go and stop at Duffy BP to get a paper to see what the commentary was about the black burnt leaves because I wasn't sure what that meant.

25

Q. What did the papers tell you?

A. There was no sense that that was a sign of impending danger. There was comment made about there were black leaves, and it also mentioned
30 that that was due to the intensity of the fire but not that the fire was approaching.

Q. After you bought the paper, can you tell her Worship what you spent the morning doing?

35 A. My usual Saturday morning stuff, washing and reading the paper. And my friends came out, my sister and a good friend came around for a coffee every Saturday morning, so that's what we did.

40 Q. In the afternoon what were you doing?

A. After we finished coffee, my sister said, "Let's go to the Belconnen markets," because she wanted to buy some fish for her aquarium. We drove to the Belconnen markets. It would have
45 been late morning, 11.30-ish via Coppins Crossing Road.

Q. When you left your area, as you travelled through Duffy did you notice whether or not anyone was out in their gardens or up on their roofs preparing their house?

5 A. I have a memory of one of my neighbours standing on a shed. I think that was much later because it was dark - not that morning, no.

10 Q. Did you notice anything unusual about the surrounding area when you drove to Belconnen markets?

A. Just that it was very dry and there was a lot of haze and orange glow in the distance. Despite all of that, I can't quite comprehend it now in
15 hindsight but I just did not have any sense that we were in any danger.

Q. So after you got the fish, what did you do next?

20 A. My sister dropped me off, it would have been about - I can't remember the time frames exactly - but it would have been close to 2 o'clock, between 1.30 and 2, I think. She dropped me off at the house. I said I was going to check the Canberra
25 Connect website and listen to the radio. I still had to go to Phillip to buy dog food. I think it was approximately 10 past 2 when I checked the Canberra Connect website to see if there were any warnings.

30

Q. Did you see any warning?

A. No, none. I scanned the radio stations. There was nothing on the radio about it. By that time it was getting hotter and windier. I
35 decided, well, I had this amazing faith in people out there telling me what to do if I needed to do anything. So when the coast seemed clear, I decided to go to Phillip to buy dog food.

40 At the shop there, the guy was helping me load it into the car and we looked at the sky and he said, "Gee, it's looking grim, isn't it?" I said, "Yes, it is". On the way back from the shop I thought -
45 I was going to stop in at the mall to buy a book because it was too hot to do anything else really. As I was about to turn into Woden Shopping Plaza, the warning came on the radio to go back to Duffy

and prepare the house. So that's what I did.

Q. Was that with the siren warning?

A. Yes.

5

Q. You didn't stop and buy the book. You went straight home?

A. No, no, I drove straight home then.

10 Q. Did you pass any police road blocks or fire trucks?

A. No. There were a lot of people going home. I can't recall exactly what happened. It just seemed to get darker and windier, I wasn't sure
15 what to do, so I rang my sister who also lives in Duffy and said "what should we do?" She said, "I don't know". I rang my friend that I went dog walking with. He did live at the top of Hindmarsh Drive and he said he had been to see a policeman
20 at the top of the road. And the policeman had said to him, "Go and make a cup of tea. Everything is under control".

Things started getting grimmer and grimmer. The
25 dogs were really nervous. I put them on their leads and stuck them in the laundry and went to look for the cat, which I didn't find. Then I found my torch and decided to go and look for the hose, because by that time it was quite dark. So
30 I thought I would start hosing. I didn't know what I was going to hose; but I was going to hose something.

When I found my hose in the dark, there was no
35 water pressure. So I stood and looked at it for a while, raced around the back and thought "I'll hose the back then". There was no water pressure out the back either.

40 At that stage there were huge winds and lots of fire. Trees around me were all on fire. And so I rang my sister and said, "What will I do? Let's go and meet somewhere because I don't think I want to stay here." In amongst it all I also rang my
45 friend at the coast and my brother who was at the coast for the weekend and I said, "You better get home because it is looking pretty grim".

Q. Were they also living in Duffy?

A. My brother lives in Rivett and my friend lives in Chifley. I can't remember the exact sequence of events, because it was pretty wild there. I
5 rang my friend in Rivett, the one I had been walking with, and I said "what are you doing?" He said, "I'm packing stuff in the car". So I had a look around and I was deciding what to take with me. And I couldn't decide. I stood there for a
10 while. It was dark and I had my torch.

The smoke alarms went off. There was just fire everywhere. I thought, "I just don't know what I am going to take." I stood there and I thought,
15 "None of this is actually worth dying for," so I just grabbed my dogs and a torch and my phone and I took off. By that time my house was on fire.

Q. Which way did you drive out of Duffy?

A. I can't clearly recall. But I think I would have gone along Jindabyne and down Warragamba Street. I met a policeman. I'm not sure whether it was at the corner of Warragamba or at the corner of Dixon and Streeton. Probably Warragamba
25 and Dixon Drive. I stopped and said, "Where will I go?" I had no idea where to go. It was dark everywhere. He says, "I don't know. Just keep driving." I said, "Why are these people going home? My house is on fire." He said, "Are you
30 sure your house is on fire?" I said, "Yes, I'm damn bloody sure my house is on fire." He radioed that through because he wasn't aware that houses were on fire. That's the impression I got, that he wasn't aware that there were houses on fire at
35 that stage.

Q. What was the traffic doing? Were the cars all leaving Duffy?

A. No. A lot of cars were coming towards Duffy,
40 so I had a fairly smooth ride out of Duffy. In amongst it all, I rang my sister on the mobile and said "let's meet at Mary's place in Chifley". And that's what we did, met at Mary's place in Chifley.
45

Q. So you met at your friend's house?

A. I met at my friend's house. She was at the

coast. We stood there. I said, "I don't even feel safe here. Where will we go?" We were listening to the radio and heard there was an evacuation centre in Phillip somewhere.

5

Q. So did you go to Phillip at that stage?

A. Yes, we looked around for it. In fact I was just starting to think where it might be. I followed my sister in her car.

10

Q. Where did you stay that night?

A. We were at the evacuation centre. My sister said, "I hate it here," and I thought I don't like it much better either. We rang a friend in Downer and asked if we could stay with them, except we weren't allowed to leave the evacuation centre until half past 6. So we stayed with our friend in Downer that night.

20

Q. Why weren't you allowed to leave?

A. I'm not sure. It was too chaotic on the roads. I can't remember the exact time frame. Looking at my phone bill, we rang that person at half past 6.

25

Q. Were you able to get back in to see your house the next day?

A. I can't remember whether it was Sunday we went back or Monday. I think it might have been Sunday, yes.

30

Q. What did you find when you returned?

A. The most spectacular fireplace and chimney in Dulux white - so very, very good staying power. That was the only thing left standing of my house was my chimney.

35

Q. Can I ask you what you were wearing on the afternoon the fire hit?

A. My best heatwave outfit - daggy old shorts and a T-shirt and sandals.

40

Q. How have you been able to recover from losing your house and all of your possessions?

A. I'm still recovering. My life has gone on hold until I get resettled into my house.

45

Q. Have you decided yet whether or not you are going to rebuild?

A. Yes, I made many decisions about that. In the end I have started rebuilding. I hope to be back
5 in my house in a few months.

Q. There are a number of issues that you wish to raise in the coronial inquiry that stem from your experiences on 18 January. I think one of them is
10 communications.

A. Yes. I just had to write down some thoughts because it is hard to get my head together about this. But basically what I would like to see in future and what really disappointed me was we had
15 no communication in the days leading up to the bushfire nor any on the day itself whatsoever. In fact, the message of going home when you know you were literally putting a life in danger still upsets me to this day.

20 I think that we weren't told is upsetting at many many different levels. But most of all it allowed me to make no choices about what I was going to do, until it was far too late to make any choices
25 what so ever.

Q. No opportunity to save any of your possessions?

A. No, no.
30

Q. You also mention that you considered the radio message you heard as you were leaving totally inappropriate?

A. It was urging people to go home and save their
35 houses. Well, that seemed inappropriate. By the time I got there, it was very, very scary already.

Q. What other issues would you like to raise with the coroner?

40 A. I think the main issue is the lack of warning, and the fact that nobody seems to take any accountability for making a decision one way or another. It seemed like it's bureaucracy gone crazy. I understand how bureaucracy works, but it
45 seems like nobody was prepared to say, "let's give these people some fair warning." As we saw in subsequent weeks, if you give people adequate

warnings they don't panic like chooks with their heads cut off. They actually go about and get prepared and think about what they might take with them or have an evacuation plan in their head.

5

MS CRONAN: Thank you, I have no further questions.

THE CORONER: Mr Lakatos?

10

MR LAKATOS: I have no questions, thank you.

THE CORONER: Mr Pike?

15

MR PIKE: No, thank you, your Worship.

THE CORONER: Mr Coleman?

20

MR COLEMAN: No, thank you, your Worship.

THE CORONER: Mr Whybrow?

MR WHYBROW: No, thank you.

25

THE CORONER: Mr Walker?

MR PHILIP WALKER: No, thank you.

THE CORONER: Mr Watts?

30

MR WATTS: No, thank you, your Worship.

THE CORONER: Ms Cronan, any re-examination?

35

MS CRONAN: No re-examination.

THE CORONER: Q. How long were you in Somerset Street? Were you one of the original people who bought and built?

40

A. No. I bought a gorgeous renovated ex-govie there in November 1999.

Q. Are you rebuilding in the same style?

A. No. I lost the pattern. I can't find it.

45

Q. You still have the chimney, have you not?

A. I have pictures of my chimney. Yes, it is

very spectacular.

THE CORONER: Thank you very much for your
evidence. You are excused. You are free to leave
5 if you wish.

<THE WITNESS WITHDREW

MS CRONAN: I call Sir Peter Lawler.
10

<PETER JAMES LAWLER, SWORN

<EXAMINATION-IN-CHIEF BY MS CRONAN

15 MS CRONAN: Q. Would you please tell the Court
your full name and current occupation?

A. Full name is Peter James Lawler. Current
occupation, retired public servant.

20 Q. Your current address, sir?

A. Current address is 46 Dumaresq Street, Dixon.

Q. As at 18 January 2003 you were living at
32 Eucumbene Drive, Duffy; is that right?

25 A. That's correct.

Q. You were at home on the 18th of January last
year?

30 A. Yes, except for one or two excursions - one to
the airport, one to Coleman Court.

Q. Prior to this day were you aware that there
were in fact fires burning in the Brindabella
Ranges?

35 A. I was aware of fires burning in the
Brindabellas, yes.

Q. Had you followed the progress of those fires
over the 10-day period that they were burning?

40 A. Only to the extent that they were reported in
the media.

Q. What kind of media were you accessing over
that period?

45 A. 'Canberra Times' and radio and TV.

Q. Were you regularly watching the nightly news
or listening to the radio?

A. Mostly. Mostly.

Q. As at the morning of the 18th of January, did you have any level of awareness that the area that you lived in might be under some sort of threat from those fires?

A. Yes.

Q. What level of awareness did you have?

10 A. There is an account which I included in the submissions I made to the McLeod Inquiry wherein I give an account of the impressions of that day up to the point we escaped.

15 Q. That has formed part of the evidence before this inquiry, sir. It is [MLI.DPP.0004.0216].

A. Would you wish me to read that into the account now?

20 Q. Can you describe your actions on that day? I will take you through it chronologically, if you like. I would ask you, sir, to tell her Worship in your own words now in your evidence what you did throughout that period of the morning of the 25 18th of January. If we could go to 0217.

A. Excuse me. I will use my glasses, if I may.

Q. I think about halfway down page 2 of that statement you say --

30 A. Well, summarising it, I was struck by the state of the sky on the morning of the 18th. We had heard talk previously in the media, on the radio, perhaps on the TV, of bushfires threatening Canberra. We wondered that morning how we should 35 read the sky.

It was a very unusual sky. There was a lot of smoke and this was early in the morning. The sun was an orange orb. We had no sense that the fires were close to us, threatening us, certainly not about to be upon us.

Q. Did you read the paper that morning?

A. I would have.

45

Q. Having done that, did you still have no sense that the fires were going to be upon you at some

stage?

A. No sense.

Q. In fact, you went to the airport that morning
5 to pick up a friend of yours?

A. Yes.

Q. She is a friend who was en route to Melbourne;
is that right?

10 A. No. She was an elderly lady of some 80 years
who was coming to us on a continuous flight from
Hong Kong via Melbourne arriving in Canberra at
9.30. She had been a professor at the ANU,
retired and had been working in Hong Kong for some
15 years, working there and into mainland China.

She was coming for orthopaedic surgery on an
ankle. She was incapacitated to a considerable
degree. She came off the aircraft at Canberra
20 Airport in a wheelchair and, if she had to move
otherwise, she was on a walking frame. She had
six pieces of luggage.

Q. You took her back to your home in Duffy?

25 A. We took her back to our home in Duffy and on
the way we discussed with her the smoke that was
on the horizon. We said the fires were distant
from us and that, if they began to threaten us, we
would be informed in good time.

30

Q. When you got home, did you have some
refreshments with your friend?

A. We had a cup of tea. We chatted. Then she
went off to take a nap after the long journey. My
35 wife followed suit. I went off to Cooleman Court
to do some shopping in my Toyota truck.

Q. Do you recall approximately what time you went
to do your shopping?

40 A. It would have been around midday. She came
off the aircraft at about 10 and with the slow
movement, the collection of her luggage, the
wheelchair, and then the cups of tea, it was
around midday, a bit after perhaps. But
45 sufficient to say around midday.

Q. When you drove from your home to Cooleman

Court, did you notice any activity in the suburb of Duffy? Did you see anybody preparing?

A. Nothing that caused me to remark on it.

5 Q. It just seemed as if everything was situation normal for a Saturday morning?

A. Yes.

10 Q. On your return home from Cooleman Court, did you notice anyone preparing their homes for an impending threat?

A. No sign that I noticed.

Q. So what did you do after you got home again?

15 A. Got home, parked the truck in the downstairs garage, unloaded the groceries. Then I proceeded downstairs to my office where I worked on my computer.

20 Q. How long did you work on your computer for?

A. Until about 3 o'clock. Around about 3 o'clock I decided to take a break and I walked outside. It was at that point that I noticed a fire tender taking on water from a hydrant between our place
25 and the adjoining house; that is between number 32 and number 34.

Q. Did you speak to any firemen?

A. I spoke to one of the two firemen who were
30 there. They were dressed in their yellow uniforms with customary hats on. My conversation with them - because I was a little apprehensive when I saw them, I said, "Should we cut and run?" And they said, "No, no. Go inside. Close the doors
35 and windows and keep calm". Well, reassured by that I then had a small discussion with them about their protective clothing and how effective it might be. I then turned on my heel and went back down my driveway.

40

Q. Went into your house and shut the door?

A. No. At that very point my wife had had a
45 phone call from a member of our family, or from several members of our family, I think. We have an extended family in Canberra.

I also noticed that there was activity in the next

door driveway of the nextdoor house, number 34. I poked my head over the fence to see what my neighbour was up to. He apparently had had a call which alerted him to the proximity of the fire.

5

Q. What was he doing?

A. He was putting some things into a 4-wheel drive which he had parked in his garage. From that point on there was a flurry of activity.

10

I noticed that my next-door neighbour was, on the other side, that's number 30, was out and about. But my wife was calling to me saying that we had to get our disabled guest out. She had phoned a mutual friend in Garran to take care of our disabled friend. A little time was taken up then helping her out of the house with her six pieces of luggage, on the walking frame, to the edge of the street where she would wait for the friend from Garran to come and pick her up.

15

20

At that point I noticed that our next-door neighbour at number 30 was hosing his house down, the front of it. I proceeded, somewhat bemused, to do likewise in our place. But at that very moment one of my sons drove up in a station wagon and backed it into our driveway, and I left my watering of the house to greet him. His words to me were, "Things are going to get very dicey here in a very few minutes. We've got to get out and fast." From that point on he was really in charge.

25

30

Q. What did he tell you to do?

35

A. He told us we had to get into his station wagon and leave. Our first task was to get our disabled friend, who had been sitting by the road side waiting for the other car to arrive, into his station wagon. We put her in the back seat together with her six pieces of luggage. I said to him, "I want to grab a few things," and he said, "Well, you'd better be fast". He'd given a similar instruction to my wife. He went into the house with her.

40

45

I dashed into the house and grabbed medications which I thought might be needed and an armful of

files from my study which were the hard copy records of a biographical record that I had been making for the family. I also grabbed my banking file, binder file, and my tax file. I've been told since that I should have left the latter.

Q. Was your wife able to take anything?

A. She, in the meantime, was rescuing some photographs and our son carried photographs downstairs with her - he carried the photographs separately; he didn't carry her down the stairs. That was it.

He said "pile into the car". He ordered me into the passenger's seat in front, ordered my wife into the driving seat and said "drive off". We drove off into Eucumbene Drive, turning right and down Renmark Street. As we turned into Renmark Street, I could see the fire was to the top of the pine trees which meant that it was - well, in old terminology 40-50 feet, a sheet of flame and a roar. This was roughly in the position I think opposite the house of the lady who gave evidence earlier.

THE CORONER: Q. At about number 60 Eucumbene Drive?

A. It would be. The pines in question were from near the first stile over the fence into the forest at Eucumbene Drive.

Q. Were there any flames in Duffy at that stage that you could see?

A. In the built-up area?

Q. Yes.

A. Not that I noticed at that moment. As we turned into Renmark Street --

Q. Was there any other traffic in Renmark Street at that stage?

A. Traffic was accumulating. As we got to the bottom of Renmark Street and turned into Burrinjuck, it was bumper to bumper and by that time embers were flying.

Q. What was visibility like at that stage?

A. Very poor. Headlights on. Dark.

Q. Very dark. So it was bumper to bumper. Were you able to progress along the road?

5 A. We progressed along Burrinjuck Street heading for Dixon Drive. I made a false move at that point. I asked my wife to turn off to the left into a street which didn't lead as I thought. Because I thought we were then in Dixon Drive.
10 But it led back towards the service station at Duffy. It was at that point that I could see flames. I think it was the service station on fire. There was certainly a lot of flame in amongst the trees and visible.

15 We turned tail pretty smartly from that false move and got back into the stream of traffic in Burrinjuck Street then right into Dixon Drive and then into Hindmarsh Drive. At that point it was
20 bumper to bumper.

Q. Was the traffic still moving, albeit slowly?

A. Yes, moving. It didn't begin to move fast until we got down to Woden.

25 Q. And your son stayed behind to try to save your house?

A. Yes. He stayed behind in order to see if he could save the house. But within a very few
30 minutes after we had left, the car which had been due to pick up our disabled visitor arrived and he commandeered a ride in that. They picked up another person from a nearby house who was in difficulty, and they proceeded on from there down
35 to Woden.

Q. Did you meet up with your son again that afternoon?

A. I beg your pardon?

40 Q. Where did you meet up with your son that afternoon?

A. Didn't meet up with him until later that night.

45 Q. Where did you go to after you got out of Duffy?

A. We went to a good Samaritan in Garran and spent the night with them, leaving our disabled friend with the people who had been due to pick her up. That was a little bit later in the night
5 when they came and picked her up from our place in Garran.

Q. When did you go back to see your house again?

A. We went back I think either on the Sunday or
10 the Monday. I'm not sure. But in the morning.

Q. What did you find when you returned?

A. Oh, a scene of devastation. The place completely destroyed, all the surround of shrubs
15 and the adjoining houses destroyed. The three houses behind in Tullaroop Street destroyed. It was a block of six. Curiously enough, we had a glasshouse and this confounded glasshouse survived. I think it was shielded by a wall. We
20 had a brick wall that crossed the block and it was behind that so it escaped the force of the fire, perhaps.

Q. You were unable to recover any of your
25 possessions except what you managed to take in those few moments?

A. They were destroyed utterly, my archives, my computer, my library, my collections of collectibles. The only thing that survived which
30 I picked up that morning - two things, one was a little marble skull which I had been in the habit of keeping on my desk to remind me of my last end.

The other thing was a medallion which had been
35 presented to me in Jerusalem by the Israeli government, a medallion which commemorated the Entebbe rescue which had been carried out by the Israelis. I was very pleased to get that. I had some wish that I had the Israelis close by to give
40 a hand on the 18th.

Q. Have you decided whether or not you are going rebuild, sir?

A. We have been in negotiation with ACTPLA and
45 with the Minister, Minister Corbell, and with the assistance of Annette Ellis for 12 months about rebuilding on the block, but in the way which

brings us in confrontation with variation 200. We are continuing that battle.

5 It is a plan to have a member of our family and her husband take one of the villas we would build and we would take the other. It would be a kind of aged care proposition which people, including the Minister, say is a fine idea and expresses great sympathy with. But we have this problem,
10 the variation provisions; we will see how we go on that.

Q. But it is your intention to rebuild there, if you can?

15 A. If we can, yes.

Q. Sir, can I just tell you that included in the evidence that is before the coroner is the statement you have just been referring to and also
20 the bushfire victim questionnaire that the police did with you over the telephone. Do you recall having a telephone questionnaire with the police?

A. I had a telephone conversation with a member of the AFP but I have not seen any documentation
25 on that at all.

Q. We also have an affidavit which you swore on the 29th of April 2004?

30 A. Yes.

Q. These documents, as I say, are already in evidence before her Worship. They indicate that you have some issues that you would like to raise in this coronial inquiry as being of concern to
35 you following the experience you had on the 18th of January.

A. Yes.

40 Q. Could you outline to her Worship what those concerns are?

A. Well, the concerns are set out in the affidavit that I have submitted. It is, if I can so describe it, a stand-alone document which really says almost all that I would wish to say to
45 the inquiry. I believe the issues raised are fundamental to the work of the inquiry. They flow from the submission I made to McLeod and the

correspondence I had with Minister Wood.

5 The fact that I intervened at all was really
triggered by remarks which Mr Wood made or was
reported as having made in the aftermath of the
fires about the questions that were being asked of
him at that point. I found myself in disagreement
with his response to the inquiry from the media.
10 It was that that triggered my submission to
McLeod; it was the absence in McLeod of any real
treatment of failure to warn that led me then to
write to Minister Wood; and it was, as I found it,
the unsatisfactory nature of his response to me
that led me to submit the affidavit that I have
15 submitted to this inquiry.

THE CORONER: I should indicate that I have both
of those letters, the letter that you, Sir Peter,
wrote to Mr Wood and a copy of the letter that he
20 replied to you dated 14th of October of last year.
Other counsel have those letters as well.

MS CRONAN: Q. So there are no other issues that
are contained in those documents that you wish to
25 raise?

A. Not contained in those documents. But I
would, if I may, make reference to the state of
emergency question. I think in the handling of
that, as it now comes in the evidence given to the
30 inquiry, this is a very significant element in
relation to what I have described as the anatomy
of failure to warn.

THE CORONER: Q. You are critical of the delay,
35 aren't you, Sir Peter, in the declaration of a
state of emergency?

A. I beg your pardon, your Worship?

Q. You are critical of the delay in the
40 declaration of a state of emergency?

A. The delay, but also the administrative context
in which, according to the evidence, that state of
emergency was delayed, the announcement of it.
And, further, the character that the particular
45 declaration took when the decision was taken to
declare a state of emergency.

MS CRONAN: Thank you, I have no further questions.

5 THE CORONER: Q. Apart from the fire engine or the truck taking on water, before you left did you see any other official traffic - police cars or other fire engines?

A. No.

10 Q. Either rural or urban fire engines at that early part of the day at Eucumbene Drive?

A. No, not at all. That is not to say there may have been some when I was working in my office in between the time I went down, which was after
15 midday, until about 3 o'clock. But, no there was no - not that I saw. I believe that my son saw a vehicle moving up and down Eucumbene Drive as he was about to leave, warning people to evacuate immediately.

20

Q. But you didn't see that, did you, Sir Peter?

A. No, we had left by then. My son had stayed behind to do what he could do save the house.

25 THE CORONER: Yes, thank you. Mr Archer, any questions?

MR ARCHER: Yes, just briefly.

30 **<CROSS-EXAMINATION BY MR ARCHER**

MR ARCHER: Sir Peter, I act for the Australian Federal Police.

35 Q. Where had your son come from? Did he live close by?

A. He lives in Calwell. On that particular day he was on leave and he was returning from Sydney where he had been on assignment.

40

Q. How was it that he learned about the impending threat to Duffy?

A. I think that it would have been as a result of communication between members of our extended
45 family. But I really can't answer the question.

Q. So far as the preparations that you were able to take in that short period of time, you hosed

down the house. In the days previous to that, had you taken any steps to, for example, clear the garden or to remove shrubs from the house?

5 A. I paid for litter to be removed from under the gum trees on the nature strip. There was quite heavy litter there. I had that removed some week or two before.

10 Q. Was that a matter of routine maintenance or did you do that with a possible fire threat in mind?

A. I did it with a possibility of a fire threat in mind at some point.

15 MR ARCHER: Yes, thank you, Sir Peter.

THE CORONER: Mr Lakatos?

20 MR LAKATOS: I have no questions, thank you.

THE CORONER: Mr Pike.

MR PIKE: Nothing, thank you, your Worship.

25 THE CORONER: Mr Coleman?

MR COLEMAN: Nothing, thank you, your Worship.

30 THE CORONER: Mr Whybrow?

MR WHYBROW: Nothing, thank you, your Worship.

THE CORONER: Mr Walker?

35 MR PHILIP WALKER: No, thank you, your Worship.

THE CORONER: Mr Watts?

40 MR WATTS: Nothing, thank you.

THE CORONER: Ms Cronan?

MS CRONAN: No re-examination, your Worship.

45 THE CORONER: Thank you, Sir Peter. You are excused. You are free to leave.

THE WITNESS: Thank you very much.

<THE WITNESS WITHDREW

5 MR PIKE: Your Worship, there has been one
development. It has been suggested from some of
our sources that possibly the fire will be pretty
well out tomorrow. There is the potential to go
out this afternoon. You may have noticed, I
10 absented myself for a few moments from court to
make a call to find out, if that was possible, we
would need to leave by about 2 o'clock. That may
be the preferable course in terms of seeing things
while they are happening.

15

THE CORONER: Rather than going tomorrow?

MR PIKE: Yes.

20 THE CORONER: That is certainly suitable.

MR PIKE: Now that Sir Peter Lawler has finished,
that may be doable. Can we make some inquiries
perhaps of Mr Cheney as to whether at this late
25 juncture he might be available.

MS CRONAN: I will contact him.

MR PIKE: It may be best if your Worship went off
30 the bench for a short moment now to see what
logistical requirements would be of getting
transport, where we pick people up, when and that
sort of thing.

35 Can I indicate this, your Worship, that if we were
to leave, and it has been indicated to me that we
should leave no later than 2 o'clock, we would be
able to see what we would need to see, but the
return journey would be mostly in darkness. That
40 would not matter here nor there, as long as we
could see what we needed to see in daylight.

THE CORONER: Yes, that is fine.

45 MR PHILIP WALKER: There is a matter which I think
it is appropriate to put on the record.
Your Worship may have noticed that Mr Lucas-Smith,
who is ordinarily in attendance of the inquiry has

not been here for the larger part of today and not
at all yesterday. Yesterday afternoon there was
some questions - it is not necessary to indicate
where they came from - as to why Mr Lucas-Smith
5 was not here.

It will perhaps come as no surprise to you,
your Worship, that Mr Lucas-Smith is the Chief
Fire Control Officer. He still holds that
10 position. There is not anybody acting in that
position. Although he has made some interim
arrangements so that somebody can operate as
incident coordinator for the purposes of the fire,
lest he be required here at this inquiry,
15 nonetheless he has considered that his first duty
is to be at Curtin with Emergency Services during
the course of this particular event. That is the
reason why he has not attended, although he did
just briefly pop in this morning to touch base
20 with me.

It has been my advice to him that if he considers
that is indeed his first duty to the community,
that is where he ought to be and I felt confident
25 that your Worship would understand and appreciate
that and I would let him know if there was ever
any requirement for him to be here rather than
there.

30 THE CORONER: It has never been my position that
Mr Peter Lucas-Smith or indeed any other witness
needs to be here through the duration. You are
here to represent Mr Peter Lucas-Smith's
interests. Thank you for indicating that.

35 MR PHILIP WALKER: As the question was raised, it
seemed appropriate to indicate why, though he had
been here for some extensive period of the
inquiry, he is not here at the moment.

40 THE CORONER: I understand and thank you for the
courtesy for explaining that to me, Mr Walker.

MATTER ADJOURNED AT 1.02PM TO FRIDAY 21 MAY 2004.
45

TRANSCRIPT OF PROCEEDINGS

CORONER'S COURT OF THE
AUSTRALIAN CAPITAL TERRITORY

MRS M. DOOGAN, CORONER

CF No 154 of 2003

CANBERRA

INQUEST AND INQUIRY INTO
THE DEATH OF DOROTHY MCGRATH,
ALLISON MARY TENNER,
PETER BROOKE, AND DOUGLAS JOHN FRASER
AND THE FIRES OF JANUARY 2003

DAY 59

Friday, 21 May 2004

MS CRONAN: I call Tracey Rose Devitt.

5 <TRACEY ROSE DEVITT, SWORN

<EXAMINATION-IN-CHIEF BY MS CRONAN

MS CRONAN: Q. Would you please tell the Court your full name and your current occupation?

10 A. My full name is Tracey Rose Devitt. I am a receptionist at the Woden Tradesman's Union Club.

Q. What is your current address?

15 A. 46 Tragellus Crescent - Street, Banks. Sorry, I've got to remember it.

Q. Where were you living prior to 18 January 2003?

20 A. 14 Tanjil Loop, Duffy.

Q. Were you renting that premises or did you own it?

A. No, I was renting it through the ACT Housing.

25 Q. How long had you been there?

A. 14 years.

Q. Prior to 18 January, were you aware that there were bushfires burning in the Namadgi?

30 A. Slightly.

Q. Slightly aware?

A. I just heard via the vine that there was fire.

35 Q. You weren't following their progress through the media at all?

A. No.

40 Q. Were you over, say, that 10-day period from the 8th to the 18th, did you normally watch the nightly news or listen to the radio?

A. No.

Q. Did you get the newspaper daily?

45 A. No.

Q. So you heard on the grapevine that there were

some fires. As at, say, the night of the 17th of January, did you have any level of awareness that those fires might pose some potential threat to the area that you lived in?

5 A. No, I wasn't, actually.

Q. What about on the morning of the 18th, did you have any awareness that there might be some threat to your area on that day?

10 A. No.

Q. Who were you living with at the house at that stage?

15 A. Just my son, Nathan.

Q. How old is he?

A. He is 19.

Q. You were working at that stage?

20 A. Yes, I was.

Q. Did you go to work that day?

A. Yes, I did.

25 Q. Where did you go to work?

A. Woden Tradesman's Union Club.

Q. What shift were you due to work?

30 A. I always do the weekend shift, 8.30 to 4.30.

Q. Whilst you were at work, on the afternoon of the 18th, did you get a phone call from a friend?

A. Yes, I did.

35 Q. What were you told?

A. A friend of mine rang up and she said, "Do you live in Duffy?" I said "yes". She said, "Do you realise it is under threat of fire?" I said, "No, I don't". She said, "I think you should go home".

40

Q. Can you recall approximately what time that phone call was?

A. At 2 o'clock.

45 Q. After you received the phone call, what did you do?

A. I told my supervisor that my suburb was under

threat of fire and could I go home. I was told
no, I couldn't, because there wasn't enough staff
to take over. Then I asked if I could do an
announcement and let people know in the Weston
5 area to go home. She said no. I had to go
backwards and forwards, because we have got a lot
of bingo people who don't have any access to the
outside of the club to find anything out. So I
just had to keep running backwards and forwards.
10 At about 4 o'clock I got really cranky. I said,
"Get a radio." We got a radio. We heard the
announcements and I just said, "I'm going home."
I got home at about 4.30.

15 Q. What route did you take to drive home?

A. Hindmarsh Drive.

Q. What was the traffic like on Hindmarsh Drive
when you heading home?

20 A. No-one on the road going there. Coming from
Duffy humendous. There were cars everywhere.

Q. How was the traffic moving?

A. Quite good, actually. Quite a good flow.

25

Q. What was the atmosphere like? Could you see
smoke?

A. It was completely black. It was like night in
the day-time. Lots of embers. You could feel it
30 was very windy because the wind was moving the car
around quite a bit as I was driving. It was a
very eerie feeling.

Q. Were you on your own in the car?

35 A. Yes, I was.

Q. Did you know at that stage where your son was?

A. No.

40 Q. After Hindmarsh Drive, what streets did you
take?

A. Into Dixon Drive then I went into Burrinjuck.
Then I drove through the BP fire.

45 Q. You drove through it?

A. Yep. Then into Glenmaggie, which is on the
corner. I couldn't get into my street because the

whole front of the street was on fire. I had to backtrack back around. I went down Tantangara Street behind the scout hall and stopped there, because my house was right on the corner.

5

Q. What was happening at your house when you arrived?

A. There was fire all around. All the trees were on fire. The corner of my house was actually on fire. I actually stopped dead and looked. Took in around me what was happening because I had done a fire course. Just the whole street was on fire. I just thought we have got to get out of here. I ran inside looking for my boyfriend, because he was staying over at my house the night before. He was actually in bed asleep.

Q. Whilst the house was on fire?

A. Yes. I got him out of bed and told him to get his clothes on. Found Nathan out the back trying to put spot fires out, but there was no water. We all got in the car. We got his girlfriend, the animals and we left.

Q. Did you get all your animals as well?

A. Yes.

Q. Were you able to get any possessions?

A. Paul probably grabbed 4 or 5 photos off my wall unit out of the lounge room on the way out, and that was it.

Q. After you got in the car, where did you go to?

A. I wasn't thinking very well at this stage. The only safe place I could think to go to was back to work, because at work it was safe. So we went back there. Dropped the children off, the dogs off. Told everyone at work what was happening. Got back in the car, and we went back to the house to see if we could save it. But it was already gone by then.

Q. So you were able to get back into Duffy?

A. Mmm.

45

Q. What time was that?

A. That would have been 5, quarter past 5 at that

stage.

Q. What route did you take back in?

A. Same route.

5

Q. What was happening at the house when you arrived back?

A. My house was absolutely on the ground. There wasn't a brick standing.

10

Q. What was happening in the neighbourhood? Could you see whether other houses were alight at that stage?

A. The scout hall at that stage was fully alight. My neighbour's house was actually starting to burn on the corners of the house. The house next to it was completely alight, and every other house in the street was completely alight by that stage. We had to run across the Duffy oval to - you know because we couldn't actually get into the street from there. There wasn't a thing we could do. It was just too dangerous to try and do anything to help the other houses. But we made sure there was no-one in the street.

25

Q. After checking that there was no-one in the street, did you leave the suburb again?

A. Yes.

30

Q. Where did you stay that night?

A. I ended up at my uncle's house in Chisholm.

Q. How have you been able to recover since this event?

35

A. I found I coped quite well for quite a long time, cause you've got to go out and replace everything and do all that. I found I coped well during that. It was when all that calmed down and you get back into the normal routine of life, I didn't cope very well after that.

40

Q. What problems did you encounter?

A. I don't know. I just wasn't my normal self. I couldn't cope with things like I normally could. I was very stressed. I was very teary eyed all the time. I couldn't understand what was happening to me. I actually moved twice after the

45

fire. I found that very stressful. Just couldn't settle. Just never felt like anything was home.

5 Q. On the day of the 18th when you went back into Duffy, what clothing were you wearing?

A. My work uniform.

Q. What does that involve?

10 A. A pair of pants, a shirt and a jumper.

Q. So you had a jumper on?

A. Even though it was stinking hot outside, it is freezing cold in our club. So, yes, I was wearing a jumper.

15 Q. Did you have any contact at all that day with any Emergency Services personnel?

A. No.

20 Q. You have got a number of issues that you wish to raise in the coronial inquiry that concern you in relation to the experience you had on the 18th of January?

25 A. Yes. At the time I felt that there probably could have been a bit more notice to residents that the fire was going to hit. I also was concerned afterwards there wasn't very much information what to do after a state of emergency, where to go, who to contact - all that sort of
30 stuff.

Q. Did you actually have the radio on in your car when you were driving back to your house and around?

35 A. Yes, I did.

Q. You were hearing the state of emergency warnings?

40 A. Yes.

Q. You were still unclear as to where you should go?

45 A. They were telling us to go back to our houses and stay at our houses and prepare and do this. If you went back to Duffy, there is no way you could have stayed at your home and prepare and do what they were saying to do, because you wouldn't

be alive if you did.

Q. You mentioned educating people in relation to what a state of emergency means. Is that in relation to where to go, what to do properly?

A. Exactly.

Q. Are there any other issues that you would like to raise, apart from a lack of warning?

A. I think maybe just looking around Canberra and backburning a bit more than what was done before the fires. Learn from our mistakes, what has happened with the fires this time around.

Q. Better fuel management?

A. Yeah, all that.

MS CRONAN: Thank you very much. I have got nothing further.

THE WITNESS: You're welcome.

THE CORONER: Q. How is your son, how is he managing?

A. He found it very difficult afterwards. He wouldn't come and live where I lived. He wanted to stay in Duffy because he was brought up there all his life. He was actually living in a house across the road that wasn't burnt down in amongst the rubble. I found that was very difficult for him. He went off the rails quite a bit for a long time, refused to have any counselling or anything like that. I have finally got him home now, and he is settling. He is coping a lot better now that he is home. He didn't eat very well. Couldn't cope with his job. Just didn't relate to people a lot. He was a very angry boy.

Q. Does he still want to move back into the area eventually?

A. No. I think he is quite happy where we are now. We actually found a house which is really nice. We are actually settled now and we are both happy now.

Q. Did you not realise what you were heading into when you were driving back into Duffy?

A. No idea. No idea whatsoever. As I was saying to a gentleman earlier, as you are driving into Duffy you have seen the black, you have seen the embers and that. Until you actually hit the BP
5 you have never seen any fire, you have just seen the blackness. Until you hit the BP and start seeing the rest of the suburb to your right and left that was on fire, you had no idea how severe the fires were.

10

Q. Your boyfriend was asleep?

A. Yes.

Q. In the house?

15 A. Yes. That was my main concern. Get home and get him out.

Q. What did he think of it all after you woke him?

20 A. He was a bit disoriented. He didn't know what was going on.

THE CORONER: Thank you. Mr Lakatos?

25 MR LAKATOS: I have no questions.

THE CORONER: Mr Stitt?

MR STITT: No, thank you, your Worship.

30

THE CORONER: Mr Whybrow?

MR WHYBROW: No, thank you, your Worship.

35 THE CORONER: Mr Walker?

MR PHILIP WALKER: No questions, your Worship.

THE CORONER: Mr Pike?

40

MR PIKE: No, thank you, your Worship.

THE CORONER: Ms Cronan?

45 MS CRONAN: No re-examination, your Worship.

THE CORONER: Thank you, Ms Devitt. You are free

to leave. Thank you.

<THE WITNESS WITHDREW.

5 MS CRONAN: I call Leonard Norris.

<LEONARD NORRIS, AFFIRMED

<EXAMINATION-IN-CHIEF BY MS CRONAN

10 MS CRONAN: Q. Could you please tell the court
your full name and your current occupation?

A. My full name is Leonard Norris. I am a
telecommunications management consultant.

15 Q. Where are you currently living, sir?

A. 20 Jemalong Street, Duffy.

Q. You were living at 20 Jemalong Street on
18 January 2003?

20 A. I was, yes.

Q. Prior to the 18th, were you aware that there
were bushfires burning in the Namadgi?

A. Yes.

25

Q. You had actually been following the progress
of the firefighting efforts over a 10-day period?

A. I had been following the progress on the ABC
news, probably on the noon radio bulletin and the
30 7 o'clock television bulletin.

Q. That was over the whole 10-day period?

A. Yes, yes.

35 Q. Did you access any other type of information
or media to look at what was happening?

A. No.

40 Q. So you listened to the ABC on the Friday, the
17th?

A. Yes, I did.

45 Q. On the evening of Friday the 17th, did you
have a general - some sort of level of awareness
that those fires could pose some threat to the
area that you lived in?

A. I was under the impression from my memory that

we would not be under threat on the 18th, that the fires were going to come through later, if they were going to come through at all.

5 Q. Did you have the same impression on the morning of the 18th of January?

A. Yes, I did. Yes.

10 Q. Had you done anything prior to the 18th of January to prepare your home in the event that the fires did impact?

A. No, nothing at all. Jemalong Street is something like four streets from Eucumbene Drive, and it is down a fairly steep hill.

15

Q. So what did you do on the morning of the 18th?

15 A. The morning of the 18th was a normal Saturday morning. I got up at around 6.30, 7, went to the fruit and vegetable markets and the butcher, as I normally do. My wife went to the gym. We met up back at home at about 10.30. We went into Civic to pick up a picture that was being framed. We went back to Duffy at around 12, 12.30 and we had lunch.

25

Q. Was it just the two of you living in the house at that stage?

A. That's correct, yes.

30 Q. You had lunch. Did you listen to the noon bulletin on the ABC that day?

A. No. We were still in some phase of shopping at 12.

35 Q. Whilst you were driving around, did you have the car radio on at all?

A. No.

Q. What did you do after you had lunch?

40 A. We cleaned up and my wife Antoinette realised it was getting pretty dark outside. She went out to bring in some washing. Standing on the deck of our house, which is on the lee side in regard to the fire, she could see a large plume of smoke with fire at the top coming down the hill. That would have been to the north-west of the house. So she called me out and we took a look at it.

45

Q. You could actually see flames in the pine forest at that stage?

5 A. I'm not sure that they were in the pine forest, because we couldn't see the pine forest from our house. We could see the smoke and the fire in the sky, though.

Q. At that stage when you saw the fire, did you think that your area might be under some threat?

10 A. No, not really. We were still under the illusion that we were geographically far enough away that we would be safe.

Q. So what did you do?

15 A. We went back to cleaning up what we were doing and getting on with our normal afternoon activities.

Q. So when and how did you first become aware that your area might be under some threat?

20 A. My daughter rang me from Sydney and she said, "Dad, you better take this seriously. It's on the radio in Sydney." This would have been at around 2.45, 2.50.

25 So I got a radio and turned it on and began to scan the various radio stations. Eventually I hit upon the 3 o'clock news bulletin from a commercial station - I don't know which one it was - which
30 said, "Residents of Duffy are warned to ensure that their downpipes are blocked, their gutters are clean and filled with water. They should fill up their bath and they should lay out their hoses and they should prepare to evacuate, if
35 necessary".

Q. Had you yourself had any prior experience or information in relation to how to prepare for the impact of a bushfire?

40 A. I've got some basic general knowledge because, as I said in my submission, I have worked for Fire Brigades in other contexts, in contexts to do with telecommunications. I have spent a lot of time
45 having cups of coffee with people I have been working with and talking about general matters. I have a general background in that area, yes.

47

Q. After you heard that on the radio, what did you and your wife do?

A. Antoinette went to fill the bath. I went out and found the hoses. We have a hose front and
5 back, which is just for general gardening use. They were laid out where they had been left the last time. I made sure they were straight and not kinked. Then I started to fill the gutters.

10 Q. Could you see where the fire was at that stage?

A. No.

Q. When did the fire first impact on you?

15 A. I went up onto the western side of the house and I was stuffing a rag down the downpipe and preparing to fill it up when the first wave of sparks came through. That would have been at about - it would have been after the 3 o'clock
20 news. I think it would have been 20 past 3. I can't be more precise than that.

Q. What was the sky like at that stage?

A. It was totally black. It was black as night.
25 By that time I could see what my neighbours were doing but I couldn't see any further than that.

Q. What were your neighbours doing?

A. I thought they were preparing. The person at
30 number 22 was on the roof, which I thought was rather dangerous because there are electric wires up there. I'm not sure what the person at number 18 was doing. He was just doing general things. It gave me some comfort to know that they were
35 there.

Q. Whilst you were coming and going throughout the day, had you seen anybody around the Duffy area doing similar things, getting up on the roof
40 or preparing in any way?

A. The only real hint that we had that something was wrong is when we were driving back from Civic. As we came down - we came back by the Cotter Road and turned left onto Streeton Drive by the police
45 centre there - there were a lot of 4-wheel drives coming down from the Cotter area with horse floats in tow. It was pretty obvious to me people were

getting their horses out of the way because they were getting them out of the way, I guess.

5 Q. In your submission, which I just assure you, sir, is evidence before the inquiry, you say you and your wife chose to stay and defend your house. Had you had some prior discussion with your wife about that?

10 A. No.

Q. What did you actually do when the embers hit?
15 A. I was actually up the ladder. I just hung on to the gutters because I thought they would go in a graceful manner whereas if I was blown off the ladder --

Q. Was there a large wind at that stage?
20 A. Yes, there was. There was quite a blast. It was a hot blast. There were embers which were rolling along. I think I described it in a letter to my sister that it was like a flock of orange bees.

Q. Through the blackness?
25 A. Yes. They were pretty apparent in the blackness. I went back into the house. I found my old gardening clothes, which were a pair of jeans and an old skivvy, which is long sleeved. I then ran back out wearing trainers. I didn't have
30 time to find my boots. I didn't have time to find goggles. I put my largest pair of glasses on because I thought they might protect my eyes. I didn't have a hat; I didn't have a scarf. Antoinette was at the back with a trigger hose. I
35 was out the front.

Q. What was she wearing?
40 A. She was wearing the stuff she had been shopping in.

Q. What was that?
A. That was just an ordinary top and a skirt and some shoes.

45 Q. So Antoinette was outside with the hose?
A. Yes.

47

Q. Hosing down little spots or embers?

A. That's it, yes.

Q. What did you do?

5 A. I went round the front and - no, first of all, our garage is at the back of the house and it is freestanding. When I went out I saw there were some gutter guard on fire in the gutter of the garage. It was black and it was burning. It was
10 spitting. Black plastic was spitting over the gutters and landing on the ground. I took a hose and played it on that until it went out.

I then gave the hose back to Antoinette and said
15 something like, "You look after the back. I'll be around the front." When we got round the front there were various things going on. Bernadette and Paul's house, which is number 25, which was across the road, that had burnt down already - no,
20 I'm sorry, that was well alright. That could not be saved by the hose.

I yelled to Antoinette, I asked her to call the
25 Fire Brigade, and I believe she went and did that. I then saw the cars coming down Eildon Place. These were people who were clearly leaving. I could see that there were lights. I could not see what the cars were. I couldn't pick out a particular model it was so dark.

30 I then had a second wave of fire came through while I was standing out the front. I can remember thinking, "I'm standing here as it were with a fire coming towards me. What am I going to
35 do?" I actually stood close to the house, faced the house and poured the hose over my head. Turned back around and then thought, this is going to be about priorities. This is about keeping the hose and myself intact; this is going to be about
40 putting out spot fires; and that is what I am going to do. I put out spot fires around my house. My house is surrounded by tanbark or mulch, and pretty clearly that was catching fire in places. I put that out.

45 Both of my neighbours had trailers on the front. They had gone by now. So I put out their wheels

as they caught alight. Their tyres caught alight. So I put them out. Then the next thing that happened was I saw a yellow flash and I thought it was over to my left. What it actually was was a tree behind the house reflected in a window. I
5 looked at this and figured that out. I thought that's downwind; that has got nothing to do with me; I'll just keep doing what I am doing now.

10 It was at that point that I saw the gas installation of number 22, which had fallen away from the wall and had twisted slightly to the right under the weight of the meter. What that had done, it had broken the hose where the hose
15 comes out of the ground. The hose comes out of the ground and it goes into a tap which is the shut off, stopcock I guess it is called. Then it goes into another bracket. It had broken at those two points. So it was on fire at both those two
20 points.

I thought I better see if that can be shut off, because that is clearly going to be disastrous. I ran back into the house and I tried to call 000.
25 I asked the person who answers 000, not the service but the Telstra answerer, and I said, "Can you connect me to the gas people?" She said, "No I can't. I can only give you fire, ambulance or police." So I said, "You better give me fire,"
30 and I told the person who answered that what was going on. They said they will try to get onto the gas company. They didn't say, "Yes, we will definitely get on to the gas company," they said, "We will try" - it was those sorts of phrases.

35 By that time the radio was blurting out the evacuation signal. The smoke alarms were going off in the house. I went back outside. I managed to play the hose on this gas plume that was
40 burning. It went out. Of course when I took the hose away it just lit up again. Two weeks over I walked over to that thing and I found what you can actually do, you can put your foot on it and bend it down so that instead of having a fire going
45 straight up you can have a fire which is pointing where it doesn't do any damage. There was no-one else around, so I just had to leave it.

We then got to the point where my next-door neighbour on number 18 had some old railway sleepers which were left over from landscaping. They must have been soaked in creosote or
5 something because they were smouldering away. I played the hose on them. They seemed to go out but of course they didn't. They just sat there and they smouldered.

10 There was a house across the road, number 19. It had a verandah. There was an upholstered recliner seat on this verandah. I saw a spark land on the verandah. It must have been bigger than a spark. I wouldn't have seen a spark. But I saw a large
15 piece of burning ember land on the upholstery. I looked at it and I thought, "There is nothing I can do about that. I just cannot leave this house to go across there and search for the hose. There is no-one to help me." If I had other people
20 there, we could have dragged that thing out on the road and just left it there.

So I just had to decide to leave it, and that house burnt down. That house burnt down. I can't
25 say whether it burnt down from that alone, because I never went around the other side of the house. It is quite probable that it was also burnt from the other side. But had I had other people with me, we could have dragged that onto the road. We
30 could have put it somewhere where it didn't matter; we could have left it. Fairly clearly I feel that strongly.

There was a small fire on the metal carport of
35 number 18. I put the hose on it and it went out like that (clicks fingers). It went out very quickly. The wind uprooted a bush and it went cartwheeling down our drive and embedded itself in another bush. It was on fire. We put that out.

40 I tried to put the gas out again next door. This time I walked towards it and I got close and I could see that the roof was alight in the rafters. That has got to be beyond the power of any garden
45 hose. At that point I walked away from that one as well. I went back to protecting my house.

47

Also the garden at number 22 adjoins my garden. It is about 8 feet from the house. There is my house and a drive and the garden. They had a pergola in that garden which had been made of very substantial wood, something like 200 X 100. It had been creosoted, so you can imagine that burnt very well indeed. The garden was also full of vegetation. That burned. There was a gas bottle in the garden.

10 The valve on the side of the gas bottle, which is there to relieve pressure, worked. But of course in a fire you end up with a jet of gas coming out of the side of the valve. Fortunately this was pointing towards nothing that mattered. We knew that we couldn't put that out. We knew also that we had to slow it down as much as we could. So by that time the sparks had stopped rolling in regularly and things were beginning to quieten down, or so we thought. Antoinette and I met up by the fence. We poured our hoses into that garden as best we could to slow the fire down.

25 The creosoted railway sleepers kept burning up. There were bits of fence on fire. We treated those by simply kicking out the palings and then by putting out the fire on the rail with the garden hose. We were fortunate in that at no time did the water pressure go - at no time. So we had that at all times.

35 I was now able to go into the gardens next door. My neighbour had a table which was over the fence, as far as I was concerned, and it was burning. I poured the hose over the fence on top of the table. Of course I couldn't get underneath the table. It kept burning underneath the table. Well now I could get through there, I had time to do that. I went over there, knocked it over, put it out. Grabbed some of his sleepers, dragged them onto his pavers. Dragged some of his sleepers onto the road and just left them in the gutter where they could just burn out safely.

45 At this point the first people that I saw actually appeared. A woman appeared from the other side of number 24 and just took one look at me and said,

"Oh, good. You are here. You can look after this side. We will look after the other side. See you later". That was the first time that I felt I was acting in concert with anybody other than
5 Antoinette.

We then had a bit of a nasty shock because the garden in number 22 was still burning. A spark leapt over onto one of our bushes. The oil in the
10 bush must have been just ready to evaporate, because what happened was the oil caught fire. There was a rising plume of fire and it was underneath our deck. It would have set fire to the deck, but fortunately Antoinette and I were
15 standing there. We both put our hoses on it immediately so that, instead of a burnt deck, we had a singed deck.

A cinder had landed - there were two occasions
20 where cinders had landed on the deck of number 18. We put those out. Now, either of those could have caught - could have burnt the deck and then burnt the house. More gutters, more smouldering sleepers - I'm sorry. So I dragged them out and
25 let them burn out where they don't matter.

It was now about 6 o'clock. Garden of number 22 was just a pile of smouldering embers. The pergola had collapsed. The wind had fallen.
30 There were no more cinders. Antoinette was absolutely exhausted. We walked out onto the front. We met the occupants of number 16 who had also stayed. They were in a similar grubby, wet, tired state that we were. He is a retired public
35 servant. She is of a similar age. So there were four of us all in our mid-50s standing there congratulating ourselves on what we had done, I suppose.

40 We realised that our cat had gone AWOL. She turned up at 1 o'clock in the morning. She was sitting under a bush demanding to be fed.

A fire truck came down the street. That was the
45 first fire appliance we had seen. It was a country fire truck. I asked them if they could do anything about the leaking gas. They said no,

they couldn't. By now the gas main was still burning. It was a sort of lazy yellow flame. Really the excitement was over.

5 At that point Antoinette went down the street. She walked down Jemalong Street to the end. She saw that some large number of houses had gone. Number 3, number 4, number 5, number 8, 10, 12, 14. She was very shaken by that indeed. That was
10 the first we knew that houses had been lost. In all, 9 of 15 houses between number 2 and 32 were lost.

15 So Antoinette went inside. I stayed outside. I was in a position where I didn't know when the neighbours were going to return. I knew that things might flare up during the night and didn't know who was going to be around to handle them. Fences can carry fires pretty obviously. We have
20 got things which are pretty close to the fence. So I spent a lot of time knocking bits of fence down between areas that had burnt or looked like they might smoulder and property like my garage, which is right on the fence line - the carport of
25 number 18, which is right on the fence line. We got rid of those as best we could.

At about 10 o'clock we went into the kitchen and we found some mobiles. We called our children.
30 We told them we were all right. I went back out again and took one other look around. Our neighbours had returned by then. We got together and just stood around in a state of shock, I guess.

35 At about 11 o'clock we went back inside, and I realised I hadn't eaten anything since lunch time. I found a muesli bar and a banana and made a supper of that. Antoinette went to bed. She got
40 as far as the bed. She collapsed onto the bed with her feet on the floor and fell asleep.

I set my alarm on my mobile phone and didn't want to be comfortable. I knew if I got too
45 comfortable I would never get out of bed. I knew I had to wander around. I woke myself up at 1 and went outside and found the cat, found lots of

smouldering locations and doused them down as best I could. Went back to bed again. Left the windows and curtains open so we would know if the wind changed, and went back to sleep.

5

Got up again at 3. The people at number 21 weren't there. They were away. And their mailbox was burning. There was a fire in the garden around their mailbox, so I put that out. The garage of number 22 was still blowing at that time. I went back to bed, got up again at 5 when it was light. So that was the day.

Q. Were you able to stay with your house on the Sunday?

15

A. Yes.

Q. At no time were you evacuated from the suburb?

A. We weren't evacuated. We didn't receive any notice to evacuate. We were never approached by the police or by any of the fire brigades and told to evacuate. I think had we been told to, we probably would have and we would have lost our house. We would have lost our memories too.

25

Q. Did you have any contact with anybody from the Emergency Services, apart from that one truck that you have described?

A. No. Not until - it may have been the Sunday or the Monday when they began to come around and do full assays of what had gone on, what was damaged and what was still standing.

Q. You didn't lose power at all throughout the night?

35

A. Yes. We had no power.

Q. What time did the power go out?

A. Some time between 4 and 7. We had no power. We had no gas. We certainly went to bed on cold showers. The water and the sewerage kept on working for which we are very grateful.

Q. You have some recommendations or matters to raise to the coronial inquiry in relation to a few issues; is that right?

45

A. In relation to two issues, I guess. One is

the design of the gas meters --

MR STITT: I object to this, your Worship. This
witness is not qualified to express any view about
5 that. Whilst it is perfectly acceptable that he
should give to this court eye witness and factual
evidence, once we start intruding into opinion
evidence about design, construction, material of
gas meters or gas, then I would object. This
10 witness is not qualified.

THE CORONER: I understand your comment, Mr Stitt.
But what I would like Mr Norris to do is simply
make comment on what he saw. That really is all
15 that he has been doing as to what was happening
with the gas meter.

MR STITT: That is why I haven't objected. It is
plainly relevant.
20

THE CORONER: I understand that too.

MR STITT: Once we moved beyond that, your
Worship --
25

THE CORONER: I understand. You should accept,
perhaps, Mr Stitt, that Mr Norris's evidence will
be given so much weight in relation to his
expertise in design or --
30

Q. You are not an expert, are you Mr Norris?

A. I am not, no.

Q. You don't profess to be?

35 A. I don't profess to be.

THE CORONER: I assure you, Mr Stitt, it will be
taken in that way.

40 MR STITT: As your Worship pleases.

THE WITNESS: It seems to me that it would be good
if there was some way that the gas would close off
automatically if the pressure fell, due to damage
45 at the point at which it occurred, in my
experience.
47

THE CORONER: Q. At the ground point or higher above the ground - I suppose it doesn't matter, does it?

5 A. Well, I think it would have to be in the ground. But I do understand that there may be other factors that are not within my experience that would lead the people who make the standards and the designs to conceive that differently.

10 But the fact still is that there was gas burning which was beyond the available means to control. I think that is the point I wish to make.

MS CRONAN: Q. You also would like to make some contribution in relation to the issue of whether or not to evacuate or to stay with your own house.

15 A. Yes. I believe that evacuation policy and whether to stay or not to stay is crucial. I have had some time obviously to contemplate this since
20 then, since I wrote the submission in March 2003. I guess the first point I have to make is that, while it is scary, it doesn't seem in my experience to be that dangerous. I do understand that you will have heard stories from other people
25 of large objects flying around, but in my situation there weren't any.

There are certain things that I would not do. I would not remain in the location of downed
30 powerlines. I would not enter a structure which was in danger of fire. But the fact still remains that my wife and I, and Mr and Mrs Clarke are all in our 50s. We are in reasonable health but we are not champion athletes by any means. Younger
35 and fitter people that could have helped us to do things on the day, in my opinion, were evacuated.

I understand quite clearly that people are going to feel conflict between removing their
40 possessions, between deciding who is fit to stay and who is not fit to stay, and performing fire related activities. I think, and these are notes that I made to myself earlier today, that if there is a protocol it must be something along the lines
45 of removing possessions and unfit persons early rather than at the time that the fire impacts. That, of course, implies a system of greater

warnings.

I understand, although I don't have experience of
it, that people weren't allowed to enter Duffy
5 after a certain time on that day. We were ahead
of that because we returned at 12.30. I think
allowing able-bodied people, people who are fit
and able to return to protect their property, must
be part of a considered policy.

10

Q. Of course those people would need to be
educated about what to do?

A. Oh, yes, they would. They would need to be
educated about what to do. I think that is
15 probably - certainly from my experience that is
more important than preparation, because we
weren't prepared at all.

MS CRONAN: Thank you, sir. I have no further
20 questions.

THE CORONER: Q. Mr Norris, you said you didn't
lose water pressure at any stage?

A. That's correct.
25

Q. On that Saturday afternoon?

A. That is correct. We did not lose water
pressure.

30 Q. Have you spoken to other people in Jemalong
Street or adjoining streets that did stay and had
lost water pressure?

A. No, I have not, because only three families
stayed, I think.
35

Q. How long have you lived at that house?

A. Since 1973.

Q. You are one of the original residents?

40 A. Yes.

Q. Did you buy the land and build the house?

A. We bought the land and built the house, yes.
Brought three children home from hospital.

45

Q. What about your neighbours, the ones who lost
their homes, have they decided to rebuild, some of

them?

A. The occupants of 25 and 27 have sold. They are people of my vintage. They have moved into smaller houses, which they were probably going to do anyway over the next few years. The person across the road, we have no information at all; we haven't seen since. The people next door, we have commented to the - it is not the national capital development commission any more; I am not sure what the name of the department is - on their redesign. We have done that a while ago. We have seen no evidence of works whatsoever. Those are the only houses in proximity.

There are two houses in Jemalong Street at number 16 and 14 which have been re-established - sorry 14 and 12. 16 didn't go down.

THE CORONER: Thank you, Mr Norris. Mr Lakatos?

MR LAKATOS: I have no questions, your Worship.

THE CORONER: Mr Stitt?

MR STITT: Just a couple.

<CROSS-EXAMINATION BY MR STITT

MR STITT: Q. Based on your experience on this day, would you support a proposition that there should be in place a protocol under which gas would be closed down into various areas or suburbs of Canberra well before the onset of fire striking those areas?

A. I'm not qualified to comment on what the effects would be of closing the gas down and having to start it up again --

Q. Leave that to one side because that is a technical matter. In terms of practical outcome, would you not agree that it would have been much better for you and those properties around you had the gas been closed down much earlier before the fire arrived?

A. Certainly it would have been better if the gas had been closed to the premises when the fire arrived now --

47

Q. So there was no gas connected?

A. So there was no gas, there.

5 Q. So you would support any protocol that brought about that result?

A. I would be interested in contributing to the development of such a protocol.

10 MR STITT: Thank you, Mr Norris.

THE CORONER: Thank you, Mr Stitt. Mr Whybrow?

MR WHYBROW: No questions.

15 THE CORONER: Mr Walker?

MR PHILIP WALKER: No, your Worship.

20 THE CORONER: Mr Pike?

MR PIKE: No, thank you, your Worship.

THE CORONER: Mr Archer?

25 MR ARCHER: No, thank you.

THE CORONER: Q. You said you knew what to do because of the fact that you had worked with the Fire Brigade, even though in a different capacity rather than a firefighting capacity. Is that the only reason that you did know what to do to prepare?

30 A. I have a physics degree so I do have an understanding of the properties of heat. But those are the only two ways that we knew what to do, yes.

40 Q. Had you ever in all of the years that you lived in Duffy, had you ever received any information by way of advertising or letter box drops or any information such as that about what to do to prepare for fire?

A. I don't recall receiving any.

45 Q. You don't recall?

A. I don't recall of any. There was a fire some years ago in the '80s which I believe threatened

the pine forest on Narrabundah Hill. I remember going home early and being around for that. But in terms of any formal information, any written information, no. I don't recall receiving any.

5

THE CORONER: Thank you, Mr Norris. You are excused. You are free to leave, thank you.

<THE WITNESS WITHDREW.

10

MS CRONAN: I call Mr Alan Evans.

<ALAN HANSON EVANS, AFFIRMED

15

<EXAMINATION-IN-CHIEF BY MS CRONAN

15

MS CRONAN: Q. Sir, would you please tell the Court your full name and your current occupation?

A. My full name is Alan Hanson Evans. I presently run a consultancy company.

20

Q. Where do you presently live?

A. Back at 56 Eucumbene Drive, Duffy.

Q. You were living at 56 Eucumbene Drive, Duffy on 18 January last year?

25

A. Yes, we were.

Q. Who were you living there with?

30

A. My wife Anne and our two daughters Alexandra and Arianne.

Q. How old were your two daughters at that stage?

35

A. My eldest daughter at that stage was 21, that was Alexandra, and Arianne was 14.

Q. Prior to 18 January, were you aware that there were bushfires burning in the Namadgi?

40

A. Yes, I was. I was aware that there were a number of fires in the ACT region.

Q. Had you actually been following the progress of the fire efforts from the 8th to the 18th?

45

A. Probably more towards the 18th than the 8th as the fires seemed to move closer and you could visibly see some of the fires driving to and from the suburb.

47

Q. Over that period, what kind of media were you accessing?

A. Well, I get a range of papers delivered each day and listen to the ABC 666 fairly regularly, so
5 I was aware of the news bulletins which were reporting what was happening with the fires. From that point of view I was aware that the fires did not seem to be fully under control. That was my perception, that they, you know, the movement of
10 the fires didn't seem to reflect some of the comments that were being made on the radio.

Q. As of, say, Friday night, the 17th of January, did you have any level of awareness that the fires
15 might pose some sort of threat to the area that you lived in?

A. Not an awareness that they posed a threat to the area but a concern because we had driven into Civic that night. As we were driving in, the
20 night sky was quite a bright orange and it looked like nothing we had seen before. My wife and I and our daughters expressed some concern about what was causing that. Clearly the fires were moving closer. There was a concern about whether
25 the fires were being contained.

Q. Had you done anything to prepare your home prior to the 18th in the event that the fire might impact?

A. I spent some two weeks prior to Christmas clearing all the shrubbery, making sure the area around the house was clear. I filled up two big steel container loads with garden refuse, chopping tree branches off to make sure that - you know as
35 much as you could, given that it was a native garden - you reduce the capacity for any fires in the garden impacting on the house. So I had spent two weeks prior to Christmas doing that.

Q. Why did you do that prior to Christmas?

A. A number of reasons. Going back, we lived in Tasmania in a rural environment. There was quite a lot of effort devoted to making sure that people who lived in those environments understood the
45 nature of fire, how it impacted and making sure you had a clear area around. I was head of Premier's in Tasmania in that period and I spent

some time engaged with both the Forestry Commission, the Rural Fire Brigade discussing preparations, et cetera, for fires in rural areas. So I was aware that, where there is a potential of
5 fire, you need to minimise the risk to your home. Acutely also because we lived across from a forest and there were occasional fires.

10 In the period prior to Christmas 2002 there had been a couple of spot fires created by young kids playing with matches up in the forest. In December 2001, we had been put on evacuation alert because of the fires had subsequently burnt all
15 the area adjacent to Tuggeranong Parkway. It was just general awareness and concern to make sure that, if something did happen, you were as prepared as you could be.

20 Q. You had a general level of awareness that your house was at some sort of risk, despite the distance between Eucumbene Drive and the forest?

A. Yes. I knew worst case scenario that we were right on the urban edge, and therefore it was a risk you ran when you lived in that environment
25 that there could be some impact. I never envisaged the extent that occurred, I have to confess. I envisaged there would be some fire in the forest which would pose a risk to housing on Eucumbene Drive, but certainly nothing of the
30 dimension that occurred. I have to confess, I never envisaged anything like that.

Q. So when you woke up on Saturday morning, what did you and your family do for the morning?

35 A. We had breakfast. I then went down to Woden Plaza to pick up a new laptop I had purchased the night before, which the store was programming properly.

40 My wife and daughter took - we had two small Shitzu Maltese terrier crosses to be clipped. I returned and on the way through Cooleman Court picked up - went shopping because we were having
45 friends over from Darwin for lunch. I got some provisions for lunch. Arrived back home. I met a couple of acquaintances at Cooleman Court, one of whom I worked with, and we discussed the fire and

the potential risk. Both of us since reflected that we thought that, if there was a risk, we would have been informed at this stage. We both returned to our respective homes.

5

I returned home. My wife mentioned to me that the woman who clipped the two terriers had said to her that a friend of hers in the rural fire brigade said the fire would impact on Duffy by 8 o'clock that night. We discussed it but dismissed it because we believed if it was that close, then someone in authority would have alerted the community. Certainly given the experience in December 2001 that we would have been put on alert.

We decided to proceed to have lunch with our friends from Darwin, which we did. Had lunch. Because our friends we hadn't seen for two or three years, we didn't have any radio or TV on. We were catching up on news. So we were sitting there in splendid isolation, but bothered by the smoke. The smoke was getting quite intense by that stage. In fact our friend's youngest daughter complaining that it was affecting her asthma. She was finding difficulty breathing.

Q. Were your girls at home as well?

A. Yes, my daughters were home. My oldest daughter had come home with her best friend. Ours was a two-storey house. They were downstairs playing music, et cetera. My recollection is - I am not precise on times - but somewhere around 2 o'clock my oldest daughter come up and said that her ex-boyfriend had just texted a message to say he heard on the radio that Duffy residents were being asked to return home. There was some imminent risk. I got up and turned the radio on, put on 666 and heard a warning that they were asking Duffy residents to return home.

So we then immediately went into overdrive. Myself and my oldest daughter and her friend ran out the hoses, blocked the drains, filled the gutters, damped everything down. Our friends from Darwin started packing some things, like packed the dishwasher with all the dirty dishes, which

was still there the next day.

But my wife also had a Swarovski collection. She must have some sixth sense because the younger
5 children, who are all in their teens, asked if they could do anything. Anne had kept all the boxes that Swarovski came in and so she asked them to pack that up. So they did that.

10 I was outside. I put overalls on and boots by this stage. I had a mask ready in case things got really heavy. And I had Alexandra and her friend Stephanie helping me hose down the front and the back and the sides.

15 Things started to get fairly dark and dim by this stage. The power went off. So our friends and their daughters and my youngest daughter and the dogs, we put them in the car, their car, and they
20 left. I was concerned that, if things really got bad, they would probably be more hindrance than help if things really got bad. But Alexandra and her friend stayed with me. Anne was going around making sure all the windows were closed, things
25 like that.

And then about this stage I talked to my neighbours down the street - there was no-one else but us around - myself and the neighbours at 58
30 and 60. We discussed what the likelihood was of being impacted. We were reasonably sure that some alert would come prior to that.

Oh, at the same time, by the way, I had a set of
35 radio headphones on so I could listen to the radio to get some information, if I could. 666 was still broadcasting, you know, return to your suburbs, et cetera. About this stage a rural fire brigade truck drove down and then drove back up.
40 I stopped them and said, "Where is the fire? What is the risk?" They said, "Oh, look, we think it is in Stromlo. You don't have any concern for some time. We will let you know if there is any potential problems". They went back down towards
45 Hindmarsh Drive. They drove back up again. They suggested some of the neighbours who were in shorts and that they should get some better

clothing on.

They drove up Eucumbene towards Warragamba. At this stage the wind changed direction. At this
5 stage there was some embers coming across because the wind was blowing towards our place from Stromlo. The wind changed direction. I thought that might help in turning the fire back, if it was heading towards us. That wind change only
10 lasted for about five minutes and then it came back, stronger than ever.

The rural fire brigade truck came up the street again. You could see flames behind it. You could
15 actually see the flames in the forest. At this stage I looked up and the Ericsson skycrane was overhead or just a bit further down in Duffy. I thought, "Oh well, if there is any real risk there is the skycrane. It will certainly do something."
20 I can remember - I sent my oldest daughter and her friend off then. That really concerned me. I put her in my car. I said, "Look, take my car and get out. We'll find you later".

25 The fire then came over the hill. We live at 56. It came over the hill. I could see it coming up the street. It had been preceded by a very loud noise. I had experienced bushfires in Tasmania before so I recognised it accompanied a bushfire.
30 It was like a 747 taxiing up Eucumbene Drive.

At this stage the Rural Fire Brigade, I think it was a 4-wheel drive type of vehicle - I can't be
35 precise - came up the street and using a loud hailer was telling people to evacuate. I looked up again and the skycrane was almost straight over our house. I thought "well, drop the water", but it didn't. The house down the road, the embers were hitting it.

40 The thing that struck me at the time was both the force of the wind and the fact that quite large embers were coming at you horizontally. Anne by this stage started to grab some clothes out of our
45 robe to put into the car, in her car. We still had one last dog left, a large Rottweiler, so she put him in the car.

The fire then raced across the forest from us. I can recollect that I thought, "Well, at least there is that buffer of the grass." The grass had been cut a week or two before. It was also very
5 dead. We were in the middle of a drought. I still remember being struck by the fact that it was like a carpet of fire. The grass which I thought was dead was actually on fire.

10 I didn't understand what was really burning because there didn't seem to be much vegetation that could burn. Anne had by this stage got the car out on the driveway facing outwards so she could take off. I intended to get my oldest
15 daughter's car which was still in the driveway.

The house down the road caught fire, and it seemed to go up very quickly. That would have been number 60 where the Lattas' live. Our place was
20 on fire. The bushes were on fire. The fire had gone right past us. It was pitch black. I went inside the house to try and find my daughter's car keys, couldn't find the keys, couldn't find a torch to find the keys. My wife had been waiting
25 at this stage for me to follow her out. She was concerned that I might stay in the circumstances.

I came out and said, "I can't find the keys". By this stage things were alright. The garden hose
30 was all I had to fight. The pressure was never great on Eucumbene Drive anyway, but it had dropped quite considerably. It could hardly reach onto the roof.

35 I recognised from some previous experience I have had - I was originally an engineer in the Royal Australian Navy and had gone through intensive training to deal with fires - I wasn't going to be able to do much with a garden hose with that sort
40 of pressure. I jumped in my car and proceeded down Eucumbene Drive but immediately ran into a traffic jam. There were a lot of other people. It took us ages to get down Eucumbene onto Hindmarsh and then down Hindmarsh Drive. We
45 eventually got down to Cooleman Court and I left my wife and the dog there, because I thought that was reasonably safe.

I then tried to get back to Eucumbene Drive to see if I could fight the fire. By the time I got back up Hindmarsh Drive, houses and trees and Hindmarsh - houses in Rivett as well as in Duffy
5 were on fire. I got right up the top and houses on the Hindmarsh end of Eucumbene Drive were well and truly alight. The fire had gone through the forest. It was burning up. It was in the grass between ourselves and Chapman. Branches were
10 falling on the road. I got to the end of Eucumbene Drive. It was absolutely black. There was fire. I thought, "Well, it was too risky to go any further." I returned back down to Cooleman Court to find my wife.

15 My oldest daughter by this stage had rung my wife and said she was at a friend's place. I took my wife there, which was in Yarralumla, and I tried to get back into Duffy. Getting from Yarralumla
20 to Duffy was an exercise. I had to cut through a whole range of back roads. I went through Curtin at one stage to find the fire was well and truly -houses were well and truly alight in Curtin and Lyons. I eventually got back up Hindmarsh to
25 the corner of Dixon Drive. There were police there with barriers not letting people in. I had the car radio on at this stage. I could hear 666 still sort of broadcasting there was fire in Duffy and Chapman, et cetera.

30 I decided I needed to get back. I remember the ABC 666 saying they thought there were a number of houses alight in Duffy. I managed to get through Dixon Drive, get past the police road block. I
35 walked up Tullaroop Street. There were houses on fire in Tullaroop Street. I got back to our place on Eucumbene.

40 As I came up Renmark, I could see the houses on the corner of Renmark and Eucumbene were on fire and burnt out. I just knew there wasn't much chance for ours. I walked down and found it, and there it was still burning. Nothing I could do. It had burnt pretty much to the ground. I sort of
45 went around to see if there was anything I could salvage or anything I could do.

47

Funny enough there was a plastic outdoor setting which was sitting by the swimming pool. The table had burnt. Two of the chairs had burnt. One chair was slightly singed and one chair was absolutely intact. I grabbed that and thought, you know, the last thing we had left of the house.

Eventually then about half past 6 when I poked around for a while. Nothing you could do. Nothing I could find because it was too hot to get inside where the house was to find anything. I hitched a lift out with a television crew and went and found my wife.

Q. Where did you spend the night?

A. With some friends at Yarralumla. My daughter's best friend's mother put us up for the night. We stayed there. She kindly gave us a house for the week, and we stayed there until we moved into a residence at Gordon.

Q. What possessions were you able to save?

A. Well, the Swarovski, because that went off early, the photo albums and the relevant documents, birth certificates, passport - because of the experience in 2001. Also I have to say that my daughter took the advice she had received from the woman who did the dogs quite seriously and she packed clothes. She made sure the photo albums were very handy. They went out very early. As for the rest, just a few clothes. My wife grabbed a suit. I had a board meeting the following Wednesday. She said, "You will need a suit for that". So I had a suit and the clothes I was in, and a Brumbies jumper. She grabbed my Brumbies jumper - a slightly confirmed Brumbies supporter. She saved that but she didn't save her own though. That was the problem. So hopefully they will win tomorrow.

Q. You rebuilt there?

A. Yes, we have. We moved back in just over a month ago. It is a bit isolated at the moment. The neighbours at 58 sold their property. The neighbours at 60 - the Lattas, Allan and Lindy Latta were living there. They were renting there. They moved to Wanniasa. John Lindsay, who owns

it, I have talked to him a couple of times since he works in the States. He is going to rebuild now. He was originally debating whether he should or not. He has decided to rebuild. Lee Summers
5 is coming back. 62 is selling. You go down the street, there is not very many people who were there before who are returning. And there are quite a few vacant blocks. It is, as I said,
splendid isolation at the moment.

10

Behind us in Eildon Place the three blocks immediately behind us, only one of those is rebuilding. The other two are sold. It will be a quite different suburb.

15

Q. There are some issues that you would like to raise in the coronial inquiry relating to your experience on January the 18th. I think firstly you would like to talk about the lack of notice
20 that you received in relation to the risk.

A. Yes. I have a difficulty comprehending why in 2001 we were given notice, but on January the 18th or prior to that we were given no notice. I think anyone, who had experienced the previous notice
25 and be prepared to evacuate, would have noticed how in a sense orderly and panic-free it was compared to that afternoon. You know what struck me was as we - we are up the top of Eucumbene - hit a traffic jam in Eucumbene and then Hindmarsh,
30 as people from lower down were pouring out of both Duffy and Holder. There was a high risk of accident. Whereas I think if people had been given longer notice and more preparation - I think people are essentially reasonably sensible - it is
35 when the unknown hits them and there is no clear direction.

As I said, I had headphones on. I found it quite interesting at one stage as the bushes and that
40 are on fire, the embers are hitting the house and smashing the tiles, that in a sense the broadcast from 666 was coming - it was not their fault; it was the advice they were acting on - that Duffy residents return to your homes and block your
45 drains et cetera. I was thinking, "It is a bit late for that, guys." People are capable of acting in an orderly manner if they are given

sufficient information and sufficient notice. As I said, I am surprised there wasn't more damage or accidents et cetera occurring.

5 I am well aware talking to people since, they were driving in the dark, smoke and running into lamp poles and such like. So, you know, I think there needs to be - you have to rely on the good sense of the community to not to panic and given plenty
10 of notice they would have taken an orderly approach as we did in 2001.

I think people need to be acutely aware that we are not all dumbos. As I said, I have received
15 intensive training in firefighting throughout my life. I know a number of my former defence colleagues who have also had significant training in firefighting. We are prepared to be part of any volunteer activity in that sort of environment
20 and contribute.

So, again, in the community I think there is enough experience with thousands of defence personnel, many of whom have received intense
25 training in firefighting and can be relied upon not to panic. I have been through fire grounds and spent 2 weeks, 3 weeks, 4 weeks in intensive training in firefighting. I am used to it. Not something I want to experience, but there are many
30 of my colleagues who have got the same experience.

Q. Before the ember storm hit, you say you saw a rural fire truck. Had you seen any urban fire trucks at all?

35 A. No, none at all.

Q. Any come up your section?

A. Didn't see anything apart from that one truck that drove up and down. I have to confess, I've
40 since seen the Channel 9 DVD and I am stunned at the amount of activity at the end of Eucumbene Drive, because it wasn't readily apparent to me sitting in the middle of Eucumbene Drive. But there was intense activity at the corner of
45 Eucumbene Drive and Warragamba, and none of it was being conveyed. I mean, no-one came and said, apart from that one comment from the person

driving by in the rural fire brigade truck, how close the fire was or how extensive it was.

5 Q. You have also raised an issue of fire accessories available in the street being inadequate?

10 A. I am aware that there are points there - there are fire hydrants you can plug in hoses. Again, if you take myself and Allan Latta who was two doors away, both had experience in firefighting. If we were able to access something better than a garden hose, we might have been able to make a greater contribution. I am sure that applies for other residents in the street.

15 In a sense that's now been done by the community fire groups, and certainly I will be keen to make sure I am actively involved in any of it surrounding my neighbourhood. There was the capacity for people to have better - I have to say the garden hose with weak pressure wasn't much chance against the fire.

25 Q. Are there any other issues that you wish to raise with the coroner?

30 A. As I said, you know, we lived across from the forest. With the dogs - that is part of the reason why we live where we live and why we live there now, except it is a bit of a barren field. I guess there were some things that concerned me at the time when the kids lit the fire that it was a high risk, because there hadn't been any burn-off in the time there. There was a fair fuel load there, so it was just going to contribute to it. It was something we had actually discussed, and I had rung up on a couple of occasions to talk to ACT Forests to see if anything was being done to minimise the fuel load. The answer to that was no.

40 So I think people to be cognisant when you have that sort of urban interface with areas like the forest, that you have got to make sure that the fuel loads are contained. But also the residents are acutely aware of the risk and are prepared for it. It is something that needs to be done. Also, I mean, being perfectly frank about it, I am still

unable to understand why we weren't given that warning. Having been in a senior executive position in the government myself, you have got to know the limits of your capabilities. Clearly it
5 appears that people didn't and four people died with 500 houses lost. You can replace a house, but you can't replace a life. So I think you have got to be acutely aware of your capabilities and make sure you know when you have reached the limit
10 of your capabilities, and call in help.

MS CRONAN: Thank you, sir. I have no further questions.

15 THE CORONER: Q. What sort of warning were you given in 2001?

A. Actually, as I recollect, it started - we had some 24 hours where we were put on alert and then it sort of stepped up to advised to be prepared to
20 evacuate. I can remember that because it was just prior to Christmas. In fact, we were advised to get clothes et cetera in the car. I had this debate with my youngest daughter as to whether the Christmas presents get a priority over clothes,
25 et cetera. The Christmas presents won out, by the way.

Q. It is an important issue for the young?

A. Absolutely. We were well prepared. We had
30 gone through. We had decided what was necessary to tide us over. We had both clothes and some food. Again, having gone around the house and made sure everything was prepared as it could be, so it was at least 24 hours. But my recollection
35 was we were able to do things in a much more orderly manner.

Q. Was it what - by information from the radio, the media?

A. Information from the radio and the media,
40 yeah. So we were warned. And that was adequate. I mean, we were able to inform each other and discuss with the neighbours how to deal with things. So there was a greater degree of
45 preparation for what may descend upon us at that time. You were able to watch the fires and see - they came up to, you know, burnt the RSPCA. So we

could see that. We were on alert and prepared.

Q. How long had you lived there before you moved back in - up until the fire?

5 A. We had been there since 1993, so we had been living there 10 years.

Q. Was there much discussion or debate about whether you should move back there or whether you shouldn't; whether you should rebuild or move on?

10 A. No. Because I was aware the house had burnt down, I got my family together on Saturday night and I was able to tell them that their house was burnt. We all went up on Sunday morning. They
15 had to see the house. They had to see the fact that it didn't exist.

We had a discussion that morning. I thought it was appropriate to at least raise with them
20 whether they wanted to return. My wife and my two daughters were absolutely adamant that they wanted to return. From that point on, the whole focus has been getting back to Eucumbene Drive. Everything has been done with that in mind.

25 I have checked along the way whether they still wanted to go back. The answer has always been yes. They are not home until they are home is the sort of answer they gave me. That was something
30 that impacted on them for the whole year, a bit over a whole year that we haven't been living there. They didn't feel settled; they weren't home; but they are now.

35 Q. You had a wonderful celebration when you moved back into your new home?

A. Terrific. It was great to be back.

Q. Importantly, did you replace your wife's Brumbies jacket?

40 A. Yes. She has got a couple now. I have got a couple more now, unfortunately. I am a sucker for an auction of a Brumbies jumper.

45 **<CROSS-EXAMINATION BY MR ARCHER**

45

MR ARCHER: I represent the Australian Federal Police.

Q. Do you have your questionnaire there with you?

A. Yes, I do.

Q. I want to lock some things down to
5 time-frames. In question 6, the text message from
your daughter's ex-boyfriend came through at about
quarter to 2?

A. That's my recollection. I did this interview
by phone. It was somewhere around 2. I mean, I
10 have to say my focus from the point of time from
getting that notice to finally leaving, I don't
think I looked at my watch from that point on. It
was just a vague recollection it was around
quarter to 2, 2 o'clock.

15

Q. So that's not from phone records or anything,
it is just a guess?

A. No. I haven't pursued that with my daughter.
It was an ex-boyfriend. It was a sensitive area.

20

Q. A useful species?

A. Yes, some things you don't go near - not if
you have two daughters like I have.

Q. Then trying to put some time-frames on things,
25 the blocking of the downpipes and watering the
front and back. That was done fairly soon after
that text message?

A. Yes. I had things prepared. I had things on
30 standby. Rags, tennis ball that sort of thing,
step ladders. It was a fairly straightforward
exercise with myself and my daughter and her
friend getting those things done, filling the
gutters up. It still occupied some time to do it.
35 It didn't happen instantly.

Q. Trying to locate it in time. At question 10:
"What time did you lose power?" You said
40 approximately 2.15. Does that seem about right
still?

A. Yes, it is somewhere in the vicinity. As I
said, I didn't look at my watch from the time I
got the first advice. I was trying to recollect
in my mind how much time I had spent doing things.
45 I can remember the power went out. But being
frank, it could have been a little longer. But it
seemed to be about half an hour after I got the

first advice we were on notice in Duffy. I can remember it was prior to 666 broadcasting that the state of emergency being declared.

5 Q. Prior to?

A. Prior to, yes.

Q. In question 15 you list a few things happening there. The most significant is getting your
10 daughters out from the house?

A. Yes.

Q. What time do you think that might have been?

A. My youngest daughter would have gone probably
15 around about 2.30, 2.45 and the oldest daughter around about 3.

Q. You mentioned something late in your evidence, you were describing listening to the radio and
20 observing what was happening at the time you were listening to the radio and they were saying, "Go back to Duffy", and one of things you mentioned was the tiles were breaking with the embers?

A. Yes. The thing that I recollect was (a) the
25 force of the wind which was quite strong but the fact that embers were coming horizontally and they seemed to be quite large. I remember a couple on the north-east side of the house, there was only one window in the kitchen, the garage at the
30 front. It was a big roof area and a large slope. I remember a couple smashing into it. You know, they seemed quite large (indicating) they weren't just floating embers. They were quite large and they were coming with a force and hitting that. I
35 remember being concerned that, if one of those hit the window for example, as it subsequently did, then that was a problem. But I was also struck by the force with which they were hitting the tiles. They were hitting and you could hear them smashing
40 into it.

Q. Did you see tiles break?

A. There was too much smoke. By this stage there was too much smoke around. It was pitch black.
45 It was pretty hard to see things.

MR ARCHER: Thank you.

THE CORONER: Mr Lakatos?

MR LAKATOS: I have no questions, your Worship.

5 THE CORONER: Mr Stitt?

MR STITT: No questions, thank you.

THE CORONER: Mr Whybrow?

10

MR WHYBROW: Thank you.

<CROSS-EXAMINATION BY MR WHYBROW

MR WHYBROW: Q. I appear for Mr Castle from
15 Emergency Services and a couple of rural
firefighters.

Q. Can you recall in December 2001 when you first
received or became aware of the alert for your
20 area in those Christmas fires, do you know where
the fires were at that time?

A. When we first received the alert?

Q. Yes.

25 A. Precisely, no, I don't know where the fires
were. But I do know --

Q. Not even precisely. You indicated over the
period after you were placed on alert over that
30 Christmas time you followed the fires?

A. On the Christmas Eve, as I recollect, you
could see the smoke and then flames moving down.
On the afternoon we could see them from - we had a
terrace at the back of the house and I could see
35 the fires over in what was the Tuggeranong Parkway
area. You could actually see the flames.

Q. Might they have been two or so kilometres from
your suburb at the time you were put on alert?

40 A. No. We were put on alert before that.

Q. That was in December?

A. Yes, yes.

45 Q. You indicated you were moving back?

A. We have moved back.

47

Q. You had lived close to the forest which contributed to what occurred to your area?

A. Yes.

5 Q. I think you indicated that part of the attraction of the area was the forest and the closeness of that.

A. Mmm.

10 Q. You, no doubt, have been aware of a lot of debate in the community about whether the forest should be replanted or not. As a person whose house was destroyed at least as a part of the closeness of that forest what is your attitude as to whether they should be replanted in that area?

15 A. Yes, I think there needs to be replanting and trees which have got a greater degree of fire resistance. We had four eucalypts out the front of our house. They looked like they had survived though Urban Services now tell me two of them they think are in the process of dying and may well be destroyed. But I wouldn't like to see pines planted there, quite frankly. They just catch fire too quickly and are too intense. Plus, as I experienced the pine cones were being picked up and hurled.

Q. You would like to see something planted in that area?

30 A. I personally and indeed my family would like to see the - it was a major recreation area. The thing that strikes me now, as compared before, is that there was always a lot of activity, people walking dogs, horses, kids on trail bikes et cetera - mountain bikes not trail bikes, they weren't allowed in. It was always a place of activity. Now you hardly see anyone. Since we have been back, we have been up several times but it doesn't have the same attraction. I personally would like to see it planted as a major recreation area and in memorial to the four people who lost their lives so that at least something positive comes out of it.

45 MR WHYBROW: Thank you.

THE CORONER: Mr Walker?

<CROSS-EXAMINATION BY MR PHILIP WALKER

MR PHILIP WALKER: Q. You mentioned the force of the wind. I think you spoke about embers being audible, hitting against tiles, pine cones being
5 picked up and so forth. Is there any other evidence which you saw that would indicate the force of the wind hitting the area?

A. There were quite reasonably mature pines across from us, and the force of the wind was
10 bending those over. They weren't saplings; they were reasonably mature. I can't remember their precise age, but the wind was bending those over. The trees at the front, you know, a couple of branches were torn off those. But also just the
15 fact of me being able to stand up against it when you were leaning into the wind, it was quite strong. It was rocking the car when I got in it. I mean the wind was buffing the car around.

20 Q. A previous witness used the description "a cyclone effect", is that one you would adopt yourself?

A. I have been in a couple of cyclones at sea. It depends on your perspective. The wind was
25 similar force, yes - similar force, as I recollect.

MR PHILIP WALKER: Thank you.

30 THE CORONER: Mr Pike?

MR PIKE: Nothing, your Worship.

THE CORONER: No re-examination, Ms Cronan?
35

MS CRONAN: No re-examination.

THE CORONER: Thank you, Mr Evans. You are excused. You are free to leave.
40

<WITNESS WITHDREW

MS CRONAN: We have made better time than I anticipated today. That is in fact all the witnesses that we have arranged for the coronial
45 inquiry today. So I would ask if you would adjourn until Monday morning.

47

MR LAKATOS: Could we just check: Ms Drew was good
enough to send us an email for next week's
program. There are three witnesses on Monday:
Smyth, Van Buren and Connell. I was wondering
5 whether the program was the same. That's all

MS CRONAN: I am instructed that Monday is still
the same, but Ms Drew will send out a revised
schedule for the rest of the week. The main
10 change would be Ms Grant's evidence won't be next
week. Apparently it will another time.

MR LAKATOS: I will wait with bated breath.

15 MR PHILIP WALKER: Your Worship, just before you
do adjourn, there is a couple of matters that I
wish to raise almost by way of foreshadowing
something so that there is some fair notice to
counsel assisting.

20
The first of which is I wish to take up the matter
I raised a bit over a week ago about some
particularisation of the evidence of Mr Kevin
Cooper. Your Worship is not aware of it but, in
25 the meantime, my instructing solicitor has written
to counsel assisting about that and received a
response. I don't want to deal with that now,
because that involves Mr Lasry. Mr Lasry is not
here. I want to make it known that I will raise
30 it so that, if he wishes to do so, he can attend.

I also wish to raise a matter seeking some
clarification of the way some of the documents in
the brief might be used. There is only obviously
35 a proportion of the total of the documents within
the brief that have been the subject of witnesses
being called and so forth. Yet your Worship has
indicated that there have been other documents - I
gather they are documents which you may have
40 referred. I want to get some formal ruling from
your Worship as to what is regarded as formally
before you.

The third matter I wish to raise is what, if any,
45 provision is being made for the recall of
witnesses, who may call them and whether it is
open for a party represented to call witnesses

other than the party himself. For example, if I
wanted to call somebody to give some weather
information - I am not saying that I do, but just
as a for instance - whether it would be open to me
5 to do so.

The final matter, your Worship, is one that I
raised with you yesterday when we were on a view.
I wish to deal with matters touching on
10 your Worship's view in the mountains, which has
already occurred, and also the possibility that
your Worship might undertake a view of the ESB
headquarters in the manner in which we discussed
informally yesterday. I just foreshadow those at
15 this stage so that counsel assisting, yourself and
everybody else is aware of my intention to raise
those. If it is convenient, I will do so on
Monday.

20 MR STITT: Your Worship, could I just indicate to
my learned friend that I suggest that he reads the
transcript because I think all of those matters
were dealt with by Mr Lasry on either the first
occasion when there was a directions hearing or
25 certainly on the first day. As I recall,
your Worship, each of those matters, subject to
the last two matters, has already been the subject
of either rulings by your Worship or certainly
statements by Mr Lasry. I just remind my friend
30 that, if he has a look at the transcript, I think
the answers to those questions are already there.

THE CORONER: I think that is my understanding,
too, apart from perhaps the last one about ESB. I
35 did indicate that I would be willing to have a
look. It might not be all that useful for me now
because, as I understand it, that is not the
configuration of the ESB headquarters as it was in
2003. But it would still be useful, and I am
40 still prepared to do that.

I do recollect that the other matters were raised.
It was always the view that if any counsel had
witnesses or information or any other expert
45 evidence that they wished to bring before the
inquiry, then it has always been open to counsel.
Indeed, you have been invited to let counsel

assisting know of that and arrangements would be made, if it was agreed that that was a suitable proposition.

5 In relation to who should be calling the evidence, counsel assisting Mr Lasry made very clear that he would be the one leading evidence from all witnesses. That was made clear right from the start as well.

10

MR PHILIP WALKER: I looked over some transcript and I didn't find it. Perhaps I don't have the earlier directions hearing. I will check again in light of what your Worship and Mr Stitt have said.

15

THE CORONER: I will take on board what you have said and, if there is anything to be clarified, then that would be clarified. We will adjourn until Monday morning at 10 o'clock.

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**MATTER ADJOURNED AT 11.40AM UNTIL MONDAY
24 MAY 2004.**

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