

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 30

Monday, 5 April 2004

THE CORONER: Before we get under way this morning, I feel obliged to respond to a number of
5 comments which have been made recently about this inquiry. Those comments in particular have concerned speculation about the need for a large number of witnesses to obtain legal representation and the likely duration of the inquiry. Most
10 unfortunately, those comments appear to have created an air of uncertainty within the community generally and served to create anxiety and apprehension on the part of some persons who are to be called to be witnesses.

15 On the question of legal representation, at no stage has there ever been any suggestion by me or counsel assisting that every witness appearing before this inquiry requires separate legal
20 representation. Indeed, this is quite unnecessary. However, it appeared to me and to counsel assisting that certain individual interests or rather the interests of some senior personnel within the Emergency Services Bureau
25 could not be adequately represented by the same legal team because of the potential for conflicting evidence from those individuals. I said as much on 16 June 2003.

30 As for the time that the inquiry will take, there has never been a suggestion that it would run for two years or more. On the contrary: at the directions hearing on 15 December last year, the plan was made known to all to complete the
35 evidence and to publish the report before the next fire season. Despite the recent delays, this is still the aim.

40 Finally, as all counsel involved in this inquiry will, I feel sure, agree, giving evidence can be a stressful experience for some witnesses, especially those who are giving evidence in court for the first time. Unfortunately, there is
45 little that can be done to alleviate this.

This is a formal judicial inquiry into a matter of serious concern to the community because of the

loss of four lives, the serious injury to many people and the significant loss of property. As such, close questioning of witnesses may be unavoidable in the search for the truth.

5

Now, gentlemen, are there any preliminary matters to raise before we get under way with Mr Graham's evidence?

10 MR PIKE: My name is Edson Pike. I seek your
Worship's leave to appear for three witnesses, one
previous witness Mr Bennett, Mr Graham and
Mr Ingram, who I understand is yet to give
evidence. That is the preliminary request that I
15 make by way of seeking leave. Can I indicate
this: it may well be that further on down the
inquest, I will be instructed to seek leave to
appear for other witnesses as well. I will of
course inform you of that and seek that leave when
20 the time arises.

THE CORONER: Thank you. There is no objection to that?

25 MR LASRY: No objection.

THE CORONER: Mr Pike, I grant you leave to appear for those three gentlemen that you mention.

30 MR CRADDOCK: Good morning. My name is
Mr Craddock. I seek your Worship's leave to
appear for Mr McRae.

35 THE CORONER: Mr Craddock, leave is also granted
to you to appear for Mr McRae. Mr Woodward, are
we ready to proceed?

MR WOODWARD: I am, your Worship.

40 **<ANTHONY JAMES GRAHAM, RESWORN**

<EXAMINATION-IN-CHIEF BY MR WOODWARD CONTINUING

45 MR WOODWARD: Q. Just a very minor matter in
relation to the transcript of last Thursday,
24 March at page 2665. At line 15 I was asking
Mr Graham some questions about the cycle of the

weather during the summer months. At line 16, I put to him:

"Q. It was something that you were aware of?

"A. That's right."

5

I think that's an error and should read "it is something you were unaware of". If I can just mention that now. If there is any concern as to whether or not I have correctly recalled that 10 evidence, then that may be perhaps raised after the luncheon adjournment. I think it is clear from the surrounding questions that Mr Graham was indicating he was unaware or did not have knowledge of the cyclical nature of the weather 15 during the summer months. That would be consistent with that group of answers.

THE CORONER: Is that consistent with your recollection as well, Mr Graham?

20 A. Yes, it is.

MR WOODWARD: I know we moved to mid-morning on 9 January when the evidence concluded week before last, Mr Graham, there were two things that I 25 neglected or was unable to do at the time, the first was you raised an issue during your evidence about the two particular conversations that you had with Ms Arman on the night of the 8th. I indicated we would look up and play the audio of 30 those discussions so if you wanted to add anything to your evidence about that, you could do so. We are not in a position to do that now, but I will play those after lunch to give you an opportunity to do that.

35

The other thing in relation to the 8th I wanted to ask you about was a reference in Ms Arman's statement about the conversation she had with you which she times at 2118 hours. She obtained that 40 time, as I understand it from her statement, from her mobile phone records. She refers to it at paragraph 65 of her statement [ESB.AFP.0111.0001] at 0012.

45 I think the chronology, as we now understand it, Mr Graham, in relation to that call while it is being brought up, was that you had the various

radio conversations with Ms Arman. Perhaps I should ask you this: is it your recollection that you spoke to Mr McRae and Mr Lucas-Smith after they returned from Queanbeyan, was that after your conversation that later conversation with Ms Arman as best as you can recall, or before?

5 A. To my knowledge it was after I had spoken to Odile Arman.

10 Q. At paragraph 59 Ms Arman says:

I then instructed the crews on the fireground to pack up their canvasses, and told them that we would be leaving the fireground. I don't think the forest crews were impressed having only just deployed theirs. I cannot recall if they disagreed with my recommendation or what they specifically said to me about leaving" --

20

I have the wrong page. 0013 should be the page. We will go to the bottom of that page 0012 Paragraph 65:

25 "I then made a phone call to the duty co-ordinator, Tony Graham, in order to provide more information about the water point and to provide as much information as I could for the crews coming on the next day. Annexed to my statement and marked "B" is a copy of my phone records for the relevant period. It shows that it was at 2118 hours that I spoke to Tony Graham."

30 35 Does that accord with your recollection that it was at about 9.18 that night?

A. The timing I'm not sure of. The discussion - I believe we did have a discussion.

40 Q. You wouldn't dispute that was an accurate time?

A. No, I wouldn't dispute that.

45 Q. She says the call lasted 9 minutes and 23 seconds. She says:

"I recall telling him where the water point

was, what the terrain was like and what resources I thought they would need for the following day. He advised me about the other fires and that there was a lot happening."

5

Again, is that consistent with your recollection of the call?

A. Yes, it is.

10 Q. She says:

"I told him I was unsure about the recommendation to withdraw crews overnight. He said words to the effect of 'We were hoping you would do that'."

15

Pausing there, do you recall that part of the conversation?

A. No, I don't know why I would have said that. I mean, it wasn't a decision we were making; it was a decision we were asking her to make.

20

Q. Do you recall her saying she was unsure about her recommendation?

25 A. No, I don't.

Q. Is it the case that you say that the words that she has quoted you as having said, "We were hoping you would do that" - is it the case you say you didn't say that or is it the case you don't recall either way?

30

A. No, what I am saying I don't recall either way.

35 Q. It is possible you did say it?

A. As I said just a moment ago, I don't see why I would have said that because I don't think that was in our thinking at all. We were asking her to make the decision about that.

40

Q. You did say in your evidence, Mr Graham, you had a "leaning", I think was your word, to that outcome. I suggest to you that it would be consistent with that leaning for you to make a comment to that effect?

45

A. Yes. And what I am saying is I don't remember making that comment.

Q. Do you accept the possibility that you did?

A. I believed it would be unlikely that I did, but whether I did or not I just don't know.

5 Q. She then concludes that paragraph:

10 "I don't recall discussing the issue with him in detail and I cannot recall expanding with him the safety concerns I weighed up against the likely effectiveness of the crews in coming to my recommendation."

15 Again, are you able to comment on that? Do you recall her raising safety concerns during that telephone conversation with you - or detailing the safety concerns I should say?

20 A. Not with any clarity. No. I think that there was some discussion about the trees, the logs, the limbs that may have been falling. I don't remember the detail of that.

25 Q. The point in the chronology I think we reached last Wednesday week was about mid-morning on the 9th of January. I want to ask you briefly about a document concerning McIntyre's Hut fire. It is document [ESB.AFP.0001.1478]. The context of this document - at least based on Mr Cooper's evidence - is that he was concerned about some aspects of the strategy that was being pursued in relation to McIntyre's Hut and in particular in relation to delays in commencing the actual burning operation.

35 In a nutshell, as I understand the evidence that he will give, the concern was that the New South Wales incident controller was concerned not to commence any burning operation until all of the containment lines were constructed. He sent the document to you that appears under a fax cover of the New South Wales Parks and Wildlife Service. Do you recall receiving that fax?

40 A. No, I don't.

45 Q. Do you think that "Tony" is yourself or could it be someone else?

A. In all likelihood, it would be myself.

Q. If we could go to the next two pages in turn so you can see the pages that follow. You will see that page is a map of what appears to be the fire area of McIntyre's Hut fire and in particular you will see it appears Mr Cooper has drawn some arrows, in particular the south control line. Does that assist you at all?

A. Just before I answer, could we go back to that cover sheet again, please. You will find the fax number on there is the fax number for ACT Forests.

Q. So "Tony" could be Tony Bartlett?

A. I believe it could be Tony Bartlett.

Q. Do you recall being involved or hearing of concern being expressed by Mr Cooper about the McIntyre's Hut fire burn-out operation?

A. Not specifically. I believe that he was in contact with ESB throughout the day but I don't remember any specific reference to concerns with McIntyre's.

Q. At that stage what was your level of involvement in relation to what was being pursued at McIntyre's. I appreciate you hadn't been to Queanbeyan the night before?

A. No, I hadn't.

Q. Had you been kept up to date as to what was proposed and what strategies were then pursued?

A. That was what Mr Cooper's role was when he went over to Queanbeyan as the liaison officer. I know he made reference in his statement to several conversations he had throughout the day with the CFCO, Mr Lucas-Smith, and with Tony Bartlett. He would ordinarily have been in contact with myself throughout the day because the liaison officers did give an update on what was happening over in Queanbeyan. And it was also an opportunity for me to advise him what was happening in the ACT - not just him but whoever the liaison officer was during the day.

Q. You are saying that was something that was normally, don't you assume from that that was something that was happening on the 9th, is that --

A. That's correct.

Q. Do you actually recall conversations with Mr Cooper on the 9th about McIntyre's?

5 A. Not the detail. The fact that I was in contact with him throughout the day, yes, I believe that I was. But, no, not the specifics.

Q. In general terms, do you recall him expressing
10 reservations about broadly the delay of the implementation of strategies by those in charge of McIntyre's Hut fire?

A. I don't have any specific recollection but
15 certainly I think that that was probably the case. Now I'm not sure whether or not it was since the fires that I had spoken to Mr Cooper about this or during the fires, but I do believe that he did express some level of frustration of what he saw was slowness in responding.

20

Q. I can take it from your lack of recollection about the detail, did you have any role in addressing those or dealing with the concerns that he was raising with you?

25 A. Other than to share them with other members of the Service Management Team, no. I didn't have any direct contact with the incident controller at Queanbeyan or any of his staff, I don't believe, about the strategies they were putting in place
30 for McIntyre's.

Q. You will recall I asked you on the last occasion, Mr Graham, some questions about
35 Mr McRae's reconnaissance flight that morning, the morning of the 9th, and the document he produced in particular his note that the Bendora fire was a 20-hectare fire. I just want to ask you about his statement at paragraph 43 where he talks about what he did on his return from that flight. His
40 statement is [ESB.AFP.0110.0481]. At paragraph 41, which is at 0489, he talks about the fact that he provided his notes to yourself and Mr Lucas-Smith, and I think you agreed that he probably did on the last occasion. He then says:

45

"On returning to ESB, it was becoming clear to me and the rest of the SMT that direct

attack was not going to succeed and that we
needed to focus on indirect attack. This in
turn meant that we needed to address the fire
as a campaign fire. That in turn requires
5 extensive planning and additional personnel
and capability to assist with that function."

Dealing with the first sentence of that paragraph,
Mr Graham, when do you say the decision was made
10 to move generally from direct attack to indirect
attack in relation to the fires?

A. I think that what we agreed was that we will
continue with direct attack on the day of the 9th
and that on the 10th, I think it was, we would
15 move to indirect attack. That's the point at
which we started bringing bulldozers in to assist
us in doing this.

Q. So we are clear, when you say the decision was
20 made to move on the 10th, does that mean the
decision was made on the 10th or you decided on
the 9th that on the 10th you would move to
indirect attack?

A. The latter. That's my recollection that it
25 was decided on the 9th that from the 10th onwards,
we would move to indirect attack.

Q. I think you said in the meantime, however, the
direct attack would continue; why was that?

A. We didn't have the opportunity on the 9th to
30 move to indirect attack because we didn't have the
resources that we needed to do that. So the only
alternate was to continue with direct attack and
to try as much as is possible to slow down the
35 spread of fire.

Q. Is that because once you move to indirect
attack, obviously if you have slowed down the fire
in the meantime, it makes the job of putting in
40 the containment lines that much easier; is that
correct?

A. That's correct.

Q. Up until the indirect attack strategy was
45 implemented, there was still advantage in
continuing with direct attack to keep the fire as
contained as possible while the containment lines

were put in place?

5 A. That's right. On the day of the 9th, they were doing a bit of both. They were putting in some containment lines but using hand tool crews rather than using heavy plant.

10 Q. So as I understand it you say the actual decision to move to indirect attack was made on the 9th but you couldn't actually implement it until the following day?

A. That's my recollection of the events.

15 Q. What was the process by which that decision was relayed to the incident controllers in the field? When was that done; do you recall?

A. No, I don't. It may well have been during a telephone hook-up with Mr Hayes, who was incident controller in the field at the time.

20 Q. At Bendora?

A. At Bendora, sorry. I can't find any other reference to it anywhere else.

25 Q. You say in paragraph 54:

30 "From 10 January the SMT decided to move to indirect attack on Bendora fire and arranged the day-time and night-time crews on a 12-hour shift basis with crew changes occurring at about 0700hrs and 1900hrs each day."

Do I understand that to mean you are there referring to the implementation not the decision?

35 A. I'm sorry, because that one is not up on screen, could I have that again?

40 Q. Yes. It is paragraph 54 of your statement [ESB.AFP.0001.1307] at 1317. Do you see that now:

"From 10 January the SMT decided to move to indirect attack on Bendora fire."

45 Et cetera. The question was: do we now understand that the decision was actually taken the day before but the implementation was delayed until the 10th because of the need to get in heavy

plant; is that the position?

A. I believe that's the position.

5 Q. Mr McRae in his statement, which is
[ESB.AFP.0110.0481] at 0490 - this is after he has
talked about shifting to focus - address the fire
as a campaign fire - I should perhaps ask you
about that. Do you recall a discussion where that
was identified that it was now necessary to
10 approach these as campaign fires?

A. I don't recall that specific term being used
at all in the discussions.

15 Q. Perhaps I should go back to paragraph 43 which
is 0489 of Mr McRae's statement. At the bottom of
that page, paragraph 43:

20 "That morning, a situation fire analysis was
prepared identifying the different options
for fighting the fires. Option A was direct
attack and option B was indirect attack. As
it was becoming apparent that direct attack
would not be successful, our focus moved to
option B."

25

Do you recall a situation analysis report being
prepared at that time, the morning of the 9th?

A. No, I don't.

30 Q. I ask that simply because we have been unable
to identify what that document is:

35 "I therefore commenced preparing maps to
identify potential containment lines and
potential fire behaviour by reference to the
vegetation and topography. I prepared these
maps on a computer screen using the GIS unit.
I cannot recall whether I printed any of
those maps that day or the following day.
40 The computer generated maps prepared were to
augment published topographic maps of the
area."

45 Just pausing there, I think we have referred
earlier to some issues that have been raised in
other statements about the lack of operational
maps, particularly in the early days. Do you

recall seeing maps prepared by Mr McRae of the type he has described in that paragraph?

5 A. I don't recall seeing any for that day. Over the duration of the event there was certainly some prepared. I don't now know which day it was that we received those.

10 Q. Ordinarily would you expect maps of that kind that were prepared to be provided to the operations section within the SMT?

A. That would usually be the case.

15 Q. And those would be distributed in the ordinary course to the field; is that the way it should happen?

A. That would ordinarily be the way that it would happen.

20 Q. Are you able to say why it appears that Mr McRae at least wasn't - he says in his own statement, "I cannot recall whether I printed any of these maps that day or the following day" - why that wasn't apparently happening?

25 MR PIKE: I object.

THE CORONER: Yes, Mr Pike.

30 MR PIKE: As I understand it, looking at the sentence itself, Mr McRae says he cannot recall whether he printed those maps. It is being apparently translated into a positive statement that he didn't.

35 MR WOODWARD: The difficulty is, of course, that at this stage we haven't had the benefit of Mr McRae's evidence nor the evidence of the many witnesses who referred to the fact that they weren't getting maps even as late as the 13th and
40 14th.

45 If I can put the question more generally and it may not be helpful if it turns out that the assumption is incorrect.

Q. On the assumption that those maps weren't being generated and provided in the way that you

have indicated would ordinarily be the case, are you aware of any reason why that wouldn't be happening; that is, those operational maps weren't being generated and distributed?

5 A. No, I can't think of any reason why it wouldn't happen.

Q. He then goes on in paragraph 44:

10 "In order to identify containment lines which were likely to be achievable or feasible for the purposes of containing the fires, information was also required from operations and logistics who provided input on what was
15 required to put those containment lines in place and what prospects there were of obtaining that equipment necessary to complete that work.

20 The outcome of the discussions with Tony Graham and Dave Ingram, as the operations officer and logistics officer respectively, was that there were a number of options for containing the Bendora fire, there being
25 various fire access trails through the area, but that the Stockyard Spur and Gingera fire had no existing containment lines except the Mt Franklin Road.

30 We therefore agreed on a set of containment lines for Bendora based on fire access trails. That plan was incorporated into the incident action plan for the day shift commencing at day break on 10 January 2003.
35 Those working on the fire at the time performing direct attack continued to do this in order to try to hold the fire while the containment lines were put in place."

40 Mr Graham, do you recall discussions during the day with Mr McRae and Mr Ingram concerning the identification of appropriate containment lines for Bendora on the 9th?

45 A. I think on the 9th we entered discussions on several occasions about the situation that was happening around Bendora and indeed the other two fires. In terms of marking on a map or

identifying pre-existing trails, I don't specifically recall having that conversation.

5 Q. Well, the suggestion - at least from
Mr McRae's statement - is that perhaps not the
three of you all sitting down together, certainly
there was a process by which some containment
lines were actually identified for Bendora at
least. Do you recall that happening, you agreeing
10 to a set of containment lines or anything of that
kind?

A. No, not specifically. As I suggested, the
discussions may well have taken place but I don't
know what tracks or trails we may have identified
15 at this time.

Q. I understand why you wouldn't be able to
recall which particular tracks. Perhaps what I am
more interested in is the process by which the
20 members of the SMT - or according to Mr McRae at
least - are identifying potential containment
lines, it would appear from the statement, were
deciding on appropriate strategy where those
containment lines should go, and presumably he
25 says "incorporating a plan into an incident action
plan."

Do you say that did or didn't happen?

A. My understanding - you are asking about the
30 process?

Q. I am asking about yes, firstly, the process of
identifying appropriate containment lines for
Bendora and then incorporating those into an
35 incident action plan?

A. The process would ordinarily be, and I assume
it happened in this particular instance but I
don't know, it's an understanding of where the
fire is at the point of time when you are trying
40 to determine these containment lines,
understanding the current fire behaviour and what
the forecast weather might bring that might make a
change to that fire behaviour, looking at the
strategic trails that are already in place and
45 determining whether or not they would be able to
hold the fire; and, if not, then looking at
getting some plant or equipment in to either

enhance those existing trails or to cut new trails if required to use as a containment line. So that would ordinarily be the process.

5 Q. Mr McRae goes a little bit further and says:

"We - he is referring to yourself, Mr Ingram and Mr McRae - agreed on a set of containment lines for Bendora based on fire access trails. That plan was incorporated into the incident action plan."

Did that happen to your knowledge or to your recollection?

15 A. Not that I can recall. I'm not saying it didn't happen; I am saying I don't recollect whether or not it did.

Q. Do you recall at that early stage being involved in actually making a decision as to where the containment lines should go for Bendora?

A. I believe that we had some discussions throughout the 9th on containment lines.

25 Q. Would that ordinarily be a decision that was being made at SMT; that is, identifying where the containment lines should be?

A. Well, this wasn't an ordinary situation. In fact in my time at ESB it is not a situation that we had faced before where we had been doing this kind of work.

Q. Do you remember identifying and agreeing - no doubt for the purposes of communicating to the field that containment lines for Bendora - that is yourself, Mr, Ingram and Mr McRae saying, "Right, this is where the containment lines will be"?

A. I believe that we probably had a discussion around that issue on the 9th.

40

Q. Is that, at least as you understand it, part of the role of the SMT to identify containment lines?

A. The role of the SMT is to support the crews out in the field. If that involves identifying containment lines and relaying that information to the crews in the field then, yes, that is a part

of it.

Q. Wouldn't you say, Mr Graham, that was more in the area of strategies rather than objectives, that decision?

A. Yes, it certainly has a strategic element to it.

Q. It is the case, isn't it, that the SMT was actively involved in strategic decisions throughout this firefight?

A. Just to go back to my previous response, I explained when we met the week before last about objects, strategies and tactics. If I could give just as an example, an objective might be to stop the fire from crossing Moonlight Hollow Road by 1600. That's what we put forward as an objective. So if Moonlight Hollow Road in that example was being the containment line it is in fact an objective.

Q. Yes. That is slightly different though. You might say, "Our objective is to stop the fire before it reaches a particular road or containment line," but actually drawing the containment lines on a map and saying "This is where we are going to construct" - if construction is necessary - "we are going to widen this track" or whatever it is and actually drawing a circle or whatever shape it ends up as being around the fire, that constituting the containment line that is more in a strategic rather than objective?

A. That's correct.

Q. The objective is we would like to keep the fire within the containment lines; is that correct?

A. That is probably a little bit too broad.

Q. The actual identification of the containment lines would be a strategy, wouldn't it?

A. It is just a bit dependent. I think these things - there is not necessarily a clear definition between the two.

45

Q. Well, putting that to one side, it is the case, is it not, that the SMT was actively

involved in strategic decisions including identifying where containment lines should be put; is that correct?

5 A. If - any of that work would have only been done to assist the ground crews. It was the incident controller on the ground, in the field at any time that had a far better picture of these things. If a containment line had have been breached then an incident controller would
10 determined fallback position.

Q. That would suggest, Mr Graham, you are saying it is the incident controller who should be identifying containment lines?

15 A. That's right. I would suggest that that work was happening throughout the day.

Q. What Mr McRae seems to be suggesting is that you, Mr McRae and Mr Ingram agreed that the
20 containment lines - he doesn't refer to any involvement of the incident controller in the field - he says, "We therefore agreed on the set of containment lines" - that is himself, yourself and Mr Ingram. He doesn't mention any involvement
25 of incident controllers in the field. So do you think that is how it happened, that you agreed on the containment lines?

A. We may well have agreed on a set of
30 containment lines. But that would have been information to assist the incident controller and not something that they are necessarily bound to. If they found that that was unworkable, then we wouldn't interfere with him coming up with an
35 alternative.

Q. That may be. Is it your evidence that it is them that actually should be identifying where the containment lines should go. It is part of their
40 role to actually tell you where the containment lines should go or is it you saying "We think they should go here; what do you think"?

A. I don't think it is either. I think it is probably a mixture of both of those, that the incident controller in most cases or even more
45 cases will identify their containment lines and anything we provide to them is only to assist them to do their job.

Q. In order to identify containment lines Mr Graham, you certainly need to have very up-to-date weather information?

A. Yes, that's true.

5

Q. You would need detailed maps showing all of the relevant fire trails that might provide a containment line?

A. That's right.

10

Q. You would need to have as up-to-date information as possible about the fire spread; is that correct?

A. That's right.

15

Q. That would normally be ideally provided by aerial reconnaissance?

A. Oh, no. That's just one method. It is also by the ground crews.

20

Q. We go back to Bendora. Mr Hayes with five, perhaps eight personnel on a 20-hectare fire, he is not going to be in a position, is he, to know where the fire boundaries are at any particular time because he can't get around it; can he?

25

A. Well, he could have got around the Bendora fire in the existing network of trails. He may not have been able to see all of the fire edge but he would certainly know within which road trails so therefore which compartments the fire was in.

30

Q. He would know it hadn't crossed a particular road but he wouldn't know for instance, how far it was necessarily depending on the terrain?

35

A. No, in some instances he may not; in others he very well may.

Q. The person in the best position to do that with the best maps available and so on, having conducted a reconnaissance that morning would have been Mr McRae, wouldn't it?

40

A. Mr McRae would have had a fair idea of where the fire was.

45

Q. As at about midday on the 9th, I suggest to you he would have been in a much better position than Mr Hayes to identify appropriate containment

lines, having just conducting an aerial
reconnaissance, having the latest weather
information, the best maps, his own GIS
information - he is in the best position to do it,
5 isn't he?

A. He is certainly in a good position to do it.

Q. If Mr Hayes has inadequate or perhaps even no
maps, he just can't do it, can he? He can't
10 possibly identify containment lines in those
circumstances?

A. If he had no maps - I'm not sure that that is
the case. I'm not sure what maps Mr Hayes took
out with him on the morning of the 9th.

15

Q. You would agree, wouldn't you, that Mr McRae
certainly was in a better position to undertake
that task at that time at least?

A. I think Mr McRae had a fair amount of
20 information that would have assisted with that.

Q. He had much better information than Mr Hayes,
didn't he?

A. In some instances, yes. But certainly his
25 reconnaissance flight wouldn't have given him the
on-ground weather information that you had spoken
about. Mr Hayes would have been in a better
position to have that.

Q. He knows what the weather is then, but he
wouldn't have had access to the forecast in the
same way that Mr McRae would on returning to ESB;
would he?

A. Any information that Mr McRae would have got
35 from the Bureau of Meteorology about the weather
predictions for that particular area where
Mr Hayes was working from would have been passed
on to Mr Hayes.

Q. That would have come via Mr McRae?

A. That's right, or it would have come via the
Bureau of Meteorology.

Q. He didn't have direct access into the bureau,
45 did he, Mr Hayes?

A. In all likelihood he wouldn't have gone that.
In terms of having that direct access, he very

well may have.

5 Q. Is it your evidence or at least your understanding of the position at about midday on the 9th that Mr Hayes would have been, in your view, in as good a position as Mr McRae to identify the potential containment lines for Bendora and to develop strategies accordingly?

10 A. I believe Mr Hayes was in a good position to do that, and in fact that was the work he was doing. That's my belief.

Q. Do you think he was in as good a position as Mr McRae?

15 A. I think they probably both had different sets of information that collectively would have given a good picture. But I don't think either of them, their total information was superior to another's.

20 Q. So they were roughly the same. If one wasn't superior then they would have been in an equally good position to undertake that task?

A. What I'm saying is Mr Hayes had a better idea of what the weather was on the fire ground. Mr McRae had conducted a reconnaissance flight, but it's a flight above the tree line obviously, so it's not always possible to see where the fire boundary is. It's a flight that is impeded to a point by smoke. That also makes observation difficult at times. It could very well be that Mr Hayes had a better idea than Mr McRae about where a fire edge was and what the fire behaviour was doing at the time because he is much closer to the fire.

35 Q. All parts of the fire?

A. Oh, no-one is close to all parts of the fire at any one time.

40 Q. I suggest to you that an aerial reconnaissance is a much better way to identify the boundaries of a 20-hectare fire than being at one particular point along a particular flank?

45 A. Sure, I'm not suggesting that it wasn't of benefit to have Mr McRae do that reconnaissance flight; in fact, I think it was.

Q. It was your position that he was no better off than Mr Hayes to identify containment lines and prepare an incident action plan?

5 MR PIKE: I object to that. The question has been asked many times. The witness has been very careful to answer in a way that properly reflects his belief. It is a repetition of the same question. If you just go back a few lines in the transcript the witness says at line 24 "it could very well be that Mr Hayes had a better idea than Mr McRae." In other words, this witness is answering to the best of his ability and there are some things which he simply doesn't know.

10
15 THE CORONER: Mr Woodward, do you have a particular proposition that you want to put to Mr Graham?

20 MR WOODWARD: My recollection of the answers was that Mr Graham had been very careful to avoid answering the question. In those circumstances, I was giving him an opportunity to indicate whether or not - I accept that the information is different. I am trying to identify through this witness whether Mr McRae or Mr Hayes is likely to have been in the better position to identify those containment lines. If your Worship is no longer assisted, then I will move on.

25
30 THE CORONER: I don't know that you have -

Q. Are you able to answer that question? Do you have a prepared position in relation to which person is in the better position or is it your view that they have different information so that puts them pretty much on an equal footing?

35
40 A. It is a little bit hard to decide whether or not they are on an equal footing. I do believe they both had different information that would have contributed to determining what the best containment lines would be; and that neither one of those two officers had enough information to determine that without reference to what the other might have been doing.

45
THE CORONER: Thank you.

MR WOODWARD: Q. Can we take it from that then, Mr Graham, that Mr Hayes would have needed input from Mr McRae before he could have made those sorts of decisions and determinations?

5 A. No, I wouldn't suggest that. In fact, Mr Hayes was making decisions about containment lines without - at some point, I'm not sure whether it is with reference to Mr McRae's information or not.

10

Q. I am sorry, if, as appears to be the case - paragraph 26 of Mr Hayes statement - he had no maps, he was given no maps; does that affect your answer?

15 A. No. On the basis that Mr Hayes was identifying containment lines throughout the afternoon of the 9th and was using those for containment of the fire. If he had no maps, I don't know about that.

20

Q. If he had no maps, I suggest it is very difficult, if not impossible, for him to be identifying all potential containment lines around a 20-hectare fire?

25 A. I don't know that he had no maps.

Q. His evidence is apparently going to be that he didn't, according to paragraph 26 of his statement. He had not been provided with any maps. So, does that affect your answer?

30 A. Well, the Emergency Services Bureau and the Bushfire Service have provided multiple maps to our brigade officers and our brigades over the years. I don't know that Mr Hayes went to the
35 fire without those maps that had been provided to his brigade.

Q. Moving to the next part of Mr McRae's evidence, at paragraph 46 he talks about the plan for the Bendora containment lines being
40 incorporated into an incident action plan for the day shift commencing at daybreak on 10 January. Do you recall that being done?

45 A. I'm sorry, there were two parts in your statement. I'm not sure which part you are referring to.

Q. Was an incident action plan prepared for the day shift to commence at daybreak on 10 January?

A. I don't remember seeing that.

5 Q. Is it something you would have expected to see if it was prepared?

A. That would usually be the case.

10 Q. In the next paragraph, Mr McRae says:

"The agreed containment lines meant there was no purpose in overnight direct attack because overnight fire behaviour would not jeopardise the proposed lines. That proved to be
15 correct."

Do you agree that is the reason there was no purpose in overnight direct attack or is that the reason there was no overnight firefighting - I
20 will start that again. Do you agree that the reason there was no overnight firefighting on the fire was because the fire would not jeopardise the proposed containment lines?

A. No, I don't agree that that was the case.
25

Q. What do you say was the reason there was no overnight firefighting on the night of the 9th on any fire?

A. I'm sorry, "on any fire"?
30

Q. Yes.

A. There was.

Q. On the night of the 9th?

A. That's correct.
35

Q. Which fire?

A. The Gingera fire had crews overnight. The Bendora fire, we had organised crews to go to the Bendora fire for overnight firefighting. At the direct request of the incident controller, Mr Hayes, he felt that the conditions were too dangerous to allow that and so he asked us to call the crews off.
40

45

Q. So your evidence in relation to overnight firefighting on the 9th, at least at Bendora, was

that the decision was taken that it was too dangerous; is that what you recall the position to be?

A. That's correct.

5

Q. You see at paragraph 41 of his statement, which is [ESB.AFP.0108.0002] at 0010, perhaps commencing at paragraph 39 - I think I have asked you about this already where he says:

10

"I believe that more effective firefighting could have been undertaken if a dozer had been available."

15 He then says:

"It is very difficult to say what could have been achieved during the day especially as the difference in the fire activity between the morning and afternoon of the 9th was quite extraordinary."

20

He goes on:

"When I got back to Bulls Head I called COMCEN on the two-way and the instruction was to stand down and go home. I sent the crews home at approximately 6pm. I got home at approximately 9pm, having driven back down from Bulls Head and had a conversation directly with the officers at ESB before going home."

30

He then goes on in paragraph 41:

35

"I do not recall if, during my conversations with COMCEN during the day, I recommended overnight crews. I was aware that overnight crews had not been used the night before. Generally resourcing is worked out by ESB following a discussion with the incident controller on the ground about what resources may be required. I would have responded to this question. I do not recall discussion about overnight crews. Overnight crews would really need to be on the ground by about 4pm, so they are not going in blind. COMCEN had

40

45

5 people going into a number of different places and they were trying to organise crews for ongoing shifts. I do not recall exactly what discussion we had about resourcing, but this may be recorded on telephone or radio transcripts."

10 Do you have notes or transcripts, Mr Graham, of Mr Hayes' conversations with - he refers with COMCEN, it may have been with you that afternoon or evening?

A. I've got some notes about a couple of radio transmissions regarding overnight resourcing.

15 Q. What do they indicate?

A. At 1642 hours on the afternoon of the 9th of January on VHF channel 2, there's a message that goes from our communications centre to Parks 6. That's Mr Hayes. It says:

20 "He advises Parks 6 that his request for overnight resources is supported. Parks 6 thanks COMCEN and asks to let him know when they will arrive so that he can meet and guide them in".

Q. That was at 1642?

A. 1642 on the 9th, the afternoon of the 9th.

30 Then at 1754 hours on the afternoon of the 9th, again on VHF channel 2, there is a message from Parks 6 back to COMCEN. This isn't verbatim, this is my sanitised version:

35 "Parks 6 advises COMCEN that he will say 'no' to crews coming in tonight. Now that the fire has crossed Warks Road there are trees hanging. It is far too dangerous."

40 Q. Were you aware of those conversations that night, do you recall?

A. I don't recall advising COMCEN at the time. If I had ducked out at some point, I believe I would have been advised of those on my return.

45

Q. That second conversation was at what time?

A. That was at 1754 hours on the night of the

9th.

Q. So, as far as you are concerned, the reason for withdrawal was that provided by Mr Hayes?

5 A. That's right.

Q. Just jumping back briefly to midday on the 9th, can I ask you to have a look at this document [AFP.AFP.0013.0079]. This appears to be a fire situation analysis form for McIntyre's Hut fire, which I understand was prepared within ESB. Do you recognise the handwriting?

10
15 A. I don't. Sorry, I was going to say it is a bit small - no, I don't recognise that handwriting at all. Not from anybody within the Service Management Team.

Q. Could it be Mr Hilton Taylor or Mr Nick Lhuede?

20 A. It could be. I just don't know the handwriting.

Q. Scrolling down to the bottom of the page, do you see under 'Important social or external considerations', it says, "Fire has the potential to exit park to private property and commercial plantations"?

25 A. Yes, I can see that.

30 Q. Do you recall discussions about that threat during the 9th, that is a threat from McIntyre's Hut involving it exiting the park, which I believe is a reference to existing the national park to private property?

35 A. I don't remember having seen this form before. I can't remember any discussion about it.

Q. Would you ordinarily be in the loop in terms of this sort of form? Is it something you would expect to be provided to you routinely?

40 A. Yes, as a matter of course I would get this kind of information. But I wouldn't be able to guarantee that I would get it in every instance.

45 Q. During the course of these fires, were this sort of thing being handed to you or were you given it by Mr McRae? How were they given to you?

A. On occasion when forms of this nature would come into the area where I was working, I would get either a photocopy or the original of a form like this. I would ordinarily sign or initial the form with a time on it to say that I had seen it.

Q. At about that time or perhaps if I can broaden this out to the afternoon of the 9th, what was your thinking at that time, your understanding of the threat posed by the McIntyre's Hut fire?

A. I think it was still within its containment lines. I don't remember being particularly alerted to anything to the contrary.

Q. I should just check something, Mr Graham, briefly. In paragraph 39 of your statement at the bottom you refer to the Stockyard Spur fire. You say, "Following discussions" - do you have your statement there, incidentally?

A. I have got it in my case.

Q. It might be easier if you have it. [ESB.AFP.0001.1307] at 1314. At paragraph 39 at the bottom halfway through that paragraph:

"Following discussions between the SMT and Parks and Conservation Service who are the land managers responsible for this area, it was agreed to use heavy machinery to open up the Stockyard Spur track as this would then allow vehicle access to the fire. To establish this track required some considerable effort so that it could carry the weight of a heavy tanker. Without any appropriate machinery being readily available, this work could not commence until the 11th of January 2003."

This is on the 9th, Mr Graham. Is that correct, it was two days before that machinery could be made available to open up the Stockyard Spur track?

A. I think there's a mistake in my statement there. I believe that meeting actually took place on the morning of the 10th, not on the 9th as it is shown.

Q. I may come back to that. Perhaps while there I will just ask you: what, at that time at least, was your understanding of the protocols concerning the construction of fire trails or widening of
5 fire trails in the Namadgi National Park as between the Parks and Conservation Service and ESB?

A. The chief fire control officer has the authority to do whatever work is needed to be done
10 to suppress fire, that includes establishing and widening fire trails. That can be done without reference to the land manager or whoever it is, the land owner.

15 Q. You think that discussion about opening up the Stockyard Spur track took place on the morning of the 10th?

A. I believe that's when it was, yes.

20 Q. Just returning briefly to the overnight issue. You refer there to a radio transmission that actually indicated there was support for putting crews in overnight on the 9th until Mr Hayes then subsequently said it was too dangerous, was there
25 any discussion about that among the SMT officers, yourself, Mr McRae and Mr Lucas-Smith?

A. Not that I can remember.

30 Q. Do you recall anyone expressing any doubt about Mr Hayes' assessment that overnight firefighting might be unsafe?

A. No, I don't recall anyone expressing that, no.

35 Q. Did you have any doubt about his conclusion on that issue?

A. No. I deferred to him being an experienced officer and if that was the view on the ground, where he is obviously a lot closer to what is happening than what we are back in a control
40 centre, I accepted that.

Q. Would you agree that generally speaking conditions become less intense overnight and are often quite benign?

45 A. I would agree with the first part. Well, yes, maybe they are often benign and, yes, as a general principle they will quieten down overnight.

Q. At 5 o'clock on the afternoon of the 9th that might have been a little difficult - was Mr Hayes predicting those conditions would last the whole night?

5 A. That was my belief.

Q. He was actually predicting that?

A. I know it is not necessarily stated as that. His view is that the conditions at that time were
10 too dangerous for people to be there overnight and so that was the decision that I accepted.

Q. Did you understand his reference to danger was a reference to the intensity of the fire or
15 something else?

A. No, I understood it to be a reference to limbs dropping, trees falling.

Q. You were content with that view as expressed
20 by him?

A. That's right.

Q. Did you discuss it with Mr Lucas-Smith?

A. I can't remember.
25

Q. Mr Cheney has expressed the opinion in his evidence - page 29 - that the Bendora fire was severely underresourced during the day, the day of the 9th of January. Is that a view, accepting
30 with hindsight, that you agree with?

A. The view taken at the time that the resources requested were those that were provided, and on that basis I was satisfied with the crews that were there.
35

Q. On the last occasion identifying that there was a 20-hectare fire may have prompted the issue of whether or not it prompted concern among anyone at the SMT as to the adequacy of resources on the
40 Bendora fire. Do you recall at any time during the day having any qualms or concerns about whether or not Mr Hayes had requested enough in the way of resources to fight a 20-hectare fire?

A. On the basis that Mr Hayes didn't raise any
45 undue concerns with me, I was satisfied that he was coping with the crews that he had.

Q. You didn't think to perhaps second-guess him and suggest to him that maybe he could do with some more crews?

5 A. I don't recall having any conversation like that with him.

Q. Do you recall that being in your mind? Do you recall having any concern that day as to whether or not he requested enough support?

10 A. Not specifically. I don't remember going through that in my mind.

Q. Getting back to my question: With hindsight, knowing what the fire behaviour was and how it expanded during the day, would you agree that on the 9th the Bendora fire was severely underresourced?

15 A. It is difficult to speculate at the time. Besides ground crews there is also aircraft assisting in the management of that fire. Given the information that we had at the time and in the absence of any requests for further assistance, I believe that the call was the right call.

20 Q. Mr Lucas-Smith at page 875-6 of the transcript agreed with Mr Cheney that Bendora was severely underresourced. Mr Cheney's evidence was put to Mr Lucas-Smith. At page 876 at line 10, Mr Cheney's evidence at page 29 was read to him:

25
30 "In my opinion this fire - referring to Bendora - was severely underresourced. The incident controller had effectively one hand tool team or a tanker and light unit. With this team he was unable to construct a control line and patrol Wombat Road at the same time. The fire had grown to a size that hand line construction with a five-man crew had virtually no chance of success without further backup. The most effective action would probably have been only to hold the fire on the western side of Wombat Road."

35
40
45 "Q. You would agree with that, I take it?"
"A. Yes."

Your position is that you are not so willing to

second-guess Mr Hayes' call on the day; is that the position?

5 A. That's true. I mean Mr Hayes, as I said, is an experienced officer, and his view, he would have asked for more crews I believe if required. That statement there refers to a tanker and the light unit crew, I think you said. We had the discussion a while ago that there were in fact more crews there, in my view.

10

Q. Even assuming your apparent understanding of the number of crews there at the time; namely, one tanker, one light unit plus a hand tool crew of maybe five?

15 A. Two hand tool crews and a tanker crew.

Q. So you say the other light unit comprised a hand tool crew; do you?

20 A. What I'm saying is a light unit went out as a means of transporting some of the hand tool crew out. A command unit went out as a means of transporting the rest of the hand tool crew out to the fire. That together made up two hand tool crews.

25

Q. Plus a tanker?

A. That's correct.

30 Q. That's your understanding of what was there on the day?

A. That is my understanding of what was there on the ground on the day plus the aerial resource.

35 Q. It's your evidence, is it, that that is a sufficient resource - at least you wouldn't second-guess Mr Hayes in circumstances where he's not telling you that he doesn't have enough people to fight a 20-hectare fire?

40 A. Look, I may well second-guess him it appears that I didn't do it on this day.

45 Q. I will go back to my original question. Do you now accept that wasn't enough, even on your understanding of what was out there - namely, two hand tool crews and a tanker - do you now accept that that wasn't enough?

A. I think in any fire incident there is always

scope for additional crews to be allocated. At the time I felt that the crews were sufficient.

5 Q. I'm asking you, with the benefit of hindsight, would you now agree that that wasn't enough to have any real impact on the Bendora fire that day?

A. I think that that's just speculation. It's a difficult thing for me to answer.

10 THE CORONER: That's what you are being asked to do though, Mr Graham, with the benefit of hindsight.

15 A. We could well have benefited by having additional crews - ground crews out at the fire on that day.

Q. So you are accepting that it wasn't enough?

20 A. At the time, your Worship, I felt that it was enough. I don't know what any additional crews that we would have had out in the field, what impact they may have had on the fire suppression or the fire containment. I don't know. We're talking is one extra crew sufficient or five or 10? So it's difficult to say. If additional
25 resources were there, would that difference have been made? I don't know how many additional resources we are talking about.

30 Q. So is the answer yes, no, or you don't know. Because the question was --

A. Would we have benefited by having additional crews out on the ground?

35 Q. The question was: do you accept with the benefit of hindsight that the crews that you had there on that fire on that day were not enough to have an impact on the fire?

40 A. Yes, I believe that we should have had more crews.

MR WOODWARD: Q. The expression Mr Cheney used and it appears Mr Lucas-Smith agreed with was "severely underresourced". Again, with the benefit of hindsight, is that a characterisation
45 you would have agreed with?

A. I'm not sure what he means by "severely underresourced". If he was suggesting another

crew - as I was explaining to her Worship - or another 5 or 10 crews, I'm just not sure what he means by that.

5 Q. It is the case, isn't it, that on that day there were a substantial number of crews that could have been brought onto that fire?

A. I have never done the calculation. We had crews on other fires, including the McIntyre's
10 fire. I haven't worked through what crews weren't being used.

Q. There were a substantial number of ACT Forests crews that were available and not used on that
15 day; is that something you now recall?

A. I recall that ACT Forests crews were not used on that fire. That's right.

Q. There were a substantial number that were
20 available to be used that day, or is that something you weren't aware of at the time?

A. I was aware that ACT Forests crews were used. I'm just trying to recall whether or not they had any at the McIntyre's fire that day. I just don't
25 remember. ACT Forests would ordinarily have two tankers and three light unit crews available. I don't remember now if any of those were ACT Forests or not. When I say I don't remember whether any of those were at McIntyre's fire or
30 not is what I meant to say.

Q. Mr Bartlett says in paragraph 37 of his statement:

35 "By mid afternoon - this is on the 9th - I had not received any request from ESB for the deployment of the ACT Forests firefighters who were all still at the ACT Forests headquarters on standby."
40

So we don't know the precise number of crews. But certainly he was suggesting a number of crews on standby and available but unused that day. So you accept there were at least a number of ACT Forests
45 crews that were available?

A. That's right.

Q. And unused?

A. Unused on the Bendora fire, that's right.

Q. Unused at all?

5 A. Well, I'll accept that's what is in
Mr Bartlett's statement. As I was saying, I don't
know now which units went to McIntyre's or indeed
whether or not they were required to respond to
any fires around the ACT that day.

10

Q. Did you make any inquiries during the course
of the day as to whether there were crews that
were available to attend, additional crews to
attend at Bendora?

15 A. Did I ask that of ACT Forests?

Q. Did you make any inquiries to identify if
there were other crews available that could have
attended?

20 A. I don't think I did.

Q. So is it the position that you just don't know
on the day how many other crews might have been
sent to Bendora were available to be sent to
25 Bendora that day? You just don't know how many
there were?

A. I don't know now how many there were that were
available to go to Bendora.

30 MR WOODWARD: Is that a convenient time, your
Worship?

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

35

SHORT ADJOURNMENT

[11.26am]

RESUMED

40 **[11.47am]**

MR WOODWARD: Q. Mr Graham, I want to ask you
about a couple more situation reports and similar
forms that would have been generated during the
45 afternoon and evening of 9 January. The first one
is [AFP.AFP.0007.0117]. This is a fire situation
analysis form for Bendora prepared at 1745.

Again, I will just ask you whether you recall seeing this form. It doesn't bear your signature.
A. Not from what I can see at the moment. I don't recall seeing that form.

5

Q. If we just scroll down to the bottom. That signature at the bottom, do you recognise that?

A. I believe it's Hilton Taylor's.

10 Q. You don't have a recollection of being given a copy of that during the day or during the 9th?

A. No, I don't.

15 Q. The next one is [ESB.AFP.0110.0725]. This is a situation report prepared for the Gingera fire which appears to be signed by Peter Galvin but I will get you to see whether you can recognise the signature. Do you recognise that signature?

20 A. No. I, too, would assume that's Peter Galvin's but I wouldn't know for sure.

25 Q. You see there in control objective: "water bombing to contain ASAP, supported by ground crews." I should ask you first: do you recall seeing that document on the day?

A. No, I don't.

30 Q. Do you recall that being an objective for the Gingera fire; that is, to contain by water bombing?

A. I certainly recall that there was water bombing on the Gingera fire on the afternoon of the 9th.

35 Q. But do you recall that being said in effect as the control objective for that fire?

A. No, I don't recall seeing this form and I don't recall that statement being made.

40 Q. The next one is the Bendora fire. It is [ESB.AFP.0110.0726]. Again, it appears the same signature as the earlier one. Would it again appear to be Peter Galvin?

A. It would appear so.

45

Q. Just going back towards the top of that page you will see there the current damage estimates

area 90 hectares. Further up again, the size is shown as 90 hectares. Do you agree by about 6pm on 9 January, the Bendora fire had increased to a 90-hectare fire?

5 A. I don't remember what size it had increased to. I know that it did increase but, in terms of what it was, I just don't remember that.

Q. Back to the control objective at the bottom of
10 the page, "crews withdrawing. Fire broken containment lines. Active fire. Left unattended." Do you recall any discussion as to that being a control objective or as to why that --

15 A. It's not an objective in the sense that we would use the term for firefighting. It is just more a statement of fact.

Q. Mr Graham, you were asked some questions
20 before the break about the resourcing of the Bendora fire. I think you agreed that with the benefit of hindsight the use of further crews would have been appropriate on that fire. I have referred you to the evidence of Mr Lucas-Smith
25 where he appeared to agree at least with Mr Cheney's conclusions about the inadequacy of the resources.

You will recall I asked you about whether you
30 identified on the assumption that you were told by Mr McRae after his reconnaissance either through his notes or directly that Bendora by then was a 20-hectare fire, whether you had done anything yourself to identify the adequacy of resources and
35 to supplement what Mr Hayes had available to him.

I want to ask you a question, again with the benefit of hindsight, sitting here looking back at the whole the way the fires were fought,
40 particularly on the night of the 8th and the 9th and resourcing and so on, with regard to those specific issues do you think that your lack of direct experience in firefighting and active experience in controlling fires in the role of,
45 say, incident controller on the ground and so on was a factor in your failure to identify those sorts of issues during the day on the 9th?

5 A. No, I don't believe so. My responsibility was to work in the Incident Management Team or in the Service Management Team in the Emergency Operations Centre. That was something that I was experienced in doing and indeed had done that through the 2001 fires. I believe the outcomes of that fire will show that the system worked well and the people worked well who were filling those positions.

10

Q. The outcome of the 2003 fires would suggest otherwise, I would suggest to you.

A. I don't know what the outcome of the 2003 will be.

15

Q. You know what they were, don't you, Mr Graham, the fires weren't contained. It grew from 20 hectares to 90 hectares apparently during the day of the 9th. We all know what happened a week or two later. I'm asking you again with the benefit of hindsight, but perhaps I should just clarify: is the effect of your answer that the role that you were fulfilling, as you saw it at the time, was one that didn't require a detailed knowledge of fire behaviour, firefighting, firefighting strategies and that kind of thing; is that the effect of what you are saying?

20

A. What I'm saying is that I was a member of a team, and within that team there are a number of people with various skills and experiences, and together we made some decisions on how we would manage this fire. I believe that I was able to contribute to those decisions and that - that we did okay.

25

Q. Perhaps trying to put it in a more practical context, let's say - I should ask you this question: do you accept with hindsight that the need for additional resources on the Bendora fire during the 9th should have been recognised by someone and something done about it?

30

A. I think there was certainly consideration on the morning of the 9th by Mr Hayes as to whether or not he might require additional resources and he certainly --

35

Q. That wasn't my question, Mr Graham. What I am

asking you is: I think you have agreed generally
with the proposition that it would have been with
hindsight advisable to have additional resources
on the Bendora fire. What I am asking you is
5 whether that was something that could have been
recognised that day, that is during the 9th --

MR PIKE: I object to that question for this
reason: perhaps it is my slowness, I have heard
10 and read the previous question as being expressed
in terms of hindsight. It went on to say "in
hindsight should something have been recognised".
That's like saying "in hindsight should I have
recognised when I picked last week's lotto numbers
15 that I was picking them wrong". The two things
don't fit hand in hand. Either it is hindsight,
or hindsight is out of it and the question is
asked "should have been recognised on the night".
It can't be both.

20

MR WOODWARD: I will read the question --

THE CORONER: That is probably a fair comment.

25 MR WOODWARD: I should have read it from the
screen. What I asked you was:

"Do you accept with hindsight that the need
for additional resources on the Bendora fire
30 during the 9th should have been recognised by
someone and something done about it?"

MR PIKE: That is the question I am objecting to.
What my friend is asking to do: in hindsight
35 should someone have recognised something. That is
really saying should they have recognised it in
the context of information they did not have at
that time. That is what hindsight is - giving
someone information they did not have back at the
40 time.

THE CORONER: I don't think it is being put that
the information wasn't there. The question in
relation to hindsight relates to the decisions
45 that were made, not to the information that was
there.

MR PIKE: Perhaps it could be made clear by the question precisely on what basis it is being put, because hindsight does now involve knowing what has happened since that time.

5

THE CORONER: I don't see any difficulty with the question the way it is put.

MR PIKE: If the witness has no difficulty, then I will not object.

MR WOODWARD: Q. Do I need to read it again, Mr Graham?

A. Yes, please.

15

Q. Do you accept with hindsight that the need for additional resources on the Bendora fire during the 9th should have been recognised by someone and something done about it?

A. Yes, I think that there should have been greater attention paid to the resourcing.

20

Q. Who do you say should have recognised that lack of resources?

A. I say that it is a shared responsibility. It is a responsibility of those on the incident ground and it's the responsibility of those servicing those on the incident ground.

25

Q. Do you think that your failure to recognise it on the day, independently of what Mr Hayes was asking you or not asking you, was contributed to by your lack of direct firefighting and operational firefighting experience?

30

A. No, I don't. As I was saying before, it is a team effort and the service management team meets to consider these things. I don't know that what you might see as my lack of experience impeded that thinking at all.

35

40

Q. Do we take it from that that you are in effect saying that there were others who had sufficient experience either on the fire ground or in the Service Management Team to identify that lack of resources on the day, apart from yourself?

45

A. What I'm saying is if Mr Hayes had recognised the need for more resources, they would

have been provided; if the team had recognised the need for more resources, they would have been provided.

5 Q. The team, it appears, didn't recognise the need for more resources; you would agree with that?

A. So it would appear.

10 Q. What I am asking you and I think you have answered the question is your experience or lack of it, as I understand your answer, wasn't a factor in the failure of the team to recognise it; is that your position?

15 A. That's right.

Q. Is that because there are other people on the team who had the experience that you lacked?

20 A. There are other people on the team that have more practical firefighting experience than myself.

Q. Is it your position that they should have been in a position to identify the lack of resources being applied to that fire that day?

25 A. I wouldn't identify an individual within the team. I would suggest that it is a decision that may have been made by the team or a consideration that may have been made by the team throughout the day.

Q. Are you able to assist to identify what factors may have prevented it being identified during the course of the day?

35 A. No, I don't know why it wasn't discussed.

Q. There are three documents prepared in relation to each of the fires by, it appears, Mr McRae. They are timed at 2100 hours. We can clear this up with Mr McRae, but in his statement in paragraph 52 he says he actually went home at 7pm. Do you have any memory of what time Mr McRae left that evening?

40 A. No, none at all. I know that I remained there until a considerable time after 7pm but I don't know what time Mr McRae left.

Q. Can I take you to each of these documents. The first one is [ESB.AFP.0110.0756]. This is an AIIMS form on incident objectives and strategies for the Bendora fire prepared apparently at 2100
5 hours on 9 January for the operational period from 6am on the 10th to 6pm on the 10th. So that is the whole of the 10th, in effect - at least the day shift. Do you see there the general control objective, "Direct attack, minimum area"?

10 A. Yes, I do.

Q. Is that consistent with your recollection of what the control objective was as at the end of the 9th of January?

15 A. Yes, as of 6am on the 10th when we were moving into direct attack - sorry we are moving from direct to indirect attack on the 10th.

Q. This would appear to be the general control
20 objective for the period to 6pm on the 10th. Do you agree that's the effect of those first two parts of that form?

A. That's right.

25 Q. So that would not be consistent with your recollection of what the objective was for the day of the 10th?

A. Certainly on the day of the 10th we were
30 moving to indirect attack, which doesn't mean that direct attack ceases per se. If it is still a legitimate thing to be doing, that's exactly what you would be doing. As a general objective, I believe we are moving to indirect attack on the
35 10th.

Q. Are you able to offer any explanation as to why this document at least doesn't identify what by then was, as I understand your evidence, the objective; namely, indirect attack?

40 A. No, I don't know why it says that.

Q. I should scroll down to the bottom of the page. There is an initial at the bottom of the page. Is that your initial?

45 A. On the left-hand side?

Q. Yes.

A. No, it's not.

Q. Do you know whose it is?

A. I believe that's Mr Lucas-Smith's.

5

Q. Do you recall seeing this document on the night of the 9th?

A. No. I don't specifically. As I alluded to before, I would ordinarily initial the document.

10 If there are several copies of the one document, it could be that I had seen it and initialled another copy that you don't have and that I don't have.

15 Q. Do you think you would have remembered if you had been given a document on the night of the 9th, the decision having been made that day to move to indirect attack and made some comment or remarked on it?

20 A. I would expect that I would have been given a copy of that to have a look at.

Q. Do you recall saying anything to Mr McRae about "Well, hang on. Aren't we moving to indirect attack tomorrow"?

25

A. No, I don't recall seeing this document.

Q. If you had, are you likely to have said something like that to him?

30

A. That's right.

Q. The next one is for the Stockyard Spur fire [ESB.AFP.0110.0757]. Incidentally, do you recognise that as Mr McRae's handwriting?

35

A. Yes, I believe it's his handwriting.

Q. Again, this appears to relate to the operational period from 6am on the 10th to 6pm on the 10th:

40

"General control objective: leave unattended until resources can be freed from Bendora fire. Then direct attack. Minimum area if still plausible."

45

Is that your recollection of what the general control objective was on the night of the 10th of

January for Stockyard?

A. It's probably not the way I would have described it. I think what we were doing we were trying to get some heavy plant, not dozers and graders, down on that fire line to develop some containment lines before we actually put some further resources onto the fire.

Q. It wasn't a matter of waiting until resources could be freed from Bendora?

A. Not at that point, I wouldn't have thought so.

Q. Because there were other resources that could have been used that weren't at that stage on Bendora, weren't there?

A. Other resources back in Canberra?

Q. Yes.

A. There were a number of other resources who were on standby for fire call, which is standard practice.

Q. So it wasn't, as this would suggest, that you needed to wait until Bendora fire had been controlled to the point where you could free up resources from that fire to put them onto Stockyard?

A. No, that's not what I was thinking at the time - no.

Q. The second part of that: "Then direct attack, minimum area if still plausible." Does that reflect what was then proposed for Stockyard, to your recollection?

A. My recollection at this time, we are talking on for the 10th, is we were going to establish containment lines and we were going to establish an Incident Management Team to look after the Stockyard and I think that took place on the 10th. They would then do the detailed analysis of what they needed to do to contain that fire.

Q. Do you understand that one of those possibilities would have been simply direct attack?

A. Oh, yeah, direct attack was still an option that they may have been utilising.

Q. If they identify containment lines though, wouldn't that suggest that they were moving to an indirect strategy?

5 A. No, they could still do indirect attack with water bombing.

Q. But, in terms of general control objective, wasn't it the case that the intention was - or at least what had been identified by then was the
10 move to indirect attack as the general control objective?

A. Yes. The intent was to put some containment lines in and then to have the team that was considering what to do with this fire then work
15 out the detail on how they were going to do it, which in all likelihood would be indirect attack.

Q. Finally for Gingera - sorry I should ask you: do you recall seeing that document on the 9th?

20 A. I don't know that I have. I don't recall seeing it, no.

Q. [ESB.AFP.0110.0758] - again, what was your understanding of the strategy, the general control
25 objective for Gingera that night - by that night?

A. Well, we had crews on the Gingera fire overnight on the 9th.

Q. What were those crews doing, Mr Graham, do you
30 know?

A. I don't have anything specific other than the officer that was on that fire advises our communication centre that he can look after the fire overnight with the crews that he had. Now in
35 terms of "looking after" we had set in place the objective to keep the fire to the western side of Mt Franklin Road. That was their primary goal.

Q. Which could have involved merely just
40 monitoring the fire overnight and see that it didn't cross the road?

A. That's right.

Q. Is that your memory of what they in fact were
45 doing?

A. I don't know that they did much more. I think that that is the case on that night.

Q. Do you recall them being given any instruction at all as to whether to conduct any firefighting that night?

A. No. I don't recall that discussion.

5

Q. So far as the "direct attack, minimum area" general control objective, is that consistent with your memory of what the objective was for Gingera that night?

10 A. I think that it was more a monitoring role than anything on that night.

Q. But moving for the next period, 6am to 6pm on the 10th, what was the general control objective to your recollection that day?

A. I think that they were still to try to contain the fire as quickly as they could in preparation for releasing resources to the Bendora fire.

20 Q. To the Bendora fire?

A. That's right, on the 10th.

Q. I see. How were they going to do that, do you recall?

25 A. They had some tankers and they had some hand tool crews and they had assistance with water bombing.

Q. Was that a direct attack that day?

30 A. I don't recall.

Q. Again, do you recall seeing that document on the night of the 9th?

A. No, I don't. No, I don't.

35

Q. In his statement at paragraph 50 dealing with the night of the 9th - I will read this rather than bring it up; but if you do need to see it, say so - Mr McRae says:

40

"At this time - that is on the afternoon/evening of the 9th - there was no IAP - incident action plan - for either the Stockyard Spur or the Gingera fire. Fighting of the Gingera fire was the responsibility of the Incident Management Team looking after the Bendora fire and the effort for that was

45

simply containing it at the Mt Franklin road."

Is that your recollection, Mr Graham --

5 A. We are talking about the afternoon of the 9th?

Q. Yes.

A. No, I have a different recollection to that.

10 Q. What is your recollection to that?

A. That an officer, Parks 7 member, by the name of Peter Callan was incident controller down at that fire with the two light tankers. He was managing that fire as a separate fire to the
15 Bendora fire.

Q. Was that the position, as far as you knew, for the whole of the 9th?

A. I don't know what time they started on the
20 9th, but certainly throughout the afternoon of the 9th and overnight as well.

Q. Was there ever a point where the Incident Management Team looking after the Bendora fire was
25 responsible also for the Gingera fire?

A. I don't remember that that was the case at all.

Q. Just finally on the 9th, Mr, Graham, there is
30 a document - we don't know when this was prepared - that I will just ask you some questions about. It is [DUS.DPP.0001.0008] and it is a fire status report dated 9 January on the letterhead of Environment ACT. Do you recall seeing that
35 document?

A. No, I don't think I've seen that before.

Q. It is signed off on the next page - that is
40 the only thing that appears on the next page - by Mr Nick Lhuede. Of course we can ask him. Do you have any knowledge as to why he would be preparing this kind of document?

A. No, other than to provide a report to his agency, who are the land managers of land where
45 the fires were about what the situation was. That's only speculation on my part.

Q. Just under the charts that he has provided there in respect of the four fires, he says under "comments":

5 "Main concern remains New South Wales fire,
with relatively large area burnt yesterday.
No significant threat at this stage with
prevailing southerlies, however return of
10 north-north-west wind patterns may present
threat to ACT - see weather below."

By the end of the 9th, Mr Graham, what was your understanding of what, if any, threat was posed to the ACT by the McIntyre's Hut fire?

15 A. My understanding was that the New South Wales crews were working on the containment lines, particularly on the south and the eastern edges of the McIntyre's Hut fire, and they were comfortable that they would be able to establish those
20 containment lines and hold the fire.

Q. You were present during Mr Koperberg's evidence, weren't you?

25 A. No, I wasn't.

Q. Sorry. As a matter of general principle though, having a containment line established around a fire can be a long way short of having the fire controlled; do you agree with that?

30 A. Oh, certainly.

Q. So a containment line being in place does not mean that the fire is no longer a threat; does it?

35 A. No, not of itself it doesn't, no.

Q. If the fire did threaten the ACT, it was going to have a significant effect on your workload, I suggest?

40 A. That's right.

Q. Do you recall at any time during the day on the 9th it being identified to you that the McIntyre's Hut fire posed a threat to the ACT?

45 A. Not in specific terms. I think we all - sorry. I think I always had in the back of my mind the fact that, if it did breach its containment lines, it may very well impact into

the ACT.

Q. That's something that was in the back of your mind, was it, from when?

5 A. Well, I think probably not on the 8th because I think we were too focused - I was too focused on the fires we had. Then given a bit of time I think from the 9th onwards, it was always - there was some possibility that that might happen.

10

Q. Moving to the 10th of January, you say in your statement at paragraph 47 that you commenced work at 0600 hours and you then conducted a reconnaissance flight with David Ingram; is that correct?

15

A. No, not with David Ingram.

Q. Sorry, I misread that. Beg your pardon. You say in paragraph 47:

20

"At about 0630 hours I departed in 'Firebird 7' from the Weston police complex for our flight while David Ingram remained in COMCEN undertaking the operations officer and he also maintained the role of SMT logistics officer during this time."

25

You talk about "we". Who was with you - just the pilot or someone else?

30 A. I think on that day there, it was just the pilot. There was certainly on occasion a photographer that came with us. I'm not sure on that day whether the photographer was there.

35 Q. What was the purpose of you conducting that reconnaissance flight?

A. To see what the fire growth had been overnight, just to see what the crews were doing and to provide any guidance, direction that we could to the crews from the air.

40

Q. You say you relayed - you also advised fire behaviour information, "I also relayed this information to ground crews at the site of each fire". Now that you have access to radio transcripts, can you indicate what sort of information you were relaying at that time on the

45

morning of the 10th?

5 A. Okay. If you look at the Bendora fire, I advised grid references for the fire perimeter on the morning of the 10th. I advised that the fire was the most active on the north-western side. The south-east corner has essentially gone out and there is predominantly a backing fire. That's what I provided for that particular fire, for Gingera --

10

Q. What size? Did you give an indication of the size?

A. I don't have that recorded. I'm not sure now whether or not I did.

15

Q. Do you have a memory of the size of the fire as you saw it?

20 A. No, I don't. For the Gingera fire I provided once again grid references, most active side probably the south-west edge, terrain suitable for a dozer, the track on the eastern side suitable as a containment line.

Q. And --

25 A. Stockyard, with Stockyard I advised grid references, probably burning the best of the three fires - and by "best" I mean most active - active flame a half a metre, and it is going downhill on the northern side. That appears to be all that I provided that morning.

30

Q. Did you go over the McIntyre's fire at that time?

A. No, I didn't.

35

Q. What were your thoughts, Mr Graham, about the state of the fires and the capacity to control them that morning?

40 A. I think I was fairly confident that they could be controlled that morning.

Q. Did you have any involvement in identifying the resourcing for the fires during the morning or was it just a matter of what was requested overnight?

45

A. What was requested overnight is what was provided. I don't know if we provided any

additional resources through the day.

Q. Did you have a view at the time as to whether what was to be there that morning was going to be
5 enough?

A. I believe that it was enough.

Q. Your evidence I think at paragraph 50 is that at about 7am crews arrived at Bendora with Odile
10 Arman in charge, four heavy tankers and one RAFT crew. Is that correct?

A. That's right. That's what they started with. As I'm going through my notes I am seeing that additional resources were provided that day.
15

Q. Did you have a view that morning as you were flying over the Bendora fire as to whether one RAFT crew and four heavy tankers were going to have much impact on that fire that day?

20 A. I don't think I formed a view that that wouldn't be enough.

Q. Do you agree with the overnight assessment or the assessment the night before that the fire was
25 in the vicinity of 90 hectares?

A. I can't see that I've recorded the size of that fire. If I did, I certainly don't have that information any more.

30 Q. Do you have a memory? Does that surprise you?

A. No, not particularly.

Q. Sorry, I asked two questions then.

35 A. My answer was in terms of the memory.

Q. Does it surprise you now that that the estimate of the fire the night before was of a 90-hectare fire? Is that consistent with what you remember seeing on that morning?

40 A. I can't remember now what I saw, bearing in mind that I flew the fires most days and it is just too difficult now to recall with any more clarity what the size of the fire was.

45 Q. You don't recall as you flew over thinking "Gee, four tankers and one RAFT crew isn't going to have much of an impact on this fire"?

A. At the time of the morning that I flew it at about 7 o'clock, there wasn't very much fire behaviour and I think I said that the north-eastern side was probably contained.

5

Q. Was contained?

A. Sorry, what I said was, "South-eastern corner has essentially gone out and is predominantly a backing fire".

10

Q. Did you think it was going to stay extinguished during the day, Mr Graham?

A. Well, at that point I had nothing to suggest otherwise. So I believe that is the case.

15

Q. Was there a control line on that corner?

A. On the south-eastern corner?

Q. Yes.

20

A. I think so. I think that's where most of the effort had been throughout the previous day.

Q. So you are saying that there was both - the fire was extinguished on that corner and had burnt up to some sort of control line; is that your memory?

25

A. It had burnt from the control line they had in their south-eastern corner towards the north-west, which took the active fire off that corner.

30

Q. What was your recollection as to what was being proposed that day for control of the Gingera fire? What was the strategy at that time?

A. The officer in charge at that fire called Tony Greep had another officer with him, that is Dennis Gray. They were both advised that they were to attack the fire aggressively and contain it as soon as possible so those crews could be released - so that some crews could be released from the Gingera fire to go to the Bendora fire.

40

Q. How were they going to do that?

A. Well, with their - I think they had three remote area firefighting teams and they were going to put some containment lines in using those. And they had two tankers there for direct firefighting, if needed.

45

Q. Did you have any conversations with Mr Greep during your reconnaissance flight about the Gingera fire?

5 A. Yes, I did. I gave a situation report which I assume he heard. I haven't recorded anything that he said to me at that time.

10 Q. Mr Cooper I think also flew a reconnaissance - was it with Mr Ingram - that morning; is that correct?

A. I knew Mr Cooper flew a reconnaissance flight. I don't know that Mr Ingram was aboard. He may have been. I just don't know.

15 Q. Your statement isn't clear on the time you returned from your flight. Do you have that time somewhere?

20 A. I have - maybe I don't. No, I don't have that. I would suggest it was some time around 8.30.

Q. If Mr Cooper was flying a reconnaissance he was in a different aircraft, was he?

25 A. Oh, very possibly. I think we had two light aircraft and SouthCare that day.

Q. Do you recall having a discussion that morning with Mr Cooper about a dozer for Gingera?

30 A. Yes, I had a discussion with him.

Q. At about what time was that, do you think?

A. 8.30ish. I doubt it would be before. Between 8.30 and 9 o'clock, I think.

35 Q. At paragraph 34 of his statement - perhaps I should ask you: what's your recollection of that discussion?

40 A. That he was suggesting that if we could get a dozer down onto that fire, we might be able to contain it.

Q. Yes, and what was your response?

45 A. I think I raised with him some environmental concerns. We were due to meet with the Environment ACT at 9 o'clock, so 30-odd minutes after our discussion. At that meeting we were going to discuss the use of plant. Plant would

have taken the best part of the day to get into that fire because they would have to float it where possible along Mt Franklin Road and where not possible then they would have had to walk it
5 in. Dozer operators are reluctant to do great distances, because it is not good on their machinery.

Q. Did you have a view about how close to the
10 fire it would have been possible to float a small dozer?

A. No. I don't. I would imagine it is not too far south of Bulls Head. I would need to look on a map to estimate the distance between that point
15 and Gingera. I think it would be in the vicinity of 15 kilometres. I might be a little bit wrong there.

Q. Mr Cooper's statement is [ESB.AFP.0110.1112]
20 and at 1122 starting at paragraph 33, Mr Cooper says:

"On the morning of the 10th, while still
25 filling the role of liaison officer, I flew over the Bendora, Mt Gingera and Stockyard Spur fires with Dave Ingram to map the fire boundaries and report on fire behaviour to assist in developing fire suppression tactics."

30 The timing would suggest that was at the same time you were still in the air, Mr Graham; would that be correct?

A. That is what it would suggest. I can only
35 assume he was in a different aircraft.

Q. He continues:

"We left the police complex at Weston at
40 around 7am and flew directly to the Bendora fire. At 7.25am I gave a situation report by radio to ACT COMCEN in which I stated that the Bendora fire was burning quietly and in most places was burning as a backing fire
45 with low flame heights. At this stage I recall it had just reached the edge of the Bendora arboretum."

Can you explain why you and apparently Mr Cooper were flying at about the same time doing effectively the same thing; or is it possible that perhaps you were there before?

5 A. No, I'm reasonably confident that I flew that day and I'm reasonably confident with the times I've given. I don't know why Mr Cooper was flying those fires because, as liaison officer, I would have thought his focus would have been on the
10 McIntyre's fire.

Q. As I understand your statement, Mr Ingram was filling, as you understood it, your role back at the SMT; wasn't he?

15 A. Yes, that's right. That was my recollection. There is obviously some confusion here as to who was flying and what was happening.

Q. Is it possible that you weren't flying that
20 morning or are you able to tell from the transcripts that you were actually giving those reports and it wasn't Mr Cooper giving them?

A. It is possible that - I've got nothing in my
25 notes to say that I flew that day. That was my understanding. It is possible that my recollection is wrong and that I didn't fly that day at all, that it was Cooper and Ingram.

Q. Paragraph 34 he deals with the issue I was
30 discussing with Gingera:

"We then flew up to the Gingera fire where we
landed at about 8am to liaise with Tony Greep
and Peter Callan. I recall it being very cold
35 and the fire behaviour was even more inactive than at Bendora. In some places the fire had actually burnt itself out. The vegetation cover was a thick Alpine shrub, heath and poa type grasses that become extremely difficult
40 to get through with hand tools. This was further shown to be true when we tried to land the helicopter. It actually sank about half a metre into the heath until the tail rotor was almost touching the vegetation. We
45 were expecting that hand crews could cut tracks into this area but seeing that the heath was probably half a metre deep, I

radioed into COMCEN at 7.46am that a small dozer would be best to cut a trail directly along the side of the fire edge, direct attack, right in around the top of the spur, causing minimal damage and thereby containing the fire. I received an immediate reply from Tony Graham and COMCEN that this would not be an option."

10 Pausing there, do you recall Mr Cooper's timing recollection which may have been assisted by the transcripts - I'm not sure - would suggest that you were at COMCEN at 7.46; can you assist from your own notes about that?

15 A. As I am going through my own notes now, it appears that I was at COMCEN. And that's not a direct reference to COMCEN but it is a tasking that I tasked 'Firebird 7' to Bendora fire for a situation report, which makes me think that I did that from COMCEN. So if I made any reference to myself doing an aerial reconnaissance flight on the morning of the 10th, I now think that is incorrect.

25 Q. What do you say about the timing of the call that Mr Cooper says he had with you about the dozer on Gingera; he puts it at 7.46?

A. That's right. I have got that conversation recorded.

30 Q. What's your record of the conversation you have there?

35 A. "Vegetation conducive to the dozer doing direct attack. Tony Graham advises preference not to put a dozer into that area", that was at that time.

Q. That's consistent with your recollection of what was discussed?

40 A. I don't recall that particular conversation but I've got no reason to suggest that it's not as I have just described it.

45 Q. Earlier in your evidence I took you to Mr Cooper's statement and I think you said you did recall, although you were maybe recalling the note in the transcript, having a discussion about the

dozer and saying to him --

A. That reference was to at 8.30 or thereabouts a telephone discussion that we had.

5 Q. He says in later discussions with you:

10 "I believe the reason was not an option - that this was not an option is it was a national park and it was deemed inappropriate to have heavy machinery in this particular environment. However I remain very confident that we could have contained the Gingera fire at that time with the use of a small dozer".

15 Just in relation to the conversation he had with you, you say that conversation did occur?

A. I believe it did occur, yes.

20 Q. You indicated to him at that stage at least - I should ask you: what did you say to him about the use of the dozer?

25 A. I believe the way he has described it is probably right. As I said earlier, we were intending and in fact did have a meeting with Environment ACT about 30 minutes later to discuss plant operations. They weren't in any way asking us not to put plant into that area. It is just that our intent by about that time was to contain the Gingera fire as soon as we could so we could
30 release some crews to go to the Bendora fire.

Q. As I understood what you said earlier about the use of dozers, Mr Lucas-Smith had authority to use them as he saw fit; is that correct?

35 A. That's right.

Q. So, in at least denying that request at that point - did you ask Mr Lucas-Smith or pass on that request to Mr Lucas-Smith to see if he thought it was appropriate?

A. I can't recall specifically having that conversation with him.

45 Q. So is it the position that you decided, at least at that stage, to wait until that discussion which was about to occur occurred before giving authority?

5 A. I just don't know whether or not I had spoken to Mr Lucas-Smith, or indeed to anybody else, prior to that conversation with Neil Cooper at about 8.30 in the morning. It's just too hard to remember now.

10 Q. You would accept that you did at least at that point, firstly at around 7.46 from the transmission and again at 8, indicate to him that it was not appropriate to use a dozer at that time?

15 A. At 7.46, my notes say that I advised as a preference not to put one in, not categorically it will not happen.

Q. That's not accepting his recommendation; is it?

A. That's right.

20 Q. So you were, in effect, saying no at that stage and waiting until that meeting occurred?

A. That's right.

25 Q. That was something he repeated at the subsequent telephone conversation?

A. I believe so.

30 Q. Wouldn't it have been appropriate, Mr Graham, to have approached Mr Lucas-Smith at that point and at least got his authority to accept that request?

35 A. I may well have done that, I just don't know. I'm not suggesting there wasn't any conversation between myself and Mr Lucas-Smith or indeed anybody else before 9 o'clock, before the meeting we had then. I just can't remember.

40 Q. Why did you decide to defer any decision at least about that and not just accept Mr Cooper's recommendation?

45 A. I don't know. I don't know whether or not I had a conversation prior to Mr Cooper ringing me about plant and equipment being in that particular area.

Q. When Mr Lucas-Smith was asked about that issue, at page 896-7 of the transcript he was

asked:

5 "Q. Were you aware generally of an issue about the use of heavy machinery, whether medium size or large dozers in that area, and the effect it might have on the environment?

10 "A. Certainly. I spent 17 years with New South Wales National Parks and Wildlife Service. But I agree with Neil Cooper."

That's an agreement with Mr Cooper's - that part of his statement that I have just read out to you, Mr Graham. He is then asked at page 897 line 1:

15 "Q. Obviously we will ask Mr Graham. But, as to the reason why Mr Graham refused permission, in effect, saying it wasn't an option, you have no idea?

20 "A. I would think it has probably got more to do with the fact that there wasn't any machines available to do that task."

25 "Q. That may be the reason except that Mr Cooper says in a later discussion it wasn't about that at all; it was about the lack of appropriateness in having heavy machinery in that particular environment?"

"A. You would have to ask him that."

30 It wasn't about resources at that stage, was it, Mr Graham? Your decision at that point at least was based on your concern about that environmental issue?

35 A. I think environmental concerns certainly were a part of it. We didn't have a large number of plant resources at that time. As I indicated earlier, it would have taken a long, long time to get some plant down to that point.

40 Q. Let's be clear, Mr Graham. Was your decision, put it this way, to not agree with that request at that time based on the environmental issue, if I can call it that, or a lack of resources?

45 A. No, I believe it was primarily based on environmental issues.

Q. Primarily or exclusively?

A. Well, what I am saying is that there weren't the resources - we were going to be focusing our effort on the Bendora fire --

5 Q. I'm sorry to interrupt. I understand that there may not have been the resources available, but what I'm interested in is what was motivating your decision. Was it, as I understand you to be saying, the environmental concern not a lack of
10 resources that led you to give those answers to Mr Cooper; is that the position?

A. What I am saying is the environmental factors were in my mind there is no doubt. I am not suggesting it was a single factor that denied
15 Mr Cooper those resources in the first instance.

Q. What did you say to him about it? What's your recollection as to the reason you gave him?

A. I can't remember now.
20

Q. Well he says you told him because of environmental reasons, in effect. You accept that that's correct, that's what you told him?

A. That may well have been a part of the
25 conversation. I don't know what the total conversation was.

Q. Do you have any memory of saying to him that the reason or part of the reason was because of
30 lack of resources or inability to get a dozer to that area?

A. No, I don't recall whether or not I raised that with him.

35 Q. That's because the reason in fact was the environmental concern, wasn't it, in your mind?

MR PIKE: I object to that, your Worship. My friend is twisting my client's words. He was
40 asked the question "you don't recall something" and therefore that means something else. Not being able to recall something can't be taken in that way.

45 THE CORONER: It is important to get an answer though, Mr Pike, to this question.

MR PIKE: Oh, indeed.

THE CORONER: I don't believe Mr Graham has
addressed his mind or turned his mind to the
5 question - I mean, primarily environmental
concerns. I would like to know what was the
overriding concern in your mind, Mr Graham.

MR PIKE: Absolutely, your Worship. If that was
10 the question, I would have no objection to that.

THE WITNESS: Your Worship, I believe the
environmental impact was forefront in my mind when
I spoke to Mr Cooper at about 8.30. I also,
15 without recalling the specific conversation, would
have known at that point I think that plant wasn't
readily available and that it would be a long
drive or a long passage for them to go down to
reach that fire. So I do agree that environmental
20 concerns were foremost in my mind for the period
between the conversation with Mr Cooper at about
8.30 and 9 o'clock when we had that meeting with
Environment ACT.

MR WOODWARD: Q. You had that meeting or at least
that meeting with Environment ACT occurred later
that morning; is that correct?

A. That's right.

Q. Were you present?

A. Yes, I was.

Q. I think you deal with it in paragraph 57 of
your statement:

35

"At about 900 hours the SMT (including me)
met with Executive staff from Environment ACT
to discuss the location of strategic fire
trails throughout Namadgi National Park. The
40 Environment ACT empowered Peter Lucas-Smith
to construct fire trails throughout the NNP
where necessary, on the understanding that
environmental and heritage issues were taken
into account."

45

As I understand your evidence, Mr Graham, it
really wasn't a matter of them empowering him; was

it?

A. Mr Lucas-Smith had that authority in the first instance.

5 Q. I suggest to you that "empowered" is perhaps the wrong word to use in those circumstances. He didn't need to be empowered by them; did he?

A. No, he didn't need to be empowered.

10 Q. So what was the understanding that was reached at that stage? What was the effect of what was discussed?

A. I believe that it was about some of the sensitive areas that were in the park,
15 particularly some of the moss, the sphagnum moss areas that were sensitive and also some of the wildlife sensitive areas in that park. There were also at some point - I can't remember now whether it was at that meeting or a subsequent meeting -
20 issues about the old surveyor's line adjoining or adjacent to Mt Franklin Road that concerns were raised about.

Q. As I understand it then, was it really a
25 matter of Mr Lucas-Smith and the rest of the SMT being informed by the Environment ACT personnel the areas they had concerns about so they could take that into consideration when they were determining containment lines and the like; is
30 that the position?

A. That's right.

Q. It wasn't a matter of getting any kind of permission or agreement or consent to the
35 construction of the fire trails as thought necessary?

A. No, I don't believe so.

Q. Did that, to your knowledge, Mr Graham, the
40 issues that were raised and these sensitivities that were raised have any direct impact on decisions that were made about where to put containment lines?

A. I don't believe so. Not at all. I can't
45 think of a single incidence where that actually happened.

Q. In relation to Mr Cooper's request earlier that morning, was anything done by you at least, having had that discussion with Environment ACT, to reverse that decision or to take steps to get
5 that small dozer in there?

A. No, it wasn't. At that point we had agreed that we would focus our effort on the Bendora fire and that's where our plant should be and that's where our ground resources should be as well. So
10 we didn't put a dozer down there.

Q. When was that decision made; do you recall?

A. Fairly early. At 4 minutes past 6 on the morning of the 10th, I had a radio conversation
15 with Tony Greep and Dennis Gray and advised that most of the crews would be released to assist at the Bendora fire. So that was an early morning discussion.

Q. So that was before you spoke to Mr Cooper, was it?

A. That's right.

Q. What was it that happened at about the time or
25 shortly after the meeting with Environment ACT that led to Mr Cooper's request not being acted upon at that point?

A. It was because we were going to be focusing our efforts on Bendora and we didn't want to put
30 plant down at Gingera when we needed everything we could get at Bendora.

Q. The time that you referred to of your radio conversation, was it with Mr Hayes and Mr Gray,
35 you said?

A. No, Mr Greep.

Q. Mr Greep, I'm sorry. What time was that?

A. I've got 0604 on channel 2.
40

Q. Can I just read to you the extract from the transcript at that time but it appears to be also on channel 3:

45 "Yes, roger. You will need to be listening to this brief because some things have changed and they are going to affect you."

I think that's Hall 1 and Oscar 1, is that right?
A. No, Hall 1 is Mr Greep and Parks 9 would have been the other officer. My call sign is Oscar 1.

5 Q. Yes, I am sorry.

"For both Parks 9 and Hall 1, briefing is as follows. Both you and your allocated crews are to go to the Gingera fire, so for Parks 9
10 you are no longer going to the Stockyard Fire. Hall 1 will be incident controller at Gingera fire. Your crews are to attack this fire aggressively, try to contain it as soon as possible. We are going to support you
15 with two, maybe three aircraft. Once this fire has been contained, Hall 1 and 2 light units will remain on scene. Parks 9 and the remainder of the units will then go to Bendora to assist Parks 1 in rounding up the
20 Bendora fire. What this means is that the Stockyard Fire will not be resourced at all today. What we are going to try to do is round up both Gingera and Bendora and we will concentrate on Stockyard Fire tomorrow. Do
25 you understand that so far, Parks 9, Hall 1?"

Is that the transmission you are referring to?

A. That's right.

30 Q. That would certainly suggest, wouldn't it, Mr Graham, that Gingera was going to remain resourced and indeed rounded up, at least at that time?

A. At that time that was developed.

35

Q. When did that change?

A. I think when it was recognised by the Service Management Team that we needed to do what we could to round up Bendora.

40

Q. That was when that morning?

A. I don't have a precise time.

45 Q. Well, Mr Cooper has suggested at about 7.46 what is needed in order to round up Gingera is a small dozer. That request was in effect denied initially pending the meeting. The meeting has

occurred. I will ask you again: what, if anything, was then done to satisfy that request by Mr Cooper for a dozer?

5 A. There was nothing done. That request wasn't met.

Q. As I understand what you are saying, that was because by then at least the decision had been made to focus all resources on Bendora; is that correct?

10 A. That's right. Sorry when you say "all", I mean not literally all but certainly the greater number.

15 Q. At paragraph 52 of your statement, Mr Graham, you refer to the McIntyre's Hut fire. You say:

20 "With some possibility that the McIntyre's Hut fire could impact on the ACT at some stage, ACT Forests organised a D9 dozer to work in and around Blundell's Flat area, clearing a mineral earth break around the Uriarra pines to the north-west of Uriarra Road. This work was done throughout the day."

Did you have any planning part in that decision to use the D9 dozer for that purpose?

30 A. No, I didn't.

Q. Do you know whether anyone else at the SMT played any part in that decision?

A. No, I don't know that anybody else did.

35 Q. I think I read to you on the last occasion - I will find it, if I need to - Mr Bartlett's statement where he refers to the use of the D9 dozer. He in effect says his decision to use that dozer in that area largely came about because no-one else wanted it at that time on the 9th. Do you recall that? Do you recall ever asking him for that dozer?

40 A. No, I certainly didn't ask him for that dozer but sourcing dozers wasn't my responsibility.

45 Q. I might just ask you about another situation document [ESB.AFP.0110.0852] at 0853. This is a

fire situation analysis form for the 10th for the Bendora fire. Just going down towards the bottom of the page you will see the legal constraints on suppression activities:

5

"The fire is in Namadgi and needs to be managed in accordance with Parks policies."

10 In the context of what we were discussing earlier about Mr Lucas-Smith's powers, what do you understand that to be suggesting?

15 A. I am not sure what the Parks policies are. I don't recall ever having seen any Parks policies. My understanding is that Mr Lucas-Smith has the authority to use whatever it is that he needs to use to suppress fire, and Parks policies wouldn't override anything that he wanted to do.

20 Q. It goes on:

"Fire is in Cotter catchment and will be difficult to contain if southern or eastern breaks are breached."

25 Was that something you were conscious of on the 10th?

A. That's right.

30 Q. Over the page the general control objectives with the three alternatives, you would be familiar with this form of document, would you?

A. I'm familiar with the document itself.

35 Q. You are, are you?

A. Not this particular one. I am familiar with the format of the document.

40 Q. Do you recall seeing this document before?

A. No, I don't.

40

Q. Just going to each of the alternatives:

45 "Dozer to secure southern, eastern and western boundaries. Chopper to control the flank before fire crosses Bushranger Creek. Tankers and light units to direct attack where road access."

Then down the page there is a list of the resources available, estimated size controlled and then at the bottom the estimated probability of success 20 per cent. The estimated date controlled is 11 January. Are you familiar with that? The strategy that was at the top of the page was that the strategy being pursued at the time?

5
A. I believe so. If we could just go back to it --
10

Q. Yes, we will go back up the page:

15 "Dozer to secure southern and eastern, western boundaries. Chopper to control north flank. Tankers and light units to direct attack. Rear road access."

Is that the strategy that was being pursued at that time, that is late morning on the 10th?

20 A. That's my recollection.

Q. A 20 per cent estimate of probability of success is utterly satisfactory; is it?

25 A. It's very low.

Q. Do you recall having in your mind at the time that the chances were that low of securing that --

30 A. No I don't. No.

Q. Do you disagree with that assessment?

35 A. I would have thought 20 per cent was low. I notice that this was prepared over a long period, this particular form. It was certainly before 1500, I think I saw at the top of the form. By that time we had resourced it with considerably more resources than what is shown there. So that may well have had an impact on its probability of success.
40

MR WOODWARD: Your Worship, I do have a few questions about this. Perhaps that's a convenient time.

45 THE CORONER: Yes, we will take the luncheon adjournment.

LUNCHEON ADJOURNMENT

[1.02pm]

RESUMED

[2.02pm]

5 MR WOODWARD: Q. Mr Graham, before I return to
the situation analysis form on the screen, I
should have asked you, I read to you earlier the
0604 transcript of the radio transmission
concerning Parks 9 and Hall 1. I should have
10 asked you first was it you physically making that
transmission or was it --

A. I believe that the COMCEN operator actually
said the words over the microphone.

15 Q. The effect of the message - I will read the
relevant part of it again:

"Hall 1 will be incident controller at
Gingera fire. Your crews are to attack this
20 fire aggressively to try to contain it as
soon as possible. We are going to support
you with two, maybe three aircraft. Once
this fire has been contained Hall 1 and 2
light units will remain on scene. Parks 9
25 and the remainder of the units will go to
Bendora to assist Parks 1 in rounding up the
Bendora fire."

30 As at that time, firstly that is 6.04 in the
morning, did you have a view as to how long it
would take, to use the words in the transmission,
to contain the Gingera fire?

A. I believe the expectation was by mid to late
35 morning that they would have that containment
done.

Q. When you say "the expectation was", was that
your expectation?

A. I think the objectives that were given were
40 those that had been discussed by the Incident
Management Team, the Service Management Team back
at Curtin. That was the view of the group, the
Service Management Team group that that is what
would happen.

45

Q. You said --

A. Mid to late morning.

Q. -- mid to late morning the Gingera fire would be contained?

5 A. That's correct. Certainly we are looking at the eastern, northern and southern flanks. The western flank was a little bit more problematic because of the terrain that that fire was in.

Q. If the southern flank doesn't have a containment line, it is not contained, is it?

10 A. Sorry --

Q. Is that a qualification on your answer, where you say you hope to have it contained by mid to late morning, is that contained on three flanks?

15 A. That wasn't specified in the radio transmission. What I am saying is that it was acknowledged that the western flank would have been particularly difficult to contain given the terrain that it was in.

20

Q. To contain a fire, you have to have a containment line all the way around. When did you expect, as at that time, to have the Gingera fire contained?

25 A. With a containment line all the way around? I don't know that I did expect that. I think that the western flank was always going to be one with water bombing it would have slowed down. But in terms of having a containment line around that western flank, I don't think that that was ever the view.

30

Q. Was the effect of the message then that the resources on the fire would be reduced to the two light units once all but the western flank were contained; is that what the effect of the message was?

35

A. I believe so.

40 Q. So was it the Hall 1 and 2 light units that were to remain on scene once the fire was contained were they left to tidy up the western flank, was that what was intended?

45 A. It was more to ensure that the eastern, northern and southern flanks held rather than the western flank.

Q. What was going to be done with the western flank?

A. I don't think we had anything other than water bombing on that flank. I don't think at any point
5 there was anything else done.

Q. What was the intention? What were you going to do about it?

A. At that point I don't believe we were going to
10 do anything. We were going to allow it to burn. It was burning downhill. It was burning away from the ACT. At that point we were trying to ensure that the eastern, northern and southern flanks would hold.

15

Q. Did you have a concern that if left uncontained there was a risk that the fire might, having moved to the west, then come around either side of the containment lines on the north and
20 south and burn back towards the ACT?

A. That was a possibility. We had crews on the fire ground if that eventuality happened and we had support with water bombing from the aircraft - the helicopter aircraft.

25

Q. Except that containment of the western flank may have been problematic, did you have a view at that time as to how it was going to be dealt with?

A. I don't believe I formed a view at that time.

30

Q. Concerning Bendora, the transmission goes on:

"Parks 9 and the remainder of the units will then go to Bendora to assist Parks 1 in
35 rounding up the Bendora fire."

35

Did you have a view at the time - that is at early morning on the 10th - as to how long it would take to round up the Bendora fire?

40

A. No, I don't. I didn't have a view at that point how long it would take, no.

Q. As at about that time, Mr Graham, did you have a general concept in your own mind as to how much
45 time you had to get these fires contained? Did you have a time frame you were working to?

A. No. There was nothing explicitly stated in

that regard. It was to contain the fires as soon as we possibly could but without a time frame being given.

5 Q. Did you have a view as to when a point might be reached where if containment wasn't achieved it would then - you would then lose control? Did you have that --

A. Certainly not.

10

Q. It comes back again to this issue which I think was raised indirectly first thing this morning, as I understand it, you are saying you didn't have an understanding at the time there was a typical weather cycle during those summer months that might involve the wind or the weather turning within a particular time frame?

15

A. That's right.

20 Q. So you hadn't - it's an obvious question but I will ask it - you hadn't focused on that as being a time frame within which to get things under control?

A. Not at that point, no.

25

Q. Are you familiar with the Rural Fire Control Manual?

A. Yes, I am.

30 Q. At the risk of creating havoc with the system, I might just ask that this document be brought up on screen. It is from the first phase and it is [ESB.AFP.0028.0112] beginning at 0133. This was the publication that still in effect governed the operations of the various firefighting services as at January 2003; wasn't it?

35

A. No. It governs the Bushfire Service, not any other fire services. It is acknowledged that it is a fairly dated document but it is the document that was current for that time.

40

Q. Just going down to the last part of that paragraph that is on screen:

45 "Under the worst recorded conditions grass fires can travel up to 18 to 20 km per hour and fires more than 60 kilometres away may

threaten the ACT. An area of more than
60,000 hectares may be burnt in 8 hours and
if only two or three fires break out at the
same time it is possible for them to burn
5 most of the ACT. Also, it must be remembered
that fires starting within the ACT under
these conditions have the potential to burn
through to the south coast.

10 It is important that we recognise that, under
these extreme fire weather conditions which
may occur every five years or so, it is
impossible for any fire suppression
organisation to control the fire if it is
15 burning in abundant fuels. While much can be
done with early detection and rapid initial
attack, if a fire burns from some distance
away and enters the ACT in a broad front then
fire suppression forces available in both
20 rural and fire brigade services will be
overwhelmed. Prevention of loss of life and
damage to property can be undertaken only by
individual home owners. Thus, it is vitally
important for the ACT Bushfire Council to
25 promote a sound understanding of fire spread
and what can be done under severe conditions
to protect life and property and extend this
to individual home owners by the volunteer
bushfire brigade movement.

30 The suburban area of Canberra has never been
directly hit by a large fire travelling in
from the west. However, the potential
weather to create widespread havoc within the
35 urban area has existed and there are adequate
examples in history to indicate the potential
for a bushfire disaster."

40 There is then reference to the 1939 fires. Are
those general statements something you were
familiar with at the time of these fires,
Mr Graham?

A. To the point that I have read the Rural Fire
Control Manual through, yes. But I haven't read
45 it for some time, so I wouldn't necessarily agree
with all of those particular passages.

Q. Do you recall at least having a sense as at January that under the extreme conditions that were prevailing at that time, the Rural Fire Control Manual did refer to the sorts of calamities that may arise?

5 A. I was aware of that.

Q. You were?

A. I was.

10

Q. The rates of spread they refer to - for example, an area of more than 60,000 hectares may be burnt in 8 hours; was that something you were familiar with at that time?

15 A. It is not something I particularly recall reading and it is certainly not something I have ever experienced. I don't believe I have read numbers like that in any other document either.

20 Q. Well, do you disagree with it?

A. No, I don't.

Q. Can I just take you to the next page. The last complete paragraph on that page, that is 25 0134:

"During a severe summer the severe orientation of the pressure systems over southern Australia means that a cold change occurs roughly on a seven day interval. Therefore, during the week the fire danger conditions may be low to moderate immediately after a cool change and gradually build up to extreme just before the next cool change passes."

35

As I understand your evidence, that cycle is not something that you were conscious of at the time of these fires?

40 A. That's right.

Q. Returning to [ESB.AFP.0110.0852]. While that is being brought up, Mr Lucas-Smith in his evidence at page 917 said in effect that as at 45 10 January he thought he had four days before the weather would start to shift and put pressure on parts of our line. Is that something he discussed

with you, that he at least in his mind had a four-day time frame that he was working to?

A. I have got no recollection of that time frame being stated.

5

Q. I had asked you about the first of the alternatives which I think you said, at least on the morning of the 10th, was broadly consistent with what you understood was being pursued. You said, I think, the 20 per cent probability of success seemed low and you commented that additional resources were brought in during the course of the day which may have improved that percentage. Is that a fair summary of what you said before lunch?

10

15

A. I believe that's so, yes.

Q. Can we move down a tiny bit. The estimated date of control 11 January, is that something that you recall having in your mind; that is, a potential to control that fire by the following day?

20

A. I don't remember that any particular date being discussed at that point.

25

Q. Did you have a date in your mind as to when you hoped at that stage the Bendora fire would be contained or expected it to be contained?

A. Certainly within the next few days. To be a bit more specific, probably by about the 14th or 15th. We were conscious of our need to concentrate our energies on the Stockyard Fire. When we got Bendora contained, that would have been what we would have done.

30

35

Q. So you were thinking at that stage was contain Bendora in that sort of time frame, three or four days, and then shift your focus to Stockyard; is that correct?

40

A. That's right.

Q. I should just ask you alternative 3:

"Fire ... contained and let natural forces extinguish fire. Suppression forces required nil. Estimated date of control February 2003. Size control

45

10,000 hectares."

Were those sorts of alternatives being discussed?

5 A. No, I've never seen that alternative. It was something that never figured in my thinking that we would just allow nature to take its course.

10 Q. Was there an approach to these documents that suggested you put the extreme as an alternative; or was it generally your experience you would be putting in those alternative things that were an appropriate alternative?

15 A. Yes. It would be normally the course that you would provide three alternatives that you felt you could meet with the least amount of impact.

20 Q. There was a planning meeting - indeed at that stage I think there had been planning meetings, had there not, generally scheduled both in the morning and in the afternoon attended at least by the key members of the SMT; is that the case?

25 A. Yes. The scheduling of the planning meetings in the first few days wasn't as precise as what it became from about the 13th or 14th onwards. So the formal planning meetings in these early stages weren't necessarily minuted. But there were also opportunities throughout the day for the Service Management Team to get together to discuss issues as was necessary.

30 Q. The purpose of the planning meetings, was that of a bit of a wrap-up of the position at that time, a slightly more formal process than just the more informal meetings during the day?

35 A. That was a part of it, was to determine where we were at in terms of each of the fires and what we might be doing in terms of the future control strategies that we might need.

40 Q. I think there is no note of those early planning meetings except one I might ask you about. You from time to time prepared - we may come to one of these in a minute - a summary of what is I understand your report to the meeting in advance of the meetings; is that correct?

45 A. That's right. What I would do, I use that report primarily as speaking notes for myself so

that when I went into the planning meeting I had done some preparation to give the best information I could to those attending the planning meetings.

5 Q. If we go to document [GSO.GSO.0004.0014].
This is some notes taken by Marika Harvey, who by
the 10th of January was attending at Curtin. This
particular note is headed up "planning meeting
4pm". I think her evidence was that she was there
10 on the Friday, not there on Saturday the 11th but
back again on the 12th. I think she agreed this
was her note taken at about the time of the
planning meeting, 4pm on the 10th.

15 I want to ask you, a bit further down that page -
so you are aware, I think she wasn't sure whether
these initial notes were reminders to herself or
things being said at the meeting. You will see
there, about halfway down the page, she says:

20

"What are we doing to prevent New South Wales
fires coming over border?"

Do you recall that being a topic of discussion at
25 the meeting on the 10th?

A. No, I don't.

Q. More generally, was there a discussion about
what, if anything, the ACT could be doing or
30 should be doing to assist that process; that is,
to prevent the fires coming over the border?

A. No, I don't. We were, I believe on that date,
still resourcing the McIntyre's fire. But the
control of that fire was still with New South
35 Wales.

Q. Over the page at 0015 - I think the effect of
her evidence was that this part of her note was
more likely to have been things people were saying
40 at the meeting - you will see there:

"No chance of getting resources from outside
ACT for our fires. All fuels being consumed.
One in 10-year scenario. Efforts will be
45 focused on Bendora. Fire dangers continue."

Does that accord with your recollection of the

topics that were being discussed at about that time on the 10th?

5 A. I can't remember this particular discussion or particular meeting indeed that Marika Harvey was at.

Q. So you don't recall that being discussed at the planning meeting at about 4pm on the 10th?

10 A. No, I don't.

Q. Is it possible that these were topics of discussion or are you saying you don't think that they were?

15 A. It's certainly possible that those things were discussed.

Q. A little further down, one other note I will ask you about, it is coming up on the screen:

20 "Chances of fires being put out in 48 hours slim. Fire danger escalating."

Does that bring to mind a discussion on the afternoon of the 10th?

25 A. No. I don't believe it does. I think it is in accordance with the view I put to you earlier that maybe the containment was going to be three or four days in advance. The "fire danger escalating", I'm not sure where that information
30 came from.

Q. Moving now to the 11th of January, document [ESB.AFP.0007.0416]. This appears to be another incident information document for Bendora for the
35 11 of January at 0900 hours - I assume that would be:

40 "Overnight the fire was active on the western flank and made a run uphill under the influence of a moderate easterly winds the fire has breached Chalet Road."

The area shown a little down the page is 320. Would that be hectares?

45 A. That is what we normally put in that box.

Q. Is that consistent with your memory that the

fire was now 320 hectares on the morning of the 11th?

A. I must admit I am a bit surprised by that size. It may well be right. I just don't know.

5

Q. Do you know whether during or indeed at any point during the period up to the 18th these AIIMS forms - there seems to be a number of different formats being used. This one is the ICS2.2 incident information document, occasionally there are situation reports that we have been provided with. Were these in effect being, as far as you can recall it, treated for all purposes as what are generally known as incident action plans?

10

A. Some of the AIIMS - ICS forms certainly are. I believe that those forms that were appropriate were used for the incident action plan and then other forms were used for other purposes. For instance, there is a form called a message log, and that would not necessarily form part of an incident action plan. Similarly, there is a unit log which again would not necessarily form a part of an incident action plan.

20

25 Q. What about this document?

A. That is a situation report.

Q. It is actually headed "incident information"?

30

A. That would not normally form part of an incident action plan. Normally when advice is received from one party to another, that is the form they will use to capture that advice.

35

Q. The document we looked at earlier with the alternatives which I think is headed "situation analysis" --

A. Situation analysis form.

40

Q. Was that, in effect, standing in as the incident action plan?

A. That would form a part of an incident action plan in many instances.

45

Q. We are not aware of any formal documents described as "incident action plans" being used. What is your understanding of the approach that was being taken generally to those documents

during this period?

A. The approach to the development of incident action plans?

5 Q. Yes. What do you say comprised the incident action plan?

A. Well, the fire situation analysis form. There are lots of parts that can form the incident action plan. Incident objectives is one part;
10 mapping can be part of an incident action plan; and a resources summary which describes those resources allocated to an incident would form an incident action plan.

15 Q. Do you say that during this period there were incident action plans in that technical sense being produced; that is, the composite bundle?

A. I am not aware that they were.

20 Q. Why is that? Why weren't they, do you know?

A. No, I don't know.

Q. Whose responsibility was that?

A. The development plan is the responsibility of
25 the planning section. The approval of the plan is the responsibility of the incident controller.

Q. Which incident controller are we talking about in that context? Are we talking about in effect
30 Mr Lucas-Smith or the incident controller in the field?

A. For any plans that were developed in at Curtin it would be by Mr Lucas-Smith. Any plans that were developed out in the field would be by the
35 incident controller in the field.

Q. Are you aware whether at any point there were any plans being developed out in the field?

A. I didn't see the result of any plans being
40 developed out in the field so I don't know whether or not they were preparing any.

Q. I think you said it was the responsibility of the planning unit. It is the case, isn't it,
45 there were no planning units operating in the field; is that correct?

A. That's right.

Q. So there would have been no-one out there in the field with responsibility to prepare the plan; is that correct?

5 A. Yeah, there could well have been. The incident controller out in the field could well have been preparing some form of a map. It may not be overly comprehensive but some form of a plan.

10 Q. So in that case that person would be doing that without the assistance of the planning unit; is that right?

A. That's right.

15 Q. Do you know whether that was happening?

A. No, I don't know whether or not that was happening.

20 Q. The primary responsibility for preparing incident action plans during this period was with the planning unit at Curtin, wasn't it?

A. That was certainly - well, yes, I would say that's right, with some responsibility for the field management team.

25

Q. If the field management team doesn't have a planning unit, that responsibility I suggest would be limited to providing current information and assisting the planning unit to develop that plan, wouldn't it?

30

A. That's right.

Q. The actual development of the plan, that responsibility would fall on the planning unit in at Curtin?

35

A. Yep.

Q. You said I think earlier that you don't recall any incident action plans being prepared in terms of the composite document, just the occasional components of that plan being prepared?

40

A. That's right.

Q. I may have asked you this already. Are you able to say why the plans weren't being produced and provided?

45

A. No. I don't know.

Q. Is that something which you were aware of at the time, that these documents weren't being produced? These plans weren't being produced?

A. No, I don't think so. No.

5

Q. Would it be the normal process that an incident action plan once prepared would then be distributed out into the field through you in the operations section or through the operations section?

10

A. No, it could be through any of the sections really - well probably to a lesser extent logistics, but it could have been any of the sections. In terms of preparation and the copying of the plan, that would be a function undertaken by the planning unit normally.

15

Q. And distribution?

A. Well, if the planning unit was seeing the crews they would distribute it. If operations were seeing the crews, then they would distribute it.

20

Q. Were you conscious during the period up to the 18th that operations weren't part of a process of distributing incident action plans to the field?

25

A. Yes, I was.

Q. What were you doing about that?

30

A. I was providing briefings to the incident controllers very often coming through Curtin, particularly the night shift incident controllers coming through Curtin for a briefing. I would give them the information that I thought they needed for their shift.

35

Q. In terms of the more formal plan, though, did you have any discussion with Mr McRae or anyone else in planning as to the production and dissemination of those documents?

40

A. Not that I can recall.

Q. I just want to ask you about another AIIMS form. This is a structural chart [ESB.AFP.0003.0461] .While that is being brought up, who - if anyone's - responsibility was it to complete these structure charts, Mr Graham?

45

A. I believe that that was a function that planning would ordinarily undertake.

Q. Do you recognise the handwriting?

5 A. That's my handwriting.

Q. Is that a document you recall preparing at about 9.40 on the 11th?

10 A. I don't remember sitting down and writing out the document, but it is evident to me that that's what I did.

Q. You have put in Brian Murphy as the incident controller. I assume that is in the field?

15 A. That's correct.

Q. You have also put him as the planning officer. Why would you have done that?

20 A. If Rick Hayes had been appointed as his operations officer - the incident controller will take on those roles that aren't filled by others.

Q. It is really a default entry, in effect?

25 A. Yes.

Q. So would Mr Murphy have been aware, do you think, that he had a planning function as well as the incident control function?

30 A. I believe so. He's an experienced officer who understands the AIIMS system. If he didn't have somebody appointed to a role, I am sure he would have understood it was a role that he would either have to do by himself or appoint somebody to do on his behalf.

35

Q. Was he, do you know, given any resources for the purposes of filling that role or was it something --

40 A. Sorry, did you say did he seek any resources?

Q. To your knowledge, did he have any resources that would have assisted him in that planning function?

45 A. I don't believe there was anyone specifically allocated for that task.

Q. Mr Refshauge is in as logistics officer. Is

that a position you appointed him to, Mr Graham?

A. Not that I can recall. I may have done. It may well have been a defaulting to that position. Mr Refshauge, I remember, was assigned to assist
5 Mr Murphy with incident management throughout the day. So it may have just seen to be an appropriate box to put him in at the time.

Q. In practice it is the case, isn't it, if
10 additional resources were required that could really only be done through SMT; isn't that right?

A. Yes, the SMT is responsible for providing additional resources.

Q. Whether it was Mr Refshauge or someone else, the only way a logistics officer would be fulfilling a function in the field would be by getting on the phone to Mr Ingram or someone else in the logistics section and telling them what was
20 required?

A. That's right.

Q. So they wouldn't have had any role in organising resources apart from just making
25 contact with SMT?

A. Yes, if a need for something was determined then Mr Refshauge would normally make contact with Mr Ingram to fulfil that need.

Q. He wouldn't certainly himself be contacting, for example, ACT Forests and asking them for an extra dozer?

A. No, no.

Q. I will just ask you about some notes or some things Mr McRae said about what was occurring on the 11th. In [ESB.AFP.0110.00481] at 0493 down towards the bottom of the page, Mr McRae said:

40 "During that morning - that is the morning of the 11th - the continuance of the fires, their number and the combining factors of temperature, fuel, the high combustibility of the fuel and the prolonged easterly air flows
45 then occurring caused me to decide that the fires would not be readily extinguished and that predictive modelling was an appropriate

tool to utilise for the purpose of managing
the fires."

5 He then talks about contacting the various fire
scientists and others. Over the page at paragraph
65 he says:

10 "Mr Gill, Carey and I each thought that the
fires were likely to develop into 'landscape
fires', meaning a fire that buns across
multiple parts of the landscape flat
grassland. For this reason, I set about
using predictive modelling."

15 And so on. Do you recall him discussing that view
with you, Mr Graham?

A. I don't know that he did. I don't recall him
doing that, no.

20 Q. Do you recall him using the expression
"landscape fires" at that point?

A. No, not particularly.

25 Q. Were you aware that he was apparently setting
up resources in order to do some predictive
modelling?

A. No, I wasn't.

30 Q. Did you at that stage - or indeed within the
following day or two, were you provided with any
predictive modelling undertaken by Mr McRae?

A. Sorry I missed --

35 Q. Sorry. Were you provided with the results of
any predictive modelling undertaken by Mr McRae?

A. Not that I can remember.

40 Q. On the afternoon of the 11th, Mr Lucas-Smith
and Mr Hilton Taylor took a trip out to Bulls
Head; is that correct?

A. That's right.

45 Q. Mr Murphy and indeed Mr Taylor himself in
their statements - I will take you to the
paragraphs, if it assists - both say that
Mr Taylor took some what Mr Murphy described as
excellent maps out to the fire ground at that

time. A number of people commented that that was the first time they had maps of that kind or anyone from planning had gone into the field and briefed them; does that surprise you, Mr Graham?

5 Was it your understanding that maps prepared by planning had gone out into the field before 1pm on the 11th?

A. I'm not aware that planning took any maps out prior to that time and day.

10

Q. Were you aware they were preparing such maps before then?

A. I was aware that they were preparing various maps throughout the two days before the 11th.

15

Q. Do you know why they weren't going out - apparently going out to the field?

A. No, I don't.

20

Q. I will just ask you about document [ESB.AFP.0110.0687]. If we can go down that page to the bottom half of it, you will see I think your signature there, Mr Graham, and the words underneath it, "DJ acted on request by Tony Graham". Then perhaps going back to the top:

25

"McIntyre discussed ACT units and stand down. Agreed units to stay until New South Wales crews changeover but no later than 2400. Ray agreed to contact Dave Jamison at approximately 2330."

30

Can you assist us as to what that is about?

A. From memory that day where Hector is out in the field at the McIntyre's Hut fire - ACT crews at McIntyre's Hut fire for most of the day. Our desire was that they would stand down at about 1900. I think that that didn't accord with some of the issues that New South Wales was facing at the time and so they kept them there later. We had to make a point that our crews had to stand down because we might need them for the following day. That's why we said, "Okay, if you need to keep them then keep them but make sure that they do stand down by midnight."

40

Q. That was a decision you made?

A. That's right.

Q. Moving to the 12th of January, Mr Graham, do you recall or do you have a note there of COMCEN
5 having contact with Mr Cooper early on the 12th?

A. I've got a couple of contacts. Can you give me a time frame?

Q. About 0540 I think?

10 A. 0525 I've got regarding a situation report but nothing after that.

Q. Mr Cooper says at paragraph 44 of his statement - he talks first about difficulties
15 overnight. He was the night incident controller on Bendora. Perhaps I should bring this up [ESB.AFP.0110.1112] at 1125.

20 Just at the bottom of that page, paragraph 44:

"The efficient use of crews once they were deployed in the Brindabellas came to a head when our ACT task force was recalled from the McIntyre's fire at 01.30 on the morning of
25 the 12th January. I contacted Simon Katz (Rivers 1) at about 1.00 on the morning of the 12th January to determine how they were going and was told that they had ceased active burning activities at shift changeover
30 that evening at about 1700 and had not undertaken any burning activities since that time. This further frustrated me, as it appeared that the New South Wales RFS were again wasting valuable time before the next
35 weather change. At the same time we were actively undertaking burning operations on the Bendora fire and were desperate for extra resources to be able to get more of the containment lines secure before the following
40 day. At 1.33am on the morning of 12 January, I therefore contacted Dave Jamison at COMCEN to try and get the ACT task force (who had been recalled back from McIntyres) sent to me at the Bendora fire rather than be released
45 to return home. This request was denied by COMCEN as apparently the units were required again at 6am that morning."

He pointed out that they still had three hours:

5 "There was no IMT set up overnight at Curtin
and therefore there was again no incident
action plan prepared for the following day
shift. Again the handover was based on
overnight observations and recommendations
from the overnight IC (me) as to what should
10 be done during the day. I recall commenting
to Tony Bartlett as he may as well 'piss on
it' as come up with a small number of
resources that he had been allocated. My
message radioed in to COMCEN that morning at
15 about 5.30 clearly stated that I felt that
they would have difficulty holding the fire
that day and would require a lot of resources
so I was very surprised when I found out that
very resources had been allocated - a good
20 example of the implications of not having a
well thought out and planned incident action
plan. Again no overnight Incident Management
Team to prepare this document."

25 Do you recall a discussion with Mr Cooper or
hearing of a message from Mr Cooper that
additional resources were required that morning?
A. No. Mr Cooper didn't ask me for additional
resources that morning.

30 Q. The impression - he says he radioed in at 5.30
that they would have difficulty in holding the
fire and would require a lot of resources, were
you there at 5.30 that morning?

A. No, I wasn't.

35 Q. Were you told about that request or any such
request that morning?

A. Not that I can remember. At 6.45, Mr Tony
Bartlett, who was the incident controller for the
40 day, sought additional resources from David Ingram
who was in at the control centre; and David
provided those resources.

45 Q. I know we have covered this before in general
terms. Mr Cooper also refers to difficulties
resulting from the lack of overnight planning. Do
you accept that that did create delays and

difficulties in handovers and the like and preparing for the next day's shift?

5 A. I think if we look back at what we had in place, using some hindsight we may well have had additional resources at Curtin to assist those in the field.

Q. In particular an overnight planning unit?

10 A. Well, it's the kind of function that could have been taken by the person who was in the incident control room that evening. The call on their time I don't believe was particularly onerous throughout the night shift. I think that there was scope there for that kind of work to be
15 done.

Q. It would need to be someone who had some experience in planning?

20 A. That's right.

Q. Did Mr Jamieson have that experience and/or training for that role?

25 A. I don't know specifically. I would assume that he does. When he did his incident control systems training, he would have done it under the old program which prepares people to be a planning officer; so I would suggest that he has some background in planning.

30 Q. Would he have had an adequate knowledge of the planning tools that were available at Curtin to be able to actually use those for the purposes of, for example, preparing an incident action plan for the following day?

35 A. I'm not sure what his expertise is in when it comes to planning tools.

40 Q. Are you aware as to whether or not he was told that part of his role or he could spend some of the time he had there doing some planning overnight?

A. No, I'm not sure if he was advised of that at all.

45 Q. Did you advise him of that?

A. I'm not sure. I can't remember.

Q. Is it likely that you did?

A. I just can't remember.

Q. I will just ask you about a fire situation
5 analysis form for the morning of the 12th
[ESB.AFP.0110.0770]. This is a document prepared
in relation to Bendora. If we go to the second
page, it is timed at 9.30am on the 12th. Then
10 over on the next page again the three alternatives
are provided. The first alternative - I won't
read it - but at the bottom it is given a 15 per
cent chance of success. Alternatives 2 and 3 as
per alternative one but fallback from Moonlight
Hollow to Mt Franklin Road and alternative 3 is as
15 per alternative 2 but fallback from Warks Road to
Bendora Road. If you go down to the bottom of
that page, you will see each of those given a 50
per cent chance of success.

20 Then over the page there is the analysis of effect
section. Alternative 2 and 3 given "moderate
risk" and Mt Franklin Road "moderate cost", then
in alternative 3 "highest cost". Going down to
the bottom half of the page, there is a decision
25 section where alternative 2 is recommended by
Mr McRae, it seems, because "area less than 3,
high chance of success than 1. Fallback to 3 if 2
fails". He has dated and timed that at 12 noon.
It appears that you have concurred with proposed
30 approach. Then finally proposed alternative is
approved. Is that Mr Lucas-Smith's signature at
the bottom?

A. That's right.

35 Q. Do you recall the process for the development
approval of that document, Mr Graham?

A. No, I wasn't involved in the development at
all. That was developed in the planning section
by planning section staff. It was passed on to me
40 to get my view and passed on to Mr Lucas-Smith for
approval.

Q. And alternative 2 was effectively approved?

A. Can we just go up, please?
45

Q. Yes.

A. Is it possible to go to the previous page?

Q. Of course. Just back one page, please.
Alternative 1 is:

5 "Continue backburn using Mt Franklin Road,
Moonlight Hollow Road, Flat Rock Spur Road,
Warks Road, Bendora Break and Bendora Road."

Alternative 2 is as per alternative 1 but
"fallback from Moonlight Hollow Road to Mt
10 Franklin Road". Is that your recollection of what
was being proposed at that time?

A. That's right.

Q. Just as a general question, we have not been
15 able to find - perhaps I will put it another way.
This is one of very few such documents where the
decision section is completed in the way which
this one is completed with comments from each of
yourself, Mr McRae and Mr Lucas-Smith. Do you
20 recall many of these sorts of documents going
through that full approval process?

A. I couldn't put a number on it. I think the
number was small. I don't recall it as being
something that was done at various times each and
25 every day.

Q. Is it likely it was done at least once a day
to your recollection?

A. I would suggest that over the period of the
30 event that would be likely but I wouldn't have
thought it would be any more than that on average.
I don't know, to be sure.

Q. Is it possible that there is only perhaps one,
35 two, three in that period up to 18 January, that
sort of number?

A. I can't remember. There were a lot of forms
that were coming across or being brought to my
attention. I just can't recall now.
40

MR WOODWARD: I was about to move to the 13th, if
that is a convenient time for a short break.

THE CORONER: I will take a short adjournment.
45

SHORT ADJOURNMENT

[2.58pm]

RESUMED

[3.08pm]

MR WOODWARD: Q. Mr Graham, moving to the morning
of 13 January, you started work I think at five to
5 six that morning?

A. That's right.

Q. In his statement [ESB.AFP.0110.0481],
Mr McRae says at paragraph 82, 0498 that he
10 returned to ESB at 7am:

"Consistent with my normal approach, upon
arriving at work I checked with operations at
COMCEN about the developments overnight on
15 each of the fires. The detail that struck me
as being of most significance was that the
fires from Bendora and Stockyard Spur had
become established to the west of Mt Franklin
Road meaning a significant escalation in the
20 probable size and seriousness of these fires
to the west and so the possibility of fires
looping around to re-enter the ACT outside
the established or proposed containment
lines."

25 He then talks about scaling up planning resources
to address that concern. Do you recall him
raising that concern with you that morning?

A. No, I don't remember that.

30 Q. There was a planning meeting at 0930, it would
appear from your own notes, on the 13th. Was
Mr McRae present to your knowledge or recollection
at that meeting?

35 A. I don't recall that particular meeting. He
would by standard practice attend all planning
meetings.

40 Q. You don't recall him talking about the concern
with the fires becoming established west of Mt
Franklin Road and the possibility of the fires
looping around outside containment lines and
heading back towards the ACT?

45 A. No. I don't recall that specific
conversation, no.

Q. Did you have a similar concern at that time?

A. I'm just trying to find in my notes at what point the fire breached Mt Franklin Road. My understanding was that it was some time later, but I might well be wrong - I'm not sure.

5

Q. Putting aside for the moment the precise timing of that event, assuming for the moment that it was some time that day, would you agree it was some time on the 13th that that occurred?

10 A. I would really need to go through my notes to be sure. It was thereabouts. But whether it was the 13th, I'm not 100 per cent sure.

Q. The idea or a concern that the fires, given that they were not contained to the west, looping around outside control lines and heading back towards the ACT, is that a concern that you held on about the 13th of January?

15 A. Not at that point, no.

20

Q. Why not?

A. Well, I didn't believe that the fires were going - I would need to be sure, but I didn't believe the fires at that point had crossed Mt Franklin Road. If they had, it had never been brought to my attention that I can remember as a possibility that they would loop around and come back on to the ACT.

25 Q. Did you recognise as a possibility at any time that fires uncontained on the west side might, under a wind shift to the north-north-west loop around and move back towards the ACT?

30 A. Oh, certainly.

35

Q. The 13th of January - just as a matter of clarification, I should just check with you, Mr Graham: at least up until that stage, do you recall having any involvement in the preparation of media updates?

40 A. No. On occasion, and it was very infrequently, I might see a media update before it went out, before it was released to the media. But it didn't happen very often. I would suggest two or three times throughout the events up until 45 the 18th of January.

Q. Would it be fair to say based on your own statement, for example, that dealing with the afternoon of the 12th, you say in fact this may assist your earlier answer, paragraph 76 of your statement you say:

5
10 "Later that afternoon - that's the afternoon of the 12th - I received a report that the Bendora fire had spotted westward across the Mt Franklin Road into NSW and had taken hold?
A. Sorry, paragraph 76?

Q. Sorry, maybe that is not your statement - that was Mr McRae's statement. You say in paragraph 15 88:

20 "At 1500 hours I received a report that the Bendora fire broke its lines requiring new fallback positions to be identified. The fire continued expanding throughout the day and crossed the Mt Franklin Road north of Bendoura Hill and into New South Wales late in the afternoon. With the fire now on both sides of Mt Franklin Road, considerable
25 safety concerns were evident for any crews working south of the cross-over point, with access and egress routes now compromised."

Does that assist your recollection?
30 A. Yes, it does, thank you.

Q. That was on the afternoon of the 12th?
A. That's right.

35 Q. You say in paragraph 90:

40 "The Stockyard Spur fire crossed Mt Franklin Road north of Pryor's Hut. This also compounded safety issues."

In paragraph 91 you provided an update to the planning meeting that afternoon. In paragraph 92 you say:

45 "With escalating fire conditions in the ACT, the CFCO advised Yarrowlumla/Queanbeyan fire control centre at about 18 hours that the ACT

would no longer be able to provide firefighting resource to the McIntyre's Hut fire, a position which was readily accepted by New South Wales."

5

Was that something you were aware of at about that time; that is, on the afternoon of the 12th?

A. I remember the CFCO advising me that that's what he was going to be telling New South Wales that we wouldn't be able to assist any further.

Q. Would you agree that during the afternoon and evening, based on what you have said in your statement, there was considerable difficulty being experienced in containing the fires which were continuing to grow?

A. I don't know that there was any difficulty containing the fire down around Pryor's Hut. I think that that one was --

20

Q. Certainly the fire crossing Mt Franklin Road was something you were seeking to avoid?

A. That's right.

Q. That had failed, hadn't it?

A. Yes. The fire did cross Mt Franklin Road. I'm just not aware whether that posed any significant difficulties.

Q. It required new containment lines?

A. That's right.

Q. Presumably --

A. That's right.

35

Q. And similarly the Bendora fire, I think you said, at 1500 hours broke its lines requiring new fallback positions. That is at paragraph 88 of your statement.

A. (Witness nods). I certainly know that at about 1510 Mr Bartlett felt that things were relatively quiet on Mt Franklin Road so he could release some resources from that sector.

Q. Your statement says at paragraph 88:

"At 1500 hours I received a report that the

5 Bendora fire broke its lines requiring new
fallback positions. The fire continued
expanding throughout the day and crossed Mt
Franklin Road north of Bendoura Hill and into
New South Wales late in the afternoon."

10 So the difficulty being experienced, is it not, is
containing the fire during the afternoon of the
12th? You are looking at your notes - I am asking
you, as best you can, Mr Graham, from your memory,
and certainly with the assistance of your
statement, that that is the position, isn't it,
that things were becoming difficult during the
15 afternoon of the 12th with the fires breaking
anticipated containment lines, fallback positions
and so on?

A. Yes, when the fire broke its containment
lines.

20 Q. And they were continuing to grow, weren't
they?

A. They were.

25 Q. Is it also fair to say there had not been much
success at that stage in reducing the rate of
spread?

30 A. I would need to look at the rate of spread to
be sure. I believe that up until it broke its
containment lines the incident controller wasn't
overly concerned about the rate of spread in
particular.

35 Q. Can I ask you to have a look at this media
release [ESB.AFP.0014.0268]. You see it says
there in the first paragraph:

40 "While the three fires in Namadgi National
Park have continued to grow during the day
requiring heavy resourcing, fighters have
managed to reduce the rate of spread,
Executive Director of the ACT Emergency
Services Bureau, Mike Castle said."

45 There is a quote from him:

"While we've been successful in reducing the
growth rate of the three fires we are still

expecting all three fires to continue
burning.'"

5 Do you recall seeing a draft of this statement,
Mr Graham?

A. I don't recall seeing a draft of this one, no.

10 Q. Do you believe that that's an accurate
summary, at least insofar as it refers to reducing
the rate of spread and reducing the growth rate,
that's an accurate depiction of what was occurring
during the afternoon of the 12th?

15 A. The fires were certainly expanding on the
afternoon of the 12th. By the time this press
release had gone out, they may well have slowed
down a lot.

20 Q. The suggestion is this: the suggestion I have
got from it is that the firefighters - the
statement "while we have been successful in
reducing the growth rate of the three fires", do
you think that is an accurate depiction of what
was occurring?

25 A. At a point in time I think that that's
accurate. Whether it was accurate over the whole
day - may be different.

30 Q. I think page 975 Mr Lucas-Smith agreed with
the proposition that that media release, at least
in that respect, was misleading. Would you agree
with Mr Lucas-Smith that it is misleading in the
sense that it is suggesting that more control is
being achieved than in fact was the case?

35 A. I think it's a bit dependent on what time we
are talking about. I think by 1830 when the fire
behaviour may well have died down a little bit
that that would be accurate. If we were to take
it as a snapshot over the whole day then the fires
did continue to grow throughout the day.

40

Q. If that is the way you take it, then it would
be misleading, wouldn't it?

A. I'm afraid I don't see it like that.

45 Q. I thought you just said if you take the whole
day - I am asking you to assume that that is the
way you should take it - it would be misleading,

wouldn't it?

A. If I take it over the whole day, I would suggest there was some fire growth through the day and the media release doesn't reflect that.

5

Q. Were you aware that, on the night of the 12th, a request was made for assistance from Emergency Management Australia - the Commonwealth?

A. I was aware at times throughout the fire event that assistance was requested from the Commonwealth. I don't particularly recall the assistance requested that night.

Q. Did you have any involvement in providing information for the purposes of preparing the formal written requests that were sent for those resources?

A. Not that I can remember. If I could see the request.

20

Q. Could I ask that document [ESB.AFP.0007.0025] be brought up, please. This is the first request that was made, Mr Graham. I particularly wanted to ask you about the last paragraph on that page. You will see there there is a reference to the McIntyre's fire towards the bottom of that paragraph and the words:

30 "This fire is very large and with a wind change and no containment poses a substantial threat to the ACT."

Do you recall assisting with providing that piece of information?

A. I don't believe I did provide that. I don't recall it at all.

Q. Was that a view that you held as at the morning of the 13th?

A. My view is that there was some containment, whether or not it was adequate might be questionable, but there was some containment. So to say no containment is not necessarily something I would agree with.

45

Q. Do be fair to the author, they are not saying there is no containment. What they are saying is

the fire is large and with a wind change and no containment, so with those events, it poses a substantial threat to the ACT. So in other words if there is a wind change and containment hasn't
5 occurred, that fire poses substantial threat to the ACT; is that a view that you agreed with?
A. That's right. That's correct.

Q. Just another brief thing on the morning of the
10 13th. Mr Lhuede at paragraph 51 of his statement [ESB.AFP.0001.1231] at 1241. I will read it to you while it is coming up. On the morning of 13 January:

15 "I returned to ESB at 7.30pm - I think it should be 'am' - I commenced by checking on developments overnight and discussing those with the other members of the planning unit.
20 I then 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. I remained concerned about the provision of operational maps to
25 firefighters and I recall discussing these concerns with Tony Graham."

Do you recall having a discussion with Mr Lhuede on the morning of the 13th about the provision of
30 operational maps to firefighters?
A. No, I don't.

Q. Do you accept that it may have occurred?
A. It may have. I just don't remember.

35 Q. Do you recall being conscious that morning, if you don't recall the discussion, of the continuing problem in relation to the provision of operational maps?

40 A. Well, on the evening of the 12th some operational maps went out to the Bendora fire incident controller. It's not like maps weren't provided at all.

45 Q. Was there a system or a system in place to ensure that that was going to continue throughout the period?

A. No, there was no system for that.

Q. I take it you would agree as a matter of
5 general principle there is not a lot of point in
spending a lot of time developing operational maps
with fire spread perimeters if they are not
ultimately going to be provided to people in the
field?

10 A. That's right.

Q. That's ultimately what they are for, to assist
those in the field to fulfil the tasks that they
have been allocated?

15 A. That's right. But maps can also be drawn on
commercial quality maps or, as we discussed
previously, on the ICS mapping forms. So the
absence of a map produced from the planning unit
by itself I don't think necessarily impedes the
operation.

20 Q. But if maps are being prepared in that more
formal way, showing fire spread perimeters, tracks
and trails and so on and the location of
containment lines, it would certainly be
25 appropriate to have those distributed to the field
wherever possible?

A. That's right.

30 Q. At paragraph 102 of your statement, Mr,
Graham, you say:

35 "About mid morning I received a request from
the Yarrowlumla fire control for additional
resources for the McIntyre's Hut fire and,
following discussions with the CFCO, I
organised through the logistics section for
an ACT RAFT crew to be inserted into the
McIntyre's Hut fire by helicopter for rake
hoe trail construction at 2030."

40 That follows the decision the previous evening not
to provide additional resources; is that correct?

A. That's correct. Just your timing, it was for
rake hoe construction for 1230 not 2030.

45 Q. Sorry. So was there in effect an exception
made to that decision?

A. That's right.

Q. What were the circumstances of that?

5 A. Yarrowlumla called requesting assistance which
I believe was fairly urgent in its nature because
we elected to fly the crews in, not to drive them
in. They were after one crew to assist. I don't
remember the circumstances they were facing there
10 out at McIntyre's Hut fire to require these crews
but they certainly did require them.

Q. That was done in consultation with
Mr Lucas-Smith?

15 A. That's right.

Q. The 13th was the day on which the helicopter
went into the Bendora Dam. You recall that?

A. Yes, I do.

20 Q. I think other people commented that it was
something of a distraction that day. Do you agree
it required the application of a deal of time and
effort on the part of those at the SMT?

25 A. That's right.

Q. Do you think it did have an effect on the
capacity to focus on the fires at least for a time
that day?

30 A. For a time, yes, I think that would be fair.

Q. I just want to bring a couple of documents
quickly on screen just to ask you whether you
recall them from the 13th. Neither of them have
your signature on them. The first is document
35 [ESB.AFP.0026.0278]. This is a fire situation
analysis form prepared for what is now being
described as the Brindabella complex, which I
understand to comprise the three fires in the ACT?

40 A. That's right.

Q. Perhaps if we go over the page to the three
alternatives. I should just ask you, I won't go
to it in detail, do you recall that document?

45 A. No, I don't specifically.

Q. If you go to the bottom of the page you will
see - as we go down just note the question mark in

the third column which was "west break
Goodradigbee River, east break" - I can't read
that - but estimated date of control mid-February,
80,000 hectares and whole lot of question marks.

5 And the probability of success down the bottom is
less than 20 per cent for the first option, 50 per
cent and then nothing was put in the third.

Again, is that something that you recall?

A. No, I don't believe I've seen this document
10 before.

Q. Another document that appears to contain some
similar although not identical strategies which I
understand are some photographs taken of some
15 butchers' paper [ESB.AFP.0110.1083]. I will just
ask you whether you recognise the handwriting and
whether you have seen those documents before once
they come up.

A. No, I don't know that handwriting at all. It
20 doesn't ring a bell with me, and I don't recall
having seen it.

Q. Was there a process at planning meetings or at
other times where you were present where this sort
25 of thing was going on, people were writing
strategies up on butchers' paper or on a
whiteboard?

A. There was a point where some objectives and
strategies were on a whiteboard. I think it was
30 the morning of the 15th, something that
Mr Lucas-Smith put up on a whiteboard. I don't
recall any other instances of this kind of thing
being discussed at all during the planning
meetings.

35

Q. That first strategy there that is shown it is
a little easier to read there:

"Construct and maintain containment lines."

40

You can see there various containment lines
proposed. Do you see that?

A. Yes, I can see that.

45 Q. Was that the strategy being pursued at that
time on the 13th?

A. I don't know with any clear recollection that

that's exactly what was in place. There's a lot of different strategies there. It was over a lot of days. I can't remember.

5 Q. That probability of success is quite low. Do you recall discussing with anyone in planning the probability of success about that stage that was expected, at least by then, for the fires at that time?

10 A. No, I don't recall ever having discussed with the planning section anything with a probability of success of less than 10 per cent.

Q. You probably know from other evidence,
15 Mr Graham, that some time in the afternoon or evening of the 13th of January, Mr Lucas-Smith had a telephone conversation with Mr Phil Cheney that was later reported at the planning meeting on the afternoon of the 14th. Do you recall
20 Mr Lucas-Smith mentioning to you at any time before that planning meeting on the afternoon of the 14th that he had a telephone conversation with Mr Cheney?

A. I knew that he had had a conversation. I
25 didn't know whether it was face to face or telephone. I may have been told that it was a telephone conversation. But I knew there had been some dialogue between them.

30 Q. When did you first know that?

A. I think it was probably the afternoon of the 14th but I couldn't put it a time to it.

Q. Was it before the planning meeting that day?

35 A. I think it was before the planning meeting.

Q. Do you think it could have been as early as the night of the 13th?

A. I don't think so but I'm not sure.

40

Q. What as best as you can recall were you told I assume by Mr Lucas-Smith; is that correct?

A. That's correct.

45 Q. What did he tell you about the conversation?

A. I don't remember too much about it other than there was a chance that Mr Cheney may be speaking

to the media about the potential impact of the fires into the ACT.

Q. Do you remember what he said Mr Cheney might
5 be saying about that?

A. No, I don't.

Q. Do you recall any reference to an impact on
10 Canberra?

A. No, I don't.

Q. Is it possible that Mr Lucas-Smith mentioned
that, during his discussion, Mr Cheney talked
about an impact on the city or on Canberra?

15 A. It's possible. I just don't remember what it
was that he spoke about.

Q. At the time did you know who Mr Cheney was?

A. Yes, I did.

20

Q. What did you understand his experience to be
or his position to be?

A. A fire scientist. I'm not sure what
particular aspect of science he might be involved
25 with, but my understanding is that it's something
he had been doing for many, many years and he was
considered to be an expert in his field.

Q. As at the afternoon of the 13th, Mr Graham,
30 did you have a view about potential for the fires
to impact upon Canberra as distinct from the ACT -
when I say "fires" I include the McIntyre's fire?

A. Not that I can remember. I think we are still
under conditions which were coming from the east
35 or south-east and I don't know that there had been
any discussion about impact on urban Canberra.

Q. Did you have any knowledge at the time of what
the forecast was suggesting the conditions might
40 do over the ensuing week?

A. Only what may have been discussed at the
afternoon planning meeting and Mr McRae, I think
it was, was giving weather reports at that point.
I don't have the planning meeting minutes in front
45 of me to say what had been discussed then.

Q. You no doubt became aware as the week

progressed that forecasts were suggesting conditions would move to the north, north-west late in the week or over the weekend?

A. That's right.

5

Q. At what point, if any, in the week leading up to the 18th, Mr Graham, did you think it was possible that Canberra would burn?

10 A. When you say "Canberra" are you talking about the city?

Q. I'm talking about the city.

15 A. I don't believe that I formed that view until probably the morning of the 18th. Certainly the fire making a run towards Canberra was a view that I had before then. But I think that my expectation was that, once it hit the river and hit even our grasslands, that the containment was possible and never envisaged it doing the impact
20 that it did maybe until the morning of the 18th.

Q. I need to be careful about this for obvious reasons, Mr Graham, so I will ask you the question again. I am talking about Canberra city. At what
25 point in that week leading up to the Saturday - I'm not asking you to indicate or to speculate about - sorry, I withdraw that. I am not asking you whether or not you anticipated the level of impact that occurred, right, just some impact. I
30 am asking you at what point did you think it was possible that Canberra would burn?

A. I think there had been some discussion in various planning meetings about the fires moving in towards the city. But in terms of an impact on
35 the suburbs, I don't believe that I realised or came to any kind of conclusion on that until the morning of the 18th.

Q. So not even recognising the possibility that
40 Canberra would burn at any point before that morning?

A. It all depends how you use the word "Canberra", I guess --

45 Q. How would you use it?

A. Well, yes, I was about to explain. I would use that very often in a general sense. Just as

an example, if somebody says to me when I am interstate, "Where do you live?" I may well say Canberra but in fact I don't; I live in Queanbeyan. I think Canberra can be used
5 generally as well as specifically.

Q. Well, if fires are already in the ACT; that is, the Bendora fire and other fires of that kind were already in the ACT. If you were using the
10 term "Canberra" you would be drawing a distinction, wouldn't you, between the ACT on the one hand and the city of Canberra on the other?

A. Not necessarily. I mean if I was to be contacting anybody during the fires that may not
15 have been in the ACT, I may well have said, "We have got fires in Canberra" but not meaning necessarily fires in the suburbs of Canberra.

Q. If you are contacting and speaking to someone
20 who is intimately familiar - I won't say intimately familiar but certainly familiar with the fact that fires are burning within the ACT and that person were to raise the issue with you about the possibility of Canberra burning, in what
25 context would you use the term "Canberra" then? You would mean the city, wouldn't you?

A. No, not necessarily. I think that if the fire was to move towards Canberra, then I may well use
30 "Canberra" as a general term rather than specifically saying the city.

Q. If you were to use in words or substance an expression like "the possibility of Canberra burning", what would you be referring to in that
35 context?

A. Not the suburbs of Canberra.

Q. Come on, Mr Graham. If you are talking to someone who is experienced in the fact that there
40 are fires burning in the ACT, there are already fires alight in the ACT, and the discussion is to the effect of discussing the possibility of Canberra burning you would be referring to the city of Canberra, wouldn't you?

A. No, I don't believe I would. I believe that
45 was as I've already described it.

Q. So you are saying you would use "ACT" and "Canberra" interchangeably in that sort of discussion?

A. I very well may.

5

Q. Because you had a discussion, didn't you, Mr Graham, on the 15th of December with Mr Jason Byrnes?

A. You mean the 15th of January.

10

Q. Beg your pardon. 15th January.

A. That's correct.

Q. Mr Byrnes at that time was someone who was quite familiar with the fact that there were fires burning within the ACT; wasn't he?

A. That's right.

Q. I want to suggest to you, Mr Graham, when you and he were discussing the possibility of Canberra burning in that discussion, you were referring to the city of Canberra; weren't you?

A. No, I don't believe I was. That discussion I had with Mr Byrnes was almost immediately after the 1600 planning meeting on the 15th. The discussion at that planning meeting was that the fires may grow to the east over the next few days. I believe that's what I was referring to when I had the discussion with Mr Byrnes.

30

Q. I will ask the transcript of the discussion be both brought up on the screen and played. Perhaps if we can just play the audio. This was a conversation on 15 January at 1734; that is 34 minutes past 5 o'clock. That is before the 1800 planning meeting, wasn't it?

A. The planning meeting that day was 1600.

Q. This is 15th of January. There was a copy of that transcript handed around, your Worship. Do you have that from last week?

40

THE CORONER: I may.

45 (audio played).

MR WHYBROW: I have the document reference; it is

[DPP.DPP.0006.0099]

THE CORONER: Thank you, Mr Whybrow.

5 MR WOODWARD: Q. While that is being brought up,
when you get it if you could go to the second
page. After discussing issues relating to whether
there was any requirement - I should actually
clarify. Mr Byrnes is with the Australian Federal
10 Police?

A. That's right.

Q. What was his position at that time?

15 A. Sergeant.

Q. Did he have a particular role in relation to
the fires that you knew of at that time?

A. Not that I know of, no.

20 Q. At the top of the second page he says, after
discussing issues concerning the need for
assistance with road blocks, he says:

25 "No, good, fantastic. Yeah, so what we'll
do, is I'll touch base with you again
tomorrow. Obviously our bosses are a little
bit concerned now. They're sort of worried
that Canberra's gonna burn.

30 Tony Graham: Yeah well it's not beyond
possibility on Saturday or Monday."

Do you agree that's what you said in that
conversation with Mr Byrnes?

35 A. Yes, I do.

Q. I want to suggest to you, Mr Graham, that you
are there referring to Canberra city?

40 MR WHYBROW: Your Worship, can I object: this was
all brought up on the basis that this witness had
used the phrase "Canberra is going to burn". Now
it transpires that it is an actual phrase used by
the other person in the conversation and that
45 changed the entire complexion of it.

THE CORONER: No, it doesn't, Mr Whybrow. I will

let Mr Woodward continue with his questioning.

MR WOODWARD: No doubt the transcript will reveal
that I was at pains to indicate that that was the
5 effect of the discussion.

Q. In any event you have had this transcript,
haven't you, Mr Graham?

10 A. Yes, I have.

Q. You have read it before I asked you those
questions?

A. Yes, I have.

15 Q. So you understood what I was referring to when
I asked you those questions?

A. Yes, I did.

20 Q. When you say, "Yeah, well, it's not beyond
possibility on Saturday or Monday", you are there
referring to the possibility of Canberra city
burning, aren't you?

A. No, I don't believe I was.

25 Q. Well, what do you say you are referring to?

A. I think I was referring to the fact that the
fire is expected to have a run towards Canberra
city and that areas up to Canberra city may well
be under some threat. But as I described earlier,
30 my feeling at that time was once the fires had
reached the river and had crossed into the
grasslands that they would contain it all.

35 Q. Your use of the word "Canberra" there in that
conversation, Mr Graham, you were referring to
Canberra city, weren't you?

MR PIKE: I object to it. My friend has been
quite careful - this time a bit inaccurate. This
40 witness has not used the word "Canberra". If he
wants to ask it accurately he might say the
adoption of this witness in conversation. It is
an important distinction that he didn't proffer
the information.

45

THE CORONER: That that was the distinction - is
that what you are saying, that it is the end

option?

MR PIKE: The actual words were "your use of the
word 'Canberra'" well, he didn't use the word
5 "Canberra".

MR WOODWARD: Q. In responding to that reference
by Mr Byrnes to Canberra, you understood him to be
referring to Canberra city, didn't you?

10 A. No, I don't believe so. I believe, as I
earlier described, that I was talking to the east
certainly of where the fires were, but not
Canberra city. Mr Byrnes, he didn't question me
any further on it. He just let the issue go. So
15 I don't think that he took it either to be a
reference to Canberra city.

Q. We will have to ask him about what he was
referring to, Mr Graham. We will certainly do
20 that. When you answered him that it's not beyond
possibility on Saturday or Monday, I suggest to
you you are there referring to the possibility of
Canberra city burning, aren't you?

A. No, I don't believe I was.
25

Q. What other interpretation could you possibly
put on "Canberra" in the context of that
discussion? You are not suggesting you are
referring just to the ACT as a whole, are you?

30 A. At the 1600 hours planning meeting --

Q. Don't worry about the 1600 planning meeting.
I am asking you what you understood the effect of
that conversation to be at the time at which it
35 occurred. You have got three fires burning in the
ACT, haven't you, at that time?

A. No, we had two at that time.

Q. All right.

40 A. Sorry, on the 15th we had two.

Q. You have two substantial fires burning in the
ACT - that's the Stockyard/Gingera and the Bendora
fires?

45 A. That's right.

Q. In fact the fire that you had been talking

about immediately before that was the Bendora fire, wasn't it? You were referring to a back-burn that was being proposed for the Bendora fire; is that right?

5 A. That's right.

Q. That's a fire burning in the ACT, isn't it?

A. Bendora fire was burning in the ACT.

10 Q. So I suggest to you that, in responding to Mr Byrnes, you were not referring to the ACT when you said "it's not beyond possibility on Saturday or Monday" because the ACT was already burning, wasn't it?

15 A. Certainly there were fires in the ACT, but I believe that that conversation was also about the fires burning, the McIntyre's fire. Mr Byrnes is talking about a phone call that he received himself from what he refers to as Queanbeyan
20 bushies. I take that to mean the New South Wales Rural Fire Service and they are talking about some back-burning there. That's a reference to the McIntyre's fire.

25 Q. Mr Graham, is it your evidence on oath that, in that conversation when you responded "well, it's not beyond possibility on Saturday or Monday", you were not identifying or recognising the possibility of Canberra city burning on
30 Saturday or Monday?

A. That's correct.

Q. So what do you say your reference to "Canberra" is - sorry, what do you say you are
35 responding to by the reference to "Canberra"?

A. That the fires will change their course and that they will start burning towards Canberra city.

40 Q. Have you discussed this telephone conversation with anyone before coming to court today, Mr Graham?

A. No, I haven't.

45 Q. We have got a bit ahead of ourselves in relation to that issue. I understand your evidence, Mr Graham, was that you didn't recognise

the possibility of Canberra burning until the morning of the 18th; is that the position?

5 A. I think that I may have firmed up any conclusions or any thoughts that I had on the morning of the 18th when we knew that the fires had such a run from the west.

10 Q. If you were firming up, when did you first identify the possibility that the fires would impact on Canberra?

A. Well, I guess I was concerned with the run of fires that we had on the evening of the 17th and whether or not they may have impacted on Tharwa, Tharwa village being a part of Canberra.

15

Q. Let's concentrate on the Canberra urban area and in particular areas such as Weston Creek, when did you identify a possibility that fires - do you include in urban Canberra Tharwa village?

20 A. I would in this context, yes.

Q. When you say "in this context", what do you mean?

25 A. Well, Tharwa village is in rural Canberra, but it is in real terms about 2 or 3 kilometres south of urban Canberra.

Q. So it is not urban Canberra; it is south of urban Canberra?

30 A. It is south of urban Canberra.

35 Q. Concentrating on urban Canberra excluding Tharwa village, when did you recognise the possibility that the fires might impact on urban Canberra?

40 A. I think I firmed up that view on the morning of the 18th but, in terms of some initial thoughts, maybe on the evening of the 17th when that run of fire had moved towards Canberra.

40

Q. So could we take it then that your evidence is that it was on the evening of the 17th that you first identified the possibility that there may be an impact from these fires on urban Canberra?

45 A. I believe that's when I drew that conclusion to myself, yes.

Q. But not before then?
A. Not that I can remember.

MR WOODWARD: I was about to move to the 14th. If
5 that is a convenient time?

THE CORONER: It is a convenient time, thank you
Mr Woodward. We will adjourn until tomorrow
10 morning at 10 o'clock.

**HEARING ADJOURNED AT 4.00PM TO 10.00AM ON TUESDAY,
6 APRIL 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 31

Tuesday, 6 April 2004

[10.04am]

MR CRADDOCK: May I seek your leave to appear
5 additionally for Ms Odile Arman.

THE CORONER: Yes, that is granted, Mr Craddock.
You have leave to appear for Ms Arman.

<ANTHONY JAMES GRAHAM, RESWORN

10 <EXAMINATION-IN-CHIEF BY MR WOODWARD CONTINUING

MR WOODWARD: Q. Mr Graham, I mentioned yesterday
15 that what I propose to do is play the audio of two
of the transmissions between COMCEN and Odile
Arman on the night of the 8th. The first is where
her sit rep is repeated back to her and she asks
for some guidance in relation to putting in of
20 crews overnight, and the response to her in
relation to that.

The second is where she is then asked to indicate
her view as to whether or not she should remain
25 overnight or there should be a team in overnight.
If there are other transcripts that you would like
played, unfortunately we don't have those set up
at the moment but we can certainly, probably over
lunch, arrange for that to be done.

30 Beginning with the one at approximately 2001, I
also have the transcript of it on screen. Before
we start the audio, I will just highlight the
section that begins "COMCEN to Parks 1.

35 MR CRADDOCK: I hate to interrupt, but I can't
read that and it doesn't appear on my screen.

MR WOODWARD: Because of the form of that
40 document, it will not publish on these screens. I
am asking the operator to highlight it, if he can.

MR CRADDOCK: Make it a bit bigger.

THE CORONER: That is the plan, Mr Craddock.

45 (audio played)

MR WOODWARD: The next one is a few minutes later, I think four minutes later at approximately 2005. It is over on page 61.

5 (audio played)

Q. I think it was particularly the second of those that we spoke of two weeks ago, Mr Graham. Is there anything you want to add in relation to the evidence you have already given based on the written transcript of those?
10

A. I believed at the time when I gave my evidence that I wasn't sure whether or not there was a pause after that first sentence "remaining or leaving crews on location overnight." And that in my view that was a question that was being put. On hearing the transcripts, I now firm up that view that it was very much a question that was being put to Parks 1.
15

20

Q. In terms of those three, there are three different transcriptions of that transmission because it has come over a number of different channels, the second one has a full stop. The transcriber has put a full stop after "overnight" so that is the one you think probably reflects the conversation?
25

A. That's correct.

Q. Are there any others that you would like played or are you content?
30

A. Not at this time, thank you.

Q. I will just move to the 14th of January. Your Worship, there was just one minor correction in the transcript which I should mention first. It is at page 2885. Mr Graham was talking about his expectations in relation to the movement of the fire on the 18th. He said at about line 15, "but I think that my expectation was that once it hit the river and hit" the transcript shows "even our grasslands", I think that should read "eaten out grasslands".
35
40

A. That's correct.

45

Q. That is at 2885 at line 18. On the morning of the 14th, in paragraph 115 of your statement,

Mr Graham, you refer to receiving advice from the ACT liaison officer at the Yarrowlumla fire centre, Tony Corrigan, that the bulk of the McIntyre's Hut's fire to the south was considered contained and that back-burning had taken concerns away from the south-east corner of the fire. Then you say, "I passed this information on to other SMT members". Was there any discussion about the implications of that bit of information among the SMT members?

A. I believe it was discussed - when I say "passed on to the other SMT members", I believe that was at the 9.30 planning meeting. I don't recall any further discussion about that.

Q. The south-eastern corner of the south side was the power line trail, is that your memory of it?

A. I think that's right.

Q. In relation to Bendora, at paragraph 122 of your statement you say:

"I also received a situation report at about the same time" --

We are moving now to the afternoon of the 14th:

-- from the Bendora fire advising that the eastern containment line was intact and the only concern under ACT control was the north-west corner of the ACT part of that fire."

This is a time at which the fire had moved in a westward direction across the border. Is that why you are referring to the ACT part of the fire?

A. That's right.

Q. The advice you had that afternoon was that the eastern containment line was intact?

A. I believe so.

Q. What do you mean by the word "intact"?

A. It hadn't been breached by any spotovers; it was a line that was holding.

Q. By that stage had back-burning been commenced

or completed along that containment line?

A. I'm not sure whether it had been completed. I believe it had commenced. I can't recall now whether or not it was completed.

5

Q. There was a planning meeting that morning at 9am. That was the first at which there was formal minutes taken; is that correct?

A. That's right.

10

Q. Again, in the afternoon there was another meeting; again, minutes were taken of that meeting. I might just ask you some questions about Mr McRae's statement in relation to that meeting. His statement is [ESB.AFP.0110.04881] at 0501. He talked earlier in his statement about concerns about containment lines for the Bendora fire. In paragraph 3 he mentions there was a low chance of the containment line - he talks about how the Cotter River was recognised as a poor containment line because the river was low and fuel was dry. He then says at paragraph 94 at 0501:

15

20

25

"For this reason, that afternoon at the 4.30pm planning meeting, I drew the attention of those present to the wall map and discussed various alternatives as to where the fire might run in the event that it crossed the Cotter River.

30

At that planning meeting I also spoke about the possible expansion of the Mt Gingera and Stockyard Spur fires. Everybody, including me, thought that the Mt Gingera and Stockyard Spur fire would join later that day or overnight because both fires were burning towards each other on the western side of the Mt Franklin Road."

35

40

Is that your recollection, Mr Graham, that at the afternoon planning meeting on the 14th there was a general acknowledgment that Gingera and Stockyard would join some time later that day or overnight?

45

A. I believe that's right.

Q. Do you recall Mr McRae referring to a map in

relation to where the fire might run in the event that it crossed the Cotter River?

A. I can't recall seeing that map.

5 Q. Was that something that was done routinely at planning meetings; there were maps up on the wall and people discussing what the fires might do; is that how --

A. Yes, that was fairly common practice.

10

Q. Was it more common towards the latter part of the period?

15 A. Yes, I believe it was. When it started being the standard thing, I'm not sure now, but certainly as we progressed that did become very common.

Q. At page 0501 in paragraph 96, Mr McRae says:

20

"A concern that day was the future prospect of the McIntyre's Hut's fire breaking its containment lines and moving into the pine plantations to the east."

25 You would understand those to be the Uriarra pine plantations; wouldn't you?

A. I would.

Q. He says:

30

"However, that was a matter being attended to by the ACT Forests' staff working in the planning unit and I left them to that task. I had no involvement in it."

35

Firstly, do you recall the issue of the prospect of McIntyre's breaking its containment line and moving into pine plantations being a discussion or being a concern that day?

40 A. No, I don't. I think that's at odds with the information in the planning meeting minutes for 1600 that day where those minutes show that the southern flank was holding and the fire was heading north in the eastern flank.

45

Q. The eastern flank was still a concern though, wasn't it, at that time?

A. Oh, yes, it was.

Q. And the Uriarra plantations were, in effect, to the south-east of the McIntyre's fire?

5 A. That's right.

Q. So would it still not be consistent with the fact that at least at that stage you had been told about the southern containment line of McIntyre's but not the eastern as being contained, but that possibility existed; that is, the fire moving across the eastern containment line and down into Uriarra?

10 A. The advice we had from Queanbeyan at the time was that the fire was moving in a northerly direction, not in an easterly or southerly direction towards the pines.

Q. So you say Mr McRae is wrong about that, that it wasn't a concern that day?

20 A. It is not a concern that comes back to my memory.

Q. Just referring to the minutes of that planning meeting, this is document [ESB.AFP.0110.0775] at 0776. Do you recall Mr McRae or someone else at the meeting discussing weather - this is the afternoon meeting of the 14th?

25 A. Not specifically that was part of the standard topic of discussion. But I don't recall the specifics for that day.

Q. On page 0776, which are the minutes of the 1600 meeting under the heading "weather" which is part of the planning section of the minutes, Mr McRae I assume - correct me if I am wrong - reports as follows:

40 "The inversion layer today made fire behaviour a bit hard to predict. Long-term weather outlook details the temperature for Saturday at 35 degrees, with temperatures for Sunday, Monday and Tuesday being hot with stronger north-westerly winds. Mr McRae stated this forecast indicates that strategies will be harder to complete and hold after Friday evening."

Do you recall that report being given at that meeting?

A. No, I don't remember those specific words.

5 Q. Do you recall a reference to forecasting stronger north-westerly winds?

A. I've got no doubt that the planning meetings accurately reflect the discussions. I just don't recall those specific discussions.

10

Q. That I suggest was a matter of some concern, wasn't it, Mr Graham, that the winds which perhaps some had been expecting at some point were now within the forecast period, weren't they - the north-westerly winds which of course had the potential to bring the fires towards Canberra?

15

A. That's right.

Q. That's not something that sticks in your mind for the Wednesday?

20

A. I've got no doubt that, when I received that advice, I had some concern; I just can't recall the specific day or time of day.

25 Q. What about the comment that "strategies will be harder to complete and hold after Friday"; do you remember Mr McRae or anyone saying that was the sort of time frame that you would be looking at in terms of getting strategies completed?

30

A. No, I don't remember that particular discussion.

Q. Did you, by Tuesday afternoon, then have a sense that there was a time period within which the various strategies had to be in place in order to protect against the forecast weather change?

35

A. I think by about that point we were looking at - we were hopeful to have the Bendora fire contained by the 15th so we could concentrate our effort on Stockyard Fire on the 16th.

40

Q. Did you have an expectation that Stockyard, and presumably Gingera, would be contained by the Friday?

45

A. I believe I did.

Q. Did you go the next step and have at least a

concern that that was a bit of a deadline that you needed to try and work towards?

A. I'm sorry, I don't understand your question.

5 Q. Well, as at about the Tuesday, did you have in your mind that you may well have been hoping to achieve certain things by certain times, but were you looking at Friday as a bit of a deadline to get everything completed?

10 A. That's right.

Q. On about the Tuesday; is that correct?

A. It would be about that time frame.

15 Q. Now, I asked you some questions yesterday about the conversation that Mr Lucas-Smith had with Mr Cheney on the 13th, in the afternoon or evening, which he then reported to those present at the meeting at 1600 on 14 January. You said I
20 think yesterday that you thought he may have actually mentioned it to you in advance of the meeting as well.

A. I recall - I believe that was the case.

25 Q. But you are not sure how far in advance of the meeting?

A. No. I would think that it was almost immediately prior to the meeting. But I don't know what time frame now.

30

Q. Do you recall him discussing it or raising it again during the meeting?

A. Only in very general terms. I don't remember any of the specific conversation.

35

Q. I think what I will do, Mr Graham, is ask you by reference to the handwritten notes of the planning meeting, as best you can, to recall the nature of the discussion that occurred starting
40 with the notes which we now know were prepared by Jillian Ferry. You recall her being present at the meeting and taking notes?

A. I remember her at some of the meetings.

45 Q. The document number is [ESB.AFP.0110.0033] at 0038. I will indicate to you - I hope I am not overgeneralising; I am sure I will be stopped if I

am - Ms Ferry and Kate Keane who both gave
evidence in relation to the note taking process
have indicated that neither of them had skills in
shorthand but certainly they were doing their best
5 to write down things that were being said in the
course of the meeting. I think it is fair to say
they agreed that they were only writing down
things that were actually spoken at the meeting
and they then prepared the minutes based on their
10 notes. They certainly didn't editorialise it, if
you like, in the course of the note taking.

Just moving down that page to the bottom half, you
will see there coming up:

15 "Media WIN TV Phil Cheney fire behaviour
expert CSIRO"

Then in brackets, and I think Ms Ferry agreed that
20 that probably was short hand for "considered"

"(cons expert in Australia)."

MR LAKATOS: May I say, to be absolutely pedantic,
25 I think Ms Ferry's evidence was "consulted".

THE CORONER: I think that is right; I think she
said "consulted". I think it was put to her was
that "considered" and I think she said it was
30 "consulted". We can check that, if you wish.

MR WOODWARD: I think that should be checked.
That, I must say, is not my memory of it. But I
did not check it this morning.

35 Q. In any event, perhaps forgetting what she
wrote about that issue, she then goes on:

40 "Any strong gusts from W - which she said
stands for west - bring fire into city."

Do you recall Mr Lucas-Smith reporting in effect
that Mr Cheney was saying and was likely to say in
this proposed interview that any strong wind gusts
45 from the west would bring the fire into the city?

A. I don't recall that particular conversation.

Q. Mr Graham, you hadn't even identified the possibility of the fire impacting on the city, the Canberra city, as at the afternoon of the 14th; had you?

5 A. No, I hadn't.

Q. Wouldn't it have taken you by surprise if Mr Cheney, whom I think you described as an expert fire scientist, was predicting or likely to predict that certain winds would bring the fire into the city; didn't that concern you?

10 A. Yes, it would.

Q. You say you have no recollection of being told that or hearing that at the meeting?

15 A. No, I don't.

Q. You accept that that was what Mr Lucas-Smith said, in effect?

20 A. If that's the way it is recorded in the minutes of the planning meeting, then I accept that they were accurately reporting that meeting.

Q. I am taking you to, in a sense, the better source, Mr Graham, in terms of the words actually spoken; that is, the notes where Mr Lucas-Smith is apparently reporting Mr Cheney talking about winds from the west or gusts from the west bringing fire into the city. Didn't that alarm you? Didn't you think, "What's this person talking about? How could that be possible?"

30 A. I agree it would be concerning if that was the case.

35 Q. Are you suggesting it wasn't the case?

A. No, I'm not.

Q. You say you have got no recollection of that?

40 A. Not that specific conversation, no.

Q. Even generally any recollection of the report being to the effect that Mr Cheney was going to predict or predicting that strong gusts from the west would bring the fire into the city; you have got no recollection of that at all?

45 A. No, I don't.

Q. Despite the fact that, as I think you have agreed, it would be alarming to be informed of that on the 14th?

A. That's right.

5

Q. You will see the next reference there:

"B of M - we can assume is Bureau of Meteorology - then W wind into city - upset not forecasting west winds."

10

Do you know what that is about? Have you got any recollection of someone being upset?

A. No, I don't.

15

Q. There is then a note in the margin "MC", which we are told stands for Mike Castle:

"If fire not contained what wind changes risk the urban city".

20

Do you recall Mr Castle raising a concern or saying, "Well, what wind changes will create a risk for the city?"

25

A. No, I can't remember Mr Castle at that particular meeting.

Q. Do you remember that discussion or that part of the meeting at all, Mr Graham?

30

A. It could well be that I wasn't actually at that part of the meeting. There was certainly numerous occasions where, after I had given my report, I left the meeting to either go back into the district management room or to brief the incident controllers that were going for the evening shift. So it could be that I actually didn't attend that part of the meeting. Now I couldn't categorically say that. I don't know if that is the case for that particular meeting.

35

40

Q. Would that explain why you don't have any recollection of something that you think would, in the ordinary course, have caused you some alarm?

A. Well, it may do.

45

Q. Do you recall at any point either during the meeting or after being involved in any other

discussions about this prospect of Mr Cheney giving an interview?

5 A. No, I don't. I do recall having a discussion with Mr Lucas-Smith before the meeting but I don't recall any subsequent discussions.

10 Q. That discussion with Mr Lucas-Smith, did that include talking about how Mr Cheney's anticipated interview was going to be dealt with or what should be done about it?

15 A. It's difficult now to remember the content of the discussion. I certainly know that I was advised before the planning meeting that there was something to do with Mr Cheney and the media. But the context of what that discussion was now, I just can't recall.

20 Q. Do you have any recollection of Mr Lucas-Smith indicating to you what he or anyone else should do about it or what should happen as a result of this interview? Was that part of your discussion?

A. What, to do with Mr Cheney's --

25 Q. No, what if anything would be done, for example, to respond to this interview that Mr Cheney was going to be giving?

A. No, I don't believe that that was discussed at all.

30 Q. You don't recall any discussions either during or after the meeting on that topic?

A. No, I don't.

35 Q. I appreciate you say now you don't recall that part of the meeting and may not have been there, but, in case it assists your memory, do you recall Mr Tim Keady present at the meeting and saying anything about this issue?

40 A. No. Mr Keady was at several - in fact a large number of those meetings. I don't recall him discussing this at all.

45 Q. You learned on the morning of the 15th that the Gingera and Stockyard fires had indeed joined at about 0200 hours that night?

A. That's right.

Q. That morning, I should say. You say at paragraph 131 of your statement:

5 "At the 0930hrs planning meeting it was
agreed by the SMT, myself included, that the
Gingera fire and the Stockyard Fire would now
be referred to as the Stockyard Fire and that
Arthur Sayer would have the responsibility
10 for managing the planning and suppression of
the combined fires. At this same meeting it
was agreed by the SMT that the objectives and
strategies for the fires in the Brindabella
Ranges were to be as follows."

15 You then set out in bullet points several
objectives and strategies. Firstly, some
objectives:

20 "To keep the fire west of the Cotter River;
protect the environmentally sensitive,
heritage and valued assets; work in a unified
way with NSW section 44 coordinator; and
ensure the safety and welfare of all
personnel."

25 Just the third bullet point there, Mr Graham, was
that because there had been an issue in relation
to that; that is, concern about working in a
unified way?

30 A. No, there hadn't been any issue to my
knowledge at all. I think it was just a statement
of what was already in place.

35 Q. Under "strategies" you have got:

"Use direct attack to slow the growth of the
fire, if possible; establish containment
lines in preparation for indirect attack;
with priority given to the south and east
40 edge of the containment lines to reduce the
impact of north and west winds."

So those were broadly the strategies that were
identified at that meeting?

45 A. That's right.

Q. Were they communicated to the personnel in the

field?

A. I don't know. I understand - well, I believe they should have been. But whether or not and, if so, how they were, I can't recall.

5

Q. Who was to go about the task of establishing containment lines or is that just a reference to the physical establishment of them or was it identifying them?

10 A. No, that was the physical establishment.

Q. By the morning of the 15th, which was the Wednesday, you had Mr Mason present at the meeting providing a briefing on weather?

15 A. That's right.

Q. The minutes, which is document [ESB.AFP.0110.0142], record the substance of that briefing at 0143. Is it your understanding as a general issue that forecasts were - generally a four-day period was the period that was focused on as far as forecasting. Although forecasts went out beyond those four days, from time to time they were considered generally less reliable?

20
25 A. I think one or two days is felt to be reasonably reliable. Anything after that I think that that reliability decreases a little.

Q. Progressively?

30 A. That's right.

Q. The weather forecast for that day, the Wednesday, Thursday, Friday and Saturday indicate that on Friday:

35

"Stronger winds from the north-north-west are expected with mid afternoon winds reaching 30 to 40 kilometres, gusting to 50 kilometres per hour. Humidity is expected to drop with the dew point 2 degrees possibly lowers. A fire weather warning is expected.

40

Saturday. The front is expected to continue. Winds will be from the north north-west freshening to 30-40 kms per hour, with hot dry air coming from New South Wales and Queensland. Temperature expected to be

45

35 degrees plus."

Then there is a reference to a change. Within that forecast period as at that Wednesday morning,
5 Mr Graham, do you have a recollection of seeing that late Friday and Saturday were going to be days of significant concern in terms of keeping the fire under control?

10 A. Yes, I recognised that that would put pressure on our containment lines.

Q. There is also a reference to a Monday, which is again a day of low humidity and dew point, high temperatures and high wind speeds. So somewhat
15 worse than Saturday, it would appear, on that forecast?

A. That's right.

Q. But that is not suggesting, is it, that
20 Saturday is going to a good day?

A. No, it's not.

Q. Over the page under the heading "planning issues" there is a note:
25

"The weather briefing would indicate that Monday is the operational deadline to secure operational strategies."

30 I suggest to you - you don't have to accept the suggestion - that indicates something of a shift from the meeting the day before when the reference was made to the Friday being the day at which operational deadlines needed to be secured. Do
35 you recall there being that sort of shift from the Friday to the Monday?

A. No, I don't. I believe that we continued to work to the Friday as being our imperative to getting our containment lines established.
40

Q. So as at Wednesday morning at 9.30, you at least were still seeing Friday as the operational deadline?

A. That's right.

45

Q. Do you know who had indicated that Monday is the operational deadline?

A. No, I don't. I can only assume that, as it is under the heading of "planning", it was somebody from the planning team.

5 Q. In your statement, Mr Graham, at paragraph 136 you say:

10 "At about 1400 hours Mr Lucas-Smith advised me that he was to meet with the Commissioner New South Wales Rural Fire Service, Mr Phil Koperberg, at Yarrowlumla."

I think other evidence shows that meeting actually took place at about 11.30 that morning or at least commencing at 11.30 that morning. So that would suggest that perhaps you are a little bit out with your timing in that paragraph.

15 A. I wasn't aware that other evidence had been brought up that that had been an earlier meeting. That was my memory. But, yeah, I might be a couple of hours out.

20 Q. Do you recall having a discussion with Mr Lucas-Smith after his return from his meeting with Mr Koperberg?

A. I don't think - other than the discussion at the planning meeting, I don't think I had a one-on-one discussion with him.

25 Q. That was the afternoon planning meeting that day?

A. That's right.

30 Q. Which was at about 1600 hours. So at no time before then do you recall having a discussion with Mr Lucas-Smith about what he had discussed with Mr Koperberg?

A. No, I don't.

35 Q. I will just come back to that in a moment, because there are one or two things I want to ask you about that happened before then. Do you have any memory now or from at about that time or later that day of Mr Koperberg giving a brief television interview in relation to the fires in the Brindabellas?

40 A. No, I didn't see any television interviews at

all that Mr Koperberg gave at that time.

Q. Do you recall any discussion either that you heard or were involved in on the 15th at any time about what Mr Koperberg had said to television reporters?

A. No, I don't.

Q. Can I ask you to just have a look at this document [ESB.AFP.0110.0115]. This is another one of the requests for Commonwealth physical assistance, an earlier version of which we saw yesterday. This is the third request. I should perhaps ask you: do you recall having any input into this request or indeed any of the requests? I can't recall what you said yesterday.

A. I think at times I may have provided some input into the current situation, but I don't remember having seen this request prior to it going out.

Q. Under the heading "situation", you will see:

"Two of the three fires have now joined, forming two large fires. The weather forecast for the weekend and early next week predicts temperatures in the high 30s with strong winds gusting to over 60 km/hour from the north-west, causing concern for the ACT urban environment."

Is that information that you provided to either Ms Keane or Mr Castle?

A. No, it's not.

Q. I appreciate it is to the same effect, but the words are slightly different. Did you have concerns for the urban environment at about 1300 hours on 15 January, given the forecasts for that weekend?

A. No, I didn't.

Q. You say at the afternoon planning meeting at 1600 that Mr Lucas-Smith provided or referred to his discussions with Mr Koperberg. Is that correct?

A. That's right.

Q. What's your recollection of what he said about those discussions?

A. Just regarding the resources that Mr Koperberg had agreed to provide, the resources that we had
5 sought from him.

Q. Do you recall him saying anything about what he was told as to the expectations of the New South Wales personnel in relation to the control
10 of the McIntyre's fire?

A. No, I don't.

Q. You don't have any recollection?

A. No.
15

Q. Do you recall Mr Lucas-Smith saying at that meeting, or indeed after the meeting, in words or in substance that he was told by anyone from New South Wales that the McIntyre's fire would not be
20 an issue for the ACT?

A. I've read the planning meeting minutes obviously prior to coming into here. I know that's the way it is recorded in the planning meeting minutes.
25

Q. I'm not sure that it is.

A. I may have the day wrong, sorry. It could very well be that it was on another day that that was said.
30

Q. The planning meeting minutes - perhaps I should bring those up so we can double-check that [ESB.AFP.0020.0368]. The opening paragraph of that document you will see there a reference to
35 Mr Lucas-Smith reporting that the request for assistance had been accepted, what the number of task forces that would be provided and for how long; and he requested that operations and planning consider the impact for their areas from
40 these additional resources. I think, and I will no doubt be corrected if I am wrong, that is the only reference to Mr Lucas-Smith's meeting with Mr Koperberg and others at Queanbeyan, Mr Graham. Do you have any recollection either at the meeting
45 or at any time after the meeting on the 15th Mr Lucas-Smith saying to you, "Look, I've been told by New South Wales that McIntyre's won't be

an issue for the ACT"?

A. No, I don't.

Q. Is that something you think you would remember
5 him saying to you?

A. I think I would.

Q. At about that time, Wednesday the 15th, what
10 was your view about the McIntyre's fire and the
threat, if any, that it posed to the ACT?

A. The advice we had was that the south and
eastern flanks of McIntyre's had been contained,
and they were having trouble holding the fire on
the north-eastern side of Doctor's Flat Road.

15

Q. What was that telling you about whether or not
there was a continuing threat to the ACT?

A. The threat I believe had moved away from the
ACT but it moved away from the south-east corner
20 up into the north-east corner. It had moved away
from the ACT somewhat.

Q. I think as you agreed yesterday, Mr Graham,
25 containment is a long way short of control or can
be a long way short of control?

A. That's right.

Q. Were you aware at this time that there was
30 still a significant unburnt area within the
containment lines?

A. I was aware - if not on this day certainly
might well have been the following day, but it was
about the 15th or 16th - that there was some
unburnt vegetation inside that fire.

35

Q. Are you aware under certain conditions,
including the conditions that were being forecast
for Saturday and Monday, of the potential for long
distance spotting out of forests such as those in
40 which McIntyre's was burning?

A. Yes, I was.

Q. Given those factors, what was your view at
45 that time about the level of threat posed by the
McIntyre's fire to the ACT?

A. I think I still had confidence that New South
Wales would be holding that fire.

Q. Were you recognising the possibility that they might not?

A. I don't think I had any doubts in my mind that they would hold it. I think I was confident that
5 that would be the case.

Q. Can you recall what factors, at least in your mind, were leading you to have that degree of confidence?

10 A. Only I knew they had some significant resources on that fire and that it was being managed by an Incident Management Team from Yarrowlumla Shire that I felt I had confidence in.

15 Q. Mr Koperberg has given evidence to the effect that on Wednesday it was his view that if the conditions that were then forecast eventuated, that is the forecast for Saturday eventuated, the
20 containment lines would not hold and the fire would spread east and in particular south-east, which inevitably means into the Uriarra plantation. That wasn't a view that you shared at that time?

A. No, I didn't have the knowledge of that fire
25 ground that Mr Koperberg had. I hadn't been over to the Yarrowlumla Shire to have a look at what they were doing and to speak to them in any detail about their containment strategy.

30 Q. Were you getting reports from the liaison officer?

A. I was.

35 Q. What were they telling you at that, say on the Wednesday and moving into the Thursday?

A. The comment that I provided a moment ago about the containment of the north and the southern and eastern flanks and the fire being most active on the north-eastern side. That was the kind of
40 information I was getting from the Yarrowlumla Shire.

Q. Were you getting any media releases that were being published by New South Wales Rural Fire
45 Service?

A. I don't think I saw any at all.

Q. I will just ask you to look at document
[ESB.AFP.0008.0336]. This is a New South Wales
Rural Fire Service media release referring to the
provision of crews to assist with the ACT fires.
5 If you go to the second half of the document you
will see:

"New South Wales Rural Fire Service
Commissioner, Phil Koperberg, said, 'The ACT
10 Emergency Services Bureau has requested our
assistance' ...

'The current weather forecast, and the fact
that vegetation in the southern part of NSW
15 and the ACT is extremely dry, means the
potential for fire to impact on increasingly
more populated areas is very high."

There were no populated areas within the
20 containment lines, were there, on the McIntyre's
fire?

A. I would have to look on a map to be sure.
Certainly along Doctor's Flat Road there are a
number of rural properties along there, but they
25 are not inside the containment lines. I don't
know.

Q. I suggest to you they weren't?

A. Okay. I just don't know.
30

Q. You don't recall seeing that on the day?

A. No, I don't.

Q. Would you expect if that knowledge was within
35 personnel at the ESB that that would have been
brought to your attention, that Mr Koperberg is
predicting on the Wednesday that if forecast
conditions eventuate there is a potential for the
fire to impact on increasingly more populated
40 areas?

A. We certainly didn't have any system in place
whereby media releases from New South Wales Rural
Fire Service would be brought to my attention.

45 Q. Under a north-westerly wind, the fire is going
to move to the east and threaten the ACT border;
isn't it, Mr Graham?

A. That's right.

Q. So that then becomes a fire that's a direct concern to you as operations manager in the ESB?

5 A. Well, at that point it was still being managed by the New South Wales crews, and we weren't managing it at all.

Q. No, I understand that. If it did cross the border it would then become something that you would become involved in; is that correct?

A. To some degree I expect there would be some involvement.

15 Q. So that possibility would be something that you would certainly like to have brought to your attention if that was still a very high risk?

A. Yes. I think it would have been useful.

20 Q. Again, I will briefly ask you just in case you hadn't seen this at the time [ESB.AFP.0012.0113]. This is an email or some sort of circular that Mr Val Jeffery has sent to Tharwa residents on 15 January. Do you know Mr Jeffery?

25 A. Yes, I do.

Q. Do you recall seeing any documents that he was circulating in that period between the 8th and 18th of January?

30 A. I have seen this document since the fires but I didn't see it at all before the fires.

Q. You see there that Mr Jeffery is recognising - he refers to the "inevitable windy west to north-west change". Did you see that as inevitable during that period that that change would come at some point?

A. Oh, at some point that would be expected.

40 Q. He says:

"... there is a very real possibility that these fires will break out of the mountains."

45 He refers to the disastrous 1939 fires and the 1983 Gudgenby scenario. Did you have in the back of your mind at this time the history of fires in

this area, particularly the 1939 fires?

A. I knew of the 1939 fires, but only I had seen maps of the damage. That's as much as I knew.

5 Q. I read to you yesterday from the Rural Fire Control Manual some reference to that being part of the history of fires in the area. That was something that you were generally aware of?

A. That's right.

10

Q. Was that something you were reminded of at any point during the lead-up to the 18th? Was that a subject of discussion?

A. I don't believe so.

15

Q. Did Mr Lucas-Smith talk to you about the history of fires in the area and in particular the 1939 fires?

A. I don't think so.

20

Q. Can we take it though that, in any event you didn't see this at the time, but you didn't share Mr Jeffery's views about what might happen?

25 A. At this point I was still fairly confident that we would be able to contain or hold these fires within our containment line.

Q. What did you see as a consequence of failing to do that?

30 A. The fires would start moving toward Canberra city, and my expectation was that once they moved out of the mountains - if they indeed got through the mountains - that containment would then be made with grasslands, in the grasslands.

35

Q. Containment by - in what way? How would they be contained in the grasslands?

A. Ground crews and plant and machinery creating breaks.

40

Q. Did you acknowledge the possibility that that, too, might fail under extreme conditions?

A. I think at the time I was confident that it would hold.

45

Q. Does the other side of that indicate that it was possible that it wouldn't?

A. Oh, yes, if they didn't hold then it was possible.

Q. What would then happen?

5 A. It's speculation. I don't know.

Q. Again, it was just out of your reckoning, was it, the possibility that the fires would move into Canberra?

10 A. Into Canberra city at that point, yes.

Q. At the afternoon planning meeting, were you present at the afternoon planning meeting on the 15th of January?

15 A. Yes, I was.

Q. Do you recall Mr McRae's report about the significance of the weather forecasts that had been received during the course of that day?

20 A. No, I don't.

Q. In Mr McRae's statement, [ESB.AFP.0110.0481] at 0502 in paragraph 102 he is referring to the morning meeting on the Wednesday. But I think, and it is something I will need to clarify with him, but certainly the handwritten notes of the planning meetings would strongly suggest that what he is referring to in paragraph 102 of his statement was in fact something that took place in the afternoon planning meeting. So with that qualification, Mr McRae says at paragraph 102:

35 "After Mr Mason had presented his forecast, I commented on what should be understood by it. In particular I said words to the effect of: 'Gentlemen, we currently have the worst fire situation you will see in your careers. And you have just heard a forecast for the worst fire weather you will experience in your careers. Do the maths.'"

Do you recall him saying words to that effect at either the morning or afternoon planning meeting on the 15th?

45 A. I can't recall those words.

Q. Do you think you would have recalled them?

They are somewhat alarming. It is an alarming statement.

A. Very possibly I would have.

5 Q. I won't get them brought up because I just want to quickly refer to each of the handwritten notes for the 1600 meeting. Under the heading "planning" there is the note:

10 "worst fire of careers. Monday worst fire weather forecast of careers. 1:20-year fire. 1:40-year fire with a forecast on Monday. FDI 110-140 on Monday. Need to be as ready as possible."

15

Do you recall the references to those 1:20-year fire, 1:40-year fire weather forecast?

A. Yes, I seem to remember that those kinds of numbers were discussed.

20

Q. Those are severe conditions, aren't they, Mr Graham?

A. Yes, they are.

25

Q. In fact, the other set of notes refers to - after mentioning the fire danger index of 110-140 - a note that Ash Wednesday FDI was 103. Do you remember that being mentioned?

A. No, I don't remember.

30

Q. You would understand an FDI above 100 is very unusual in Australia?

A. Yes, I do remember now.

35

Q. So the prediction at that time, it would appear this was in the afternoon meeting on the 15th, was one for dire conditions approaching?

A. That's right.

40

Q. Did you have any views at that point or based on those as to what those meant for the containment of the fires?

A. Well, at that point I think that I was still satisfied that the fires would be contained, that
45 we have containment lines around the Bendora fire and work was to commence on the Stockyard Fire.

Q. So despite those predictions, you were still confident that containment would be possible within the time frame that you had left?

A. That's right.

5

Q. On the 16th of January in the morning, are you aware that Mr Lucas-Smith, Mr Castle and others briefed the cabinet in relation to the current status of the fires?

10 A. Yes, I am aware of that.

Q. Are you familiar with the cabinet briefing paper that was prepared for the purposes of that briefing?

15 A. No, I haven't seen that.

Q. I accept you haven't seen it but were you asked for information by either Mr Castle or Mr Keady to assist them in the preparation of this document?

20

A. I don't believe so.

Q. I will get it brought up [DPP.DPP.0003.0078]. Evidence would indicate this document was prepared some time during the afternoon or evening of 15 December, probably after the planning meeting. If we go over to the second page of the document, in the top section you will see under "New South Wales fires" in the last sentence of the third bullet point:

25

30

"However, 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 to the urban area."

35

Do you see that, Mr Graham?

A. Yes, I can.

40

Q. Did anyone talk to you about that potential serious impact to the urban area late on Wednesday or Thursday morning?

A. I don't believe so.

45

Q. Again, is it your evidence that that wasn't a potential that you identified as at that point?

A. No, it wasn't.

Q. Just further down under the heading "assets
under potential threat" which is in the bottom
5 part of the document you will see in the 7th
bullet point a reference to the urban edge.
Again, did you consider the urban edge being as
asset under threat on the morning of the 16th?

10 A. No, I didn't.

Q. And no-one else drew that to your attention to
your knowledge, to your recollection?

A. No, not that I recall, no.

15 Q. You would recall it, wouldn't you?

A. I would think so. I'm not too sure.

Q. There was a planning meeting that morning as
usual - Mr Lucas-Smith and Mr Castle were not
20 present being at the cabinet briefing. Is that
your memory?

A. That's right.

Q. In relation to the weather reports at that
25 meeting, Mr Graham, at least in your mind had
there been any change in the outlook for
particularly the weekend and the following week or
was the position much as originally forecast?

30 A. I don't remember being alerted to any
significant change, no.

Q. So far as you were concerned, Saturday was
still going to be a bad day?

35 A. Yes.

Q. Friday was probably the deadline for
completing the --

A. That's right.

40 Q. As at Thursday morning, how optimistic were
you about the completing of the containment
strategies by then?

45 A. For Bendora, I felt that that was a very real
possibility. With Stockyard, I felt that that was
achievable too as long as we moved quickly.

Q. And Gingera - that is part of Stockyard now,

I'm sorry.

A. Yes.

5 Q. Was it starting to become more tight in your mind, the deadline?

A. It was certainly I think for Stockyard becoming a little tight.

10 Q. In the minutes of the planning meeting [ESB.AFP.0004.0219] at 0220, you see under the heading "ACT Fire Brigade operations":

15 "The ACT Fire Brigade is focusing on outlying structures and there will be a planning meeting this afternoon to discuss the potential for a structural rural task force. ACT Fire Brigade and the ACT Ambulance Service are to meet to discuss urban contingencies."

20

Do you recall that part of the discussion, Mr Graham?

A. Certainly I remember the discussion regarding the formation of the structural rural task force.

25

Q. What do you say was being referred to or being discussed in that second line where there is a reference to "urban contingencies"?

A. I can't remember that.

30

Q. Why would the ACT Fire Brigade and ACT Ambulance Service be talking about discussing urban contingencies on the morning of the 16th?

A. I don't know.

35

Q. You just don't recall that?

A. No, I don't recall that part of the conversation.

40 Q. I suggest to you that it would indicate that there is some identification at that meeting of a threat to the urban area. That's what it would suggest, isn't it?

45 A. It would look like it is recognised that there is some potential threat.

Q. To the urban area?

A. Well, that's what the statement in that document is showing me would suggest.

5 Q. You say you didn't recognise the threat at that time?

A. Not on the morning of the 16th.

10 Q. And yet you can't recall there being a discussion at the meeting about urban contingencies?

A. No, I'm not sure what that's a reference to.

15 Q. Do you know who was providing that part of the report?

A. No, I don't remember who was there from the ambulance and fire brigade.

20 Q. In your statement, Mr Graham, at paragraph 148 you refer to that planning meeting and you say:

"Tony Bartlett advised that from his aerial reconnaissance flight, there were no obvious risks visible."

25 What sort of potential risks was he identifying or talking about there?

30 A. I'm not sure what he means by "no obvious risks visible". I'm not sure if he is talking about a risk of a break-out or a risk to any other asset.

Q. Do you recall him using words to that effect, do you?

35 A. I believe that they are the words that he used.

Q. Have you found them in any minutes of the meeting?

40 A. I'm sorry?

Q. Have you found them in any minutes or reports?

A. Not that I can remember at this point.

45 Q. I'm not trying to trap you, Mr Graham. I just can't find it myself. It is reported in the minutes at the bottom of the first page:

"He reported that there were no obvious risk areas visible from the air."

5 So you don't recall what risks he was trying to identify?

A. No, I don't know if he provided any detail about what he was referring to.

10 Q. I think you referred earlier to one possibility being the risk of the break-out. Is that the sort of thing he was likely to be looking for at that point?

15 A. It could be. Obviously he would be in a better position to answer that.

Q. You say in your statement at paragraph 148, at the end of that paragraph:

20 "I was also advised by Anna Farnham at this time that the Mt Morgan fire was contained and though the McIntyre's Hut fire would run towards Mountain Creek Road, it was not expected to impact on the ACT."

25 Was that something you reported to the meeting?

A. I believe so.

30 Q. I have not found a reference to it in your operations officer situation report, Mr Graham. Indeed, I don't think you deal with the McIntyre's fire in your written report. Do you have another note or memory of where that information might be recorded?

35 A. No, I don't. I don't have a copy of my written report with me.

Q. Sorry, of your written?

A. My written report.

40 Q. I think they are at the back of the minutes ordinarily. Operations officer situation report planning meeting 0930, you don't have that?

45 A. I don't have that as an attachment. I'm sorry we are talking the 16th?

Q. That's right.

A. Sorry, I was looking at the 15th. No, I can't

see - I can't recall where I got that information.

Q. Where is Mountain Creek Road relative to the containment line, Mr Graham?

5 A. To the east.

Q. So outside the containment lines or --

10 A. Yes. It would be the containment line - I think that they were using Mountain Creek Road as a fallback position. I need a map to be sure but I think it is just a little to the east of Doctor's Flat Road.

15 Q. So is the effect of the information Anna Farnham appears to have given you that morning that the fire was likely to run outside the existing containment lines but still not expected to impact on the ACT?

20 A. I'm not sure now whether or not Mountain Creek Road had been identified as one of the containment lines by New South Wales.

25 Q. That information again, I would suggest, was inconsistent with certainly Mr Koperberg's thinking at that time - or at least his evidence as to what his thinking was. How good is your memory of what Anna Farnham said to you, Mr Graham, about the impact on the ACT?

30 A. I would need to look through my documents to find where I got that statement from. I believe that it is an extract from something but I haven't got any reference to where I got that information.

35 Q. I would ask you to do that, please.

A. Sure. Did you want that now?

Q. No need to do that now. Over the luncheon adjournment.

40 There is another document - I asked you earlier about an email or document from Mr Jeffery. I will just bring up quickly another one and ask you whether you recall seeing this before the 18th. It is [ESB.AFP.0012.0114].

45 A. While that is coming up, I have found that reference from Anna Farnham. It is in what was seized by the police as my notebook number 2. I

don't know what reference the AFP have given that.

Q. This is another email that Mr Jeffery sent to a significant number of people. Did you see that at any time before the 18th?

A. No, I haven't. I have seen it since but not before.

Q. See there in the second paragraph he says:

"The facts of the situation is that despite 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. I believe (and the CFCO also) that the fires will escape from the mountains. The only question is really, when and where and how big the fronts are."

This appears to have been sent by Mr Jeffery at midday or thereabouts on the 16th of January. Is that a view that you held; namely, the control lines, containment lines would not be deep enough to hold the fires?

A. No, we were still in the process of constructing containment lines at that time, so I didn't hold that view.

Q. You understand by "deep enough" Mr Jeffery to be referring to the extent of any back-burning from containment lines?

A. I understand that.

Q. So, it's not so much the construction, but he seems to be predicting that by the time they are constructed and the back-burning operations commence, they still wouldn't be deep enough. But that's not a view you shared?

A. I'm sorry, I realise that is what he is saying.

Q. But you don't share that view?

A. Not at that point.

Q. Document [ESB.AFP.0007.0229]. This is a weather forecast that may have been part of

another document. I am just asking you whether you recall seeing this or something like it on about the 16th of January. I think it actually may have come from New South Wales. If we can
5 just scroll down that page. Is that a format forecast that you are familiar with?

A. No, it is not something I have seen used in the ACT in that format before.

10 Q. You see there Saturday is shown - it is at 1300 hours on 16 January - as an extreme fire weather day; do you see that?

A. Yes, I do.

15 Q. Over the page, Monday is shown as a severe fire weather day, which is a level below extreme, isn't it, in terms of terminology for fire weather; is that correct?

A. No.

20

Q. It is the other way around is it?

A. No. We use on our fire danger rating scale we use words like "high", "very high" and "extreme". We don't use "severe" on our fire danger rating
25 scale.

Q. Can I ask a general question: as at about that time, the afternoon of the 16th, did you have a view or an appreciation of the forecast for
30 Saturday relative to Monday?

A. Only by what I gained from the Bureau of Meteorology briefings at our planning meetings.

Q. What was your sense?

35 A. I still think at this point that Monday was predicted to be more severe than the Saturday.

Q. What about Saturday? Was that, in your mind what was that looking like?

40 A. It was still recognised as being an extreme day.

Q. Did you still at that time have Friday in your mind or the end of Friday as a deadline?

45 A. That's right.

MR WOODWARD: There are still a couple more things

on the 16th. I don't think I will get through them before half past, so if that is a convenient time.

5 THE CORONER: We will take the morning adjournment.

SHORT ADJOURNMENT

[11.28am]

10 **RESUMED**

[11.50am]

MR WOODWARD: Q. Mr Graham, are you aware that during the early afternoon of the 16th Mr Lucas-Smith having returned from the cabinet
15 briefing then conducted a briefing with representatives of the ACT Fire Brigade and Ambulance Service?

A. I was aware that he conducted a briefing for the fire brigade. I wasn't aware that the
20 Ambulance Service was in attendance.

Q. Were you present at the briefing of the fire brigade?

A. No, I wasn't.
25

Q. Did he speak to you before that meeting or briefing and discuss what he was going to say at the briefing?

A. I don't believe so.
30

Q. What about afterwards, did he tell you what he reported at the briefing?

A. No, I don't think so, no.

35 Q. Do you recall any discussions with him about briefings that he provided to the Ambulance Service?

A. No, I don't.

40 Q. What about to the Chief Police Officer, Mr Murray and Mandy Newton?

A. No, I am not aware of that.

45 Q. At 305pm on 16 January the ACT Ambulance Service - there are minutes of a meeting that was held at that time. It is document [ESB.AFP.0016.0441]. This appears to be a meeting

attended by David Dutton and others. Do you know Mr Dutton?

A. Yes, I do.

5 Q. You see under the heading there "overview" top of the page:

"The 9.30 briefing on the fire situation."

10 Did Mr Dutton attend the planning meeting that morning or anyone else on that list?

A. I can't remember now. There was up to 60 people at each of those planning meetings.

15 Q. Was there generally someone representing the Ambulance Service present?

A. Generally speaking, yes.

Q. It continues:

20

"... indicated that the ACT is facing a very real threat with property from this situation, with Monday 20/1/03 presenting extreme conditions. Peter Lucas-Smith has indicated that we are expecting extremely poor outcomes from these fires. Conditions will be potentially worse than Ash Wednesday fires, and there is potential for the Stockyard and Bendora fires to join. Spot fires will present a huge danger in the forests and potentially in the urban areas of the ACT. Peter Lucas-Smith advised that if the fires enter the pine forests, he will remove his firefighters due to the extreme danger."

35

The reference there to Ash Wednesday fires, are you aware that comparisons were being made to Ash Wednesday fires on the 16th?

40 A. No, I'm not.

Q. Is Mr Dutton likely to have got that information, to your knowledge, from any sources other than Mr Lucas-Smith and/or the 9.30 briefing on the morning of the 16th?

45

A. I don't know where he got that information. It could have been from anybody that he spoke to

in the corridor maybe.

Q. It continues:

5 "Spot fires will present a huge danger in the forests and potentially in the urban areas of the ACT."

10 Did you consider on the afternoon of the 16th that spot fires might present a danger in the urban areas of the ACT?

A. No, I wasn't thinking that the fire would be encroaching the urban areas of the ACT at that time.

15

Q. If not the fire front, what about spot fires?

A. No, I wasn't.

20 Q. Were you aware that Mr Lucas-Smith had the view that if fires entered pine forests he would remove his firefighters?

A. Yes, I recall that decision.

25 Q. At about that time, was that a view he expressed in your hearing at about that time?

A. It seems about right to me, yes.

30 Q. I suggest to you, Mr Graham, there weren't any pine forests in any of the containment lines for the fires that were then burning at that time; is that correct?

A. On the 16th, I don't think there were, no.

35 Q. So, discussion about removing firefighters from pine forests would almost necessarily mean that there is a recognition there of the fires breaking out of containment lines and entering pine forests; do you agree with that?

40 A. Might be some recognition of some potential. I think as the statement says "if the fires enter the pine forests", it's not "when".

45 Q. The other thing I perhaps should mention is my inquiries over the break suggest that - referring back to the information you got from Anna Farnham that Mountain Creek Road, which is referred to in paragraph 148, "though the McIntyre's Hut fire

would run towards Mountain Creek Road," it is indeed to the east of the containment line of the McIntyre's Hut fire, as it was proposed at that time or as it was being constructed at that time.

5 Did you check that on the day? Did you get a map out and work out where Mountain Creek Road was?

A. I know where Mountain Creek Road is.

Q. It runs into the ACT, doesn't it?

10 A. Yes, it does.

Q. So a fire running towards Mountain Creek Road would necessarily have broken containment lines and be crossing the ACT border, wouldn't it?

15 A. No. Mountain Creek Road goes into New South Wales as well. It crosses both ACT and New South Wales.

Q. Well, was there anything that would have stopped it, having run towards the part of the road that is in New South Wales, also running towards that part of the road that is in the ACT?

20 A. If it was running towards that part of the road in New South Wales, it would have been running in an easterly direction and so it would have had a change of direction for it to encroach into the ACT.

Q. A north-east change?

30 A. North-west change.

Q. I beg your pardon. It would start moving south-east, wouldn't it?

35 A. That's correct.

Q. Which it would do under a north-westerly wind?

A. North-westerly wind, that's correct.

Q. Which was what was forecast at that time?

40 A. That's correct.

Q. So that information, I suggest to you, Mr Graham, would be information that is telling you, in effect, that the fire will have left or breached the containment line on the east side of McIntyre's Hut fire and be running towards the ACT border?

A. I'm not sure what the path of travel was of the fire at that time. I'm not sure what strategies New South Wales had put in place.

5 Q. Did you see some inconsistency in information that is on the one hand saying, "The fire will run towards Mountain Creek Road, it was not expected to impact on the ACT"?

10 A. No. I thought that was a fair statement to be making.

Q. Mountain Creek Road runs across the border, doesn't it?

15 A. Yes, it does.

Q. There is no containment line or other road that runs along the border?

20 A. No. Not that I'm aware of. Well, I'm sorry - when I say that, there are certainly some rural properties, and those rural properties have formed track.

25 Q. Were you aware of any containment lines or potential containment lines in that area between where the eastern containment line on McIntyre's Hut was and Mountain Creek Road?

A. I wasn't aware of what containment lines were in place there, no.

30 Q. So isn't it, at least on one interpretation of information to you of a run towards Mountain Creek Road, that the fire is going to move into the ACT?

35 A. No. I don't believe so. I accepted the advice that I was getting from Yarrawlumba Shire.

Q. Later in the afternoon you received some reports concerning - actually I should just check with you. You say in paragraph 150 of your statement:

40

"Back-burning from the Bulls Head survival shelter to Piccadilly Circus commenced at 1330 hours."

45 On the 16th. There are some documents going into the evening that suggest that that back-burn was later abandoned; is that your memory of it?

A. I believe it was.

Q. Was it actually started before it was abandoned?

5 A. Yes. My recollection is that I think one-and-a-half kilometres of back-burning was put in. I think it was a total length of a bit over 3. So a little under half of the back-burn was put in.

10

Q. Commencing at 1330 hours?

A. I think that was about the right time.

Q. You say at paragraph 152:

15

"At about 1430 hours I was advised by the Bendora field incident controller that the fire had broken its containment lines in the northern corner and new lines had been identified. The fire was being held within these new lines."

20

When you say "being held", Mr Graham, what do you mean by that?

25 A. That it wasn't breaching the new lines that the incident controller had identified out on the fire ground.

Q. There is another way of putting that - it hadn't yet crossed them.

30

A. It certainly hadn't yet crossed them.

Q. Because if they have only just been identified presumably - perhaps I should ask you: had any work been done at that point to actually secure those containment lines any burning?

35

A. I can't remember.

Q. So you don't know whether anything was actively being done to actually hold the fire within those containment lines. It was merely the fact that the fires hadn't yet crossed them.

40

A. I don't have anything to say what the crews were doing to hold the fire.

45

Q. There was a planning meeting on the afternoon of Thursday the 16th. You were present at that

meeting?

A. I was present for some of that meeting. I know that that was one of those meetings that I left early.

5

Q. Were you there for the discussion of the weather?

A. I don't remember now.

10 Q. You deal with the meeting at paragraph 154:

15 "... I provided an overview of the fire situation to that meeting. The Bendora fire was still being held within its revised containment lines and back-burning continued along Mt Franklin toward Piccadilly Circus. Dozer work continued on the trail network around the southern and western edges of the Stockyard Fire, although progress had been
20 slow to date. However, it was expected that this situation would improve. I advised those present that following discussions with the ACT liaison officer at Yarrowlunla fire control, there were no real concerns with the
25 McIntyre's Hut fire and that New South Wales Rural Fire Service were considering using aerial incendiaries on that fire."

30 Was that a reference to the information from Anna Farnham that was referred to earlier in your statement?

A. I think that statement was much earlier, the one that we referred to before the break. It was a discussion I had with Anna much earlier in the
35 day.

Q. Had you received further information before?

A. That's right.

40 Q. I am sorry, I should have mentioned this: at paragraph 153 you refer to discussions with Jeremy Watson. Who is Mr Watson?

A. He is a member of Parks and Conservation Service ACT.

45

Q. He faxed you a copy of the a map showing the fire boundary of McIntyre's Hut fire. Did you ask

him for that map?

A. I don't remember now whether or not he offered it or I asked him.

5 Q. Did that just confirm the location of the containment lines?

A. That's right.

10 Q. Is it Mr Watson who - or you have referred to the ACT liaison officer. Did you have a discussion with whoever that was by that time some time before 1600 hours?

A. Regarding, I'm sorry?

15 Q. In order to make the report that you did at that meeting that there were no real concerns with the McIntyre's Hut fire?

A. As a standard practice, I was contacting the liaison officer between 45 to 30 minutes prior to
20 the planning meetings to get an update on the situation so I could offer that information at the planning meetings.

25 Q. Do you have a note there as to which individual provided you with that information that day?

A. No, I don't.

30 Q. Do you recall who it was?

A. No, I can't now.

35 Q. In the minutes in that meeting, Mr Graham, under the heading "New South Wales fires" the following appears:

"NSWRFS have advised that they have insufficient resources to conduct the back-burn west of Leura Gap tomorrow. They have provided permission for the ACT to
40 conduct back-burning if resources allow."

That appears to be the only reference to the New South Wales - I beg your pardon, in your 1600 hours report, you have under the heading
45 "McIntyre's fire":

"There are no real concerns with this fire.

NSW Rural Fire Service is considering using aerial incendiaries on the fire."

5 Do you have a recollection now as to who it was who provided with you that information?

A. No, I can't remember now.

Q. Could it have been Mr Watson?

A. It may well have been.

10

Q. Again, Mr Graham, that, I should indicate, is at odds with certainly what Mr Koperberg has said about his expectations in relation to the McIntyre's fire. We can no doubt check your notebook, but do you have any independent recollection of whether those were the words that were used in your discussion or where that came from?

15

A. No.

20

Q. Did the use of aerial incendiaries cause you any concern - or the proposed use?

A. It did a little, in that I never used them - in fact, I've never seen them used. But my

25

understanding from discussions with others is that it is an inherently risky operation to be undertaking, particularly with severe weather. If you were to drop the incendiaries on the wrong side of the control line, for instance, because it is something that you are dropping obviously from the air, then you are putting fire outside of your control lines, which is obviously the last thing you want.

30

35 Q. Do you see there is perhaps a little bit of inconsistency between on the one hand there being suggested there are no real concerns and the use of aerial incendiaries on the other?

A. No. I understand there was a compartment or a

40

block of unburnt vegetation more or less in the north-eastern corner of the McIntyre's Hut fire that they wanted to burn out. That's where they were going to use the aerial incendiaries. I think that it was well within their containment lines.

45

Q. Were you aware that the use of aerial

incendiaries in unburnt area could lead to, particularly under extreme weather, quite significant fire runs within that unburnt area, creating spot fires and so on?

5 A. That's right. There is certainly the potential for fire runs, yes. There was a lot of vegetation.

Q. And a breach of containment lines?

10 A. That is very much dependent on the distance that you have got in with your containment lines.

Q. Is it possible that the information you were getting, Mr Graham, in relation to McIntyre's was simply that the containment lines were more or less completed or about to be complete rather than someone actually suggesting that it wouldn't be a concern?

15 A. I don't believe so. I believe that those words are a reflection of the discussion that we had.

Q. Did you have any involvement in the decision to abandon the back-burn on Bendora that night?

20 A. Not that I can remember. I think that it was a decision made by the incident controller but I'm not 100 per cent sure.

Q. I will just ask you to have a look at this document. It is another New South Wales Rural Fire Service media release [NSP.AFP.0047.0407]. Under the heading "firefighters contain McIntyre's Hut fire Brindabella National Park", which is in about the middle of the page, you will see:

30 "Control lines are complete on this fire, which has burned 7,000 hectares and is being fought by about 120 New South Wales firefighters from Yarrawlumba."

40 Then the following paragraph:

45 "Containment was achieved with the completion of back-burning yesterday and aggressive mop up and patrol of these lines today. Intensive ground and air patrols will continue to be conducted as active fire

remains along the Goodradigbee River."

There is a reference to the aerial incendiary drops being planned. The final paragraph says:

5

"West north-west winds expected Saturday and Sunday will pressure lines to the east and south-east and force the fire to the ACT border."

10

Do you see that, Mr Graham?

A. Yes, I can.

Q. You would agree, wouldn't you, that if the fires reached the ACT border it has crossed the containment line to the east; hasn't it?

15

A. That's right.

Q. It is actually not speculating about it; the media release seems to be saying that it will happen.

20

A. As I say, it appears.

Q. Do you agree that doesn't seem entirely consistent with the information that you were getting apparently from the liaison officer?

25

A. Yes, I do.

Q. I would ask again, is it possible that what you were being told consistently with this release was that containment was achieved rather than being told that it wasn't a concern?

30

A. I don't believe so. I believe that the way that I've reported it is accurate. But I don't recall the specific discussion.

35

Q. So in your mind on the evening of the 16th, is it the case that McIntyre's was something that you could effectively put to the back of your mind; was that how you were approaching it?

40

A. No. There was still some concern with it. The fact that we had been advised it was being contained was heartening.

Q. You say you weren't informed that evening that New South Wales were effectively expecting it to run to the border?

45

A. No, I hadn't seen this press release before and I don't recall any liaison officers contacting me with that advice.

5 Q. On the morning of the 17th, again there was a planning meeting in relation to weather reports that morning - I won't take you to the other handwritten notes of the meeting. There appears to be a suggestion that Monday, at least in some
10 of the notes, is not looking now quite as bad as had earlier been thought but Saturday still looking like a very bad day. Is that your memory?
A. Yes, I think that's right.

15 Q. The minutes of that meeting are [ESB.AFP.0110.0868]. The weather at the bottom of that first page is there set out - Friday first and then Saturday - winds swinging north-west after 1300 hours on the Friday and then on the
20 Saturday:

"North-west winds are expected 25kms, gusting 45kms possibly as has as 60kms, pulling back to a westerly direction. An easterly change
25 is expected after 2200 hours. Maximum temperature expected is 37, dew point 0-2 degrees."

Over the page, Monday looks less severe at that
30 point, less in terms of the winds. Then further down the page there is a report on what I understand to be potential fire behaviour as a result of those conditions. Do you recall Mr McRae providing a report about the expected
35 fire behaviour?

A. I remember it in broad terms.

Q. The reference there is to containment lines in
40 the first paragraph:

"The containment lines are not strong and people need to be aware today of extreme fire behaviour."

45 Do you agree that on Friday morning containment lines were not strong?

A. It all depends on how you measure it. I think

work was continuing on establishing containment lines to make them stronger than what they were.

5 Q. That may well be, Mr Graham. At the time, at least at the time of this meeting, were they strong?

10 A. Well, the containment lines at this time hadn't been put in for the Stockyard Fire - there had been no back-burning on the Stockyard Fire as had been previously planned for. The containment lines around the Bendora fire were continuing to be established.

15 Q. Did you have a view as at the morning of Friday whether they were likely to hold either on Bendora or Stockyard?

20 A. I think Bendora I was still fairly comfortable that they would hold, and with Stockyard the crews were about to put some in down around Lick Hole Road. So I didn't have a view whether or not they would hold when they were still in the process of establishing them.

25 Q. Going back in the chronology a little bit. You referred on a couple of occasions on completing the work on Bendora and then shifting the focus to Stockyard during the course of that week. While the focus was on Bendora there was not a lot being done other than identify potential
30 containment lines and the like during that week; is that correct?

A. For Stockyard?

35 Q. Yes.

A. And some considerable dozer and trail maintenance work. In terms of ground resources, no, there wasn't.

40 Q. Is the reason there was a need to focus resources on Bendora and only then move them over to Stockyard simply because you didn't have enough resources to deal with both fires at the same time?

45 A. That may have been a contributing factor. I think what we wanted to do was be comfortable that we had one fire secured before we focused our effort on the other fire.

Q. Why was Bendora fire given priority?

A. Well, it was the accessible fire that we got to on the 8th and on the 9th. For Stockyard it just wasn't accessible - or not readily
5 accessible. So the focus of effort went into that which was easier to access in the first instance.

Q. Was part of the decision because Bendora presented a greater threat to the urban area than
10 Stockyard?

A. I don't think so. I certainly don't recall having that conversation with anyone.

Q. Mr McRae also said - sorry, it could be
15 Mr Lucas-Smith making this remark:

"There is a potential for 10-kilometre spotover distance."

20 Was that something you were aware of on the Friday?

A. I was there when Mr McRae was giving this information.

25 Q. Was that something that you were generally aware of; that is not unusual spotting distance under extreme conditions out of this sort of forest?

A. That's right.
30

Q. Over the page, the last paragraph, under the heading "safety":

"Peter Lucas-Smith raised concerns regarding
35 the aerial incendiary back-burning operations. There is potential for many uphill runs, with spot overs at potentially 10 kilometres with a north-west wind impacting on the ACT."
40

Did you understand Mr Lucas-Smith to be there talking about the potential for McIntyre's to impact on the ACT?

A. That's the way it would appear.
45

Q. Was that something that you were conscious of on the morning of the 17th?

A. Well, from that - I was at that meeting. If that accurately reflects the discussions at that meeting, then yes I was.

5 Q. Why is that not something you would remember, Mr Graham? I ask that because up until that time I think you said that you hadn't recognised that potential. Now Mr Lucas-Smith is saying it
10 appears in reasonably clear terms that potential exists. Isn't that something you would remember as being, "Gee, we are into a new phase with this fire"?

A. I'm sorry, I can't.

15 Q. Did you understand at the time that what he was indicating was that the effect of putting aerial incendiaries into the unburnt pockets within McIntyre's could lead to uphill runs with spots of potentially 10 kilometres?

20 A. That's right.

Q. A 10-kilometre spot fire would take, particularly one heading in a west south-westerly direction - sorry east south-easterly direction -
25 would take the fire well into the ACT; wouldn't it?

A. That's right.

30 Q. Because at that stage the area, I suggest to you, that pocket of unburned fuel was probably within 3-5 kilometres of the border; do you agree with that?

A. Yeah. I'm not 100 per cent sure. I guess it is within about that distance.

35 Q. Now, things basically started to go rapidly downhill as the day progressed on the 17th, Mr Graham?

A. That's right.

40 Q. Perhaps I should just ask you about this document [ESB.AFP.0006.0041] particularly given that it was put to Mr Lucas-Smith. This is a message form to operations from planning timed at
45 11.16 on the 17th. At the top of the message form it reads:

"Report confirmed from New South Wales Parks and Wildlife Service that aerial incendiary operations have just commenced in the McIntyre's Hut fire."

5

I think you have made a note - is that your handwriting, Mr Graham?

A. Yes it is.

10 Q. It says:

"Noted, prayer mat out, contact currently making contact with Allah?"

15 And you have signed it?

A. That's correct.

Q. Is that correct?

A. That's correct.

20

Q. You were recognising some serious potential, albeit in a light-hearted way, of an incendiary drop?

25 A. I was certainly recognising that it was a bit of a risky strategy that they were employing.

30 Q. It is risky in the sense that it risked containment, didn't it? In other words, it was risky because it would actually lead to a breach of the containment lines, either by spotovers or in some other way?

A. Some potential for that.

35 Q. Well, what if I was to suggest to you serious potential for that; would you agree with that, given the weather conditions that day?

40 A. Certainly the weather conditions are a factor. I'm not too aware of what the vegetation was like in that part of McIntyre's fire, whether it was light, whether it was heavy. Indeed, what it was at that phase - I recognise from Mr Lucas-Smith reports as captured in the planning meeting minutes that it is hilly country. But I am not sure what vegetation it was carrying. I do
45 recognise that there is some risk there.

Q. At 11.12 there is another message form

[ESB.AFP.0006.0045]. The note from planning to operations is timed at 11.12. As it is being brought up I will read the part:

5 "All plant allocated to the southern part of the Stockyard Fire are being staged at Cotter hut."

Et cetera:

10

"All resources at Cotter Hut will withdraw to Orroral Valley at 1230."

Then you have written:

15

"All firefighting resources have been immediately withdrawn from Stockyard Fire and will be staged at Orroral Valley until further notice."

20

Do you recall about when you appended that note, Mr Graham?

A. Can we go back up to the top, please?

25

Q. Yes.

A. Well, that's all my writing.

Q. Is it?

A. Yes, it is.

30

Q. Yes, you are quite right. So we can assume you sent that note at about?

A. 12 minutes past 11.

35

Q. I will just read your statement as it deals with the events late morning/afternoon of the 17th commencing at paragraph 169:

40

"I received advice from the Bendora field incident controller at about 1115 hours that all back-burning operations along Mt Franklin Road had ceased and that work was focusing on strengthening containment lines. I passed this message through to the planning section."

45

Does that mean that the work had been completed or

was just stopped?

A. No, no. The work wasn't completed. There was in fact a little over half of that work that wasn't done.

5

Q. And so the effort was moved in doing the best to contain what had just been done?

A. That's right.

10 Q. You go on:

"At 1300 hours I was advised by the Bendora field incident controller that there had been a break out in the north-eastern corner of the Bendora fire and that it could not be contained. About this same time, I believe I was advised by the ACT Bushfire Service liaison officer at Yarrowlumla Fire Control Centre that the McIntyre's Hut fire had jumped containment lines at its south-east boundaries."

Pausing there. That is the boundary of greatest concern to you?

25 A. That's right.

Q. You continue:

"At 1530 hours and following on from the break out of the Bendora fire, the incident controller (Rick Hayes) withdrew all personnel from that fire back to Bulls Head staging area. At the same time the SMT directed water-bombing operations on the head of the Stockyard fire now to the east of that dam."

And 'Firebird 7' was tasked to investigate. I am just reading from your statement at 1336:

40

"'Firebird 7' confirmed the presence of fire and commenced water bombing."

I marked in your correction. I think you corrected that to be 1530?

A. At paragraph 171, I corrected to 1530.

Q. You say:

5 "At 1530 hours and following on from the
break out of the Bendora fire, the incident
controller (Rick Hayes) withdrew all
personnel from that fire back to Bulls Head
staging area. At the same time the SMT
10 directed water-bombing operations on the head
of the Stockyard fire now to the east of
Corin Dam.

15 With the fires now making a run to the east,
at about 1600 hours all crews were directed
to leave the Orroral Valley area and to
reassemble at the Parks and Conservation
Depot at Glendale. From this location they
were tasked with property protection duties
in the Naas and Tidbinbilla Valleys. At the
20 same time three spot fires were reported in
the Tidbinbilla Nature Reserve and units were
deployed to suppress these fires.

25 Dennis Gray and his crews provided property
protection to the Rangers House and the Corin
ski facility on Corin Dam Road throughout the
evening.

30 With fire on either side of Brindabella Road,
I directed the field incident controller at
Bendora to evacuate crews from that area.
These crews were to return to the Uriarra
forestry settlement for redeployment."

35 Paragraph 176 you say:

"A planning meeting was held at ESB at 1800
40 hours involving key personnel to discuss the
current situation and to determine strategies
for the escalating incident.

45 These included monitoring the fire growth and
obtaining situation reports from the field;
altering the strategy of indirect attack to
property protection; to consider ways of
stopping the fire reaching ACT pine
plantations.

5 It was agreed that crews would not be placed near the fire front the next day. It was also accepted that crews would not be tasked with fighting the fires within pine plantations."

That was a decision made at the planning meeting at 1800 hours; is that right?

10 A. That is correct.

Q. It is the case, isn't it, at about that time the effect of that decision was that all ACT crews, at least, were moving to concentrate purely on property protection; is that correct?

15 A. That's correct.

Q. And that essentially meant protecting structures, didn't it, rather than forests and the like?

20 A. That's right.

Q. And there were no firefighters, at least at that stage - there was no plan to have any work done to try and contain the actual fire front or the run of the fire; is that correct?

25 A. At about 1800 - no - that would be correct. That changed later on in the evening.

Q. Did it? In what way?

30 A. Well, there was some back-burning put in to try and meet up with the fire - the head of the fire and stop its run.

Q. Was that down to Tharwa?

35 A. There was some put in at Tharwa. The resources were put in throughout the Tidbinbilla Valley in places.

Q. What about up in relation to the run of the Bendora and the McIntyre's fire, was anything done there?

A. No, there wasn't. Not that I can recall.

45 Q. So at any time on the night of the 17th was there any plan that you were aware of or involved in to actually attempt to contain the fire as it ran to the east?

A. Not by the ACT crews. I don't know what the New South Wales crews were doing.

5 Q. That planning meeting minutes are at document [ESB.AFP.0110.0865]. There were discussions at that meeting, were there not, Mr Graham, of potential fire spread; is that right?

A. I'm just having a look through now.

10 Q. The first page appears to confirm what I have just read from your statement in broad terms, that crews are being withdrawn and moved to property protection. Then at the top of the second page under the heading "planning", there is a minute
15 that reads:

"Mr McRae stated that we need to assess the risks of the new situation given the weather and fire behaviour conditions. Rick provided
20 an overview of unattended fire behaviour for various periods until tomorrow afternoon. There is the potential for the fire to reach Uriarra by midday tomorrow, the Cotter Pub and reserve at 1600 and Mt Stromlo and
25 potentially Narrabundah Hill by 2000 hours. Planning is to provide a map of predicted unattended rate of spread."

30 Do you recall a map being placed on a wall or put up during that meeting and potential fire spread being discussed?

A. No, I don't.

35 Q. Do you recall a discussion about the potential for the fire reaching Narrabundah Hill by 2000 hours on the 18th?

A. No, not specifically. I mean, I've read the planning meeting minutes since so I'm not sure whether or not I'm now remembering what I read in
40 the minutes or remembering what I heard at the meeting.

45 Q. You said I think in evidence yesterday that your thinking - I think your expression was "firming up" - in relation to risks to the urban area by Friday, I think you said evening or afternoon; is that correct?

A. I think what I said yesterday was that - not these words - it wasn't outside of my thinking. But it was certainly on the morning of the 18th that I was more fixed in that view.

5

Q. Mr Graham, at 6pm on the 17th, Mr McRae is apparently, according to the minutes at least, providing a report which is suggesting that there is potential for the fire to reach Narrabundah Hill by 2000 hours. Is that not something you can recall him saying that night?

10

A. No, I don't recall that specifically. He also said - my understanding is that he is relating to that being unattended fire and fires were being attended --

15

Q. Well, is that right, Mr Graham? I thought you agreed with me, at least as at that night, there were no plans in place to your knowledge to do anything to stop the spread of the fire.

20

A. No, not overnight. We were looking at property protection overnight on the 17th. That's the point I was making.

25

Q. What plans were made that night to stop the spread of the fire at any time the following day?

A. All we needed to do was --

30

Q. No, not what you needed to do. What plans were put in place that night to arrest the spread of the fire during the day - during the following day?

A. I don't remember what plans were put in place that night.

35

Q. The reason you don't remember, Mr Graham, I suggest to you, is because there were none?

A. I don't remember.

40

Q. Do you accept that to be the reason?

A. I just don't know. I can't accept that if it is not correct.

45

Q. Well, I took you to your statement, Mr Graham, that said as at that night it was agreed that crews would not be placed near the fire front the next day. That was agreed at the meeting?

A. That's right.

Q. At that meeting Mr McRae is giving a prediction of fire spread unattended reaching the Narrabundah Hill by 2000 hours the next day?

A. That's right.

Q. So that's the reality for the following day, at least as at that point, isn't it, Mr Graham, because as far as you were aware at that stage those fires would be unattended?

A. The planning meeting minutes also go on to say that Mr Lucas-Smith outlined some objectives for that evening and the next day, and included several things, including determining the best way of stopping the fire from reaching the pine plantation and beyond.

Q. "Crews will not be placed near the fire line tomorrow"?

A. That's right.

Q. Well, what was the strategy that was devised to stop the fire reaching the pine plantations?

A. I can't recall.

Q. In fact, the fires reached the pine plantations some time that night or early the following morning; is that correct?

A. Certainly at some time overnight, but I don't know what time.

Q. In fact, nothing done that night to prevent that occurring?

A. No. The focus of effort that night was to make sure that the properties in the Tharwa and Naas Valleys were protected.

Q. Sitting in that meeting, Mr Graham, you have got Mr McRae predicting an unattended fire run would reach Narrabundah Hill potentially by 2000 hours the following day; you have a clear statement from Mr Lucas-Smith that crews would not be placed near the fire line tomorrow. I suggest to you that the combination of those facts means that there was a significant risk as of that night of the fire reaching the urban area by some time

afternoon/evening the next day?

A. My view at that point was still that, when the fires left the forested areas, containment may have been possible in the grasslands.

5

Q. What containment though? Are you suggesting they would just go out or they would stop of their own accord?

A. No, I am not suggesting that at all.

10

Q. So what containment was going to be put in place to allow that to occur?

A. We are looking now at the evening of the 17th. We had crews that we could deploy the following morning, depending where the fire was, into those grasslands. We had the buffer that we get from the Murrumbidgee River that borders the western side of the ACT.

15

20 Q. You are not suggesting, are you, that again without some containment the fire would just stop at the Murrumbidgee; are you?

A. No, I'm not suggesting that.

25 Q. I understand you to say you had all those things. The fact is, is it not, Mr Lucas-Smith has said, "Crews would not be placed near the fire line tomorrow" at that meeting and there were no plans in place at that time at least to put crews in a position to contain the fire run?

30

A. I can't recall what the plans were that were discussed.

35 Q. The plans were not to place the crews near the fire line; weren't they?

A. There may well have been others, I just don't know.

40 Q. Did you recognise on the night of the 17th, given that prediction by Mr McRae and his team of the fire reaching Narrabundah Hill, that there was a significant risk of an impact to the urban area some time the following day?

45 A. In my view on the night of the 17th, I didn't realise that risk, and it was at the morning of the 18th that I was more concerned by that.

Q. You said yesterday at transcript page 2892, I put this to you having had a discussion about when that view was first formed:

5 "Q. So could we take it that your evidence is that it was on the evening of the 17th that you first identified the possibility that there may be an impact from these fires on urban Canberra?

10 "A. I believe that's when I drew that conclusion to myself, yes."

That was later in the evening, was it?

15 A. I'm sorry. I'm not sure what time frame.

Q. We are talking about the planning meeting. When was it on Friday evening - firstly, is that still your evidence, you drew the conclusion of the possibility of an impact on urban Canberra some time on Friday?

20 A. I certainly believe that was within my thinking at the time.

Q. Is it possible?

25 A. Possible, yes.

Q. About when on Friday did that enter your thinking?

30 A. I don't know.

Q. Was it during that meeting or some time after it?

A. I don't know.

35 Q. Did you come out of the planning meeting with any thoughts in your mind about what needed to be done to address that possibility in terms of providing warnings or alerting the community, particularly the urban community, to that risk?

40 A. I don't recall that thinking.

Q. Why not, Mr Graham?

45 MR PIKE: I object. Why doesn't he recall it or why didn't he think it?

MR WOODWARD: I am sorry, "Why didn't you think

it?"

MR PIKE: He doesn't say it. He says he doesn't recall.

5

MR WOODWARD: I am sorry. I accept that.

Q. Correction. "Why didn't you think it? You say you don't recall why you didn't do that.

10 A. That's right.

Q. Do you accept that you didn't come out of the meeting, or indeed at any time that night, and turn your mind to what needed to be done to warn the urban community about that risk?

15 A. I don't believe I did anything in terms of alerting the community to that risk, no.

Q. Why not?

20 A. My focus was on the operations that were happening down in the Tidbinbilla Valley, in the Tharwa area and not on community alerts.

Q. So as far as the urban community is concerned, Mr Graham, are you saying that that was someone else's responsibility?

25 A. That's right. I was focusing on what was happening at the time.

30 Q. Whose responsibility was it?

A. Well, I believe that the incident controller has that responsibility.

Q. Anyone else?

35 A. It could be delegated or it could be shared or passed on.

Q. In your statement at paragraph 177 you say:

40 "The CFCO advised that he would liaise with the New South Wales Rural Fire Service regarding McIntyre's Hut fire situation and would discuss their planned strategies including spotover and growth predictions along with intervention strategies to prevent the fire from reaching ACT pine plantations situated at Uriarra and Pierce's Creek."

Did he, as far as you know, have those discussions?

A. I'm not sure if he had those or not.

5 Q. Can we take it from that that he didn't report back to you, at least as to any such discussions that night?

A. Not that I can recall.

10 Q. You refer in your statement at paragraph 179 to the fire now reaching the western slopes of Mt Tennent:

15 At 2050 hours ESB issued a media release advising the fire status, the adverse weather conditions and that the current threat to property in the Tidbinbilla area was serious."

20 Did you play any part in the preparation of that media release, Mr Graham?

A. No, I didn't.

Q. Did you see it before it was issued?

25 A. Not that I remember.

Q. I will bring it up, if it assists. It is [ESB.AFP.0110.0905]. Do you accept that that document says nothing about any risk to the urban area of Canberra. Are you aware of that? Is that something you have become aware of since?

30 A. That's not something that I have become aware of since.

35 Q. Perhaps if we can just scroll down. You have referred to the property in Tidbinbilla being a serious threat?

A. That's right.

40 Q. Sorry, I shouldn't say "you". The second bullet:

45 "This will result in significant smoke over the urban area.

The ACT will be co-ordinating with New South Wales to manage a spot fire from the

McIntyre's Hut fire."

There is a reference to logistical support staging areas being relocated. There is a second page to that document which makes reference to accessing information through Canberra Connect and so on. Do you accept there is nothing in that document that says more than the possibility of smoke - there will be smoke over the urban area?

5

10 A. I didn't see anything else when I read it then.

Q. Do you know why the opportunity wasn't taken with the issue of that media release to include reference to the possibility of an impact on the urban area?

15

A. No, I don't.

Q. Are you aware, Mr Graham, from any discussions that you had or from your presence at any meetings of a concern among people at Curtin about the possibility of alarming people to the risk of the fire impacting on Canberra?

20

A. No, I don't remember any conversations about that at all.

25

Q. Do you recall any conversations or reference being made to the need to some extent play down the extent of the risk?

30

A. No, I don't think so.

Q. Do you yourself have a view as to whether it would have been appropriate at that time to have made some reference to the risks to the urban community?

35

A. Yes, I believe that would have been appropriate.

Q. But you are not aware of any reason why that wasn't done?

40

A. No, I don't know why.

Q. You mentioned the incident controller. I take it you are referring to Mr Lucas-Smith as having that responsibility?

45

A. That's right.

Q. That's within the hierarchy under ICS, is it?

A. The incident controller of the Service Management Team which was set up at Curtin.

5 Q. He has that responsibility under the incident control system; is that correct?

A. I believe so.

10 Q. Do you know as a matter of practice in the way the SMT was operating who was looking after the provision of alerts or who was making the decisions about sending out media alerts to the Canberra public?

15 A. I think it was shared by a number of different people. In terms of having ultimate responsibility, I think Peter Lucas-Smith would have. I'm not sure whether or not he had asked somebody else to take on that responsibility on his behalf. But we had our own media section
20 working, and I know there were media interviews given throughout the period by various people.

25 Q. So beyond how responsibilities are allocated under the incident control system, you have no direct knowledge as to who was carrying that responsibility in practice during this period?

30 A. I think it was at 1200 daily meeting and briefing it was given. Mr Lucas-Smith and Mr Castle both attended those. I didn't go to any of them and I'm not sure who else may have been there. But both of those --

Q. Did you - sorry, I didn't mean to cut you off.

35 A. I was just going to say both of those people - my understanding is they attended those.

40 Q. During the course of the period up to and including 18 January, did Mr Lucas-Smith ever talk to you about what he was proposing to say at those briefings?

A. Not that I can remember.

45 Q. Do you recall him ever asking you for advice or assistance as to how he should - what information he should provide; or is that something he could do from his own information?

A. I think he could do that himself.

Q. Moving to the morning of the 18th. When on the morning of the 18th, Mr Graham, did you identify in your own mind that there was a significant risk of an impact on the urban area?

5 A. I think it was probably on completion of the first aerial observation flight by Mr Bartlett that day, which was at about 8.30. I can't be precise, but I think it was about 8.30 where he gave information about where the fires were, the
10 different spread of fire overnight.

Q. What in your mind at that point, having got that report, was the level of impact on the urban area at that point?

15 A. I think it was a bit dependent on what happened with the McIntyre's fire, because at that point there was some fire into Uriarra pines and I don't know that we recognised the speed at which they would travel at that time. I believe that
20 when I knew the fire was in the pines, I was alerted to the fact that there was a potential impact.

Q. At that time when you were alerted to that potential impact would you say - I don't expect you to put a percentage on it - how significant was that potential? Did you see it as a probability or just a possibility at that stage?

25 A. No, I would think a possibility. That early
30 in the morning I think it was just a possibility.

Q. Did you have a view about what time that impact might occur, at least so far as the urban area was concerned?

35 A. I don't think I put my mind to putting a time frame to it.

Q. Do you recall anyone else suggesting a time to you during that early morning?

40 A. No, I can't.

Q. I should ask you, do you recall having discussions with Kevin Cooper of the New South Wales Rural Fire Service during Friday, the 17th?

45 A. Yes, I do.

Q. Do you recall him mentioning or discussing

with you the possibility of the fire hitting
Canberra?

A. No, I don't.

5 Q. I'll get this document brought up
[NRF.AFP.0085.0001] at 0016. This is a taped
record of conversation conducted with Mr Kevin
Cooper. Mr Cooper was assisting at Curtin by that
Friday; was he?

10 A. That's correct.

Q. What role was he playing?

A. He was the task force leader for the New South
Wales contingent that came to assist.

15

Q. Was he operating out of Curtin?

A. Yes, he was.

Q. Towards the bottom of that page, after a
20 rather long answer to question 67 - I won't read
the whole thing - you will see down the bottom
there he is talking about the distance the fire
has travelled during Friday and Saturday. He says
at the bottom there:

25

"And that's why on the Friday I actually
raised with the OPS officer - I said to him,
'What are you going to do when the fire hits
Canberra'."

30

He was asked a little further down the page:

"Who was that OPS officer?"

35 And he said "Tony Campbell". He goes on to talk
about I think you, Mr Graham, and I think he just
has your surname wrong there. I am not asking you
to accept at this stage that he said that to you,
but do you accept that he is talking about you?

40

A. I think in all likelihood he is.

Q. He says further down the page:

45

"He'd been the OPS officer and he'd pulled
the tabard off and go to some poor little
unsuspecting guy and said you're the ops
officer now."

This was apparently during the 18th - I'm not suggesting you did that. But it is the case, isn't it, that after the state of emergency was declared you became the incident controller and handed on the OPS officer role to someone else?
5 A. That's correct.

Q. It's likely that he is talking about you then?
10 A. In all likelihood.

Q. Do you recall him saying, "What are you going to do when the fire hits Canberra some time on Friday"?
15 A. No, I don't.

Q. Would you accept that he did say that to you?
A. He may have. I just don't remember.

Q. He picks up the topic again over the page, again down the bottom in that last answer on the page, you will see the reference to "Dennis McTaggart":
20

"And I still remember saying."
25

Sorry, I read too far. Further up the page he says:

"'Well, what's your plan when the fire reaches Canberra? What are you actually going to do?' His initial response was, 'Well the urban fire service will look after that.'"
30

Do you recall having a discussion to that effect with Mr Cooper?
35 A. No, I don't.

Q. The sense of that discussion, if you can take my word for it, is that that is again referring to what he says he said to you on the Friday. So you don't recall that discussion on Friday?
40 A. No, I don't.

Q. What about on the Saturday?
45 A. No.

Q. Again, do you admit the possibility that he did say those things to you?

A. He may have.

5 Q. Is that likely to have been your response?

A. I wouldn't think so. We work in a cooperative way with everybody that we've got at fires. I would never see it as an urban fire responsibility on their own. It is the responsibility of all
10 fire agencies, including NSW. It is not like we would leave fires unattended in the urban area because we are in the rural area.

Q. Can I then ask you about another document,
15 [ESB.AFP.0110.0693]. This is a message form from OPS to planning timed at 9am on the 18th just shortly before the planning meeting at 9.30. Do you recognise that document, Mr Graham?

A. Well, I've seen it because I've noted the
20 first point there.

Q. Just running down to the bottom of the page, do you recognise any of the signatures at the bottom there?

25 A. Bottom left-hand side is my own. The one in the middle to the top is, I believe, Hilton Taylor's. The other one is somebody from Rural Fire Service planning, it looks like Wilson, but I don't recognise that name.

30 Q. Is it likely, given your signature also appears down at the bottom, you read the whole document when it was provided to you?

A. Yes, it's most likely.

35

Q. You see at number 2:

"This fire under the influence of
40 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."

45 Do you recall that time being given to you as a time for potential impact of the urban rural interface?

A. No, I don't but I accept that is what was indeed there.

5 Q. It is a pretty accurate - as it turns out - prediction; isn't it?

A. The fires certainly hit Weston Creek at about that time.

10 Q. Do you recall having a view during the course of that morning that that potential existed for the fire to move that quickly and to actually impact Weston Creek from around 3pm?

15 A. I don't recall having sent this document - I mean, obviously I have; I don't retreat from that.

Q. It's a pretty serious prediction; isn't it, Mr Graham?

A. It is.

20 Q. It is something, no doubt, you would have been concerned about, that prospect?

A. That's right.

25 Q. Are you able to offer any explanation as to why, given those factors, you can't recall being aware of contents of this as at the morning of Saturday the 18th?

A. No.

30 MR PIKE: I am sorry, I'm not quite sure I follow that question. I don't understand the witness ever to have denied that he was aware on the morning of the 18th of the contents of that document. I thought he was saying that he doesn't
35 now recall having seen it. He has also said clearly that he signed it at the time.

40 THE CORONER: That's right. That's not inconsistent with what was asked though.

MR PIKE: Let's go back to the question on the screen. He was asked:

45 "Q. Do you have any explanation as to why you can't recall being aware the contents of this on the morning of Saturday the 18th?"

He hasn't said, as I understand it as yet that, as of the morning of the 18th, he wasn't aware of those contents. What he is saying now is that he can't remember when he saw it. Perhaps he can
5 clarify, your Worship.

THE CORONER: Perhaps some clarification.

MR WOODWARD: Q. What I am asking you, Mr Graham,
10 is whether you can offer any explanation, given the obvious seriousness of this information, you cannot now recall being seized of that information on the morning of the 18th.

A. I can't explain that.
15

Q. Can we assume or you are not suggesting - it is timed at 9 o'clock. Do you agree that's likely to be the time at which you saw it?

A. Or soon thereafter, yes.
20

Q. And probably before the planning meeting at 9.30?

A. Possibly.

Q. Do you have any recollection of talking to Mr Taylor, who appears to be the author, or Mr McRae or Mr Lucas-Smith about the possibility of the fire hitting Weston Creek at 3pm?
25

A. No, I can't remember whether or not I had that
30 conversation.

Q. The issue of the potential impact of the fire was again raised at the planning meeting, Mr Graham. You may be familiar with the minutes [ESB.AFP.0010.0266] at 0267. Do you have those minutes there at the second page?
35

A. Yes I do.

Q. You will see there:
40

"Planning considerations - current areas of concern include a potential run from the McIntyre's fire impacting on Weston Creek to Greenway and potentially west and south Belconnen resulting from a more westerly
45 wind."

Do you recall that being discussed at the planning meeting at 9.30?

A. Not specifically.

5 Q. Why not, Mr Graham? Why can't you recall the potential for an impact on Weston Creek and other urban areas being discussed?

A. I can't give you an explanation why I can't recall. I mean, there was a lot going on. I'm
10 not suggesting that that discussion didn't happen, not at all; I just can't now visualise in my mind the discussion taking place.

Q. In the handwritten notes - I won't take you to
15 them to save time - [ESB.AFP.0010.0278] at 280, at that part of the meeting there appears to be someone talking about the exposure that is referred to there; namely, the exposure to Weston Creek as being a high level of exposure. Do you
20 recall that being said or something to that effect that this was a high level of exposure?

A. No, I don't specifically recall those words.

Q. At the time of the meeting what was in your
25 mind as to what the level of exposure was by 9.30 on the morning of Saturday the 18th?

MR PIKE: Before the witness answers that
question, we now have the document up on screen.
30 I am conscious of the difficulty in taking something that has just been read out to the witness. I wonder if I might ask my friend to allow the witness to have a look at the context of the passage he has cited from that document before
35 he answers.

MR WOODWARD: Q. See here on the screen, Mr
Graham, about halfway down it says "high levels of
exposure -" and the witnesses who have given
40 evidence about this note I think have indicated "potential from run from McIntyre SE Weston Creek to Greenway". I think the evidence again from the witness who prepared these notes was that the reference to "high level of exposure" was in the
45 context of the run from McIntyre's, Weston Creek to Greenway. Do you accept that that was said?

A. Yes, I do.

Q. But you don't recall it, do you?

A. No, I don't.

Q. I had begun asking you and I will just
5 conclude that question: as at about that time on
the morning of the 18th, around 9.30/10 o'clock
did you have in your mind an expectation or view
as to the level of potential for impact on the
urban area?

10 A. I accept there was discussions at that
planning meeting that there was the likelihood of
impact into Weston Creek and into other areas of
the ACT; that I was a part of that meeting and so
was privy to those discussions.

15

Q. You used in your answer there the word
"likelihood", is that the way you saw it - that it
was something that was likely?

20 A. I would need to go back to the previous
message from planning to see what it was that they
were saying.

Q. I am happy for you to do that, Mr Graham. It
is at [ESB.AFP.0010.0266] at 267. Do you have
25 that in front of you in the copy of the minutes
that you have?

A. I am sorry, are we going to the minutes of the
18th?

30 Q. I understood that is what you wanted to go
back to.

A. No, I was looking at that message form from
planning.

35 Q. I am sorry; that is [ESB.AFP.0110.0693]. I
will read it:

40 "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."

45 Was that something that in your mind in the
morning of the 18th was likely?

A. I think that it was likely. But I was still,

I guess, having some hope that once the fires left the mountain areas, the forested areas, that there would be some containment.

5 Q. But that hope was diminishing; is that fair?
A. That's right. Certainly as the day progressed, that did diminish.

MR WOODWARD: Your Worship, I only have one or two
10 other matters for Mr Graham but it will probably take more than five minutes. So, if that's a convenient time.

THE CORONER: We might take the luncheon
15 adjournment.

LUNCHEON ADJOURNMENT

[1.05pm]

RESUMED

[2.05pm]

20

MR WOODWARD: Q. Mr Graham, I think before lunch we were discussing the 16th of January and in particular the information referred to in paragraph 148 of your statement. We focused on
25 the last sentence where you say in relation to 9.30 planning meeting:

"I was also advised by Anna Farnham at this
30 time that the Mt Morgan fire was contained and that though McIntyre's Hut fire would run towards Mountain Creek Road, it was not expected to impact upon the ACT."

I asked you if you could identify whether you had
35 made a note of that discussion where you obtained that from for the purposes of your statement, and you gave me the reference notebook number 2; is that correct?

A. That's the information I gave you, that's
40 right.

Q. I am endeavouring to get a copy of your
notebook number 2, Mr Graham, but in the meantime I have what I understand are complete copies of
45 the document. It appears in [ESB.AFP.0025.0155]. I could hand you a copy of that. I have another copy for her Worship. Do you recognise that as

your notebook number 2, Mr Graham?

A. Yes, I do.

5 Q. Did you write the number 2 on the front page of that?

A. Yes, I did.

10 Q. Could I ask you to turn to 0155 and then ask you to go through to the sixth page within that notebook. It should be 0160. Working down do you see there "1600 planning meeting"?

A. Yes, I can.

15 THE CORONER: That is page 7265?

MR WOODWARD: Yes, that is the stamp number.

20 Q. If you look down there it says, if I can read your writing:

25 "New South Wales position. After discussion with Anna Farnham is that Burrinjuck fire is not expected to impact on the ACT. The McIntyre's fire run towards Mountain Creek Road. This is not expected to be breached. The fire is burning to the ridge line at Smith's Road. It will be extinguished when it reaches the top of the ridge."

30 Is that the note you were referring to when you drew my attention to notebook number 2?

35 A. It very well could be. At lunchtime I tried to find reference in that notebook number 2 of what I advised you earlier and I couldn't. When I read this statement now, it appears that I inadvertently replaced Burrinjuck with McIntyre's and have referred to that in my notes.

40 Q. There is another problem, isn't there, Mr Graham, with that?

A. I'm sorry?

45 Q. That note relates to 20 January, doesn't it?
A. I can't see a date on it.

Q. If you go back three pages you will see you have written in the margin "notes for 0930

briefing 21/03". If you go to the page we were on a moment ago and turn the page you will see the immediately following entry:

5 "Contact Anna Farnham and make sure we are advised prior to any backburning takes place. Done 20 January 2003"?

A. That's right.

10

Q. Indeed, this notebook relates entirely to the period after 18 January, doesn't it?

A. That's the way it appears to me now, yes.

15 Q. The reference to your discussions with Anna Farnham, at least as far as notebook 2 is concerned, in your statement you have referred to those as having occurred on the 16th, and I suggest to you in fact that discussion occurred on
20 the 20th or 21st of January.

A. I believe that in all likelihood that is right.

Q. It would be consistent with that, wouldn't it, Mr Graham, that the Burrinjuck fire was not on anyone's radar screen, I don't know, until after the 18th?

A. I don't think so.

30 Q. The issue of the fire running to the Smith's Road and so on, that was also an issue that was being addressed after the 18th?

A. That's right.

35 Q. So in paragraph 148 of your statement where you say:

40 "I was also advised by Anna Farnham at this time that the Mt Morgan fire was contained and that though McIntyre's Hut fire would run towards Mountain Creek Road, it was not expected to impact upon the ACT."

Can we take it that that's an error?

45 A. I believe it is. I don't have anything to suggest otherwise.

Q. In those circumstances, can we equally take it that at no point on the 16th were you informed by Anna Farnham or anyone else at the Yarrollumla IMT that the McIntyre's Hut fire was not expected to impact on the ACT?

5 A. Not at that time frame that I've given in my statement, no.

Q. Well, what about at any point before the --

10 A. I'm just having a look through my notes to see if there was any other reference. I can't find at this point any other reference to that.

Q. Can you explain, Mr Graham - you prepared your statement no doubt with the assistance of reference to your notes and radio transcripts and the like?

15 A. That's right.

20 Q. And minutes; is that correct?

A. That's correct.

Q. Can you explain how you came to make that error?

25 A. No, I can't explain that. It was certainly unintentional.

Q. You agree, don't you, that notebook number 2 relates entirely to a period after the 18th?

30 A. I haven't been through page by page. But from what I've read that appears to be the case.

Q. Is that something you checked before you used it for the purposes of preparing your statement?

35 A. I just can't remember now.

Q. You weren't alerted to the possibility of the error by the fact that the note refers, for instance, to the Burrinjuck fire and Smith's Road and so on?

40 A. No, I wasn't.

Q. And you don't know how you have transposed McIntyre's for Burrinjuck when it made its way into your statement?

45 A. No, I can't explain that other than a genuine mistake on my part.

Q. Were you assisted at all in the process of preparing your statement, Mr Graham?

A. Yes, I was.

5 Q. Was that Mr Ven?

A. Mr Ven was certainly assisting through the early stages.

10 Q. Did the process involve you having an interview with him; is that how it worked?

A. That's right.

Q. At the time of the interview did you have your papers in front of you or how was that happening?

15 A. There were several interviews, I would suggest between four and six. Throughout that period, I was becoming aware of more and more information that I was using to put into my statement.

20 Q. So at what point do you think you were referring to that note in notebook number 2?

A. I don't understand your question.

25 Q. Did you have it in front of you as you were being interviewed by Mr Ven or did you go back to it as you were checking through a draft?

30 A. Both of those things happened throughout the compilation of my statement. Sometimes we were referring to documents at the time and then I was doing work between meetings with him to prepare my statement.

35 Q. It is not Mr Ven who would have been working from that document; it is you who would have been doing that; is that correct?

A. That's right.

40 Q. There is a notebook number 1, Mr Graham, which is not part of the brief. I think there is a copy circulating. I notice other parties have it. Would you agree there is nothing in that notebook that relates to that reference you have made in your statement --

A. From what I can gather, there is not.

45

Q. Getting back to the morning of the 18th --

MR PHILIP WALKER: I hesitate to interrupt my friend, but it is perhaps best that I make this call now. I would like to see the originals of these books rather than photocopies, if we can
5 have those available.

MR WOODWARD: I announced it when I first stood up; I was hoping to arrange that those would be brought to court.
10

THE CORONER: That is being arranged, Mr Walker. I think it is quite appropriate. It is being arranged, as I understand.

MR PHILIP WALKER: Thank you. I didn't hear Mr Woodward say that.
15

MR WOODWARD: Q. On the morning of the 18th, I have taken you to the minutes and the discussion there. In your statement in paragraph 188 - you say:
20

"All agencies attending the 0930 planning meeting were advised of the potential for the fires to impact urban ACT."
25

You recall that discussion at the meeting?

A. That's right.

Q. Do you recall there being maps and fire spread predictions being made by reference to maps during the course of the meeting?
30

A. No, I don't remember seeing any at that point.

Q. None at all?
35

A. No, I don't.

Q. When do you first recall seeing a map, a large A1 map with fire spread predictions drawn on them, showing in particular the fire spreading towards Mt Stromlo?
40

A. I don't know when I first saw it. I was in and out of the planning room at various points throughout the day. Similarly, the planners were in and out of the operations room at various points throughout the day. It could be that I saw it at the meeting for the first time but I'm just
45

not sure.

Q. So you don't have a memory of this meeting with someone such as Mr McRae standing up and pointing out on a map what the fire spread might be?

A. Look, it might well have happened, but I don't recall that.

Q. As at that meeting or shortly thereafter, Mr Graham, what plans were in place in relation to the containment of any of the fires that were now in the ACT - I include in that McIntyre's?

A. I don't believe there was anything being done in terms of containment. At that time the focus continued to be on property protection, to protect those properties from fire that were most likely going to be impacted.

Q. You referred earlier in your evidence both today and yesterday to your hope - indeed expectation - at least in previous days that, if the fire could not be maintained within control lines, it would be contained after it left the forests and moved into grassland towards the Murrumbidgee. As at that morning what was being done to achieve that containment.

A. The focus on containment was around the Tidbinbilla Valley and the Tharwa area. Throughout the morning we had pre-positioned some units down the end of Kambah Pool Road, for instance, and along the Cotter Road checking for spots.

Q. So is it the position at least as far as ACT resources that there was nothing between the run of the McIntyre's and indeed the northern part of the Bendora fire and the Murrumbidgee River?

A. For some time through the morning there was. We had some units in the vicinity of Uriarra pines. But I think it was at about lunchtime, about middayish, that they were withdrawn from that point.

Q. What were you expecting they might do, Mr Graham?

A. There were New South Wales task forces in that

area; so they were just working in conjunction with each other.

5 Q. Were they, to your knowledge, attempting to stop the run of the fire?

A. I don't think the fire had reached them by that point.

10 Q. Was there any suggestion that they were going to try and stop the run of the fire through the pines?

A. No, I don't think so.

15 Q. If there was nothing between the fires running into the pines and beyond, what about after the fires left the forests and got into the grasslands, was there any planning in relation to the control of the fire at that point?

20 A. Well, water bombing was happening continuously as a method of slowing down the fires. But the crews --

Q. That was never going to contain the fires; was it, Mr Graham?

25 A. No, I'm not suggesting that, no.

30 Q. So is it the case that there was nothing done to contain the run of the McIntyre's fire and indeed the northern part of the Bendora fire across towards Canberra; is that correct?

A. I'm not sure what New South Wales resources may have been doing at that time but, from the ACT's perspective, there was nothing done to contain those fires.

35

Q. Did you have any information that New South Wales were going to be doing anything to try and stop the south-westerly run of the fire?

A. No, I don't.

40

Q. Did you expect that they might?

A. Ordinarily, yes, I would.

45 Q. What would they have done to stop the run of the McIntyre's and in particular the McIntyre's fire as it moved south-west towards the Stromlo pines?

A. Probably once it got into Uriarra pines, there was little that they could do.

5 Q. That's the position, isn't it, there was really nothing that anyone could do once the fire got into the Uriarra pines under those conditions?

A. They were extreme conditions, that's right.

10 Q. There was inevitably going to be a run of that fire to the south uncontained across the grasslands and into the Stromlo plantation; that's what was --

15 A. Yes, I don't know that there was - other than aerial water bombing, I don't think there was anything else done to contain that fire.

20 Q. I think you have already agreed that aerial water bombing was never going to have an effect on the run of the fire without ground support; do you agree with that?

A. No, I wouldn't agree with that. Aerial water bombing will have an effect although ground support will suppress fires.

25 Q. But aerial water bombing is not going to have a material effect, is it Mr Graham, on a significant run of this kind?

A. Probably not something of this nature, no.

30 Q. So is it the case that, once the fires had entered Uriarra, it was indeed more than likely, if not inevitable, that the fires would run all the way through into the Stromlo pines?

A. I think that it's likely.

35

Q. Once in the Stromlo pines there was nothing done - no planning done to address or to prevent that run continuing through the Stromlo pines into Duffy?

40 A. Not that I'm aware of.

45 Q. Are you familiar with what steps were being taken during the morning of the 18th to warn the Canberra community about the likely impact of the fire on urban Canberra later that day?

A. No, I'm not.

Q. Who was looking after that, Mr Graham?

A. The incident controller, Mr Lucas-Smith.

Q. Are you aware, at least as far as we know, the
5 first media update that was released that morning,
that day indeed, was at 12 noon on the --

A. No. I wasn't involved in the media releases
in any way on that day.

10 Q. Would you agree that something should have
been done during that morning to warn residents of
urban Canberra that it was likely that a fire
would impact that day?

A. Yes, I do.

15

Q. Do you know why that wasn't done at least at
any time before midday?

A. No, I don't know that.

20 Q. Mr Lucas-Smith conducted a media conference at
around 12 noon, or possibly a little bit later,
with Mr Castle that day. Did he speak to you
about what he was going to say at that conference?

A. I don't believe so.

25

Q. Do you recall him asking you or asking for
suggestions as to how the risks might be outlined
or identified?

A. No, I don't remember being asked that.

30

Q. It would appear - from your statement,
Mr Graham, and certainly the documents wouldn't
suggest otherwise - that you were very intensely
involved during the course of the day in doing
35 what could be done to address the fires as they
moved across towards the city; is that correct?

A. That's right.

40 Q. You were leaving, in effect, the issue of
warnings and alerting the Canberra community to
others?

A. That's correct.

45 MR PIKE: I object. I realise the question has
been answered. I think the effect of the evidence
was not that he was leaving it to others but that
it was others' role.

THE CORONER: I think that is a fair comment that it was somebody else's. That's been the position.

MR WOODWARD: Q. You didn't see it as part of
5 your responsibility that day to be focusing on warning to the public?

A. No, I didn't.

MR WOODWARD: I have nothing further; thank you,
10 Mr Graham.

THE CORONER: Thank you, Mr Woodward. Yes, Mr Archer, are you ready?

15 **<CROSS-EXAMINATION BY MR ARCHER**

Q. Could I have pulled up this document [DPP.DPP.0006.0099]. Do you have your statement with you, Mr Graham?

20 A. Yes, I do.

Q. Could you turn up page 1, paragraph 5, please:

25 "My role is to develop policy and standards that relate to operational response, to liaise with other agencies such as the land managers, ACT Fire Brigade and the Australian Federal Police on bushfire and emergency service operational matters, and to ensure
30 the operational preparedness of Bushfire Service and Emergency Service members."

So far as something practical is concerned, what did that mean in relation to the interrelationship
35 between you and your job and the Australian Federal Police?

A. There's a couple of examples I can give. One is the ACT has an Emergency Management Committee and that is the committee responsible for the
40 management of emergencies across the ACT. That committee has three subgroups, and one of those subgroups is the policy subgroup. I sit on that as the Bushfire and Emergency Services representative, and that subgroup is chaired by an
45 AFP officer. So there was that direct link from a policy development point of view between myself and the AFP.

Another example is we provided - David Ingram and myself provided some training for the AFP in what it means if they are asked to respond to a bushfire to support bushfire operations. We did
5 that for the officers down at the Tuggeranong police station two years ago, maybe three years ago.

Q. Insofar as that is a policy protocol readiness sort of issue I suppose, in relation to practical matters on the ground so far as your role during that campaign fire of 2003 was concerned, how did that play out so far as your interactions with the AFP were concerned?
10

A. At various times there was an AFP presence in at Curtin. I don't think I gave any formal briefings to the AFP, but there was certainly occasions where they would come down into the operations room to see what was going on and to
15 discuss issues.
20

Q. That was some time after the 16th, I believe?

A. It could well have been. I remember them coming in, but the specific dates I don't recall.
25

Q. They being Sergeant Steve Kirby, do you know him?

A. I know Sergeant Kirby.

Q. Was he one of them?
30

A. I believe so.

Q. And Jason Byrnes, was he another?

A. Jason Byrnes was another, but there were certainly others as well.
35

Q. Was it part of your role as the operations manager at ESB to formally interact with the AFP to keep them in the operational loop as it were during that campaign fire?
40

A. Well, they were forming or filling the position of liaison officer and, as such, they would come to our planning meetings at which I think all liaison officers were present so they
45 could get a good overview of what the fire activity was.

Q. Over and above the planning meeting process, was there anything - I am interested in a period before the 16th of January - where you undertook to involve the AFP in operational matters?

5 A. Certainly there was a discussion I had with Sergeant Byrnes on the day of the 15th regarding back-burning operations and the need for road closures, and I think that that was the second
10 discussion I'd had with him. There had been one either earlier that day or maybe the previous day.

Q. In relation to the same issue?

A. In relation to that same issue, yeah.

15 Q. In relation to the telephone call that we now have displayed there, that was a call instigated by Sergeant Byrnes to you?

A. That's correct.

20 Q. In relation to a specific issue; that is, did you want some assistance in relation to road closures up in the Brindabellas?

A. That's correct. That's right.

25 Q. Just looking at the time there that is recorded - I am not quite sure where this transcript has come from. I am not saying it doesn't record faithfully the time at which it
30 happened. Just to check it off against your statement, it says 15 January 2003 at 1734. If you look at paragraph 147 of your statement, just to get the context you will see on the page
beforehand above 145 that it indicates you are then going on to deal with matters occurring on
35 16 January.

A. That's correct.

Q. If you look at 147, does that suggest that the decision made in relation to that back-burning
40 exercise on Mt Franklin Road from Piccadilly Circus to Bulls Head was made on the morning of the 16th or in fact was the decision made the day before, as perhaps that conversation implies?

45 A. I think it was a discussion that was had the previous day, but the decision to go ahead with the burn, we needed to wait to see what had happened overnight before that call went ahead.

Q. Staying with that particular transcript, you were challenged yesterday about words used by Sergeant Byrnes in relation to his reference to Canberra is going to burn. If page two could be
5 turned up, please. You understood that this conversation was prompted, at least in part, by Sergeant Byrnes having spoken to some firies in New South Wales?

A. The earlier part of the conversation
10 certainly, but I'm not sure whether this part here was in fact from discussions with New South Wales or with his bosses in ACT.

Q. I am just concerning myself at the moment with
15 the context in which this conversation took place - he had spoken to people in New South Wales?

A. Yes, he had. That was regarding a burn that was about to commence on Brindabella Road.
20

Q. Having regard to what I talked to you about initially in my cross-examination about the background you have in dealing with relationships with the AFP. Now it is Sergeant Byrnes - it has
25 to be said - that is using those words, not you. When you went through this yesterday, you seemed to come to some sort of understanding as to what is meant and you carry on the conversation.

30 If the implication intended to be conveyed by Sergeant Byrnes was well, yeah, he knows that the suburbs are going to burn down on Saturday or Monday, what would you expect operationally the response of the AFP to have been?

A. If in his view the Canberra suburbs were under
35 threat at that time, I would expect that there would have been an immediate presence in at Curtin for the ensuing days until we got over the threat. And the Emergency Management Committee would have
40 been called together to do some planning on that potential impact.

Q. In relation to those actions, can I just ask you, did they occur? Was the emergency management
45 committee convened?

A. Not on that day. I'm not a part of the committee, but my belief is that they didn't meet

that day.

Q. And in relation to a liaison officer being appointed, I suggest to you that didn't occur until after a briefing had occurred at Curtin on the 16th and that Sergeant Byrnes' first attendance at a planning meeting was at about 4 o'clock on the afternoon of the 16th. Would you accept that?

10 A. I accept that that's about right, yes.

Q. Did you understand what Sergeant Byrnes' substantive position was at that time?

15 A. I believe he was one of the three or four sergeants in charge of the Tuggeranong police station. I'm not sure what the police terminology would be but I would say he's the person in charge of the shift - maybe a shift sergeant or something like that - working at Tuggeranong station with a responsibility for that part of the ACT where the fire was moving.

Q. So Tuggeranong operationally would have, you think, a responsibility for the southern parts of the ACT?

25 A. That's my understanding, yes.

Q. That would include the rural areas of the ACT?

A. Yes.

30

Q. So far as a threat presented to those areas it would fall on Sergeant Byrnes, you would think, to do something about it?

A. That's right.

35

Q. Just a moment ago Mr Woodward took you through the events of Saturday morning, the 18th of January, and asked you some questions in relation to the communication of the risks and information about fire spread to the public. Taking that a little bit further, were there steps taken by you to let agencies outside of ESB know information about fire spreads and fire potential that morning?

40 A. I didn't take any specific steps to alert those that weren't at the planning meeting to that potential threat.

Q. So far as they were at the planning meeting and to the extent they had access to ESB officers who may have been in a better place to know, they were in the same position as the public, as it
5 were, in relation to knowing how quickly the fires were moving?

A. That's right.

Q. You have been asked a lot of questions about
10 the potential of the fires to impact on the western side of Canberra - in relation to that, did you ever have in your mind's eye the type of fire that came out of the pine trees at Duffy that afternoon?

15 A. Not at any time.

Q. So far as what happened after the declaration of a state of emergency is concerned, you became the incident controller as of 1445?

20 A. That's correct.

Q. So far as decision-making - so far as the responsibility fell to you, I suppose, to make firefighting decisions in relation to what was
25 happening out at Duffy at that time?

A. My responsibility was to co-ordinate the resources that the Emergency Services Bureau had to support the resources in the field.

30 Q. And to make decisions about what was happening out there or did Mr Bartlett have that responsibility?

A. The field incident controller, Mr Bartlett, I feel had that responsibility.

35

Q. So far as the information that was coming to you that afternoon, I believe it was quite scant?

A. There was a lot of information coming. Very often it was done under some duress out in the
40 field, so it was a little bit difficult to understand what was going on at times. There was an overwhelming amount of information coming through.

45 Q. I put it the wrong way: there was a lot of information but it was difficult to make sense of what was going on.

A. That's correct.

Q. So far as the issue of evacuations is concerned, did that issue come across your desk, as it were, that afternoon?

A. No, it didn't.

Q. You say in your statement at paragraph 196:

10 "Given the volume of calls for assistance and the speed at which the fire front had approached and then impacted on houses in the Weston Creek area, it became impossible to co-ordinate and direct units from a central control perspective. As such, I directed units to use their own initiative and to respond as they saw situations develop and endeavour to prioritise their deployment as the fire threatened assets of strategic importance."

Have you had a chance actually to go to the radio logs to see whether or not you can identify a moment in time when you gave that direction?

25 A. Nothing comes to mind about a statement as specific as that. Just having a glance through now, I can't see that as a radio message that went out.

30 Q. But it is your belief that's the effect of what you said?

A. That's right.

35 Q. In the paragraph in which that passage appears, there are a number of times set out there - 1530, 1531 and 1556. Could I suggest to you it is possible that in fact that directive could have gone out any time after about 1500 hours?

40 A. It could have, yes. I think in all likelihood it was a little bit later, but some time after 1500.

45 Q. Going back finally to that conversation of the 15th that is extracted in the transcript, I gather - we can ask him - one of the reasons that Sergeant Byrnes may have rung you up was that he

had a good personal relationship with you?

A. That's right. We've known each other very well for maybe five years now. It could well have been the reason.

5

Q. That may have been the reason why he chose your level, as it were, to contact ESB in relation to road closure issues?

A. I think that is likely.

10

Q. In relation to the 2001 fires, what was your role?

A. I was the operations manager filling - on the first day of the 2001 fires, I was doing air observation out of our helicopter. For the subsequent days, I was filling the same position as I was in 2003 - that of operations officer in the Service Management Team.

15

20 Q. Located at Curtin?

A. That's correct.

Q. Working closely with members of the AFP?

A. That's right.

25

Q. Who were, I think, during that incident collocated at Curtin; is that correct?

A. That's right, yes.

30 Q. So far as the relationship with the AFP was concerned, it was a good one?

A. I believe so.

Q. And the lines of communication were open?

35

A. Yes.

Q. And so far as the resources of the AFP were required to do a job, it was as easy as making telephone calls such as Sergeant Byrnes made there and asking for it to be done?

40

A. That's right.

Q. In fact, Sergeant Byrnes was offering up a resource that in fact at that time you didn't need, but the offer was there?

45

A. That's right.

MR ARCHER: Thank you very much.

THE CORONER: Mr Lakatos?

5 MR LAKATOS: I have no questions of Mr Graham.

THE CORONER: Mr Whybrow?

MR WHYBROW: I think Mr Walker was going to go
10 first.

<CROSS-EXAMINATION BY MR PHILIP WALKER

Q. Mr Graham, I would like to go back to some
15 questions you were asked at the very beginning. I
think you told us you had been in your position
for something like six years; is that right?

A. Yes. I started in July 1997. So that was six
and a half years when the fires --

20

Q. When the fire occurred?

A. That's right.

Q. How many fires did you say you've actually had
25 experience with?

A. In that six and a half years it would number
in many hundreds. I mean, I've never done a
count. I would suggest in the high hundreds.

30 Q. So 700 or 800 perhaps?

A. I would think it would be in that ballpark,
yes.

Q. That would range from very small fires to the
35 largest, which was doubtless 2003?

A. That's right.

Q. I want to go on to your position as operations
manager. Is it fair to say that the principal
40 responsibility of your position is the deployment
of resources; is that right?

A. That's the initial responsibility and then if
additional resources or a different resource type
is required it is to ensure that that is sought
45 and responded as required.

Q. I didn't mean by my question to suggest to you

that it was the first time you deployed initially and not thereafter. It is a continuing responsibility; isn't it?

A. That's right.

5

Q. Your job is to identify what resources are available to deal with not only fires but frankly any emergency; is that right?

A. Certainly not any emergency in the ACT, but anything that a Bushfire Service or the State Emergency Service of the ACT would be required to respond to. So it doesn't include things like hazardous material for instance --

15 Q. That would be the Fire Brigade?

A. That would be the Fire Brigade. Certainly any and all bushfires outside of urban ACT, and indeed very often inside urban ACT, and any State Emergency Service responses for assisting other agencies, whatever that response might be.

20

Q. Without going into lengthy detail about other things because we are here about fires, what other emergencies have you had experience with?

A. The Thredbo landslide, the Sydney hail storms and the micro burst in Canberra about three years ago where we had a large number of houses damaged. Over the years, many large storm related activities.

30

Q. In each case has your responsibility as this operational manager been to identify what resources are available and where they can be got to and that sort of thing?

A. That's right.

35

Q. In your area at Curtin, I gather you have a large board and a series of units which are available to you and you keep track at all times of which units are available to be sent to a particular area, which units are on a particular fire and which units have stood down; is that right?

A. That's right.

45

Q. Forgive the illustration, but just so we know what we are talking about: you have a large map

with markers and so forth, not altogether dissimilar to the sorts of things people have seen in war films, where people are dispatched to areas and you keep track of them in that fashion?

5 A. That's right. That's a close analogy, yes.

Q. That again on a continuing basis is your principal function?

10 A. When it comes to operations, that's correct, yes.

Q. The marshalling of resources - if, for example, somebody says, "We need a number of bulldozers," that's a logistics function; is that right?

15 A. That's right. I would pass that requirement on to logistics and ask them to fulfil that.

Q. They scour the countryside looking for the equipment that you require?

20 A. That's right.

Q. Once it's identified, I dare say it is handed over to you for its disposition?

25 A. That's right.

Q. When we come to the fires which broke out on the 8th, you received a call at your station in Curtin; is that right?

30 A. That's right.

Q. And the radios that you received this call on, they are something you are manning fairly constantly; is that right?

35 A. During the fire season most often the scanner would be on - so it is a receiver not a transmitter - but that allows you to receive all of the radio transmissions. It just doesn't enable you to make a call yourself.

40

Q. Do you do that personally or is there somebody there who assists you?

A. Oh, no, I have a scanner in my office which I usually have on.

45

Q. I mentioned this board where you keep track of all the resources that you have and where they are

disposed, is your office somewhere near there or is it somewhere else?

A. Maybe 20 to 30 metres away.

5 Q. There are some radios in the area where all these resources are kept under review?

A. That's correct.

Q. An officer mans that radio; is that right?

10 A. That's right. Throughout the fire, isn't there is a minimum of one officer manning those radios and then, as the season increases and the fire danger increases, additional officers can be brought in.

15

Q. Taking the instance of the Bendora fire on the 8th of January, when that first broke out and it was reported to you, I think you say in your statement you dispatched Parks 1 - that is Odile Arman - off to that fire?

20

A. Odile didn't - she wasn't responded in the first instance. Some other units that were closer were responded and Forest 7, a man by the name of Cliff Stevens was the officer in charge in the

25

Q. At that point in time, how much did you know about that fire?

A. Oh, very little. We had a rough idea where it was, not precise. It was rough because it was being reported by our fire towers. They will give a good guide but they can't be overly prescriptive. Until somebody got on the fire, we just didn't really know what it was doing. Our communication towers are going to let us know the smoke is building or dropping off or changing colour; but other than that we are limited until we have somebody on the ground or somebody overhead in a helicopter.

40

Q. At some point prior to people reaching the fire on the ground you received reports from the helicopter 'Firebird 7'; is that right?

A. That's right.

45

Q. And also SouthCare?

A. I'm not sure now what time SouthCare got

overhead.

Q. At some point you did receive --

5 A. Certainly at some point on the first day, the 8th, we received some reports from SouthCare.

Q. You also received some aerial reports on the Stockyard Spur fire?

A. That's correct.

10

Q. Can I just get up [ESB.DPP.0002.0001]. I am looking, if it assists, at a report which came in at 1557 - in fact a couple of lines lower than that. I think it is page 5. Do you see,

15 Mr Graham, just about 10 lines up from the bottom of the page there is 'Firebird 7' to COMCEN reporting on what I understand to be the Stockyard Fire there. It was 50 square metres. Do you see that reference?

20 A. I've got that in my notes. It's not up on the screen yet: yes, I can see that.

Q. Am I correct in thinking that, apart from the spotting from the towers, that was the first indication of the size firstly of the Stockyard Fire that you had?

25

A. Yes. There had been no-one else report that fire in.

30 Q. At that point you had no other information to go on until you could get crews on the ground; is that correct?

A. That's right.

35 Q. If we go to a report at 1853-59, apparently on page 48. There is a reference:

40 "SouthCare 1. We estimate the fire's stayed fairly contained over the last hour and a half. We estimate it's between ah 500 metres and 750 metres."

Then there is a reference "That's 500 by 350". SouthCare says:

45

"Ah, negative. 500 metres square to 750 metres square."

Do you see that reference?

A. Yes, I can.

5 Q. Was that something that you were aware of on the afternoon of the 8th, that particular call? I appreciate it seems to be between what looks to me to be SouthCare and Parks 1; but I don't know whether you monitored these things at the same time.

10 A. I would ordinarily monitor them. If I was in the communications centre at the time there is no doubt I would have heard that call. I don't know if I was in - I assume I was, but I couldn't categorically say I was in the communications
15 centre at the time.

Q. This was in relation to the Bendora fire; is that right?

20 A. That's right.

Q. Did you at that point have some idea in your mind as to what the dimensions of the fire was?

25 A. I was working on the basis it was about a 500 square metre fire.

Q. If you go a little further on there is an entry under 192743 at page 55. You will see COMCEN to 'Firebird 7' it says:

30 "'Firebird 7' this is Comms. Could you estimate the size of the fire. Standby.

Comms: Duty coordinator asked do you have a sharp pencil?

35 'Firebird 7': Yeah estimated at this stage about 500 square metres."

Do you see that entry?

40 A. That's not it on the screen.

Q. I am sorry, it is bottom of 55 top of 56.

A. Yes, I've got that now.

45 Q. Correct me if I am wrong, that is you communicating with 'Firebird 7' and receiving a dimension of the fire at that time; is that right?

A. That's right.

Q. I take it by that time you were fairly clear in your mind that it was 500 square metres?

5 A. That's right.

Q. So we are talking about a fire, say, 20 by 25 metres or something like that?

10 A. If it was a square, yes, it would be.

Q. Indeed it might be different, but that's the order we are talking about?

A. That's right.

15 Q. That's quite a small fire; isn't it?

A. That's right.

Q. In fact, I did a rough estimate myself and estimated this courtroom to be about 13 by 18, something like that. Would that seem about right to you?

20 A. Yes, I think it would be in that vicinity.

Q. We are looking at something in the order of three to three and a half times the size of this courtroom was what the size of the fire on that call?

A. That's right.

30 Q. A fire of that size is one for which direct attack on that fire is a perfectly appropriate response; isn't it?

A. I believe so.

35 Q. Working on that information about that kind of attack, who knows, you might even ultimately get the fire out at some reasonably short period of time?

A. Possibly.

40

Q. Subsequently Odile Arman attended the fire. And did you ever have cause to change what you thought the size of the fire was?

45 A. No. I continued to work on the basis that it was about 500 square metres.

Q. In your discussions with Odile Arman when you

were discussing the question of the resources required for that fire on the following day, she suggested that two rake hoe teams and a tanker were required; is that right?

5 A. That's right.

Q. Is that right?

A. Yes.

10 Q. If we were working on a 500 square metre fire, is there anything particularly odd about the request for resources of that size?

A. No, I don't believe so. I think that that was appropriate for that fire.

15

MR PHILIP WALKER: I notice it is around 3 o'clock. I wonder if that might be a sensible time?

20 THE CORONER: We will take the short adjournment.

SHORT ADJOURNMENT

[3.05pm]

RESUMED

[3.15pm]

25

Q. If I could go back a bit to a call at 1831 which is at the top of page 47. The words I'm looking at commence with "'Firebird 7' to COMCEN. The latest fire"; do you see that?

30 A. Yes, I can.

Q. That refers to a grid reference of 659977 and refers to dimensions of 70 metres long and 50 metres wide. Am I correct from that grid reference that that is the McIntyre's Hut fire?

35 A. That's correct. There are in fact three ignitions in that general McIntyre's vicinity. The conjecture I believe is that there are two separate fires and from one of those, the third
40 fire being a spot fire.

Q. You might help me with another dimension. On 8 January on VHF channel 4. It has got CH49 on my version, at 17:13:49 - it seems we may not have a
45 transcription of this particular one. I am looking at a call 'Firebird 7' to COMCEN which says:

"Comms that fire is as follows. The fire is about 100 metres by 50 metres wide."

That is at 17:13. Do you see that?

5 A. No, it's not on my page at this time. It is coming up now.

Q. The first line of page 29 - I don't know what is on your screen but I have a page that is broken
10 between page 28 and 29. It commences with the words:

"Comms that fire is as follows."

15 Do you see that?

A. Yes, I do.

Q. Can you help us with what fire that is referring to, firstly?

20 A. I would need to look on the previous page, I think, because I'm not sure.

Q. A little further up there was some grid references.

25 A. No, I'd have to look at a map with those grid references to tell which fire that was. I don't remember now.

Q. Pardon me a moment and I might be able to
30 assist you. I can show you a map, Mr Graham, but I can gather from the references a few lines above 643786 that is Bendora. I can show you the map if you like to check for yourself.

35 MR WOODWARD: The description might also be assisted by the reference to a road being 50 metres down the hill from the fire.

MR PHILIP WALKER: Indeed, yes.

40

Q. Does that assist you in identifying which fire we are talking about?

A. Yes. I believe when I look at that message immediately before 17:12:20, I believe it was
45 probably the Bendora fire.

Q. That indicates a larger fire than the radio

calls I mentioned a little earlier on in fact 5,000 square metres. Firstly, did you receive a call somewhere around about a quarter past 5 indicating that sort of dimension?

5 A. Well, certainly our communications centre did. In all likelihood I was in that communications centre but I don't remember specifically being in there at that moment.

10 Q. All right. Is channel 4 or this VHF4 something you normally use?

A. VHF4 is good for fires in the southern part of the ACT. It is a relay through our Mt Tennent tower which looks after southern ACT.

15

Q. What I am trying to reconcile is, there seems to be apparently two dimensions, one of somewhere in the order of 500 square metres for Bendora and the other in the order of 5,000 square metres.

20 What I want to know is, with the benefit of having been taken through those calls, what were you working on when you were dealing with Odile Arman in the field at about 8 o'clock that night?

25 A. I was working on the basis of a 500 square metre fire.

30 Q. Let me come to another matter. When a person such as Odile Arman - or for that matter any other person - is dispatched to the field to attend a fire, I think you said in response to Mr Woodward's questions that decisions such as whether crews should stay in the field overnight or return is something of a joint decision; is that right?

35 A. Yes. I think the decision is made by the incident controller on the ground with endorsement of the Service Management Team. That's on the basis that we may have some information that the incident controller on the ground doesn't have.

40

45 Q. Is it fair to say that in most cases, we will come to this one in a moment, that on the first occasion an incident controller reaches a fire that person is likely to have a great deal more knowledge about what is required and what threat is posed by the fire than the people in Curtin?

A. There's no doubt at all about that.

Q. I dare say if a fire gets larger and burns for a longer period of time and more resources are required, that balance shifts somewhat, because Curtin will have weather forecasts and it will
5 know what crews it has available and it knows how it can deal with things and it may know what other fires there are. And all of a sudden the balance begins to shift in favour of the centre having a great deal more control over what happens; is that
10 fair?

A. That's right.

Q. If we deal with the circumstance where Odile Arman was on the ground at about 8 o'clock on the
15 night of the 8th, it's probably fair to say in relation to Bendora never would there have been a greater weighting in favour of the view of the person who was on the ground than there might have been on the first occasion an incident controller
20 arrived at this fire; is that fair?

A. I think that's a fair statement.

Q. I think you were concerned that there were some safety issues if crews stayed out overnight
25 at that fire?

A. That's right.

Q. I want to go through some of the things that might be relevant to that. Working as you said
30 you were on this fire being one of 500 square metres, I think you have already discussed direct attack would be the most likely response to a fire of that size?

A. That's right.

35

Q. The fire was reported to you, was it not, as being slowly moving?

A. That's right.

40 Q. That would be a relevant consideration as well, would it not?

A. That's true, yes.

45 Q. It was also a fire which was by comparison to, say, Stockyard, reasonably accessible from a road?

A. Yes, it was.

Q. It was in steep terrain?

A. Yes, it was.

5 Q. Did you know when the fire crew that attended on the night of the 8th, when they came on duty on that day?

A. No. My assumption was that they would have come on at 7.30 or 8am. But I wouldn't categorically know that.

10

Q. That's something you could confidently say you would expect Odile Arman to know, wouldn't you?

A. That's right. I'm sure Odile would know that.

15 Q. The fire was in steep terrain?

A. It was.

Q. Steep terrain increases the risk of injury to any fireman?

20 A. Yes, it does, particularly at night.

MR WOODWARD: Your Worship, can I just rise to raise a matter of clarification. It is not clear to me from the way this line of questioning commenced whether these are matters that Mr Graham is being asked were in his mind at the time these decisions were being made or whether this is purely hypothetical. I think it might assist your Worship more if that was clarified.

30

MR PHILIP WALKER: I take my friend's point.

THE CORONER: At the time when the decisions were being made on that day as opposed to now, is that --

35

MR PHILIP WALKER: To a more general consideration. I take my friend's point.

40 THE CORONER: And on what basis you are asking these questions, Mr Walker.

MR PHILIP WALKER: I will make that clear, your Worship, and I appreciate my friend's point.

45

Q. You personally were aware that this was steep terrain, were you not?

A. Yes, I knew that area.

Q. Insofar as you considered whether crews should stay out overnight, was that relevant to any thinking you brought to bear on that question?

5 A. It was certainly something that I had considered with a range of other factors about what the crews would be faced with in working overnight.

10

Q. Perhaps I will do it this way: you tell us exactly what you considered? What was in your mind when you looked at this issue of whether there should be crews out overnight?

15 A. I knew that it was a remote area, that it was in steep terrain, that it was off any formed roads by about 50 metres, that there was a possibility of trees dropping or branches or logs rolling and that there was some safety risk to the bushfire

20

Q. Assuming you knew very little about that fire, were they the sorts of things that would concern you in any event - in any fire?

25 A. They would in any fire.

Q. In terrain such as this?

A. That's right.

30 Q. So there is nothing special about this fire?

A. Not in my view, no.

Q. Do you recall receiving some radio reports on the following day about limbs falling off trees?

35 A. Yes, I know that some of those reports came through.

Q. In fact, if I were to suggest to you there were reports of limbs coming off trees at 1329 on the 9th, Parks 6 - that is Mr Hayes?

40

A. That's right, yes.

Q. That he reported:

45 "It is treacherous up here. There's very large trees coming across this fire trail and a dozer would probably be handy in skipping

them out of the road" --

Perhaps I have got the wrong reference there. Is it 1424 Parks 6:

5

"There are trees coming down or dropping down here everywhere."

Was that trees coming down because of fire you heard reports of on the 9th or was it trees coming down because of some work being done?

10 A. I wasn't reading that to be trees coming down from the fires. I took that to be trees and limbs just falling as a part of nature.

15

Q. When did you learn that the Bendora fire was larger than your original understanding?

A. At about 7am when I got a situation report from Mr Hayes.

20

Q. That's on the 9th?

A. I'm sorry. Yeah, that's on the 9th.

Q. What did you learn was the dimension?

25

A. 750 square metre.

Q. So we are looking something in the order of 300 - have I got that right - 300,000 square metres?

30

A. I'm sorry?

Q. I think I have got my maths wrong. You are looking at a fire somewhere 10 to 20 times the size that you originally understood it to be; is that right?

35

A. No, a fire one and a half times. I understood it was 500 square metres.

Q. I am sorry I misunderstood what you said. 750 square metres?

40

A. That's correct.

Q. Rather than 750 by 750?

A. No. 750 square metres.

45

Q. I see. Did that dimension change at some time during the course of the day?

A. It changes throughout the morning. I think by mid-morning it had grown fairly substantially.

5 Q. There is a point at which there was a report of the fire being 20 hectares?

A. That's right.

Q. That is 200,000 square metres; is that right?

10 A. That's right.

Q. That's not something that occurred by natural growth in the fire, is it? It didn't grow from 500 to 200,000 in the space of 12 hours; did it?

15 A. It is a significant growth. It's certainly feasible.

Q. Well, what I am asking you, I suppose: is there an error in the reporting or was there growth in the fire or don't you know?

20 A. I believe it was growth in the fire.

Q. I see. What change occurred when you learned that the fire was 20 hectares? What change in terms of what was required occur?

25 A. There had been no request for additional resources. We continued to provide aircraft to support that fire event.

Q. When was the change made to the approach to combating the fire?

30 A. The following day, on the 10th.

Q. What change was that?

35 A. That's when we went to an indirect strategy.

Q. Could I suggest to you the decision to go to indirect strategy firefighting actually occurred on the 9th but it was actually implemented on the 10th?

40 A. I think that's right.

Q. What change in approach did that require?

45 A. That's when we started bringing some plant in to construct some containment lines. That's when we provided a substantial number of additional resources to contain the fire.

Q. If I suggested to you, Mr Graham, there was in fact an error in the reporting of the fire and that the original dimensions were more in the nature of 500 metres by 500 metres rather than
5 500 square metres, would you disagree with that?

A. The only thing that would make me query that is the call the morning of the 9th by Mr Hayes that the fire was about 750 square metres. But if
10 in fact that report was wrong, then I think 500 by 500 may well have been right.

Q. Because there is some error there somewhere; is there not? I mean at one point you are being told on the night that the fire is growing slowly
15 and yet there is a great difference between the dimensions.

A. It would appear so.

Q. Had you been aware that the fire was in the order of 500 metres by 500 metres when you were
20 informed of it on the night of the 8th, would that have called for a different response?

A. I believe that we would have markedly increased the response to that fire.
25

Q. If there was some misunderstanding or error, then that accounts for what you subsequently have described as something of an underresourcing; is that right?
30

A. That's right.

Q. Just before I go to another matter, I would like to show you a publication. Do you have a copy of a book called "Wildfire safety and
35 survival"?

A. Yes, I do.

Q. Published by the ACT Emergency Services Bureau?
40

A. That's right, yes.

Q. I think this book was published in 1997, I understand.

A. It was published by the Country Fire Authority Victoria back in 1997. We received permission to
45 reproduce it in 1998 or 1999.

Q. If you go to page 11, I note there are some specific warnings about falling trees and working at night?

A. That's right.

5

Q. That is something that ACT bushfire fighters are specifically alerted to and trained about?

A. Yes, it is. We have a couple of modules that would refer to this kind of activity - safety on the fire ground and our fire suppression modules. And this handbook has been made available to all firefighters or bushfire fighters in the ACT.

Q. In fact, earlier on there have in fact been bushfire fighters killed by trees falling on them; is that correct?

A. That's right.

MR PHILIP WALKER: I tender that book.

THE CORONER: Have you read the protocol about how you tender information, Mr Walker?

MR PHILIP WALKER: I am sorry, no, I haven't.

THE CORONER: I must make sure that one is made available to you.

MR PHILIP WALKER: I am sorry, I didn't know that such a document existed.

THE CORONER: I will make arrangements to have that protocol shown to you.

Booklet entitled wildfire safety and survival will become exhibit 0037.

EXHIBIT #0037 - BOOKLET ENTITLED "WILDFIRE SAFETY AND SURVIVAL" TENDERED, ADMITTED WITHOUT OBJECTION

40

MR PHILIP WALKER: Q. You had regular correspondence with officers of the New South Wales Rural Fire Service; is that right?

A. Yes, I do.

45

Q. I think you recall saying or writing that you contacted them before each planning meeting?

A. That's right, with the ACT liaison officers, that's right.

5 Q. I am wondering if, in the course of any time, when you communicated with anybody in New South Wales, did anybody ever say words to you such as the following that:

10 "Given the fuels, given the pine forests, given a whole range of circumstances, there was a real possibility that those fires having broken their containment lines, which we considered inevitable and said so, would make a major run into Canberra that was the
15 type of plan."

This is quoting somebody in a meeting. I am asking you whether anybody in the course of your dealings used any language like that to you?

20 A. I don't believe so.

Q. Was there any suggestion at any time that it was inevitable that the urban area of Canberra would be impacted by these fires when you spoke to
25 the New South Wales Rural Fire Service?

MR WOODWARD: I am sorry to interrupt, but I think there does need to be another clarification. I think Mr Graham's answer referred to ACT liaison
30 officers at New South Wales, and he agreed he spoke to ACT liaison officers at New South Wales before each planning meeting. I am not sure that it has been established that he actually was speaking to members of the New South Wales Rural
35 Fire Service regularly. That may need to be clarified.

MR PHILIP WALKER: I will ask the question in the most general terms.

40

Q. Did anybody, liaison officer, fire service officer, did anybody from the New South Wales Rural Fire Service --

45 MR WOODWARD: I am sorry but that just compounds the problem. The liaison officers are from the ACT placed at Yarrowlunla, they are not --

MR PHILIP WALKER: Yes, but there is also --

MR WOODWARD: I think my friend needs to clarify whether he is including in his class of people ACT liaison officers at New South Wales. That's all I think he needs to clarify. They are not members of the New South Wales Rural Fire Service. Most of them were members of the ACT authorities.

THE CORONER: Is that who you mean, Mr Walker, ACT people attached to New South Wales?

MR PHILIP WALKER: No, no. I actually mean anybody in the New South Wales Rural Fire Service.

THE CORONER: Not ACT people attached to New South Wales?

MR PHILIP WALKER: Not ACT people attached. I take my friend's point. I will ask about that.

Q. Did anybody in the New South Wales Rural Fire Service use language to you like "it was inevitable that the fires would break their containment lines and make a run towards Canberra" - any language of that type?

A. I don't believe so.

Q. Let me ask the same question: Did anybody in the New South Wales Rural Fire Service ever suggest to you that it was inevitable that the fires would impact upon the urban area of Canberra?

A. I don't believe so.

Q. Taking my friend's point, you had a liaison officer from the ACT service at Queanbeyan?

A. That's correct.

Q. Did your liaison officer ever speak to you and say words to the effect of "I've been talking to these people here in the New South Wales Rural Fire Service and they tell me that it is inevitable that the fires will break their containment lines and make a run towards Canberra"?

A. I don't believe so.

Q. Slightly recasting the question: did any ACT liaison officer say that New South Wales Rural Fire Service had informed that person that it was inevitable that the fires would impact upon the urban area of Canberra?

A. I don't believe so, no.

Q. Just to make it quite clear, that's at any time?

A. That's right. I can't recall any specific instance where that was brought to my attention.

Q. Had that have occurred, say, for example on any time from say the 15th or onwards, what would you have done?

A. I would have raised that to the attention of the other members of the Service Management Team to take that information into account and to determine what we needed to do to mitigate the effects of that fire.

Q. If I could get the planning meeting minutes of the 14th of January [AFP.GSO.0008.0309]

MR WOODWARD: I don't think that is the actual number of the document in the brief. None of the minutes have the GSO prefix. That particular document is [ESB.AFP.0110.0775].

MR PHILIP WALKER: Q. If we go to the second page of that document there is a heading "McIntyre's fire". I can't remember whether you said - were you present at this meeting?

A. Yes, I was.

Q. Under the heading "McIntyre's fire - New South Wales" it says "southern flank of the fire is contained"?

A. That's right.

Q. That's one of the directions of the fire that is of particular concern to the ACT, is it not?

A. That's correct.

Q. What was your view as to the risk posed by McIntyre's Hut fire at that particular meeting?

A. I didn't foresee that fire posing any risk to

the ACT. It appeared that the New South Wales units were containing that fire and that we needn't be too concerned.

5 Q. If we could go to the minutes of the planning meeting of the 15th of January 2003 at 1600 which is [ESB.AFP.0110 --

MR WOODWARD: No. It is 0020.0368.

10

MR PHILIP WALKER: Thank you. The full reference is [ESB.AFP.0020.0368].

15 Q. If we stay on the first page for the moment. You were taken to this document this morning and asked about what I think Mr Lucas-Smith might have reported as a result of his meeting with the New South Wales Rural Fire Service on the 15th; do you recall that?

20 A. Yes.

Q. You were taken to the first paragraph in which Mr Lucas-Smith reported that certain appliances and resources would be made available to the ACT. 25 You weren't at that stage taken to the second page perhaps if we could go to the second page now. Do you see the heading "McIntyre's fire - New South Wales"?

A. Yes, I can.

30

Q. You will see of course by comparison with the 14th that now we are talking about the south and east boundaries of McIntyre's fire. Do you know who reported that fact?

35 A. The liaison officer that we had assigned to Queanbeyan Fire Control Centre for the day would have been giving me that information.

Q. Well, who said it at the meeting, do you know?

40 A. I'm sorry. I believe that it was probably my comment.

Q. But it was, I take it, generally made known at the meeting that McIntyre's lines had been 45 contained on the south and east boundaries?

A. That's right.

Q. That obviously means a general improvement, I take it, from that which was reported on 14 January where it referred only to the south boundary; is that right?

5 A. That's right, yes.

Q. Insofar as you had confidence on the 14th, at least as far as you are concerned, your confidence would presumably be all the greater, would it, on 10 the 15th because the containment lines seem to have progressed?

A. That's right.

Q. In your statement - we can have it brought up 15 if you wish - at paragraph 194 you say, reporting something that occurred on the 18th:

"At 1446 hours Tony Bartlett (field incident 20 controller) reported fire in Deeks Forest and advised that it was 'going well'. At the same time a report was received from Arthur Sayer that Paddy's River homestead and buildings were lost. At 1455 hours, Tony 25 Bartlett reported to COMCEN that the fire now in the Stromlo forest was heading east."

Firstly is Deeks Forest in Stromlo Forest?

A. It is a part of Stromlo Forest.

30 Q. And if I recall correctly, the fire hit Duffy - was it at 1501 or 1511; do you recall?

A. I think 1511. I don't have that noted in my notes.

35 Q. We can check this elsewhere. It is a simple process of mathematics. The fire when ultimately impacted upon the suburbs went from Stromlo Forest to Duffy in 16 minutes; is that right?

A. That's right.

40

MR PHILIP WALKER: Your Worship, I am about to say what I said once before; that is, I think that is the end of the matter. I wonder if I just might save the remainder in case there is anything else 45 I want to tidy up tomorrow morning.

THE CORONER: You want to have another go; is that

what you are saying, Mr Walker?

MR PHILIP WALKER: Well, I could do what I did
last time, your Worship and say I couldn't be more
5 than 10 minutes.

THE CORONER: Well, I am not going to believe
you this time. I just note on that last point
that Mr Cheney in his evidence said that - I am
10 reading at page 22 of his report:

"The head of the fire burnt through the
Mt Stromlo forestry settlement soon after
1500 hours and first crossed into Duffy just
15 east of the intersection of Warragamba and
Eucumbene Drive at 1505 hours. By 1545 hours
the fire had entered the suburb of Duffy
between Dixon Drive and Hindmarsh Drive."

20 I just mention that to you in case you weren't
aware of that particular document. It is "Origin
and Development of bushfires that spread into the
ACT", a document by Mr Cheney on page 22.

25 I note the time in any event. I will give you an
opportunity to think about whether or not you have
any further questions over the evening. We will
adjourn and resume tomorrow at 10 o'clock.

30 **HEARING ADJOURNED AT 4.03 PM TO WEDNESDAY,
7 APRIL 2004.**

35

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 32

Wednesday, 7 April 2004

<ANTHONY JAMES GRAHAM, RESWORN

5 <CROSS-EXAMINATION BY MR PHILIP WALKER CONTINUING

MR PHILIP WALKER: I have a few more questions, your Worship. It will only be 10 minutes, I promise you.

10 Q. Just so there is no doubt, Mr Graham, I understand your evidence yesterday to be to the effect that you are not in fact challenging the appropriateness or correctness of the decision of Odile Arman on the night of the 8th that crews
15 should not stay in the field that night?

A. No, I'm not challenging that at all. I supported Odile Arman's call on the night and still support it now.

20 Q. In your evidence when you were first called you mentioned on that particular night that you had a number of other things apart from the Bendora fire, what was it that you were dealing with at that time, say from 6 through 8 o'clock
25 that night?

A. At that same time we had the Stockyard Fire, we knew there was the McIntyre's fire. And even though we weren't managing that in any way, we knew that that fire was in New South Wales. For a
30 period of that evening, Peter Lucas-Smith and, I think, Rick McRae and others went over to Yarrolumla/Queanbeyan Shire for a meeting with the New South Wales Rural Fire Service. David Ingram at that point was in the helicopter. So
35 there was nobody else from the Service Management Team other than myself in our Emergency Operations Centre. So any calls that came in --

Q. You fielded the lot?

40 A. I'm sorry?

Q. You fielded the lot?

A. That's right. Additional to that, when the requirement for overnight crews was realised I had
45 to source those crews. It is a function normally undertaken by our logistics section. Because that hadn't been established, Mr Ingram was still

flying in the helicopter at that time I had to do that work as well.

5 Q. How long had you known Odile Arman at this time?

A. I believe I had known her for about six years at the time of the fires.

10 Q. Did you have a view as to her capabilities?

A. Very confident in her abilities. I had witnessed her manage several fires including some - nothing as large as this - of a moderate size only as recently as the 2001 fires. I had the utmost confidence in her abilities.

15

Q. I asked you some questions yesterday about whether anybody from New South Wales Rural Fire Service had said to you that it was either inevitable that the fires would breach their containment lines or inevitable that they would impact upon the urban area of Canberra. You recall those questions?

20

A. Yes, I do.

25 Q. That language was language used by Mr Koperberg when he gave evidence. Just so I absolutely complete the picture, there was also the involvement of some New South Wales Parks people in these fires too; was there not?

30

A. Not in - in the New South Wales fire?

Q. Well, with whom you might have had dealings from time to time.

35

A. Oh, sorry, I'm with you. Yes, yes, there were. There certainly were.

Q. Did any of those people use language like that that it was inevitable fires would break through containment lines or inevitable that the urban area of Canberra would be impacted?

40

A. No, not with me they didn't.

MR PHILIP WALKER: Thank you, your Worship, those are my questions.

45

THE CORONER: Thank you Mr Walker. Yes, Mr Whybrow.

<CROSS-EXAMINATION BY MR WHYBROW

MR WHYBROW: Q. Mr Graham, I represent Mr Castle.
Can I ask you how long you had been situated at
5 the Emergency Services Headquarters in Curtin as
at January 2003?

A. I started with the Bushfire Emergency Service
in July 1997, and at that point the Emergency
Services Bureau was located at Curtin and remained
10 so until now. During my whole period of
employment with the Bushfire Emergency Service, I
have been located out at the Emergency Services
Bureau at Curtin.

15 Q. I think you were already asked to some degree
where your office was situated in relation to the
communications centre.

A. That's right.

20 Q. Where was that?

A. I think I said yesterday about 30 metres.
That would be as a minimum; it might be a little
bit more. Somewhere between 30 and 50 metres from
the communications centre.

25 Q. Is it a matter of going out your door and down
a corridor to where the --

A. Oh, no. It is probably five or six turns to
get from my office into the communications centre.

30 Q. Where the other relevant members of the
Incident Management Team were situated in their
offices, where were they in relation to you?

A. At that time Mr Lucas-Smith, his office was
35 separated from mine by a corridor. Physical
distance is probably 5 metres in a straight line,
but to walk it would be longer than that.

40 Mr Ingram at that point was probably about 10 or
15 metres away. Mr McRae would have been a
similar distance away but in a different
direction.

45 Q. Was there any public address or equivalent
system so that an individual, much like a
hospital, could call down somebody that they
needed to speak to urgently and locate where they

are in the building?

A. No, that system doesn't exist.

Q. I understand there was an intercom that could
5 call from one phone to another phone?

A. Some phones have that capability, but
certainly not all.

Q. If you were on the move, how difficult
10 generally would it be for somebody to find you in
a moment where they needed to find you quickly?

A. The Curtin premises are set out like an old
primary school with classrooms. I'm not sure what
its floor space is. I think it is in the vicinity
15 of about 30,000 square metres, something like
that. It is a labyrinth of corridors and rooms
off rooms off rooms. People can always page me or
call me. They wouldn't necessarily be able to
find me readily unless they did that. When I say
20 "call me", I mean call me on the telephone.

Q. On the mobile?

A. On the mobile phone.

Q. You indicated earlier you had a scanner in
25 your office so you could monitor the
communications coming in. If you wanted to make a
call or direct some communication back to troops
on the ground or to the air support, was it the
30 case you had to walk that 50-odd metres down to
the communications centre and put that call
through yourself?

A. I wouldn't physically make the call. I would
give the direction to the communications operator,
35 who would then make that call on my behalf.
That's the most convenient way certainly for me to
make contact with crews on the ground.

Q. On the Friday and the Saturday, 17/18 January,
40 generally what was the situation in terms of the
number of people and movements around in emergency
services?

A. There was a huge number of people. I think
there was something like 20 or more liaison
45 officers from the various agencies working at
Curtin. And in addition there were a lot of
people who might be a part of the Emergency

Services Bureau in some way who don't normally work there. Like there might be people out at a station or at a shed somewhere else who were also working at Curtin. So there was an enormous
5 influx of people over those two days just really taking any space they could to allow them to perform their duties.

Q. What were your impressions over Friday and
10 Saturday - if you had formed any impressions - as to how the setup of emergency services in that facility may have exacerbated or otherwise what was going on?

A. I think that it certainly had some effect. On
15 the Saturday, I know at one point in the early to mid-afternoon there were over 30 people in our communications centre, which is a room smaller I would suggest than the size of this room. They were doing the radio messages plus answering the
20 triple 0 telephone calls. I think there are nine triple 0 phones. There are nine additional people continually answering those phones.

In the room I was doing my operations officer role
25 from, which is immediately adjoining the communications centre and separated by a glass wall, I had in there the liaison officer from Rural Fire Service, the defence liaison officer, two communications centre staff, some assistant or
30 runners to support me plus others. So it was a very congested part of the organisation.

And then when we move out of that into the other
35 areas, the logistics area was set up in a room, I would suggest, about the size of her Worship's area behind here trying to run the logistics for the fires. And numbers of people - I'm estimating now - maybe 10.

40 The planning section was set up in two rooms, probably each about the size of this room. I don't know how many people Mr McRae had in there working for him. A large number with large amounts of machinery. It was to the point that
45 some people were sitting outside of that room providing support to the planning section, but there was just no physical space for them to be in

there.

Q. Mr Graham, I understand that the McLeod report has already made a number of recommendations about the facility and things of that nature. For the benefit of this inquiry and her Worship's understanding of what occurred, in your opinion, did the facility in any way contribute to the level of the response and the ability of people to respond adequately on the Friday and Saturday?

A. Yes, it did in a way that it was very difficult to find the people that you might have needed to make contact with immediately. Because we couldn't put people with like responsibility necessarily together because they were spread throughout the building in various places, to pass a message on to a person or a group of people was very often difficult.

Q. I asked about the 17th and 18th.

A. That's right.

Q. Generally just in the run-of-the-mill, I mean that pejoratively, operational sense of emergency services absent and actual high-scale emergency, the early days of operation of fighting these fires, do you have any comments about the layout of the building and any aspect that may have contributed there?

A. I think for the majority of the events that we have, the smaller events - I am just looking at it from the bushfire point of view now - it is adequate at best to operate out of there. But as soon as - for instance, as soon as we have a Service Management Team set up where people need to be working separately to each other, then that separation is by a long distance.

If Mr McRae at a small event needs to do some planning then he can't do that planning from where the operation is being managed from. The technology isn't there to allow for that; the space isn't there to allow for that. He needs to be separated either to get back to his office where a lot of this technology resides or into one of our conference rooms where he can hook up his technology into our computer systems and the like.

There is always that separation.

That contributes - when you want to run something
by him immediately or alert something to him
5 immediately where you then need to find somebody
to pass a message on or ask him to come into the
operations centre or indeed myself go and have a
discussion with him. When I am doing that, I am
out of the operations centre and missing the
10 immediacy of the information coming in from the
field.

MR WHYBROW: Thank you. Thank you, your Worship.

15 THE CORONER: Thank you, Mr Whybrow. Mr Craddock,
any questions?

MR CRADDOCK: Just one or two.

20 <CROSS-EXAMINATION BY MR CRADDOCK

MR CRADDOCK: Q. Can I have put on the screens
[ESB.DPP.0002.0001]. That is the VHF2
transcripts. I am wanting to go to page 62 at a
25 time 20:14:44. Just while that is being brought
up, Mr Graham, yesterday afternoon you were asked
some questions about the communications between
COMCEN and Ms Arman with respect to her
observations at the fire ground on the 8th of
30 January; that's at Bendora.

A. Yes.

Q. I just want to clarify this, at least so far
as your recollection is concerned - if you have a
35 recollection of it, of course. You were asked by
Mr Walker this question at page 2989 and going on
to the following page:

40 "Q. In your discussions with Odile Arman when
you were discussing the question of the
resources required for that fire the
following day, she suggested that two rake
hoe teams and a tanker were required; is that
right?

45 "A. That's right."

I don't think that you had in front of you when

you were asked that question yesterday afternoon
the transcript of the actual communication with
Ms Arman. I ask you to look at the transcript of
the conversation between P1 and COMCEN at
5 20:14:44. That's what is on the screen, I hope,
page 62 of that document. Do you have that before
you?

A. Yes, I do.

10 Q. P1 stands for Parks 1?

A. That's correct.

Q. That is Ms Arman's call sign?

A. That's right.

15

Q. According to this transcript what she said
was:

20 "An update on what's required for tomorrow um
there's not too much we can do this evening.
We'll need at least two rake hoe teams first
thing in the morning to work on the southern
and northern sides of the fire. And if it's
possible to have some water bombing on the
25 western side."

Then there is a note:

30 "COMCEN to Parks 1: Received Parks 1."

Then Parks 1 says:

"We also require at least one heavy tanker."

35 Then COMCEN says:

"Received and understood. COMCEN clear."

40 Now, does that transcript reflect in your mind the
actual request for resources made by Ms Arman on
the night of the 8th of January?

45 MR PIKE: I object only for this basis. My
understanding is COMCEN is the communications
centre operator, and that would appear to be the
person who is speaking to Ms Arman. This witness
may not be able to - this witness may not have

heard that aspect of that conversation.

THE CORONER: He can give --

5 MR PIKE: May have had some related to him.

THE CORONER: He can give some evidence of that.

MR CRADDOCK: I will deal with that.

10

Q. Do you recall whether you were listening in on these conversations?

A. I don't recall specifically. I do believe I was listening in at that time.

15

Q. Does the transcript of the conversation as recorded in this document accord with your recollection of the actual request for resources made by Ms Arman on the night of the 8th?

20

A. Yes, I believe it does.

Q. So that she was requesting at least two rake hoe teams. She wanted water bombing and she wanted at least one heavy tanker?

25

A. That's correct.

Q. Something that is probably clear to everybody but only just to me due to my late arrival here is that these conversations are difficult, in the sense that it is difficult to have, it seems, a flowing conversation between one person and another on these radios. Is that a correct assessment?

30

A. Yes, that's right. Yes.

35

Q. It is the case, isn't it, at 2118 - you may not remember the precise time - but what is recorded in the phone records at 2118 of the evening of 8 January Ms Arman, when she was able to have mobile phone contact, when she got a signal, called you directly to speak to you directly about the fire at Bendora without having to go through the staccato radio arrangements?

40

A. That's right.

45

Q. Does it accord with your recollection that she spoke to you - well, what's recorded as, according

to the records 9 minutes and 23 seconds?

A. Yes, I believe that conversation was about that length.

5 Q. The purpose of that conversation was to discuss with you more fully her observations from the fire ground, the resources required, terrain, access to water for bombing, all of those sorts of matters?

10 A. That's correct.

Q. Now, I appreciate that you don't presently have a detailed recollection of exactly what you spoke about?

15 A. No, I don't.

Q. I think her Worship will hear from Ms Arman that she doesn't have a precise recollection of that either. But would it be a fair assessment to suggest that, in the course of 9 minutes and 23 seconds devoted to her observations of the fire and the needs for meeting it, there was a fairly comprehensive coverage of what she knew of the fire and what she at least suggested was the way to deal with it?

20
25 A. Yes, that's right.

Q. And in the course of that time there was a full opportunity for you - wearing the hat you were wearing and knowing the things that you needed to attend to, details that you needed in order to get on with your job - there was a full opportunity for you to obtain from her the best possible information that she had with respect to all of those matters?

30
35 A. That's right.

Q. Is it the case that during the course of that conversation you said to her, when she indicated that she was at least a little unsure about the correctness of the decision that she had taken to leave the fire ground that night, that, to use her words, I'm quoting from paragraph 65 of her statement:

40
45 "We were hoping you would do that.

That's a quote she attributes to you?

A. I don't remember making that specific comment to her. I don't know why I would. I just can't recall that conversation with enough clarity to say.

Q. I take it that you don't offer any contradiction of her assertion that you said that?

A. I don't remember with enough clarity that I could contradict that.

Q. Is it the case that it accords with, generally speaking, your assessment that it was appropriate at that time, knowing what you knew, for Parks 1 and her team to leave the fire that night and for the fire to be revisited first thing in the morning?

A. I believe that that was an appropriate call.

MR CRADDOCK: Thank you, your Worship.

THE CORONER: Thank you Mr Craddock. Yes, Mr Pike.

<CROSS-EXAMINATION BY MR PIKE

MR PIKE: Q. Just a couple of things, Mr Graham. Firstly do you remember being asked some questions a few days ago by counsel assisting in relation to matters that you have just been asked questions about; namely, the decision taken on the night of the 8th not to overnight crew at that fire. Do you recall those questions?

A. Yes, I do.

Q. Do you recall a number of questions put to you to the effect that you should have asked further questions of Ms Arman at the time she made her first call to you to probe further as to the reasons behind her decision to withdraw the team that night; do you recall those questions?

A. Yes, I do.

Q. I think you have admitted quite forthrightly that you didn't make that request of her or ask those further questions and in hindsight you should have?

A. That's right.

Q. I ask you to speculate for a moment, if I can, sir - you have been asked a lot of speculative questions so another one won't hurt - you have in fact asked questions of Ms Arman during that conversation and had she communicated to you the information which was in her mind, which we now know, according to her evidence, to be contained in paragraphs 52 and 53 of her statement. I will read those aspects to you - these things in particular:

"Given parts of the fire were not accessible by canvas hoses, crews would have had to rake hoe containment lines for substantial sections of the fire. This is consuming and physically demanding activity especially when doing it without any real visibility. It was getting dark and I was becoming increasingly concerned about the safety of the crews because of the increased likelihood of falling timber as the fire progressed during the night and the possibility of an accident arising from this and potential fatigue caused by the demanding terrain.

The crews had been working since 7.30 that morning and I was reluctant to ask them to start an overnight 12-hour shift. The next morning the crews would then have to drive more than an hour to get back to their respective depots. I was also concerned that the fire was in a remote area with no access to immediate medical care in the event of injury. The falling timber was going to pose a definite threat during the night."

Had those things been communicated to you in the hypothetical circumstances that you actually asked for further information, would anything in that information have caused you to alter the decision you took to ratify her decision?

A. No, if Ms Arman had passed on all of that information to me before the decision had been made whether or not for crews to remain overnight, I certainly believe it was a dangerous situation

that they were facing and that the risk was too great.

5 Q. When you say the risk, are you talking about the risk to life?

A. The risk to the firefighters' safety, to their lives, was too great.

10 Q. There have been various statements about that decision, various comments made that it is a risk benefit analysis and there was an opportunity that night, et cetera. Risk benefit analysis it was, but the risk is the loss of life. In terms of
15 firefighting, where do the professional firefighters put loss of life as opposed to other benefits and risks in the equation?

A. The safety of the firefighters is paramount and has been something that we've always
20 recognised and something that we've preached and taught and will continue to do so. We've got to make sure that our members are safe.

Q. Now, I think you have already said, Mr Graham, both in your statement and in your evidence, that
25 you had and continue to have the highest regard and respect for Ms Arman?

A. I do.

Q. And her abilities?

30 A. Yes.

Q. And her judgment?

A. I do, indeed.

35 Q. Of course it is a very hard call indeed, is it not, to second-guess the call of an incident controller on the ground when a person is stuck in an office some miles away with no real concept of what it is like on the ground?

40 A. That's right.

Q. You were also asked some questions about a conversation you had with an Australian Federal Police officer, Mr Byrnes; do you recall those
45 questions?

A. Yes, I do.

Q. I think you were asked some questions particularly by Mr Woodward which appear on transcript at 2890. The suggestion was put to you that:

5

"In that conversation - when there was reference by Mr Byrnes to his higher ups being concerned with the possibility of Canberra burning, that was a reference to Canberra city burning."

10

Do you remember that conversation?

A. I remember that conversation.

15 Q. Do you remember that line of questioning?

A. Yes, I do.

Q. Had you had in your mind as your understanding of that conversation at that time the possibility of Canberra city burning, what would you have done?

20

A. I would have immediately raised that to the attention of other members of the Service Management Team, in particular Mr Lucas-Smith and Mr McRae, and brought to their attention the views of the AFP. I didn't believe that he was talking of Canberra city burning.

25

MR PIKE: Thank you, your Worship, nothing further.

30

THE CORONER: Thank you, Mr Pike. Yes, Mr Woodward, any re-examination?

35 MR WOODWARD: Just one or two questions.

<RE-EXAMINATION BY MR WOODWARD

MR WOODWARD: Q. You were asked some questions by Mr Walker about the layout of the facility of Curtin. On the afternoon and evening of 17 January and the morning of the 18th, do you say the layout of the facility or indeed any other factors might have impeded those responsible for issuing warnings to the Canberra community about a threat had that effect?

40

45

A. No, that's not what I was saying. What I was

saying, it was difficult from my point of view for me to make the necessary contacts with the people that I may have had to make contact with - for example, Mr Lucas-Smith, Mr McRae, Mr Castle and
5 others - because in my view the layout is not conducive for us doing that. That was the point I was trying to make.

Q. Does it follow from that, Mr Graham, if
10 someone, and in particular the people or person who is responsible for issuing warnings to the Canberra community is, for instance, present at planning meetings where the level of risk is being
15 discussed, there would be nothing about the facility at Curtin that would prevent them leaving that meeting and immediately doing something in order to get that warning issued?

A. You are talking immediately after the planning
20 meeting?

Q. Yes.

A. No, there is nothing to stop them.

Q. Because in those circumstances they have the
25 up-to-date information, it is not as if they then need to go and find someone to get more up-to-date information?

A. That's correct.

Q. Yesterday, also during the cross-examination
30 by Mr Walker on behalf of Mr Lucas-Smith, you were asked some questions at transcript page 2997-8 about the Bendora fire. In particular you said at 2998 in response to a question at line 19:

35 "Q. Had you been aware that the fire was in the order of 500 metres by 500 metres when you were informed of it on the night of the 8th, would that have called for a different
40 response?

"A. I believe that we would have markedly increased the response to that fire.

45 "Q. If there was some misunderstanding or error then that accounts for what you subsequently have described as something of an underresourcing; is that right?

"A. That's right."

5 Just so we understand that, Mr Graham, are you saying that if someone had told you on the night of the 8th that the Bendora fire was of the order of 500 metres by 500 metres, you would have taken steps to ensure a higher level of response to the fires than was in fact arranged?

10 A. A higher level of response on the morning of the 9th to what was arranged.

Q. Is that your evidence?

A. That's correct.

15 Q. During the telephone conversation you had at 2118 with Ms Arman, did you discuss at that time her views as to the size of the fire? Did you talk about the size of the fire?

20 A. I can't recall. I believe that it would have been discussed but I can't recall that conversation.

Q. Do you recall her saying in words or in substance, "I walked around it and it took me almost an hour"?

A. No, not specifically, no.

Q. But you think it's likely that you would have had some discussion about the size of the fire?

30 A. Oh, I believe so.

Q. In relation to the following morning, it is the case, isn't it, Mr Graham - I think you have given evidence to this effect - that you accept that at some point during that morning you were informed by the provision of notes that Mr McRae, or perhaps even directly by Mr McRae after his return from his reconnaissance flight at approximately 11am, that the Bendora fire was 20 hectares?

40 A. Yes, I think what I said is that I don't recall seeing that document. I accept there was a document prepared by Mr McRae and that in all likelihood I did see it, but I don't specifically recall having that document.

Q. In all likelihood you were told some time late

that morning that the fire was a 20-hectare fire;
or at least that information came to your
attention in some way?

A. If Mr McRae shared that with me, then yes.

5

Q. That was his evidence in his statement, and I
expect will be his evidence. Assuming that for
the moment, you would accept that that information
came to you at about that time?

10 A. If Mr McRae said that he shared that with me,
then I will accept that.

Q. You didn't take any action in response to that
information to immediately upgrade the level of
15 response, did you, Mr Graham?

A. No, I didn't.

Q. Well, why is it that on the night of the 8th,
you say that had you known it was a fire of
20 500 metres by 500 metres you would have taken
steps yourself to increase the level of response
but apparently on hearing that it was a 20-hectare
fire the following morning, you did nothing?

A. Because throughout that day, the 9th, there
25 had been no request for resources from the officer
in charge of the fire, Mr Hayes, and we were water
bombing that fire. And he had had a conversation
that morning with Ms Arman about additional
resources and said that he would give some thought
30 as to whether or not he needed them. There was no
call for additional resources.

Q. Mr Graham, there was no call for additional
resources, despite no doubt Ms Arman having in her
35 head at least a reasonably good picture of the
extent of the fire. She defined the resources.
If she had said to you on the night of the 8th,
"Look, I think this fire is about" - I think her
evidence is - "300 metres by 500 metres or
40 something to that effect" and then listed the
resources she thought was necessary; namely, at
least 1 heavy tanker and at least 2 rake hoe teams
is it your evidence armed with the additional
information about the size of the fire you would
45 have said to her, "No, Odile, I think you are
going to need more than that"?

A. We probably would have had a discussion about

that, yes.

Q. I don't follow that, Mr Graham. You say
yourself in effect pre-empted her views on the
5 issue that night but you wouldn't have pre-empted
Mr Hayes' failure to request additional resources
the next morning on learning it was a 20-hectare
fire; can you see the inconsistency with that?

A. The discussion I would have had with both
10 parties, not one over another. If I had realised
that the fire was 500 by 500 on the night of the
8th, I would have had that discussion.

As I said earlier, I don't recall that document
15 that says that the fire was 20 hectares on the
morning of the 9th. I don't recall seeing that.
But yeah, I would have had a discussion with
Mr Hayes, I believe.

Q. So is it the position then you would have
yourself in a sense unsolicited by any request by
Mr Hayes, had you been aware that it was
20 hectares, gone on to him and said, "Look, Rick,
I think you are going to need some additional
25 assistance down there"?

A. I believe that's what I would have done.

Q. You were asked some questions by Mr Pike
concerning firefighter safety - risk from falling
30 trees and the like, Mr Graham. The risk of
falling trees and branches, for instance, is a
risk that is present in the forest at all times;
isn't it?

A. That's right.

35

Q. During a fire there might be an increased
risk?

A. That's right.

Q. That's because particularly stumps and what
are known as stags can catch - will burn,
particularly in dry conditions; is that correct?

A. That's right.

Q. They can be smouldering and fall over in a
sense without warning?

A. They can.

Q. Branches will fall out of trees at any time; is that correct?

A. That's right.

5 Q. A fire won't contribute to that eventuality, will it, unless the fire has actually got up into the top part of a tree?

A. That's right.

10 Q. Again, that might happen because a tree is smouldering and perhaps a dead branch is smouldering and then falls down without warning; is that correct?

A. That's right.

15

Q. That can happen at any time?

A. That's right.

Q. Day or night?

20

A. Yes.

Q. It can happen on any part of the fire ground, can't it?

A. Yes, it can.

25

Q. What I want to suggest to you, Mr Graham, is that in fact particularly on the first night of the fire when the fire behaviour is at its most benign and you have the opportunity to actually see smouldering which might not be visible during the day, the risk from falling trees and falling branches is no greater than the risk that exists at all times when you are out in the forest and on the fire ground?

30

A. No, I wouldn't agree with that. At night-time if a tree or a branch or something is going to fall, very often you will hear that it is going to fall. In the daylight you will be able to follow the sound and see what is falling and then take appropriate action to escape that.

40

At night-time, you wouldn't necessarily be able to see where it was going to fall. Your opportunities for escaping it, the risks posed by that are much greater because of the terrain and the like.

45

Q. The fact is, Mr Graham, that night-time firefighting is commonly done; isn't it?

A. Yes, it is.

5 Q. That's because particularly on the first night of the fire, the fire behaviour is at its most benign?

A. Well, usually, yes.

10 Q. Indeed, that document that you referred to yesterday, the "Wildfire safety and survival" booklet, whilst containing guidelines for night-time firefighting, those guidelines are there to assist people involved in the process; aren't they?

15 A. That's right.

Q. It doesn't say "don't do it", it just says, "These are the things you need to watch out for"?

20 A. Oh, no, but I think it serves as a warning as well.

Q. In relation to the risks from falling branches and trees, I think you have agreed that is something that is present all the time, isn't it?

25 A. That's right.

Q. In fact within two days of the 8th, firefighting was going on at night, that's correct?

30 A. That's right. Into the evening of the 8th?

Q. By the 10th, the Bendora fire was being fought at night?

35 A. That's right.

Q. At a time when the fire area was far greater than it was on the night of the 8th?

A. Yes, it was.

40

Q. It was still very steep and difficult terrain?

A. Yes, but generally the crews were working off formed tracks and trails; they weren't walking into the bush. So therefore on these formed tracks and trails if they needed to make any kind of escape, they had much greater opportunity.

45

Q. It is a matter of very basic firefighting safety at any time to make sure you work from a safe anchor point, isn't it?

A. That's right.

5

Q. So if firefighters are operating using direct attack at night, you would expect them to ensure, before they commenced, for example, a trail construction they had established a safe anchor point?

10

A. That is very difficult to do at night.

Q. Why is that?

A. It can be. If you are talking about the night of the 8th, it can be very difficult to do because you won't be able to see very well and you are working in that case off tracks and trails, not from tracks and trails.

15

Q. Well, it would be something that would routinely be done before any substantial fire line construction was commenced; wouldn't it? That would be basic safe firefighting?

20

A. That's right.

25

Q. You would expect if firefighting activity was to occur that night that those in charge would ensure that a safe anchor point was established?

A. That's correct, yes.

30

Q. And would continue to construct a fire trail from that safe anchor point?

A. That's right.

Q. You have not yourself ever undertaken night-time firefighting, have you, Mr Graham?

35

A. I've been out on fires at night before.

Q. In what capacity?

40

A. Incident controller. I gave the example of where I managed the fire alongside Canberra Avenue on the railway line. That was a fire, it occurred some time after dusk - I'm not sure 9 or 10 o'clock.

45

Q. I should have been more specific, in that sort of area, in a forest area, have you been involved

in night-time firefighting?

A. No, I haven't.

Q. You are aware, aren't you, that it can be done
5 quite safely?

A. Yes, it can be.

Q. There are indeed some advantages in conducting
that type of firefighting on the first fight
10 night?

A. Yes, there can be.

Q. Your notebooks we now have in original form.
And it appears from your notebook number 1 that
15 the first entry at the top of the page - I will
show it to you it is cut off in the photocopy -
has the date 19/01/03?

A. That's correct.

Q. Does that accord with your recollection that
20 you only commenced using these notebooks on the
day after the 18th?

A. That's right.

Q. Do you recall why you started entering these
25 sorts of - what prompted you to start doing that,
Mr Graham?

A. Prior to that I had been using message - the
ICS preformatted message forms and unit logs. But
30 after the 18th - at that point I was in a fairly
static position being in our operations room
alongside the communications centre. From the
19th on, I had more of a roving role, I suppose,
so I didn't necessarily have a bunch of message
35 forms with me and I just found it for ease to have
that kind of thing.

Q. Did anyone suggest to you that it might a good
40 idea during the 18th or on the 19th to keep a
notebook?

A. Not that I know of.

Q. The note that we discussed yesterday that
appears to have prompted the entry in your
45 statement for the 16th. When you were preparing
your statement you had, I assume, available to you
a photocopy of your notebook; did you?

A. I can't remember if I had the original or a photocopy.

5 Q. The reason I ask, Mr Graham, is because in the original document - again I will hand this to you - there is a date on the top of the relevant page. Do you see that?

A. I do.

10 Q. The photocopy that I have, that date has been cut off. Does that assist you to recall whether or not you were using the original or a photocopy?

A. No. I don't know now which I was using.

15 Q. It is not likely, is it, that you would have made that mistake in your statement if you were looking at a document that had a date at the top of the page?

A. No, probably not.

20

Q. The fact that you only started using those notebooks on the 19th, that was something, was it, that you had forgotten when you came to do your statement; is that your position?

25 A. I'm sorry, I missed --

Q. The fact that you only started the statements on the 19th and therefore any entry in those notebooks could only have been made on the 19th or after, what do you say about that, Mr Graham, in the context of the fact that, when you prepared your statement, you thought that entry related to the 16th?

30 A. Yes, I'm not sure that there may well have been other notebooks. I just don't know. I don't believe there was. I just don't know.

Q. You are not suggesting, are you, that that entry in your statement came from anything other than what is in your notebook?

40 A. No, I'm not.

MR WOODWARD: I have nothing further, your
45 Worship.

THE CORONER: Thank you. Those notebooks can be returned.

You are excused, Mr Graham. You are free to leave.

<WITNESS STOOD DOWN

5

MR WOODWARD: Could we call Mr Richard McRae.

MR PIKE: Would your Worship excuse me from the Bar table for a moment?

10

THE CORONER: Certainly, Mr Pike.

<RICHARD HARRY DURRELL MCRAE, AFFIRMED

15

<EXAMINATION-IN-CHIEF BY MR WOODWARD

15

MR WOODWARD: Q. Your full name is Richard Harry Durrell McRae?

A. That's correct.

20

Q. What's your current professional address, Mr McRae?

A. I work out of the Emergency Services Bureau Headquarters in Curtin.

25

Q. Mr McRae, you provided a statement for the purposes of this inquest dated 9 October 2003?

A. That is correct.

30

Q. Have you had an opportunity to review that statement before coming to court today?

A. Yes, I have. There are actually a couple of comments I would like to make.

35

Q. Yes, by all means.

A. It has been brought to my attention that the paragraph numbering was inconsistent around and about page number 22. There is a repeating of some of the paragraphs.

40

Also on page number 22 in paragraph 102, there is a quotation of mine which evidence that has come my way suggests is incomplete - not that it is incorrect. Would you like me to indicate the nature of that or not?

45

Q. Perhaps if I could draw your attention, while you are doing that, Mr McRae, the other issue that

appears to have arisen in relation to that is that it may be that it was at the meeting in the afternoon where you made those remarks not in the morning. Is that something else you have become
5 aware of?

A. I have become aware of that. I can't throw any light on when the correct time was.

Q. We can deal with it when we reach it in the
10 chronology. Certainly if you want to add to what is in that, please do so.

A. I guess the source of my need to append to this was the handwritten notes taken from the meeting. Having read those, it became clear to me
15 that before the sentence "do the maths" was where I was talking about a 1:10-year fire weather event and 1:20-year fire situation. The "do the maths" was to do with those two ratios being multiplied together.

20

Q. We will come to that in due course. I think 1:20, 1:40 were the figures. Were there any other matters, Mr McRae?

A. There were one or two, to my view, minor
25 points but I don't feel it is worth altering my statement on the basis of those.

Q. Subject to those matters you have referred to and the one or two minor points, is your statement
30 true and correct to the best of your knowledge?

A. To the best of my knowledge it is, yes.

Q. Mr McRae, I think at the time you prepared your statement, you held the position as acting
35 manager of the risk management unit; is that correct?

A. That's correct.

Q. Is that a position that you still hold?

40 A. I'm not longer acting. The position was recently advertised, and I was successful in gaining the position full time.

Q. Do you hold any other formal positions at the
45 ESB, Mr McRae, apart from that one?

A. Could you explain what a formal position is?

Q. I suppose what I wasn't clear about was whether the manager of the risk management unit is your formal title for all purposes at ESB or whether you had other titles; in other words, is that a role or a title, if I can put it that way?
5 A. The title of the position that I was acting in at the time was manager risk management unit. What the work required me to do was risk based services to the agencies within the bureau as
10 required. As an example, the Bushfire Service required me to act as planning officer in the Service Management Team for large incidents. So it wasn't a formal title; it was just the task.

15 Q. It was a role or a position you would take up in respect of particular events; is that your position?

A. That's correct.

20 Q. But during that period and all other times, you were still holding the position as manager or acting manager of the risk management unit?

A. That's correct.

25 Q. The actual unit, Mr McRae, that you were acting manager of, what did that comprise as at January 2003?

A. Only myself.

30 Q. So you didn't have any particular staff assigned to you within that unit on a permanent basis?

A. At that time, no.

35 Q. Has that changed since then?

A. It is being altered. There is a selection process under way as we speak, basically for two extra positions to work in the unit.

40 Q. So you were the unit?

A. Correct.

Q. I have been provided this morning, Mr McRae, with what I think is a draft of a curriculum
45 vitae, and it may be appropriate in due course, with a few minor amendments made, to have that tendered. For the time being if I could quickly

go through your work history and experience based on that document. I understand your qualifications are that you have a Bachelor of Science with honours from the University of Sydney which you obtained in 1977; is that correct?

5 A. Correct.

Q. You trained as an ecologist?

A. Correct.

10

Q. Just picking out some of the particular parts of your work history relevant to this inquiry, I think during 1986-1988 you worked for the Victorian Department of Conservation, Forests and Lands on the Alpine management team based in Bright developing computer-based decision support teams; is that correct?

15 A. Decision support systems.

20 Q. I'm sorry.

A. Correct, if it is systems.

Q. You are quite right. That is what is there. Is it the case that up until about 1988 - or perhaps I should ask: when was your first involvement either in a research capacity or any other capacity with bushfires, Mr McRae? Was it during that time?

25 A. In terms of direct involvement, it would be in the early '80s when I was working for Blue Mountains National Parks.

Q. Did you have a role in relation to bushfires at that time?

35 A. I had a diverse number of roles, some of which were directly related to bushfires, including bushfire suppression.

Q. Did you undertake bushfire suppression during that period?

40 A. Yes, I did.

Q. In what capacity?

45 A. Most of the work involved remote area bushfire fighting in wilderness areas in the northern Blue Mountains Wollemi National Park area, campaign fires. This is the fire season in the early '80s

around the time of the Ash Wednesday event.

Q. You were actually on the ground as a firefighter in that period, were you?

5 A. And a crew leader.

Q. Of remote area teams?

A. Yes.

10 Q. At that stage - I am just trying to follow your training - I assume before and perhaps during that period you were undertaking the various basic bushfire training modules referred to in your CV; is that correct?

15 A. Yes, I was given the training required before undertaking suppression operations.

Q. Just to get a general sense, at about during that period, what number of fires were you
20 involved in? How many roughly?

A. My recollection would be around about half a dozen significant fires.

Q. Was that always in that general capacity as
25 either a member or crew leader of a remote area firefighting team?

A. That's correct.

Q. When did you start having involvement at a
30 more senior level in relation to bushfire fighting, Mr McRae?

A. When I began work for the ACT government.

Q. We will come to that shortly. During your
35 time with the Victorian Department of Conservation, Forests and Lands, were you involved in any bushfire fighting role at that time between 1986 and 1988?

A. No.

40

Q. When did you first commence your role with the ACT Fire Brigade?

A. I commenced working for the ACT government in
45 July 1989 and that was for then the ACT Bushfire Council. Can I just comment: I have never worked directly for the ACT Fire Brigade. For some time I was supervised by the ACT Fire Commissioner.

Q. I am sorry, I should have been more careful. I should have said bushfire - your role with the Bushfire Council. You were the fire management planning officer for the ACT Rural Fire Service; is that correct?

A. In the early stages that was correct, yes.

Q. Your CV says:

"The job involved a wide range of support roles for the operational capabilities of the then Rural Fire Service."

Can you perhaps give some examples of the sort of support roles you are referring to there, Mr McRae?

A. They would include weather services, mapping services, fire behaviour prediction services. A lot of this was before ICS had been implemented and we didn't have a formal structure for defining those services.

Q. So it was a more ad hoc type role - the way in which you fulfilled those roles was depending on the particular needs at the time, is that how it went?

A. It was more structured than ad hoc but not incorrect.

Q. Would it be fair to categorise those sorts of roles - I appreciate that ICS wouldn't have been in operation until the early '90s - but up until that time, were you fulfilling roles that would later become roles that are currently in the planning section under the ICS structure?

A. In general terms, correct; yes.

Q. Did you, during that period, have any more formal functional role in relation to any bushfire events?

A. Could you repeat that question, please?

Q. Did you have any involvement at that stage, other than the mapping services and the like that you described, more formal functional role in any particular bushfire events? Was it the case that you were fulfilling those roles that you described

during bushfires?

A. In those days it was a small compact unit. There are a number of people working in the office next to the communications centre and, if a fire
5 was called in, whoever was there would commence the response and incident management process. At times I was doing a number of jobs that would be more formally called "operations" these days.

10 Q. Were you fulfilling a role which these days might be described as either the incident controller type role or the operations officer type role?

A. Not incident controller. Sometimes it may
15 have been called doing an operations officer role.

Q. Now, it was in the early '90s, was it, that ICS was introduced within the ACT?

A. That's correct.
20

Q. And did your role change at about the time of the introduction of that system?

A. I guess from the beginning of using ICS in the ACT, it was recognised that I would be the core
25 planning officer based on the duty statement that I was then employed to work to.

Q. So about when did that begin, Mr McRae, what year?

A. Pretty much from the time of the first
30 operational ICS training course being carried out in the ACT.

Q. Was that in about 1992?

A. I don't have a strong recollection of that,
35 but it sounds about right.

Q. That was a role that you continued to carry out, was it, indeed until today; is that correct?

A. Yes. Can I just point out, the umbrella that
40 I was working under evolved a number of times. But within the constraints of that, the answer is yes.

45 Q. Did your appointment of acting manager of the risk management unit have any effect on that sort of role you were fulfilling during bushfire

events?

A. No. I was, I guess, working without a duty statement. People relied on my ability to task my workload, and I made it very clear to people that
5 should a large bushfire event occur then that would be the largest if not total priority for my time for the duration of that event.

Q. You described your work with remote area fire
10 teams in the early to mid-'80s. Did you have any role during that period, let's say from the late '80s through to 2003 any operational - I am sorry, I withdraw that because you indicated earlier you had an operational role. Were you yourself
15 involved in any more bushfire fighting in the field in that period from late 1980 through to 2003?

A. I frequently did work in remote areas at
20 bushfires doing things like fire cause investigation, analysis of why fires were behaving the way they had, providing planning-type officer work in the field to the Incident Management Team.

Q. Did that continue through until 2003?

25 A. Yes.

Q. You were regularly out in the field while
fires were burning, although perhaps not so often actually fighting the fire; is that the position?

30 A. I don't know if the word "regular" is correct. It was on demand. Fire seasons are all different, so it wasn't regular.

Q. It was about as regular as the fires
35 themselves; is that fair? So when there were fires in remote areas, you would generally be spending some time out in the field?

A. Often but not always. It was on demand.

40 Q. In your role as acting manager of the risk management unit in the period leading up to January 2003, did you have any role or responsibility in connection with broader community education?

45 A. Education in respect to what?

Q. Bushfire risk?

A. Not a direct involvement. But if people within ESB were doing work in that area, then I would often provide some assistance and support for them, especially in technical areas.

5

Q. You would be familiar, I expect, with some of the publications that are provided I suppose at the instigation of the ESB such as the "Will you survive" booklet?

10 A. Yes.

Q. Was it part of your responsibility in the risk management unit to manage the development and/or dissemination of that kind of publication?

15 A. No.

Q. Did you have any other responsibility in connection with ensuring that community education programs were developed and implemented?

20 A. No direct responsibility. Again, if people doing that work needed technical assistance, I would provide it.

Q. Who, to your knowledge, in the period leading up to January 2003 did have that responsibility?

25 A. We had a community education and public relations unit which I guess was somewhat underresourced but a lot of the initiation of activity was undertaken by the operational
30 agencies.

Q. The individual operational agencies?

35 A. Bushfire Service, Fire Brigade, Ambulance Service and emergency service.

Q. Are you aware whether or not there was one person or a group of people within the ESB who ultimately was responsible for implementing the community education programs developed by the ESB?

40 A. One person?

Q. Or a unit within the ESB?

45 A. I guess ultimately the responsibility would come to the executive director. But the operational agencies, some of the chief officers had legislative responsibility to meet that as well.

Q. So far as you were concerned, your role was, in a sense, reactive - is that a fair summary - in the sense that you would provide information on request but you didn't have, as you saw it at
5 least, positive responsibility to ensure that the community education program was adequate?

A. I wouldn't feel that it was totally reactive. If I felt that there were risks that needed activity, I would sometimes offer a suggestion to
10 the people I felt were best placed to act on it.

Q. Did you have a view as at January 2003 of the extent of the community awareness - I mean in particular in the urban community of Canberra - of
15 bushfire risk?

A. I felt that it was probably as high as it's ever been, given the community's awareness following the Christmas 2001 event and also the fact that the fire agencies had been doing
20 material for the media in the lead-up to the bushfire season to make the community aware of what they should be doing, as is a routine practice.

Q. That doesn't quite answer the question, Mr McRae. It may well have been better than it had ever been. But do you think it was adequate?

A. I felt it was adequate.

Q. Did you have a view as to whether the people particularly in the urban areas of Canberra understood that they were at risk of being impacted upon by bushfire commencing, for example, in the Brindabella Ranges?

A. I just need to ask for a little bit of clarification here because I use "risk" in the technical sense required in my position. I'm not sure the sense you are using the word "risk" in. Because most people in the community don't
40 understand risk in the technical way. So could you clarify, please.

Q. Do you think people in urban Canberra understood that they could be directly affected by a bushfire?
45

MR CRADDOCK: I would object. I think that is an

unfair question as it is put. It is difficult
enough to know one other person's mind. But to
know them all and to then do the stats on what is
in all of those minds I think is really just too
5 much to ask of this witness, when his evidence is
that he wasn't directly involved in dealing with
the community as to those issues.

10 THE CORONER: Yes. That might be --

MR CRADDOCK: If he has a view about it, it is not
going to help you in those circumstances.

15 THE CORONER: Except that Mr McRae did say that he
felt that the community of Canberra was probably
more aware than ever before about the risk of fire
given the December 2001 fire.

20 MR CRADDOCK: That may be so. That may be more a
comment on the fact that there was some
information going out, but that's not to say
people were understanding that. The question my
friend has asked is directed towards his knowledge
about people's understanding of those things.
25 That's, I think, just going over the line a
little. It becomes a question that he can't
really answer and that your Worship could not
really make any use of.

30 THE CORONER: Unless it is a personal view and the
weight to be given to that is not that great.

MR CRADDOCK: If it is put that way, if it is
understood as just the personal view then it still
35 will not help you, but it will not have the same
sting in the tail.

MR WOODWARD: It perhaps may be appropriate before
I respond to that if Mr McRae were to leave the
40 witness box.

THE CORONER: What we might do, given the time, is
take the morning adjournment.

45 MR WOODWARD: Perhaps Mr McRae could take the
morning adjournment and I can respond.

THE CORONER: Mr McRae, you don't have to come back for a little while. You are excused for the moment.

5 THE WITNESS: I will be outside.

THE CORONER: Thank you.

(The witness leaves the hearing room).

10

MR WOODWARD: I accept my learned friend's comment in the sense that he makes the point that certainly Mr McRae couldn't know what was in the minds of the Canberra community. It is, in my submission, helpful in this sense: to the extent that Mr McRae had any role or responsibility in relation to the issue of warnings to the Canberra community - that is obviously yet to be established from his evidence - in my submission, it is highly relevant for your Worship to know whether he had in his mind at the time issues as to warnings were being considered an understanding or even a belief about the level of education and understanding of the community as to bushfire risk. Because, in my submission, it is open for your Worship to form the view that, if the general view was that there was a lack of appreciation of the level of risk among the community, that the issue of the adequacy of warnings becomes more acute.

Now, if this witness ultimately is not someone who was responsible for the warnings that were going out, and that may well be the case, then it won't assist your Worship. If, as the evidence develops, he did have some role in relation to warnings, then in my submission it is relevant to know whether he believed --

40 THE CORONER: What his understanding was.

MR WOODWARD: Whether it was a true belief or an ill-informed one, whether he believed that the community of Canberra understood the level of potential exposure that existed. It may be that he had none, in which case then that could be taken into account. It is relevant in that sense,

in my submission.

THE CORONER: I think that does put a different complexion on it.

5

MR CRADDOCK: I am now disturbed about it. Now it is revealed that this question put without context is later going to be used in cross-examination of the witness, which is what this is - if, when the context is added he says that he had any role in relation to warnings, the unfairness is compounded by that. My objection remains, but now it has force beyond the objection that I earlier put, which was on the basis that it is not evidence that is going to assist you as a result of any issue.

My objection is now that it is patently unfair to the witness. He still isn't going to know what is in the minds of members of the Canberra community. But we now hear that if he offers that personal view as to what he thinks, that that may be used in some way to base a criticism if it turns out - and I can tell my friend and I will confirm it during the break that it won't turn out - that he had a role in relation to community warnings.

So my objection stands, notwithstanding the explanation, and in my respectful submission springs from what I have heard from Mr Woodward.

THE CORONER: Do you know, Mr Woodward, what the role Mr McRae had in advice to the population, whether or not he had an active role in that, whether that was part of his function?

MR WOODWARD: Only in this sense, under the ICS system the media unit and information unit sits in the planning section. In those circumstances, there is at least a theoretical line of responsibility that goes through Mr McRae. Now, if in practice that wasn't the way this particular incident or Service Management Team was operating, then so be it. But I'm not sure - I don't know the answer, your Worship.

In my submission, there is another concern: it

can't possibly be suggested that every question that is put to a witness has to be given its context. That is an extraordinary proposition.

5 It is appropriate at this point when I am asking Mr McRae about his role in relation to community education to ask him what was in his mind about the level of understanding of the community or what views he held about the level of
10 understanding of the community about bushfire risk. He can say, "I really didn't have a view. I thought they were well informed. I thought they were ill-informed," that's as far as the matter goes.

15 This is the appropriate time to ask the questions. And if in fact it were the case in due course that he was to indicate that he did have some role, it would be relevant to your Worship to know what was
20 in his mind as the warnings were being prepared about the level of understanding in the community, because it is relevant to determining the adequacy of warnings. In my submission, it cannot be suggested that that context is required as part of
25 the question.

THE CORONER: In that context, I don't see it as being unfair to Mr McRae, Mr Craddock, to ask him what his understanding was of the level of
30 knowledge in the community.

MR CRADDOCK: I don't know whether I am just missing something --

35 THE CORONER: If there is ultimately no weight to it, then so be it.

MR CRADDOCK: If there is no weight it shouldn't be asked, it shouldn't be before your Worship and especially not on the public record. The fact of
40 the matter is that he is not, no matter how the question is put, going to know what is in the minds of the members of the ACT community unless he has done a survey or gone and spoken to
45 everyone.

THE CORONER: No, but I will know what is in

Mr McRae's mind. That is what I will allow. I will allow the question to be asked.

5 MR PHILIP WALKER: Would you hear me for one brief moment, your Worship? I apprehend if Mr McRae gives a certain answer, it may well have some concern for my client being ultimately responsible for the Bushfire Service.

10 If Mr Woodward suggests that he may subsequently establish that Mr McRae had a role which gave him some sort of knowledge about the community understanding, let him establish the foundation for the opinion first. Let us not get the opinion
15 about the Canberra community and how much it knew, and then go to whether there is any basis upon which this man might be in a position to form that opinion.

20 My learned friend, with respect, should go about it in the customary way, and that is lay the foundation for this broad opinion first and at least then when he puts the kind of question which he now does, your Worship has some understanding
25 of his knowledge and can then rule with some more specificity whether the question is in fact a fair one.

30 But it seems now to be being done the other way. He is being asked the broad opinion question with a view that you can discount it if later he doesn't come up to it as far as his responsibility and his involvement in the issue. It should be the other way around.

35 THE CORONER: Mr Walker, it is not an unfair question. Whether or not ultimately it has any weight is the issue I am considering. The question itself is not an unfair question, so I
40 will allow the question to be asked. I will allow it to be asked at this point before there is any foundation made for the question.

45 I will take the morning adjournment.

SHORT ADJOURNMENT
[11.23am]

RESUMED

[11.45am]

(The witness returns to the hearing room)

5

MR WOODWARD: Q. I want to come briefly to the role of the risk management unit. Before I do that, I will just repeat, I hope, the effect of the question I asked you before the break. What

10

in your mind was the level of understanding of the Canberra urban community of the risk of that community to impact by bushfire?

A. Bearing in mind that I wasn't involved in any formal feedback process that was actively seeking that opinion, my feeling would be that, because of the then recent experience of the '01 fires, a lot of the community had a raised awareness of the potential for bushfires to hit the urban interface. We generally feel that the people living right on the urban edge can see the fuel so they are most aware. The further you go inside the suburbs, the awareness drops off quite rapidly.

15

Q. There seems to be in some publications and in some material that was being issued a regular reference to people whose back fences border on park land or forest. Is that the sort of people you talk about as having, as least as you understood it, a higher awareness?

20

A. Yes, prior to the recent fire events, the vast majority of losses had been things like back fences, sheds and shrubbery in backyards.

Q. I understand what you say about the people a few streets back. What about people, say, on the interface at Warragamba Drive and Eucumbene Drive where you have the houses, then a road and then an area of cleared land? Did you have an understanding at that stage in your mind as to the level of exposure that those people believe that they faced?

25

MR CRADDOCK: I object on the same basis. It is just totally unfair. How on earth can he be asked what those specific people in that specific place thought? I suppose, being as generous as one can

30

to this cross-examination, that we all might have some perception as to what the community feels about an issue, but that's really going beyond the pale.

5

THE CORONER: If Mr McRae doesn't feel comfortable in answering that, then so be it. If he does have a view, then I will allow the question and allow him to answer it, if he so wishes.

10

MR WOODWARD: Can I just perhaps explain: the witness drew a distinction himself - but quite rightly - between people who are right on the interface and I had asked him about people who backed on to parkland or forests. I was then asking him where in that continuum people who are although arguably on the interface have a break by road and so on, and using that as an example. So I am just trying to get a sense of whether the witness sees those people as being in the category of people in the line of fire, as it were, or less so. That's simply the reason I gave that example. It is certainly only suggested as an example. I am not asking him about what those people thought.

25

THE CORONER: In those particular streets --

MR WOODWARD: Because a large part of that interface, as your Worship would be aware, is comprised of houses, front nature strips, roads and then varying different vegetation.

30

Q. Do you understand the effect of the question, Mr McRae?

35

A. I think I do.

Q. In the analysis that you just performed where would people in that sort of position fit?

40

A. There's a difference between the objective view of a professional such as myself might have and the subjective view that a resident might have. It's very difficult for me to get a feel for how residents in a small subset of the community might feel about the risks they're under.

45

I do know some of those people personally and they

do take a number of factors into account. They don't calculate risks as I would professionally.

5 Q. I understand that. You offered the example of people, I think you drew a distinction between people who are on the interface and those who might be further into the suburbs. All I would be seeking to ascertain is in the analysis were you including people who are on that western
10 interface, for example, in that kind of area, in the category of people who are on the interface or in the suburbs?

A. You said Weston or western interface?

15 Q. Generally in that western interface but use Weston, if it assists.

A. Look, the people living on the northern and western edge of Weston Creek are a part of the community that is always in consideration when you
20 think about the part of the community that has some risk from bushfire impact. Sorry, I am just trying to --

Q. I understand what you are saying. That type
25 of community - we have lost that part of transcript - I think you drew a distinction between people who were likely to have a higher awareness because of their physical location relative to fuels; for example, people who back
30 onto parkland or forest. I know I am repeating myself, but do you include in that people with higher awareness, at least as far as you understood it, or in your mind the people who were not physically backing on to the forest but were
35 on that, say, Weston Creek type interface?

A. My expectation would be that those who see the broad acre land uses out of their lounge room windows would tend to have a higher awareness than those who don't. But then you have the effect of
40 nature strips and whatever else. It depends on someone's background, their experience in all the phases of their lives. Perhaps they lived in the Blue Mountains - I don't know.

45 Q. You mentioned just after the break you weren't involved in any process by which that type of analysis was undertaken. Do you know if any such

analysis has been undertaken, either by way of a formal assessment or informal assessment of the level of knowledge of risk among the urban community of Canberra?

5

THE CORONER: Now or then?

MR WOODWARD: Q. Sorry, up until the time of the fires in January.

10 A. Up until the time of the fires?

Q. Yes.

15 A. Not directly. There was, I guess, some feedback coming through bodies such as the Bushfire Council but no direct engagement of the community. That's been addressed post-fires.

Q. What was the nature of that feedback?

20 A. Well, as an example, the Bushfire Council is meant to be a representative body of key stakeholders, including the community in a sense. They would have been passing on recommendations. I'm not involved in the Bushfire Council directly so I don't --

25

Q. Do you know of any feedback that was coming back into the ESB in the period up to January 2003 that was giving an indication of that level of awareness of risk among the urban community?

30 A. Not directly, no.

Q. Apart from that feedback, are you aware as to whether any analysis had been performed in the period leading up to January 2003 to assess the level of understanding of bushfire risk among the urban community?

35 A. Sorry, I'm just trying to think of the difference between that question and the preceding one. Could you ask that question again?

40

Q. Of course. Perhaps to back up. When I first asked that question you talked about there may have been some feedback via the Bushfire Council. I was clearing up whether there was anything else apart from that that you were aware of which provided some understanding at the ESB of the level of appreciation of risk among the urban

45

community?

A. What we would do is things like providing some information on bushfire risk to meetings of groups such as 4-wheel drive clubs, or bushfire officers
5 go and talk to people such as horse owners through various forums. We would do material at the Canberra Show. We work with volunteers who are themselves part of the community. There are quite a number of discrete things which are feedback
10 from the community. But I'm not aware of anything that you would call direct engagement with the whole community.

Q. The various groups you mentioned are obviously
15 discrete interest groups. Was there any focus, to your knowledge, in the period up to January 2003 on the people on the urban interface that we have been talking about; that is, within urban Canberra but located on the interface?

A. There would have been some activity going on, including the volunteer brigades talking to people in their areas - not as well organised as what we put in place post-fires.

Q. Just briefly going back to the role of the risk management unit. I should ask you about
25 paragraph 32 of Mr Castle's statement:

"Risk management unit is another portfolio
30 function. This is an amalgam of two cells: concepts and risk analysis, and community education and public relations. I combined them into the risk management unit, based on a Country Fire Authority model. Compared to
35 the CFA, our unit is embryonic. Rick McRae is the risk manager."

Is that correct, Mr McRae, at least as you understood it at January 2003, that the unit
40 comprised those two cells?

A. I'm not trying to be difficult - yes and no, in that some administrative functions were combined but there wasn't a single manager of the two cells managing the two in coordination. So
45 the risk management was myself in the unit, and then the CENPR was a separate thing in terms of doing day-to-day business - there is all that

financially and other administrative areas.

Q. You said the CENPR?

A. Community education and public relations unit.

5

Q. In terms of your role at least, you weren't - as you understand it as at January 2003 - directly responsible for that unit; it wasn't operating under your control or responsibility?

10 A. That's correct.

Q. Had you in the period up to January 2003 identified a need to improve the level of community education and awareness, particularly among urban residents?

15

MR CRADDOCK: I object. He hasn't said that was his job in fact. I think his evidence is to the effect that that wasn't his job.

20

THE CORONER: That is the evidence.

MR CRADDOCK: It is hardly his job to --

25 THE CORONER: Well, Mr McRae can say so, Mr Craddock.

MR WOODWARD: Your Worship, I specifically recall Mr McRae saying that his role wasn't entirely reactive. From time to time he did make suggestions. I am simply asking him whether he made any suggestions in that area.

30

THE CORONER: That is so.

35

THE WITNESS: I will choose to answer that question. As I recall you said in your quote from Mr Castle, it was an embryonic unit. As part of developing a road map for where the unit might progress, I did some planning which would indicate the need for engaging the community, understanding what the community's concerns are. That is part of risk management as defined under the Australian standard AS4360.

40

45

MR WOODWARD: Q. When did you start doing that?

A. I can't remember the exact year, perhaps 1999.

Q. How far had that work progressed by January 2003?

5 A. I had done what you might call the business case planning but, without the follow-up resourcing, it couldn't be implemented.

Q. I take it what you are saying is that that was ultimately directed at improving the way in which the community was engaged on these issues; is that correct?

10 A. Yes. By establishing a feedback loop as part of the risk management cycle.

Q. That feedback loop had not been implemented by January 2003?

15 A. Not in the formal sense, no.

Q. As at January 2003, at that point what were you proposing be implemented under that work that you were doing?

20 A. We set up a routine engagement of key representatives of the community, not just the special interest bodies but the community as a whole. At times it is difficult to identify how to engage the community. There were - I can't remember the exact title - things like the Weston Creek community council where it was possible to identify the ways that you could engage the community. Plus there were surveys. We did one survey using the Australian Bureau of Statistics. We were asking questions about the use of emergency services and got some useful feedback. It showed us that that would be a good tool to be using in the future.

35 Q. That was a need that you had identified as at January 2003 - I think you called it the feedback loop - to get that established on a more formal footing?

40 A. Yes.

Q. What was it that caused you to identify that need? What factors had you seen that were lacking; or were there factors that were lacking that you thought needed to be addressed by that kind of proposal?

45 A. Well, in my thinking I wasn't being driven by

negatives, rather by positives, in that the Australian standard had been published and it laid down clear processes for risk management. The industry in a national sense was doing some review or business cases. There was a widely recognised need to go from a one directional where you provide fire trucks to the community to a consultative loop, which ensures that you tune your operation far more effectively to the community's needs.

Q. As I understand it, one of the reasons that had not progressed perhaps as much as you would have liked by January 2003 was because of lack of funding; is that correct?

A. I don't know the reasons for it not progressing. That's up to the bureau's executive.

Q. Did you publish any papers or any memoranda up to the period January 2003 recommending this kind of action?

A. I prepared a draft business plan which I passed to my supervisor at that time, which was the Fire Commissioner, for consideration as a tool to assist developing the unit. I certainly gave verbal advice to people.

Q. Sorry, just to clarify that, the Fire Commissioner, is that Mr Lucas-Smith?

A. No, the Fire Commissioner is the position under the Fire Brigade Act.

Q. So it was Mr Bennett that you passed that on to?

A. It may even have been Mr Dance.

Q. His predecessor?

A. Yes.

Q. Did you later come to learn that it was a business plan that couldn't be progressed at this time; or was it just something that didn't hear about, at least up until January?

A. I know that action didn't occur and people were keeping it on the agenda, but the reasons I'm not aware of.

Q. At paragraph 7 of your statement, Mr McRae, you refer to the concept of the Service Management Team to co-ordinate overall activity and to provide centralised roles. You say:

5

"The SMT is organised and run in the same way as an IMT. SMT roles and responsibilities and their linkages to IMTs were clearly defined in standard operating procedures then current."

10

You may have been present in court, Mr McRae, when I asked Mr Graham about this. Are you able to identify what the standard operating procedure is you are referring to in that paragraph?

15

A. I didn't use capitals. I wasn't meaning a formal standard operating procedure. We had a procedure in place on the role of the Service Management Team which had been used as - sorry, it had been given to the senior fire officers at the pre-season workshop and everyone has been briefed on what was required of them to operate under it.

20

Q. We have a document which I think meets that description, Mr McRae. It is [ESB.DPP.0001.0001] which is a document that is headed up in handwriting "ACT BS paper distributed 2002 Pre-season training" and the formal heading is "The SMT role in ICS". Does that sound familiar?

25

A. It sounds like - that's it there, is it?

30

Q. That's the document I am referring to. Is that the document?

A. I believe that's the one I am referring to as well.

35

Q. Are you aware of any other documents that define the role of the SMT in relation to emergencies?

A. Well, there was a Powerpoint presentation that was prepared to accompany this in the pre-season workshops. There had been some earlier material which was superseded by this material.

40

Q. From your memory, did the Powerpoint presentation have any information in it that wasn't in this document? I only ask that,

45

Mr Graham, because I am not familiar with the Powerpoint, and we should probably seek it out if it is likely to have any additional information.

5 A. I had the impression that the Powerpoint was made available to you. I could make it available. As far as I can recall at this point in time, the two were in sync.

Q. So you are familiar with this document?

10 A. I have reviewed it recently, in fact.

Q. Did you have any role in developing it?

15 A. No direct role - by which I mean I commented on a draft, if I recall correctly.

Q. Your interest, no doubt, was in the role of the planning unit within the structure; is that correct?

20 A. Well, both - I had both an upward and a downward interest in that I was concerned to make sure that the planning role had been clearly defined and also that the functioning of the entire team of which planning officer is a part was clearly identified.

25 Q. Now, this document in a broad sense, as I understand it, Mr McRae, contemplates the SMT - being the Service Management Team - fulfilling, as the title would suggest, a support or service role in effect at Curtin; is that correct?

30 A. Correct.

Q. There would be, as I understand it, IMTs also operating in the field, depending on the nature and the size of the incident?

35 A. Yes, but with the proviso that is present in all ICS that it can be scaled upwards and downwards. If there is no IMT in the field, then the Service Management Team will fulfil that role until one is established. But also in a small case, the entire Service Management Team can just roll up to the duty coordinator carrying out those roles.

45 Q. The duty coordinator in some instances depending on the size of the incident can fulfil all of the functional roles within the so-called

SMT structure?

A. It is a core concept in ICS that you can do that.

5 Q. Perhaps I should ask you this first: is it fair to say this is perhaps to some extent a variation on the strict ICS structure in that you are putting in, in a sense, another element; is that a fair description of the SMT structure?

10 A. It is a local variant. In a lot of areas, local arrangements force some tweaking. It is our response to make ICS allow us to fulfil the obligations under the Bushfire Act.

15 Q. At least when you were involved in preparing this document and the development and implementation of the concept of the SMT, was it your expectation that there would be full IMTs operating out in the field regularly, if at all?

20 A. My expectation was there would be a full IMT in the field if any incident required it.

Q. What sort of incident might require that, Mr McRae?

25 A. Sorry, I will just think. I said "full IMT". If an incident requires any incident management, an Incident Management Team would be put in place for it. That could be one officer, the incident control officer, or it could scale up to a
30 four-person IMT or even bigger if they require support roles. The standard operating procedures with capitals for the Bushfire Service require that an incident management team is put in place as soon as possible for an incident beyond a very
35 simple small grass fire; for instance, where a truck rolls up and puts it out.

Q. Did you envisage when this document was prepared and in the development of it that there
40 would be situations where you might have the Service Management Team operating in Curtin and in particular with a fully resourced planning cell as well as having a planning cell, with the situation unit, information unit and so on operating in the
45 field?

A. I just need to be a little bit careful when you talk about a fully resourced planning cell in

Curtin. It could be a very large planning cell in
Curtin. That doesn't mean it is taking on all of
the roles of planning section under ICS, and
certainly it is not duplicating what would happen
5 in the field.

Q. I understand what you say about the planning
unit at Curtin, but did you expect that there
would ever be a situation where you would have out
10 in the field a planning unit comprising a
dedicated planning officer with under them
dedicated officers in the situation unit perhaps
and other elements of the planning cell?

A. I certainly expected that that would occur if
15 the situation required it.

Q. What sort of situation might have required
that?

A. You activate the subunits of the planning
20 section if - maybe if I go through section by
section. The situation unit is activated if it is
a demanding job to keep up to date on the way the
incident is occurring in the field in terms of
weather, fire spread or whatever.

25 The resources unit is activated if it is a
demanding job to keep tabs on the allocated
resources, their status and their tasks,
especially things like servicing and whatever.

30 The information management part of the planning
section is activated if you have a large demand
for things like situation reports or information
going back to the media. Administrative support
35 is required if you have a lot of people in the
field managing information - moving T cards,
filing pieces of paper and developing incident
action plans.

40 Q. Would you agree that, let's say by 9 January,
all of those things were present in relation to
the fires that had begun the day before in terms
of the level of demand for those roles?

A. Did you mean in the field?
45

Q. No, just more generally. I want to come back
to the "in the field"/"not in the field"

distinction but I presume you would agree that those were certainly things that had become demanding by about midday on the 9th; had they not?

5 A. Yes --

Q. Sufficiently demanding to warrant having someone in those roles?

A. Yes.

10

Q. Those roles were developed and created I think largely during the course of the day on 9th January; is that correct?

15 A. Some of that was being done in Curtin and some of that in the field.

Q. What was being done in the field, when you say "of that", what sort of things in the planning sense were being done in the field?

20 A. I do not have a good recollection of that because I was busy managing what was needed in Curtin.

25 Q. Mr McRae, we have not seen any real - other than I understand in a formal sense you say an incident controller can and does in small incidents under ICS absorb all functional roles until individuals are appointed to conduct those roles. But as a practical matter, it is the case, 30 isn't it, that there was at no stage - at least up until the 18th of January - a planning unit operating in the field in the sense of a distinct and separate officer with perhaps support officers operating out in the field; is that the position?

35 A. I couldn't answer that question.

Q. Why not?

40 A. Well, I don't know whether there were or there weren't at different times at different fires. Maybe I misunderstood the question.

45 Q. I am indicating to you that, based on the material that we have seen, we have not identified that at any stage in the period up until the 18th of January at least, there was in the field a planning unit in the formal sense of being a planning officer with the resources you would

expect someone in that position to have under
them. To carry that point on, it certainly
appears from the material we have seen that the
planning function was being conducted exclusively
5 at Curtin.

A. My recollection would suggest that there
probably were people doing planning roles in the
field in the period up to the 18th of January,
although I don't have enough a clear recollection
10 to give you anything to follow that up. It was
never the intention that planning in Curtin would
be doing all of the planning functions for all of
the fires.

15 The Stockyard Spur fire, while it was unresourced,
we were doing the planning role of that using the
services of Mr Sayer and other people from time to
time. Once Bendora fire had incident management
in place in the field, it was the responsibility
20 of the incident controller in the field to
establish the appropriate level of the Incident
Management Team in the field.

Q. Putting aside for a moment whose
25 responsibility it was, are you aware as to whether
or not that happened; that is, people were
appointed to fulfil and did fulfil a discrete
planning function in the field?

A. I don't have a strong recollection of what the
30 structure was in the field. As I say, I had
enough on my plate managing things in Curtin.

Q. The role as the planning officer within the
SMT, Mr McRae, with all the resources you had
35 available to you, surely you would have been aware
if there was someone fulfilling a discrete
planning function out in the field. You would
have been communicating with that person?

A. There was a problem with communications which
40 prevented me from directly communicating with the
Incident Management Team in the field.

Q. What was that?

A. That was to do with the physical separation
45 between the part of our headquarters where the
radio system is and the part of the headquarters
where the planning section had to operate. So it

was a matter of communicating indirectly through passing messages to operations who were in with the radios, to have them passed on. So without the direct contact, it wasn't clear to me who was
5 at the other end of the message passing.

Q. But surely, Mr McRae, if there was someone at Bendora, for example, who had been allocated a planning role, that person would have been coming
10 to you and people in your team and saying, "Look, I need these maps" or "I need some help with this incident action plan" or something of that kind?

A. If people were after maps, that's a logistics service. If people were after assistance in an
15 incident action plan, I wasn't getting requests like that which indicated to me that the people in the field were adequately resourced to do the job.

Q. So is it your evidence that you weren't aware or at least can't recall being aware as to whether
20 or not there was anyone fulfilling a discrete planning function in the field in that period up to the 18th of January?

A. I don't have any direct information to allow
25 me to answer that question. On I believe the first Monday, Hilton Taylor went up to the Bendora fire as a representative of my section.

Q. That's correct.

A. With the role of co-ordinating between the
30 field and Curtin. He was the one who knew what was going on in the field and maybe he should be asked.

Q. Well, he is, you say, part of your team?

A. Mmm.

Q. And in going out into the field on 13 January, he was liaising with field officers and providing
40 planning support at that time; is that correct?

A. His goal was to go to the field control centre and make sure that the information available to them was compatible with the information we were
45 working on.

Q. In that sense he was supporting the field control centre, wasn't he?

A. I am having trouble with the use of the word "supporting" because we have terminology to deal with tasking. He wasn't tasked to the incident controller in the field. He was tasked to me. So
5 he wasn't doing support in the sense of being tasked to support.

Q. Is that the position? He wasn't even in an informal sense tasked to support the incident
10 controller in the field?

A. Well, he was working to me. As I say, his goal was to make sure that information was synchronised.

15 Q. Wasn't part of your role, Mr McRae, to support the incident controllers in the field?

A. Yes.

Q. So to the extent that he was going out there
20 to perform those sorts of functions, whether he had a reporting line to you or to someone else, he was still out there for that purpose, wasn't he, to support the incident controllers in the field?

A. Yes, if you define "support" that way, yes.
25 As I say, there are other ways of defining it, which made me - need to be careful in answering your question.

Q. I want to come back to this in more detail
30 when we get to the actual fire event, Mr McRae. In a general sense what I want to suggest to you is that the entire planning function in relation to the period from 8 to 18 January was being conducted under your supervision at Curtin; do you
35 agree with that?

A. No, I do not agree with that.

Q. To what extent do you say that the function was being conducted elsewhere?

40 A. I knew the parts of the total planning that I was doing and as far as what was being done elsewhere I assumed that competent officers in the field do the job that is required of them. That is all I can say in answer to that question.
45

Q. When you say "competent officers", are you referring to planning officers?

A. All of our key officers are trained in ICS, and that includes training to operate as planning officers, yes.

5 Q. Again, are you there reflecting the fact or formal fact that an incident controller in the field who does not have a dedicated planning officer would then assume that role; is that what you are saying?

10 A. In the absence of a dedicated planning officer the incident controller does those functions, yes.

Q. So far as you were concerned, to the extent that you weren't conducting planning to support those in the field, that was the responsibility of the incident controller in the field to ensure that that planning was being done out in the field?

15 A. Sorry, you said I wasn't conducting planning to support those in the field. Sorry --

Q. You weren't prepared to accept the proposition I put to you that the planning unit at Curtin was providing the entire planning support to the various incidents between the 18th and 25 8th January; you accept that? That's I understood to be the effect of your answer to my earlier question.

30 A. Yes.

Q. In those circumstances it follows from that, I take it, that there were at least - you either assumed or were aware that that planning function was to some extent being carried on out in the 35 field?

A. Yes.

Q. You say, as I understand it and correct me if I am wrong, that the incident controllers in the 40 field were responsible to ensure that that planning function was being carried out adequately either by them in their role as having absorbed all functions or by someone dedicated to that task?

45 A. Yes.

Q. I want to ask you a couple more questions

about the period or relating to the period leading
up to the fires. Before I do that, before I leave
the concept of the Incident Management Team, I
should just confirm some general principles
5 relating to the role of the planning section under
ICS.

I am referring to a first phase document which is
[AFP.AFP.0094.0001]. You may be familiar with
10 this book, Mr McRae. It is entitled "Incident
control system, the operating system of AIIMS"
published by AFAC, the second edition, which I
think was a reprint in 1994. Are you generally
familiar with that document? I think in the
15 published version of it, it is blue --

A. It is blue/green - yes, I have seen that.

Q. Is that to the best of your recollection in
effect the operating manual for ICS under AIIMS at
20 the time of the January 2003 fires?

A. Yes.

Q. Can I go to page 0040 of that document, which
is the chapter 4 dealing with the planning
25 section. Is that the section you were generally
familiar with?

A. Yes.

Q. Just reading a few extracts from that, firstly
30 just immediately under the heading "4.1":

"Four major planning functions:

The planning officer is responsible for the
35 collection, evaluation and dissemination of
information about the incident. The planning
section maintains:

Information on the current and forecast
40 situation; information on the status of
resources allocated to the incident; and
responsibility for the preparation and
documentation of incident action plans."

45 Do you agree that those were, at the time of these
fires - let's start with the theoretical side
first - responsibilities of the planning officer

under ICS?

A. In a theoretical ICS, correct.

Q. Would you agree that those were
5 responsibilities that you had in your capacity as
planning officer under the SMT structure?

A. No, I would not agree that those were
responsibilities of officers in the field.

10 Q. You say those were the responsibilities of
officers in the field?

A. Yes. The document that was on screen before
on the role of the Service Management Team, it
listed some of the areas where a Service
15 Management Team is required to do work. Things
like a single point of contact function, I think
it is required that there is a single point of
contact with the Bureau of Meteorology, having
someone at each fire phoning up the meteorologist.
20 That role would come back to Curtin; that was a
role I was doing. So there are a few areas like
that where it is functionally required that we
take it out of the field and put it into Curtin.
With those exceptions, this work should be done in
25 the field.

Q. Just to take an example. The preparation of
documentation of incident action plans, you say
that is something that was required to be done out
30 in the field; is that correct?

A. During the fires, I understood that should be
done in the field.

Q. During the fires, what was your understanding
35 as to how that would be done in the field in a
physical sense?

A. Sorry, sorry. Just on the previous one, it
seems I have to be careful with my words. During
the fires that should have been done in the field
40 unless the role was still in Curtin - such as
early on and for Stockyard.

Q. Let's take an example. I think you say that,
for Stockyard, Curtin was effectively fulfilling
45 the planning function - that function was being
fulfilled out of Curtin I think you say by
Mr Sayer?

A. Mmm.

Q. I think he was supported by Mr Lhuede; is that correct?

5 A. At times.

Q. That was for some period, was it, from the 8th through to - when, I should ask you?

10 A. I don't have a strong recollection, but I guess somewhere in the order of the 12th things started working more out in the field and from time to time back in Curtin.

15 Q. Although that shift to him - that is Arthur Sayer - being more often physically out in the field but coming back to Curtin, did that situation change at any time up until the 18th, to your knowledge?

20 A. I'd like you to repeat that question. I also think I need a glass of water at this point.

25 Q. I will put it a slightly different way. I think you have described in the case of Stockyard Fire - which as we know, and I am not going to get the date right, I think it was about the 13th or 14th that it joined with the Gingera fire and was thereafter described as the Stockyard Fire, you said that from the 12th Mr Sayer was fulfilling, in effect, what I understood you to be saying the 30 planning function out of Curtin up until about the 12th and was then spending more time out in the field; is that a fair summary of what you have said so far?

35 A. I think it was the 12th. But apart from that, yes.

40 Q. From the 12th up until and including the 18th, although of course we all know the Stockyard Fire was a completely different fire by that day, did that position change to your knowledge; in other words, did a planning function shift to a purely field role by someone other than Mr Sayer, for instance?

45 A. In a limited sense, Arthur's goal was to look at development of containment lines. Beyond that, I think it would be fair to say the role stayed in Curtin.

Q. Until the fire spread across - for all relevant purposes up until the 18th; is that correct?

A. Yes.

5

Q. Moving to Bendora, the planning function, I think you said in the early stages - I assume on the 8th and the 9th - that function was being carried out of Curtin?

10 A. Well, technically on the 8th when Parks 1 was in charge of the fire, then it would have devolved out there, but for the night shift it came back to Curtin. A little bit of backwards and forwards, not that there was anyone in Curtin doing that but
15 the duty co-ordinator took on the role --

Q. That is because under ICS if it doesn't go anywhere else, it rests with the most senior person or the only person present.

20 A. There is always someone.

Q. To your knowledge did the planning function shift to the field in respect of the Bendora fire and, if so when, up to and including the 18th?

25 A. My expectation was that, whenever there is an incident controller in the field, the planning function went with that person to the field.

Q. So that would, as far as you are aware, include Mr Hayes going out there on the morning of the 9th?

A. Correct.

Q. So your expectation would be that Mr Hayes, either himself or with assistance from someone else, would be conducting the planning function in the field; is that correct?

A. Correct.

40 Q. That function would include preparing and documenting incident action plans?

A. Incident action plans don't have to be a formal written document. They can be the form of a verbal briefing. But, yes.

45

Q. According to ICS, the planning officer has responsibility for the preparation and

documentation of incident action plans. So do we take it from that that if anyone was going to be documenting an incident action plan let's say on the 9th, it would either be Mr Hayes or someone he appointed to do that?

5 A. If anyone was documenting one, that would be the case.

Q. How would he do that, Mr McRae?

10 A. My expectation would be that he wouldn't. He would opt for a map with annotations that he had made and a verbal briefing to anyone who required that briefing. ICS also allows consideration of verbal versus a written briefing, but you need to consider the who, what, how, when, where and why of doing that.

Q. Would your expectation have changed in broad terms as time passed to a point where it would be possible for someone in the field to be documenting in a more formal way an incident action plan?

A. I would have expected that to have happened.

25 Q. About when would you have expected that to have happened for Bendora?

A. I would expect it would have been with the transition to indirect attack.

30 Q. On about the 9th or 10th?

A. Yes.

Q. In terms of that process of documentation, Mr McRae, is it realistic to expect those out in the field, particularly late on the 9th or on the 10th, to be doing the form filling process necessary to complete a documented incident action plan?

35 A. It's the call of the person in charge in the field what's the best way to do it. Quite large incidents can be managed off the tail gate of a ute with a map and some T cards and people using notebooks to record a verbal briefing. It's difficult to know when the change was decided in the field.

45 Q. I understood you to say that you would have

expected that change to have occurred on or about the 9th or 10th of January. I asked you whether you thought it was realistic for someone out on the fire ground on the 9th or 10th of January to be preparing a formal incident action plan, documenting formal incident action plan. Do you think it is realistic to expect them to do that?
5
A. Part of the decision on how you carry out the process has got to be based on the resources and logistics available to you. If you don't have 240-volt power you can't photocopy, therefore you still rely on you reading your notes and having other people write down your notes.
10

15 Later on in the fire, there was a fairly substantial logistics base built at Bulls Head which provided those sort of capabilities. So things continued to evolve towards greater capability as the days went by.
20

Q. In any event, again dealing generally, as I understand what you are saying, it wasn't your responsibility as the planning officer under the SMT structure to prepare and document incident action plans?
25

A. With the proviso that at times that role did come back to me, yes.

Q. Just moving further down the page under the heading "situation" is says:
30

"The situation unit --

Which is one of the units under the planning officer; is that correct, Mr McRae?
35

A. Correct.

Q. It continues:

40 "-- embraces the collection, processing and organising of situation information; summarising this information, and developing projections and forecasts for future events. It also prepares maps and intelligence
45 information for use at the incident, and may require the expertise of technical specialists."

Just focusing on the collection, processing and organising of information, summarising and developing projections and forecasts, where do you say that function was being carried out during the
5 period of 8th to 18th January?

A. Primarily that role would have been in the field.

Q. Again, do you say it was in your role as
10 planning officer under the SMT structure - what do you say about your responsibility for ensuring that was occurring?

A. My responsibility for?

Q. Did you consider that you had any
15 responsibility to ensure that that kind of function was being fulfilled in relation to the fires in the ACT between the 8th and 18th of January?

20 A. Not a direct responsibility, no.

Q. Just over the page there is a little more about the situation unit:

25 "The situation unit needs to know the current situation, and ensures that the organisation is kept up to date on the likely future behaviour of the incident."

30 You then have a chart displaying the point or the place under the ICS structure where each of those units sits. Underneath that:

35 "The situation unit is used to: develop the incident action plans; brief the Incident Management Team; brief the information officer; and prepare the incident situation analysis."

40 Where do you say that function should have been carried out in relation to the fires in the ACT between the 8th and 18th of January?

45 A. The roles were primarily field roles. There would have been one or two items there which were centralised in Curtin. Where it says "brief the information officer", that is referring to things such as the media contact. And the media contact

for all of fires had been centralised.

Q. So that was occurring out of Curtin?

A. Correct.

5

Q. But those other three points, they were largely field responsibilities; were they?

A. Developing incident action plans, as I have said before, I believe they were a field responsibility. Briefing the incident management team, that's all the people in the field. That must be in the field. Information officer I have mentioned before. Incident situation analysis requires a detailed understanding of what has been done in the field by operations. That should be done in the field.

Q. Do you know whether that was being done in the field in that period 8 to 18 January?

A. I know that at times it was done in the field. But details I don't know.

Q. A little further down you have got what the booklet describes as components of the situation functions. One of those is incident prediction:

"Using knowledge of the current situation, and existing models (eg McArthurs fire danger meters) to predict incident behaviour."

30

Where did that responsibility lie during the fires?

A. Predicting the behaviour of fires during the current shift to support operations was a field responsibility. However, predicting the overall evolution of the entire situation was a role I was taking on in Curtin as well.

Q. Do you draw a distinction there - I don't mean to put words in your mouth - between in effect short-term and long-term predictions or are you talking about taking all three fires together? How do you distinguish between those two prediction roles?

A. It's not a matter of time frame, because ICS training says everything one in planning needs to be thinking ahead on a range of time-frames. It

is to do with planning for a downwards focus to support the way things have been done in the field, as opposed to planning with an upward focus to support the coordination of activity across the region that we were doing in Curtin.

5
Q. So you say that your role was the latter, planning the upwards focus?

A. Mmm.

10

Q. In a practical sense, does that mean that you were identifying in advance what, for example, was likely to be needed in terms of resourcing and so on to deal with the whole fire event, including all three fires? I am just trying to get a practical example, Mr McRae, of the sort of thing you are talking about, what your prediction was leading to or aimed at.

15

A. In general terms, the district - sorry, we use the "district" as a technical term for the ACT and the immediate surrounds - the district has a finite resource. We need to make sure that the allocation of that resource is balanced across competing demands. So by doing the upwards prediction looking at how the whole thing is likely to evolve, we can make sure we are doing a fair and equitable distribution of a scarce resource to people who were asking for it.

20

25

Q. Again, trying to give a practical example of how that might work, what you are saying in effect is that you would identify by analysing the likely fire behaviour and rate of spread and so on over the next couple of days for instance, to take an example, there is a likelihood that the Stockyard and Gingera fires will join and there will be a need for additional dozer support to construct control lines in two or three days' time - providing that information so that someone can start thinking about getting that resource in; is that an example of the sort of thing you were doing?

30

35

40

A. That's a correct impression of the general flavour of what was going on, yes.

Q. The downwards focus you were referring to earlier is in a sense more immediate; namely,

identifying on a particular day someone in the field saying, "We can't complete the construction of that control line unless I have got two more teams to do the back-burning" or whatever task is necessary?
5

A. That's a part of it. In things like lighting a back-burn, the people in the field would say, "It is going to be hottest here so this is where we will park the tankers to focus on and ensure it stays safe," and that sort of thing.
10

Q. But as I understand it broadly, do you accept it was part of your role as planning officer in the SMT to be undertaking prediction or performing predictions of the rate of spread and development of each of the fires in the ACT?
15

A. Development, not necessarily rate of spread. That's often a part of it, yes.

Q. The rate of spread would be part of identifying what might happen to the fires over the medium to longer term?
20

A. The reason I draw a distinction for an uncontained fire rate of spread is important. If it was something like the ACT part of Bendora, the fire is burning within containment lines so its rate of spread is less important.
25

Q. Was it part of that role, Mr McRae, again in a general sense, to identify, for instance, if a particular containment strategy were to fail what the consequences of that might be?
30

A. What you are talking about there in the ICS process is the situation incident situation analysis, and the primary responsibility for that was a field responsibility.
35

Q. Just again dealing with a couple of extracts from this document. Can we go forward to the page 0045. Going down the page is the section dealing with "fire situation analysis".
40

A. Mmm-hmm.

Q. Under the heading "description of the situation" it says:
45

"The analysis includes a review of the

5 current and predicted situation. It includes
a description of incident behaviour, together
with the legal, administrative and social
constraints which may affect its suppression
or control.

10 For example, the important fire behaviour
characteristics of rate of spread and flame
height can be predicted using a fire danger
meter. The predicted fire area and the
likely intensity of the fire over different
periods can then be calculated."

15 There is a reference to "consideration of
alternatives". In the second complete paragraph
you will see there the final sentence:

20 "An attempt should be made to develop three
alternative strategies. These should all be
readily achievable, with available resources
and deployment options."

There are forms that are provided for that
purpose; is that correct, Mr McRae?

25 A. That's correct.

Q. Where do you say that sort of task should be
undertaken?

30 A. Primarily in the field. You don't have to use
the forms. People are trained in the process.
You can do it on blank paper, if you need to.

35 Q. We have seen and will come to, Mr McRae, some
examples of those forms being completed by
personnel in Curtin, such as Mr Lhuede and
Mr Taylor. What role are they fulfilling in doing
that, in the broader sense?

40 A. Depends on the context. But as an example, if
we felt that the overall picture was such that
things could escalate beyond the capability of
incident management teams in the field, then we
needed to do a review of the circumstances in
which that could happen and the consequences of
that.

45 Q. Having done that review, what would then
occur?

5 A. Well, the review is primarily focused at
having alternatives that can be rolled out rapidly
should something undesirable happen. At any one
time management of an incident will have in place
objectives; flowing from the objectives,
10 strategies; and flowing from the strategies,
tactics. They are all based on an understanding
of how the incident is evolving. If that should
change through something like an unexpected wind
15 change, then you don't want to have to sit down
and develop new ones; you need to have
pre-approved alternatives that can be immediately
implemented. That is the primary purpose of this
process we are talking about now.

15 Q. That was something that was going on at
Curtin?

A. Yes, just in case we needed to know what would
20 happen in the bigger pictures in terms of how we
would respond.

Q. Having done that analysis, was that then being
communicated to those in the field who were
25 potentially affected by or might indeed be
assisted by having that information?

A. Where appropriate, would be my understanding,
it would be passed on to them. Again, it was an
indirect thing for me, so I don't have a direct
30 recollection of that occurring.

Q. When you say it was an indirect thing, was it
someone else who would see that that happened
within the SMT, Mr McRae?

A. If it was required, yes. Then it would have
35 to go through to the communications room to be
passed on.

Q. But you say, as I understand it, it wasn't
40 part of your role to physically deliver that to
the communications centre and say, "Look you
better pass this on to the incident controller in
the field"?

A. Not my role directly, no.

45 Q. Whose role was it?

A. Without seeing the documents you are referring
to, I would expect it was the role of the person

who saw the need to develop the document in the first place. It is difficult to answer without having seen the document.

5 Q. We will come to some and we can perhaps deal with it in a more practical context at that point. Over the page 0046, halfway down there is a reference to the focus on developing the incident action plan. There is a reference there to
10 another part of the booklet that focuses exclusively on IAPs. But this general summary includes under the first bullet:

15 "Schedule the planning meeting and develop an agenda; ensure the incident action plan has been prepared; conduct the meeting; ensure that all available information is in an easily understood form; and keep participants to the agenda."

20

That is in summary something that the planning officer must do, according to this document. Is that a role that was being carried on at Curtin or in the field?

25 A. I can't answer to how the planning cycle was being managed in the field. In Curtin, the Service Management Team planning officer was not running the planning meetings; it was the incident controller running them. Part of the reason for
30 that is we also have the joint role of engaging in the emergency management side of things. That's the real upwards focus. The best way to achieve that is to have Mr Lucas-Smith involved.

35 Q. The reference there to "ensure the incident action plan is being prepared", how was that working under the structure that you were operating during the period 8 to 18 January?

A. Sorry, in Curtin?

40

Q. Well, I suppose that's what I am asking, Mr McRae. As I understand what you were saying earlier, the responsibility for preparing the incident action plan was largely a field
45 responsibility?

A. Mmm.

Q. Given that, how was the process of ensuring the incident action plan had been prepared being dealt with in the context of this section, which as I understand it is dealing with the planning meeting?

A. There would have been independent planning meetings probably in a very loose form, in a very informal form in the field. Therefore, it was a field responsibility to ensure that.

Q. So there wasn't a process, as far as you were aware, in the planning meetings going on at SMT of identifying whether IAPs were being prepared and having those brought to the planning meeting at the SMT?

A. No.

Q. Finally --

A. Sorry, there was a verbal briefing from the field, usually via the operations officer for reasons that I have explained earlier, that were brought to the planning meetings. I guess in a loose sense you could say that was reporting on the IAPs.

Q. The impression one gets from this document, Mr McRae, is that in a perfect world what would be occurring is that, within an Incident Management Team, an incident action plan prepared and approved in effect in the process that is described in chapter 6. Then that would be brought to the planning meeting and, in a sense, form a major part of the discussion of the people participating in that planning meeting. Is that, at least on the theoretical basis, as you understand what is intended by this section.

A. Yeah. I totally agree. This is why we are going to great pains post fire to improve the way we do a lot of these things. We have made quite significant advances in making sure we do this better next time.

Q. I understand in part you are relying on an assumption as you put it, but to the extent that was happening it was a field responsibility and would have been part of perhaps a somewhat more informal discussion between officers out in the

field, the process of discussing the incident action plan?

5 A. Especially earlier in the piece, and later on when the logistics support became available it may well have become more formal in its nature.

10 Q. Just finally in this document over the page, Mr McRae, there is what is described as a "planning officer's responsibility check list":

"At all times the planning officer should ensure that the following questions can be addressed."

15 There is a list of bullet points. The second one states:

20 "What is the predicted incident situation for 1 hour, 2 hours, 4 hours, 8 hours, 1 day or 1 week?"

25 Were those things that you, as planning officer at SMT, would be in effect checking off; or was that something else that was largely a field responsibility?

A. Those particular time-frames?

Q. Those various bullet point tasks.

30 A. I would expect in the field they were being considered, and the appropriate ones were being considered in Curtin.

Q. So it was a shared responsibility, in effect, was it?

35 A. The overlap is as defined in the role of the Service Management Team document.

Q. To your knowledge, was that occurring in the period from the 8th to the 18th of January?

40 A. Sorry?

45 Q. Your hesitation is quite fair, Mr McRae. Was that process of, in effect, checking off that those things were being done - firstly, to your knowledge was that happening at Curtin?

A. Yes. I was going through the check list whenever time permitted. I expect that, when

other people were in the planning officer role during the fires, they were doing the same thing - and equally in the field. It is a strong part of ICS training that people have these check lists,
5 and while they were doing the role they should go through them from time to time.

Q. That assumes though, doesn't it, Mr McRae, there is someone out in the field actively
10 fulfilling the role of planning officer?

A. The same could apply if it is just the incident controller doing it - the incident controller has a check list.

15 Q. Yes, if they have absorbed that function. Well, the incident controller's check list is a little different from this one; isn't it?

A. But they need to make sure that the incident is being adequately managed, and it is implicit in
20 that that all the roles they have still got on board themselves are being carried out.

Q. Are you aware, Mr, McRae, that there are many witnesses who provided statements for the purposes
25 of this inquest, a number of whom were themselves incident controllers in the field, who express concern about the lack of the provision to them of incident action plans, maps and the like during particularly the early part of the management of
30 these fires?

A. I have certainly seen some witness statements that are of that nature.

Q. Is that a concern that you were aware of at
35 the time these fires were being managed; in other words, was anyone bringing that concern to your attention during that period?

A. I had no idea that there was that level of concern. Small concerns about maps are a
40 logistics function to fix. As I was saying, it is up to the incident controller to make sure that IAPs are done to an appropriate level. Had I known - I didn't know. But we are taking a lot of steps to fix this in future.

45

Q. We certainly want to come back to that. Mr Graham referred to it as well. So far as the

past is concerned, is it your position that to the extent that there for instance weren't incident action plans being prepared or provided, the responsibility for that lies largely with the
5 incident controllers in the field and any planning staff that they identified or nominated?

A. The responsibility rested with them. But I suspect that the problems are more fundamental to do with the training that was given to people
10 beforehand and our inability to adequately exercise these roles.

Q. Was part of the problem at least, and I invite you to use hindsight, that people apparently
15 didn't properly understand the way in which the SMT structure was supposed to work?

A. In hindsight, I think it is fairly clear that that was the case. It is important that we do improve training and exercise in all of this,
20 because it is my view that in emergency management if you don't exercise a role it is very hard to do it in an emergency when the adrenaline is running. The facility at Curtin really didn't permit much of this.

Q. I think you have already answered this question, but just to be clear: accepting on
25 occasion where there might have been concerns expressed about maps, for instance, you weren't aware during the period 8 to 18 January that that was a deficiency in the way these fires were being managed?
30

A. I wasn't aware that it was a deficiency. I find the scale of it somewhat surprising.
35

Q. We may come back to that in a couple of specific instances.

MR WOODWARD: Is that a convenient time, your
40 Worship?

THE CORONER: We will adjourn for lunch.

LUNCHEON ADJOURNMENT [1.02pm]
45

RESUMED [2.03pm]

MR WOODWARD: Q. While that is on the screen,
Mr McRae, the item I particularly drew your
attention to was the second bullet point, incident
prediction. There is a reference there to the
5 sort of time-frames that might be part of a check
list.

Perhaps I am repeating a question, but if I can
ask you again: the role or responsibility for
10 incident prediction, where do you say that
responsibility rested in the period 8 to
18 January of last year?

A. To support strategies and tactics in the
field, to support coordination in Curtin.
15

Q. Leaving that task in the field for the moment,
I think that task at Curtin was ultimately your
responsibility; is that correct?

A. Yes.
20

Q. In the field, who would be undertaking that
task, at least in theory?

A. Whoever was nominally carrying out the role as
assigned by the incident controller in the field.
25

Q. What tools would they be using in the field
for that purpose, generally?

A. In the field, your primary tools are field
observations, your own professional experience and
30 tools such as the McArthur circular slide rules.

Q. Presumably supplemented by weather forecasts?

A. Indeed. You need to know the lie of the land
on topographic maps, vegetation and fuel from
35 whatever source is appropriate for where you are,
and the weather.

Q. That information in the field would be
provided from where?

A. If you need to know the lie of the land and
you are in the field, topographic maps with the
contours on them. Fire control officers have
considerable experience in interpreting these
things and also interpreting what they see around
45 them. They know where the interesting parts of
the terrain are going to be in terms of driving
fire behaviour in ways that will challenge their

strategies and tactics.

Q. And the weather information?

5 A. Weather information comes from a variety of sources, including field observations taken from around the fire perimeter or nearby the fire perimeter in places such as the control centre or the assembly area. It comes from the routine twice daily fire weather forecasts and from
10 special fire weather forecasts material.

Q. Special fire weather forecasts are provided by the bureau to - is it on request that they are provided or are they provided routinely?

15 A. I need to ask which bureau you meant in that question?

Q. The Bureau of Meteorology.

20 A. The Bureau of Meteorology provides them to fire agencies on request.

Q. So someone in the field in a practical sense would need to get that information from Curtin?

25 A. That's correct. There is a need to centralise the information flow.

Q. Do you say that that field responsibility in relation to prediction encompasses essentially everything on that check list in terms of the
30 time-frames that are there set out?

A. I would say yes, but more than a simple answer is required.

35 Q. Perhaps if I can put it this way: to what extent would you be expecting a person in the field who is fulfilling the planning function to be undertaking predictions, say, a day in advance?

40 A. The primary goal is for this shift and the next shift, if that's a day in advance, then, yes, they should be doing it --

Q. What about --

45 A. Sorry, they should be doing it. And for longer time-frames, it is highly recommended that they do those as well, but it is not essential for the task that they are operating under at the time.

Q. The document which appears to spell out the role of the Service Management Team in ICS doesn't actually deal directly with planning function as far as I can tell, Mr McRae; is that correct? In
5 other words, it doesn't specifically allocate it to the SMT - sorry I shouldn't put that to you because the chart at the end would suggest there is an incident controller in the field and that are functional roles under that incident
10 controller. Is that the way this document articulates the need for an incident controller in the field to have a planning officer?

A. I'm afraid that's a fairly complex question in that I can't see the document. Could you repeat
15 the question, please?

Q. Yes. Perhaps what I can do, it may be of assistance, I have two copies and I will give you one of my copies. The text, Mr McRae, doesn't
20 appear to articulate directly at least that the incident controller in the field must appoint a planning officer, for instance?

A. It would be implicit.

Q. Indeed, what the text seems to suggest - perhaps this should be brought up for the benefit of her Worship and others - [ESB.DPP.0001.0001]. It is at the bottom of the first page:

30 "The SMT establishes policy, gives direction and allocates authority and resources to the incident controller. Given that the ACT is a small jurisdiction, it is not practical to duplicate certain functions. The following
35 are only available through the SMT."

Then certain functions are listed. For example, fire weather forecasts would be a planning function; is that correct?

40 A. That's correct.

Q. But the document, apart from the chart at the end which identifies a position sitting under the incident controller as being a planning officer,
45 doesn't articulate how that process occurs; in other words, that one of the incident controller in the field's responsibilities is to appoint a

planning officer, if necessary; is that correct?

A. If we say there is an incident controller, then the ICS way of doing things carries all these other things as implicit with it. We didn't feel
5 the need to spell it out in this document.

Q. What is perhaps a little bit unclear is it would seem, at least in a theoretical sense, by having an SMT with each of the functional roles
10 being filled at Curtin and then at least in the theoretical sense an incident controller in the field with again with each of those functional roles under the incident controller being filled, doesn't that create the very vice that this
15 document is seeking to avoid; namely duplication?

A. With hindsight, we know it created a number of issues. We have put considerable effort into fixing them. We didn't anticipate these issues arising until we were in the middle of a large
20 incident.

Q. Because, as I think you have mentioned before, there are references in numerous statements to incident controllers in the field and others
25 lamenting the lack of incident action plans, maps and the like that at this stage at least suggests - we will need to wait until the evidence is ultimately given - that certainly there was an expectation on behalf of those people that the
30 planning function would be provided to them out of Curtin; is that something you are now aware of?

A. I'm now aware of it. It is unfortunate that we were thinking at cross-purposes at the time.

Q. It would appear, at least from your evidence, Mr McRae, to the effect that you didn't see it as your responsibility to be providing the planning
35 function to support incident controllers in the field other than on discrete occasions where I think you gave some examples earlier. Certainly
40 it wasn't a standing responsibility that you had throughout the incident, as you saw it?

A. You put it as not a standing responsibility. Given all the other things we talked about
45 earlier, yes, I would agree.

Q. It would appear, again subject to the evidence

that ultimately follows, there are many incident controllers in the field who expected or understood you - or at least your unit - to have that responsibility; would you agree with that?

5 A. Well, the material I've seen in statements supports what you are suggesting.

Q. I understand you say you weren't aware of it at the time. Again, with hindsight, doesn't that mean that the inescapable conclusion from those two facts is, assuming the evidence is as it would appear to be, that in many instances there was simply no-one undertaking the planning function during a significant part of these incidents?

15 A. No, I cannot agree with that statement.

Q. Who do you say, for instance, was conducting the incident prediction in relation to the Bendora fire in the early days of combating that fire?

20 A. The reason I said what I said was our fire officers do the work all the time. They are always thinking somewhat like a planning officer. It's just the way they operate. So even if no-one is given the job, even if there is a crack in our system, I am confident the way that these people are operating in the field is covering over that gap and the work is being done, the considerations are being considered.

30 Q. Let me give you a practical example. There is evidence that has been referred to, you may or may not have been in court, of people turning up to fires and not knowing until they were actually on scene that they were the incident controller for the day; is that something you were aware of?

35 A. I have heard some material to that effect after the fires.

Q. And no doubt, being conscientious fire officers, on arriving and getting that information, they would do their best to get an understanding of the fire they were going to be dealing with for that next shift and to plan strategies and to determine the best place to put in control lines and the like. Is that the sort of thing you are referring to by those officers effectively undertaking that planning role?

A. Yeah.

Q. But you would agree, I assume - I accept you would do this with hindsight - that that is really
5 not a satisfactory position where people are turning up to fires and having to in effect start from scratch and develop an understanding of the fire, obviously in some cases with some assistance from outgoing shifts, and formulate strategies and
10 so on on the run?

A. I'm afraid I can't comment on whether people were adequately tasked, briefed for their roles in that sense. As I said before, we already
15 recognised there were problems with the relationships and we've taken considerable effort to try and fix them.

Q. I think the area perhaps of greatest concern, Mr McRae, if someone is finding themselves in that
20 position, namely turning up to a fire and having to, in effect, develop strategies and implement strategies on the run, then it would be fair that they wouldn't have an awful lot of time to be doing much forward planning, certainly not beyond
25 the next shift?

A. I won't disagree with that statement.

Q. So, in terms of fire prediction, what was likely to happen and where the fire might go,
30 assuming certain containment lines weren't being achieved, they wouldn't have had time to - would it be reasonable to expect them to be undertaking that sort of task?

A. I don't have a context for the examples that
35 you were referring to before, so to that question I can say possibly, but without context it is hard to know.

Q. Perhaps we can come back to it in the context
40 of particular references. I think you may have already said you weren't aware of this at the time. Do you recall at any stage, for example, speaking for yourself wanting to get information about something in the field or speaking to one of
45 your officers and saying to them, "Look, go and speak to the planning officer at Bendora and get this information from them" or anything of that

kind?

A. That was part of the role that Hilton Taylor took on when he did go up to Bendora.

5 Q. How many times did that occur, Mr McRae, that he went up to Bendora from your recollection?

A. From my recollection, it might have been on three or four days.

10 Q. Do you recall him ever coming back and saying to you, "Look, they don't have a planning officer out there," or something to that effect?

A. I don't recall. He might have said that.

15 Q. If he had of said it, would that have concerned you?

A. It would. As I say, I don't have a recollection of him saying that so I don't have a recollection of what my response was. ICS does
20 suggest how an issue like that should be fixed.

Q. How is that?

A. The incident controller in the field is expected to ask for additional resources to assist
25 with jobs that have become too onerous to be done with the resources that are currently on hand. If you see the last page of the document here, it shows the link between the Incident Management Team in the field and the Service Management Team.

30

Q. That is going to be difficult, though, if the incident controller in the field is working on the assumption, albeit perhaps a misconceived function, that the planning function is being
35 undertaken at Curtin?

A. As I said, I wasn't aware that there was an issue there so I couldn't take it into my thinking at the time, could I.

40 Q. I suppose the reason for my earlier questions, Mr McRae, is to try to get an understanding of how it could be that someone in your position fulfilling the role of planning officer, that is the most senior planning role at the SMT, could
45 not be aware of such a significant deficiency in the way in which the fires were being managed; are you able to comment on that?

A. One of the things that is absent in ICS is any overview or if you might call it audit function. There was no-one tasked with checking to see that everything was done, apart from the incident
5 controllers. As I said, it's up to the incident controller in the field to be going through their check list, and that's one of the questions. I just have to assume that that was being done.

10 Q. I appreciate that you are quite right when you say there isn't, at least as at January 2003, an audit type function built into ICS. To the extent that anyone had responsibility to identify
15 dysfunction within a structure of this kind, that would rest with the incident controller within the SMT structure, wouldn't it?

A. I'm not sure that's clearly spelt out. Perhaps it does.

20 Q. Just one final question: more broadly, Mr McRae, during the period what did you see as your role, what were you doing in a broad sense to support the incident controllers in the field? I think you have identified some discrete tasks like
25 being the source of weather information. Perhaps if you could just summarise during that period between 8 and 18 January: to what extent was your unit, and you in particular, providing support directly to the incident controllers in the field?

30 A. Well, I guess most of that would refer to the Bendora incident controller. As you mentioned, there is the weather material, and some tactical graphics were passed up when we had material that was appropriate to pass up. We were looking at
35 the outlook for the district, and that material was certainly part of the information exchanged between Curtin and the field.

Q. What about the area --

40 A. The reason I am thinking is that things like helicopters are sometimes working for planning, sometimes for operations and sometimes for logistics. In terms of aerial observers, that is normally a planning section role.

45

Q. You have referred to maps. It is part of the responsibility of logistics to ensure that maps

are in the field; is that correct?

A. Yes.

5 Q. If operational maps are being developed, for example, maps with a fire spread identified on it or even a fire spread prediction, that is something that the planning unit at Curtin would do?

10 A. Partly, and partly in the field using different technology.

15 Q. To the extent that those maps were being developed, was there a procedure in place for getting those into the field; that is those maps that were being developed out of Curtin, was there a procedure in place for getting those into the field that you were aware of?

20 A. I can't recall the formal procedure. To get something up there, you would pass it to logistics to get it passed up.

Q. Were you doing that personally?

A. Not personally, no.

25 Q. Were you aware that others in your unit were doing that?

A. I don't recall.

30 Q. Do you recall giving any direction that that should be done to people in your unit?

A. I have no recollection on that.

35 Q. Mr McRae, just dealing with the season that you were facing in January 2003, I assume you would agree that it was an extremely volatile season in terms of potential for fire, bushfire?

40 A. Sorry what do you mean by "extremely volatile"? It's a technical area which - I could give different interpretations.

Q. I will try and be more specific. You were facing one of the severest droughts on record?

A. At that time I would disagree.

45 Q. When you say "at that time", you say at the end of December beginning of January; are we talking about the same time?

A. Yeah.

Q. You would disagree that it was one of the severest droughts on record?

5 A. It went on to become one. The drought measure that we use in Curtin is called the Byram-Keetch drought index or the Keetch-Byram drought index - it is the same thing. In my work, I keep what is called climatology running calculations of that
10 going back to 1939. When you compared the situation at that time of year against that climatology we were at what you would call the 80 maybe 85 percentile, which means it was more severe than 85 per cent of years on record but
15 less severe than 15 per cent. So, in my view, it doesn't class as extremely volatile at that point.

Q. The level of rainfall in the period up to the end of December 2002 is a factor that is taken
20 into account in the KBDI; is that correct?

A. It's a longer-term cumulative effect. The recent rainfall comes in in another place in calculating the drought factor.

25 Q. What was the drought factor at that time?

A. 10.

Q. How does that compare with the average year at that time?

30 A. Frequently in summers we will hit 10 in the ACT. In a drought, it will reach 10 and stay there for quite some time. In that particular fire season it had just reached 10 as its equilibrium level and proceeded to stay there for
35 quite some time. But at the beginning of the fires, it had just reached 10. In my view, that wasn't necessarily a danger for really extreme fire behaviour.

40 Q. The level of dryness, if I can use that lay term, how did it compare to late December of the year before?

A. The KBDI was higher. If my recollection is correct, the drought factor was one point higher.

45

Q. Does that mean it was worse than that time in the previous year?

A. Yes, it does.

Q. Mr Lucas-Smith in some newspaper articles that were published in the lead-up to the 2002-2003
5 season talked about in broad terms December 2001 being just an entree to what the conditions would be like in the 2002-2003 season. As a general proposition, would you agree with that?

A. That is correct, and it is in accord with
10 briefings I had given him.

Q. Can I ask you briefly about this document [DUS.AFP.0001.0331]. This is an email, as I read it, that you sent in January of 2002 to Tony
15 Corrigan and copied to a number of other people, including Mr Lucas-Smith and Mr Graham. It refers to a trip that you made up into - among other things, I assume - the hills in the Namadgi National Park. Correct me if I am wrong.

A. Is this the one on screen?
20

Q. Yes, that is the one.

A. It has been forwarded. Okay.

Q. As I broadly understand the point you were
25 making in that email, Mr McRae, it is that your own observations based on taking a moisture meter into the hills were that the level of dryness was less - indeed significantly less - than what the
30 general - for example, the BKDI might have suggested; is that a fair summary of what you concluded from that?

A. If by dryness you mean fuel moisture content, then that is correct, yes.
35

Q. So the fuel moisture content was indeed lower than the theoretical readings would give you?

A. The fuel moisture content was lower than I would have guessed from the official BKDI.
40

Q. You put that much better than I did. At that time at least, you were predicting because of the level of drying out there was considerable potential for large forest fires?

A. That is correct.
45

Q. Was the potential for the same sorts of

reasons even greater by about the same time in the following year?

A. What was the date on this email, sorry?

5 Q. This is dated 7 January 2002.

A. Very much the same time of year. There wasn't a cumulative carryover. The BKDI was effectively zeroed in --

10 Q. August?

A. Thereabouts, yeah. Then it had to climb up from a zero start when the heat of summer arrived. As I mentioned before, about the time that the '03 fire started, it had just reached the high levels.

15

Q. That's based on - again, I am trying to find the words you used - the official BKDI; that was the official BKDI that you were referring to?

20 A. When I say "official", the official means calculated by the Bureau of Meteorology. I had in the couple of years previous to this identified some issues with the way that this has been done and handed it on to fire agencies, and we set up a national working group to try and fix this. We
25 got CSIRO to do a technical review for us. The result of all of this was we changed the processes to try and reduce the potential for a discrepancy when you calculate drought levels on the same day.

30 Q. Was that all in place by January 2003?

A. I don't believe it is completely in place yet. It was largely in place.

35 Q. I suppose what I am getting to, Mr McRae, with all of this is: is it the case, at least in your mind, as at January 2003 again the official BKDI, using your definition, was probably overstating the level of moisture in the fuels?

40 A. There was a potential for that. I also calculate an alternate drought index, which is the mount soil dryness index which is derived from Tasmanian forestry and I use that as a reality check as well. I was getting much the same sort of solution when using that. So it gave me some
45 confidence that, whichever drought index was being used, we were in the point of just getting into high drought levels in terms of the amount of

rainfall needed to wash out the drought, and also that we had just reached the drought factor of 10 level as the plateau, unless it was actually raining at the time.

5

Q. In terms of the level of curing, what did you understand that to be as at January 2003?

A. Grassland curing, are you referring to?

10

Q. Yes.

A. Which area - the whole of the ACT?

Q. Do you undertake an assessment of that based on districts within the ACT?

15

A. What I try to do these days is from time to time whenever there is an indication it is needed, I will fly the grassland parts of the ACT and surrounds and map the grass curing.

20

Q. Had you done that before January?

A. Yes, I had.

Q. What was your observation about the level of curing?

25

A. My recollection would be fairly consistently in the 90 to 95 per cent level with some exceptions in native grassland areas which tend to remain green until well into drought.

30

Q. What about large fuels? Had you undertaken an assessment before January of the --

A. Sorry. I just recall some further information on the previous question. Do you want me to carry on?

35

Q. Yes, please do.

40

A. I was doing some field reconnaissance about a week before the fires started and I had noted that in the highland valleys - I guess most people would call them the swampy bits - that the vegetation growing on the largely organic soils following drainage lines were still relatively green in the 40 to 50 per cent area, which indicated that it would tend to stop the spread of a head fire were one to reach it, unless it was spotted over.

45

Some of the highland valleys had had thunderstorms move through, the broadacre grass had responded to those and the curing had temporarily dropped. So it was around about 70 per cent. But down towards the city is what I was referring to before. This extra information was just for highland valleys.

5
10 Q. And the larger fuels, what was your understanding about the level of drying of larger fuels in the forests?

A. The distinction that we are tooled up for in the ACT is between grassland and forest fuels. For forests, the procedures that we use are based on fine fuels. At that point we didn't have any tools for considering the dryness of large fuels. If you want to talk about the American terms, it is a 1,000-hour dead and down fuel. We didn't have the tools.

15
20 Q. Despite not having the tools, did you have a view about the level of dryness?

A. We knew that they were dry. A month without rainfall, which is what the weather records show, corresponds to a thousand hours which means the large fuels would have become dry. But we don't have any tools to make use of that information.

25
30 Q. I think that issue appears to have been discussed on 21 November at a meeting of the Land Managers Fire Liaison Group [DUS.AFP.0001.0291]. It appears you were present at that meeting, Mr McRae. Do you recall that?

A. I expect I was - yes.

35 Q. You are shown as being present?

A. Yes.

40 Q. On the next page in the middle of the page there is a reference under your name, which I assume means this was a report by you. Is that correct?

A. Yes. It is paraphrased a bit I can see but, yes, I think the content is appropriate.

45 Q. You have pointed out at that point:

"64 days since rain - none in the last 48

5 days means over 1,000 hours with no rain
which means the big timber is now dry. BKDI
equals 65 mm and according to Met Bureau
drought factor equals 9. However soil
dryness is 160 mm which gives a drought
factor of 10."

10 Then you deal with some water storage issues. It
is consistent with what you just said about a
thousand hours?

A. It does tell me there is a grade of
discrepancy between the BKDI and the SDI that I
had recalled.

15 Q. What is that?

A. A much bigger discrepancy.

20 Q. Could you explain that: The discrepancy is
saying again that the BKDI is suggesting the fuel
is moister than in fact it was?

25 A. Well, the two indices are giving different
impressions on the fuel moisture - sorry, the soil
moisture I should say. Both of them are indices,
and indices are subject to validation. What we do
do in situations like this is to ask people who
work in the field who might be digging holes for
fence posts, "What are you seeing when you dig
holes?" In conditions like this, they are probably
saying, "We are not seeing moisture at all".
30 Regardless of how many millimetres one index or
another says, you need rainfall to saturate the
soil and you know you are in a drought factor of 9
or 10.

35 Once you are in a drought factor of 10, it doesn't
really matter how much worse it gets because the
McArthur system just sets the drought factor of
10.

40 Q. What you are saying, Mr McRae, is that once
you are in a drought factor of 10, then it doesn't
really matter because that's as high as the
McArthur meter goes?

45 A. That's right, yes. Any further incremental
increase beyond that doesn't matter. You are at
10 out of a 10 scale.

Q. That's what you were in by about that time based on that note in the minutes?

A. Yes.

5 Q. Just on the question of McArthur meters, were you familiar as at say December/January 2002/3 with the work of Project Vesta?

A. Yes.

10 Q. You understood that to be work being undertaken under the supervision of Mr Cheney?

A. Yes.

15 Q. Were you aware that one of the early findings in relation to that work was that there was scope for the McArthur meters to underpredict rates of spread in forest fuels and indeed in grassland fuels?

A. I was very aware of that.

20

Q. Is it correct to say that that underprediction could be by as much as a factor of 3?

A. That's what Vesta was finding.

25 Q. Did you have any reason to doubt those findings?

A. Well, some years prior to that I had seen a research paper done by Steven Cassell which indicated that, on the basis of wild fires in south-east Australia, the McArthur system could overpredict by a factor of 3.

30

Q. That was also part of the Vesta findings, wasn't it, that in certain conditions, usually under very low winds, the McArthur index would overpredict?

35

A. That's right. So the situation we were in was that the fundamental tool that we were tooled up to use had to some extent been undermined and we didn't have an alternate to work with that would have had higher confidence on it.

40

Q. Did you understand that one of the Project Vesta findings was in effect that, with forest fires in fuels with a developed shrub layer taller than 1 metre, the fire can spread up to 3 times faster than predicted by McArthur's forest fire

45

spread table?

A. Yes.

5 Q. Was that fact being factored in by you in
relation to fire prediction at the time of these
fires in January?

10 A. As I have said, we had had our confidence in
our primary tool undermined and at that point we
didn't have a replacement tool. It's all very
10 well to say that there could be a factor of 3
error bar on something, but you still have to have
a starting point.

15 Q. Just in the general sense, Mr McRae, when you
were undertaking fire predictions during this
period, were you simply just resting on the
McArthur index or were you putting in some
variables to deal with the possibility of
underprediction?

20 A. There was a lot of relying on the McArthur
system and there were various - I don't know maybe
you would call them workarounds that we were
exploring. As I mentioned before, with drought
indices, if something is an index you need to be
25 able to interpret it. To do that you need to work
with something for some time and develop a feel
for when it is going to be good and when it is
going to be not so good. With any new index being
implemented, whether it is the soil dryness index
30 or the Haines index or anything else in the ACT,
we try to run it in overlap with the old system
for some years, compare the two to build up a feel
for whether one is better than the other, and then
make a decision on which one to run with. We
35 haven't had an opportunity to do that.

Q. Does that all equate, Mr McRae, to that if you
were running spread predictions during these
fires, you were continuing to work with the
40 McArthur index essentially?

A. Yes.

45 Q. We will come to this in due course, of course.
You undertook, with the assistance of your team,
some predictions on the night of Friday, the 17th,
and the morning of Saturday, the 18th January, and
no doubt at other times. Were those predictions

relying exclusively on the McArthur index or were they factoring in other variables?

5 A. If you looked at the work done in the field and the work done in Curtin, it would have to be 95 per cent plus based on rural McArthur meter work, and just a little bit that is trying to do other stuff to take into account the potential impact of the Vesta findings.

10 Q. Perhaps to try and put it in a much more practical context, when you were preparing predictions and perhaps saying, "Unattended fire spread will have the fire at this location at a certain time on the following day" for example,
15 was that time based on McArthur and then you would say, "But if you factor in Vesta findings, it could be three hours earlier, four hours earlier," something of that kind?

20 A. We did not do the latter part of that. In terms of the first part, there's part of fire behaviour prediction that all fire officers apply when they use the McArthur system - that's what we might call the seat of the pants reality check. They won't just turn the dials and apply the
25 numbers. They are always thinking "Does this make sense to me?" Because it is very easy to get numbers out of McArthur that don't make sense in terms of your prior experience.

30 Bearing in mind that reality check, I don't know of any instances where people were getting predictions from rural McArthur that didn't match that reality.

35 Q. Did not match?

A. Did not match their reality, except on the 18th when everything was totally separate from prior experience. Part of the evening of the
40 17th, some of that was occurring as well.

Q. We will come back to that when we get there in the chronology. Certainly you were aware of the Vesta findings in relation to the potential for McArthur to underpredict?

45 A. I should point out not only was I aware but we had had safety nights for all of our fire control officers in the lead-up to these fires, and they

were all presented with that material.

5 Q. Indeed, I think there are some minutes that suggest that that was something, among other things, that was coming up at fire controllers group meetings as early as June 2000; is that right?

10 A. That would be consistent with my recollection, yes.

15 Q. There was also some additional publicity some time after the findings were first made available. Perhaps I should bring this up. It is [ESB.GS0.0005.0339] which is just a Rehome newsline document.

A. A media monitor company?

20 Q. That's correct. At page 2 of this document - it should be the second page, going down to the second entry - unfortunately I don't have the full document so I can't identify which page this is on. The one I have got is headed up page 2 of 7. It says that on Monday 7 January 2002 there was a news item on ABC state TV - I will read it out to you; you may or may not recall this publicity being given at about this time. It is 25 7 January 2002. The summary of it is:

30 "A new study by CSIRO scientists in Canberra show the traditional fire danger meter is seriously inaccurate."

35 There are apparently grabs of Mr Cheney making comments about that, and Mr Lucas-Smith saying:

"We know the limitations of fire danger meters."

40 That would certainly be consistent with your understanding of the level of knowledge of that problem at about that time?

A. Yes. Can I point out there are limitations with the meters that go beyond Vesta content.

45 Q. As I understand what you are saying, Mr McRae, regardless of those limitations, as far as you and officers in the field were concerned, that was

really the best modelling tool you had available to you at that time?

A. Yes, that's what the training is based on and therefore it's what the competencies are based on.

5

Q. Also in the period shortly after the December 2001 fires, Mr McRae, you prepared a document dealing broadly with fuel management issues entitled "Phoenix Imperative". Do you remember that?

10

A. Yes.

Q. That document is [ESB.DPP.0001.0074]. It appears that that document was something that you prepared to highlight the urgency of fuel management work that needed to be done as soon as possible in the forthcoming year, in effect; is that correct?

15

A. It didn't highlight that there was a one-year window to do work in. In fact, it highlighted that there is about a 30-year window to get a proper dynamic rolling burning process to keep the fuel at a good equilibrium across the landscape.

20

Q. It was something that certainly you saw as a process that needed to commence as soon as possible?

25

A. Yes. Yes.

Q. Is that the document?

30

A. It is.

Q. You say on the second page of the document after the bullet points:

35

"Namadgi National Park covers a large fraction of the ACT, and is the area in which extensive landscape fires are most likely to occur. While there are few valued (non-environmental) assets within the park, the exception being the water supply catchment, its neighbours could suffer large losses from fires leaving the park."

40

Q. That was certainly something you were acutely aware of in the period leading up to January?

45

A. Yes.

Q. Under the chart where you deal with the fire age spectrum for the Namadgi, you say:

5 "The potential for a drought to occur shortly
as a new El Nino forms in the Pacific Ocean
raises the spectre of the highland fuels in
the park becoming flammable. Should they be
ignited, then a fire could easily become a
10 landscape fire if the FDI is high enough.
Difficult access makes rapid suppression
harder than elsewhere in the territory."

That was precisely the position you were facing in
January 2003, wasn't it, Mr McRae; that is, the
15 drought, highland fuels becoming flammable and
then those fuels becoming ignited, and then access
problems - they are all things that you predicted
12 months or so --

A. The only bit that was not quite in accord with
20 that statement was where I said, "if the FDI is
high enough" - if the fire danger index is high
enough - we had fires become landscape fires with
an FDI lower than I was anticipating when I wrote
that.

25

Q. Are you saying --

A. Apart from that, I agree that that's --

Q. The January fires were fires that occurred
30 with an FDI lower than the one you were referring
to in that document?

A. After the 8th of January, for some days the
fires evolved into landscape fires in conditions
in which I wouldn't have normally have expected
35 them to do what they did.

THE CORONER: Q. What is a landscape fire,
Mr McRae? How do you define that?

A. Yes, your Worship, a landscape fire in my view
40 is one that burns on to more than one part of the
land form. So it burns off one ridge onto the
next ridge or off one valley into the next valley.

If it is on a single part of the land form then
45 you are dealing with one slope, one aspect, one
set of drivers for the fire. But once it is on
other parts of the land form, it becomes a lot

more complex to come to grips with what is driving it and how to stop it.

THE CORONER: Thank you.

5

MR WOODWARD: Q. I am sorry I may be misunderstanding you: is your point in relation to that issue that you were surprised - because the FDI wasn't as high as you were contemplating in this document - that those fires became landscape fires so quickly?

10

A. Yes. My belief after the fact is the reason for that was that it wasn't just fine fuels that were guiding the evolution of the fires in January '03 but that larger fuels were involved. But that's not part of the system we were using, the McArthur system.

15

Q. You were aware, weren't you, before the fires that all the large fuels were dry, so why did that surprise you?

20

A. I didn't have any tools to interpret the implications of having all the large fuels dry.

25

Q. Isn't that something though that you could have anticipated; that is, whether you had tools or not, having large fuels like that dry would have exactly that effect?

30

A. I wouldn't have anticipated them driving the forward spread of the fire. We know that the traditional way of stating things is that the fine fuels would drive the forward spread of the fire and that the fire front will be driven by fine fuels. Then after that has passed, in the extended combustion zone and the smouldering zone, the large fuels will be consumed. But the consumption of the large fuels doesn't come into the prediction of the spread of the fire front. That is under the fine fuels.

35

40

Q. In using those - in particular the McArthur meter - you are saying it is not something that that meter would take into account?

45

A. What I just said is the way that most fire managers view the spread of the fire through the fuels on the ground, and that's the basis under which, in my opinion, the McArthur model was

developed. It wasn't developed to take into account contributions from large fuels in the forward spread of the fire.

5 Q. Is it the case that neither that nor your experience was telling you in advance of January that that type of behaviour was predictable; that is, that the large fuels would be contributing to the forward spread?

10 A. It was predictable that the large fuels would be consumed. It wasn't predictable to me nor to the people I was working with that the consumption of the large fuels would be determining the forward spread of the fire or even the backing of
15 the fires, as a lot of them were doing.

Q. Is it something that became apparent to you during the fires commencing on the 8th?

20 A. It did not become apparent to me during the fires. My conclusions have been reached post the fire. During the fires what was clear was that we were having an unusual degree of difficulty in suppressing the fires. We didn't know why.

25 Q. When was that first apparent to you?

A. I would guess on the 9th.

30 Q. Also on that document, before we take a short break, at page 0078 you set out your recommendations which include that a rigorous burning program needs to be initiated immediately. A do nothing approach is not acceptable. Then you go on to describe in more detail what that burning program needed to comprise. It is 0078, the
35 second last page of the document. For some reason that doesn't seem to be coming up, Mr McRae. Certainly that was your recommendation; is that the case?

40 A. Sorry.

Q. Recommendation (1):

45 "A rigorous burning program needs to be initiated immediately. A "do nothing" approach is not acceptable."

A. Yes, that's correct.

Q. You went on to describe:

5 It needs to be based on random annual targets ranging up to 32,000 hectares on an exponential distribution."

A. What I was doing was suggesting the flavour of the effort that would be required. Obviously a lot more science would have to be thrown into it
10 to come up with an effective burning program. The important thing to get across is rapidly implementing the burning program would be no different to having a landscape fire burn through. You would still end up with a new area of the same
15 fuel age that would all become flammable at once. It is taking 30 years and implementing it gradually that will get you to the equilibrium that you need to be in.

20 Q. And broadly that is described as a wide area or wide-scale fuel reduction program?

A. As one class of that, yes.

Q. It was a program that up to that stage hadn't
25 been widely accepted as being appropriate in the area of the Namadgi at least; is that correct?

A. I'm just trying to think about the words you used --

30 Q. Perhaps I can put it another way: up until the fires the approach to fuel reduction burning tended to be far more discrete, specifying particular assets and conducting fuel reduction burning just to focus on those assets; there
35 wasn't the same focus on wide area fuel reduction.

A. That's correct.

Q. Was anything done in relation to the implementation of your recommendations during the
40 course of the year of 2002, Mr McRae?

A. It is my understanding that the agency responsible for managing the national park took my report on board in totality and commenced steps towards making it happen. As I say, I was
45 identifying something of a 30-year program to make it happen. It was something where you do your homework, prepare as well as you can before going

out there and --

Q. Starting to burn?

A. Implementing - yes.

5

Q. Were you satisfied with the level of progress that was being made?

A. The risk was still there; the risk hadn't been mitigated. So from my professional point of view, the outcome hadn't appeared yet. But in terms of in one year not doing anything, that was an acceptable thing because, as I said, better that they prepared than just went out and started ill-conceived works programs. It was also being implemented under the umbrella of the government fuel management plan which locked it into surrounding works.

MR WOODWARD: Is that a convenient time, your Worship?

THE CORONER: Yes. We will take a short adjournment.

25 **SHORT ADJOURNMENT**

[3.05pm]

RESUMED

[15.15pm]

30 MR WOODWARD: Q. I should just ask you, Mr McRae, would you agree with the general proposition that the forest and grasslands in January 2003 were in a volatile state?

A. Sorry, what was the time period on that question?

Q. In January 2003.

A. You mean during the fires?

40 Q. Well, at any time throughout January 2003 perhaps might be the best way to put it?

A. Largely there was some rainfall early in January in some of the high country. I flew in by helicopter onto some of the peaks on about - I can't remember now - maybe the 2nd of January and some of those areas had had fairly heavy rainfall from a thunderstorm. So obviously some places had

fallen out of flammability temporarily at times through January.

5 We have a good integration of that through the hydrological forecasts that ACTEW Ecwise Environmental can provide to us. Based on the riverflow characteristics they can estimate the potential for bushfires. And a lot of the ACT region, yes, flammable. In fact, the area in
10 early January that was, if anything, down from full flammability was the Cotter catchment.

Q. Sorry, if anything?

15 A. Down from full flammability was the Cotter catchment. That's not to say we didn't believe that there was a highly flammable situation out there, no.

20 Q. I don't have the number of the statement. If someone has it they can give it to me.

Mr Lucas-Smith in his statement at paragraph 10 - have you read Mr Lucas-Smith's statement?

A. Yes, I did read it once.

25 Q. He says:

30 "From a bushfire perspective, the quantity of available fine fuels obviously varies considerably depending on vegetation type, aspect, diurnal variation and moisture content. Heavy fuel, such as logs are not normally available to contribute to the spread of a fire as they retain more moisture than the finer fuels. However, in
35 January 2003 the ACT was at the stage when heavy fuels were also dry enough to contribute to the overall fire behaviour and spread. This meant that in January 2003 the ACT forest and grasslands were in a volatile
40 state.

45 Do you agree broadly with that summary of the position as at January 2003?

A. I would broadly agree with it, yes.

Q. Mr Lucas-Smith says:

5 "Was at a stage when heavy fuels were also
dry enough to contribute to the overall fire
behaviour and spread."

10 Just picking up the discussion we were having
before the break, is it the case, Mr McRae, that
as far as you were concerned while you couldn't
factor that into any formal determination or
calculation of fire spread because it wasn't
incorporated effectively into the McArthur meter,
was it something that you were generally aware of,
15 that because of the level of dryness they had the
potential to contribute, albeit not in the
calculated way, to the spread?

A. Albeit not in the calculated way, I would
agree, yes.

20 Q. Is it the case that in view of those factors,
and putting aside perhaps the 17th and 18th of
January, that anything about the behaviour of the
fires up to that point took you by surprise?

25 A. You asked anything about the behaviour. I
wouldn't agree with that. There was certainly a
number of aspects of what was going on that we had
some confidence in our understanding of. And
there were also some areas that did take us by
surprise.

30 Q. It may be too difficult to generalise, but
what sort of areas are you referring to as the
ones that took you by surprise?

35 A. Okay, as I mentioned, there were a number of
instances when it was unduly difficult for fire
crews using the usual tools to control the fire.
As I say, in hindsight it turns out that they were
fighting a fire that wasn't driven by fine fuels
necessarily, that's one. Another instance is the
40 behaviour of fires overnight in the high country
was not in accord with our expectations. That's a
weather problem.

45 Q. In what sense was it not in accord with your
expectations, again, if it is possible to
generalise?

A. I can generalise. The Bureau of Meteorology

relies primarily on weather data collected from an automatic weather station at Canberra Airport. They make corrections for changes in altitude across the landscape to estimate what the fire weather would be doing at the point of the fire, in terms of a special fire weather forecast. In hindsight, it appears that there were significant differences between that expectation and what was occurring.

5
10

I believe the Americans call it a "thermal belt", but it an overnight inversion where weather up high is doing things worse than it should be, and that causes fire behaviour to continue at an unexpected intensity overnight.

15

The data collected from automatic weather stations at places like Thredbo and Cabramurra indicated that this might have been going on.

20

Q. Is that an analysis that you've undertaken since the fires, Mr McRae, to actually work out what in fact was going on overnight in that period from 8 to 18 January?

25

A. I have certainly analysed that in detail after the fire. However, while I was doing that I recalled, but not completely perhaps on - around about the 15th, phoning the Canberra Meteorological Office and asking them what was going on in terms of the weather early in the morning at Thredbo, which was significantly worse than any expectation suggested it should be. I was asking them, is there an inversion. It seemed to be at about 1500 metres or perhaps lower which could be affecting our fires. They said they would look at it and try and work out what it meant.

30

35

So I picked it up in real-time and tried to see if it could be factored in.

40

Q. Did you get that information from them after the 15th?

45

A. I don't recall any direct feedback. They may have taken it into account in future special fire weather forecasts.

Q. I will just ask you, if you would, to have a look at this document. Something that I think has come to us relatively recently from some material that you provided a few weeks ago,
5 Mr McRae. It is [ESB.DPP.0001.0149]. Are you familiar with that document, Mr McRae? If you could show the whole of the first page.

10 A. If you could, please. Okay. That's a post-fire analysis.

Q. Done by whom?

A. Me.

Q. Is it a completed analysis, Mr McRae?

15 A. It is a complete analysis, but I haven't had time to finalise it.

Q. What was the purpose of you undertaking this analysis?

20 A. My intention was to take the known weather sets that we had and the known fuel conditions and to do detailed analyses of fire behaviour using the appropriate modelling systems, and try and work out what the implications of these were for
25 firefighting strategies. It is part of the goal of learning the lessons.

Q. I am not at all being critical of undertaking that task. Is it fair that the conclusion in
30 broad terms that you have drawn as a result of the analysis set out in this document, that direct attack on the fire, particularly the Bendora fire, on the night of the 8th of January would fail in any event?

35 A. I must admit, not having finalised this document I cannot recall the conclusions that I put in it as it stands. Also, I still don't have any tools for factoring in the contribution of a thousand hour dead and down fuel. So, in the
40 absence of that there is a limit of how much can be applied.

Q. I appreciate you won't have it available to you now, but do you have a copy of this document
45 still yourself or are you able to get one?

A. I have the original Word file still on my computer.

Q. Perhaps what I will get you to do, Mr McRae, given, as you have said, it wasn't completed, is have a look at it overnight and I might ask you some questions about it in the morning after you
5 have had a chance to refamiliarise yourself with it.

A. Sorry, could you clarify what day, please.

Q. I beg your pardon. Between now and next week.
10 It is possible that your Word file may have changed since the document was given to us, so perhaps I will arrange, if I can, to ensure that you have got a copy that is at least the same as the one that I am working from. If you have
15 updated it since then you can provide that. I will ask you some questions about that in a week's time.

A. There are some issues with the reproduction of my graphs, which tend to be in colour, especially
20 in the Phoenix Imperative before. But we will work off your copy.

Q. Were you in court, Mr McRae, when I read out some extracts from the rural fire control manual
25 to Mr Graham?

A. The chapter on historical fires and such?

Q. Yes.

A. Yes, I was.
30

Q. To save me reading it out again, can I just ask you, those are paragraphs that appear under the heading "Characters of fire and fire weather in the ACT" and they appear in
35 [ESB.AFP.0028.0133]. Were those things that I read out, is that something that you read or otherwise familiar with before January?

A. I was familiar with the rural fire control manual.
40

Q. If you need me to refer to sections of it - were you sufficiently familiar with at least what I read out to indicate whether or not you broadly agree with the thrust of what appears in that
45 document in those paragraphs?

A. I broadly agree but disagreed with some of the content.

Q. Perhaps I better read the relevant sections to you and you can indicate which parts you don't agree with. This is [ESB.AFP.0028.0112] at page 0133. The section I read to Mr Graham commences at the end of the second paragraph, Mr McRae. It is just coming onto the screen now:

"Under the worst recorded conditions grass fires can travel up to 18 to 20 kilometres per hour and fires more than 60 kilometres away may threaten the ACT. An area of more than 60,000 hectares may be burnt in eight hours and if only two or three fires break out at the same time it is possible for them to burn most of the ACT. Also it must be remembered that fires starting within the ACT under these conditions have the potential to burn through to the south coast."

Is that something you would broadly agree with or not?

A. There's a confounding in that material of grass fires and forest fires which have different characteristics. It is not clear to me what the author's intention was to burn through - to burn most of the ACT you are going to need to have a forest fire. But to burn - well, you have got the high rates of spread for a grass fire, and with the 18-20 kilometres per hour under normal conditions that will give you 60,000 hectares in an afternoon spread. So that seems to be referring to a grass fire.

Q. Yes, it does.

A. So perhaps it needs to have the distinction between grass fires and forest fires fleshed out. But it is not to say I disagree with it.

Q. I understand. The next part:

"It is important that we recognise that under these extreme fire weather conditions which may occur every five years or so it is impossible for any fire suppression organisation to control the fire if it is burning in abundant fuels."

Do you agree with that?

5 A. Again, there is a potential confounding of grass and forest fires. If we are talking forest fires I totally agree with it. If we are talking grass fires, you don't necessarily need abundant fuels if the winds are strong enough.

10 Q. So, the first sentence, at least, insofar as it relates to forests, would be something you would agree with, I think that is what you just said?

15 A. I am just thinking. "Extreme fire weather conditions will occur every five years or so", that's correct. That doesn't necessarily give you an unstoppable fire if the drought - sorry, if the fuel moisture content is high enough. Look, there's about six different drivers in this. I guess if you simplified it - if you accept the simplification, I agree with what is in the
20 document.

25 Q. To be fair to the author, as I understand it, Mr McRae, tell me if you disagree, the message that this is trying to convey is it is important not to underestimate the potential of fires taking hold in the ACT; if I can put it as broadly as that?

A. Totally agree.

30 Q. It goes on:

35 "While much can be done with early detection and rapid initial attack, if a fire burns from some distance away and enters the ACT in a broad front then fire suppression forces available in both rural and urban fire brigade services will be overwhelmed."

What do you say about that?

40 A. I agree with that sentence.

Q. Jumping down to the next paragraph:

45 "The suburban area of Canberra has never been directly hit by a large fire travelling in from the west. However, the potential weather to create widespread havoc within the

suburban area has existed and there are adequate examples in history to indicate the potential for a bushfire disaster."

5 There is then a reference to several fire events that are relied on to support that view. Would you agree with the substance of the second sentence in that paragraph, "the potential weather to create widespread havoc within the suburban
10 area has expected and there are adequate examples in history to indicate the potential for a bushfire disaster"?

A. You really don't need to go into history. The fires in 1991, the Black Mountain in 1994 and in
15 Curtin indicated to us the potential was there.

Q. This is written, the edition we are working with, in July 1992.

A. Black Mountain, not Curtin. Yep. We were
20 well aware that there was a fire, if I remember correctly, in '57 that burnt through what is now called Tuggeranong. We have been well aware that should a scenario like that occur again, Tuggeranong will be there.

25

Q. You would accept then that the words "creating widespread havoc within the suburban area" is not overstating the risk?

A. That's making some sweeping assumptions. The
30 Black Mountain fire in '91 did not create widespread havoc within the suburban areas. It was other things that created havoc, and it wasn't widespread. It was contained.

35 Q. Would you accept that the potential was there?

A. Yes.

Q. It goes on:

40 "Just referring to the 1939 fires burning west of the Brindabella Ranges in the Mountain Creek and Flea Creek catchments rained firebrands on Capital Hill, now the site of Parliament House."

45

Were you familiar of the effects of the 1939 fires at this time of these fires in January, Mr McRae?

A. I had seen the original mapping of the fires and the mapping of the spot fires that resulted from it, which near an Australian record to my understanding.

5

Q. When you say "near an Australian record", what was near an Australian record?

A. The spotting distance.

10 Q. What about the quantity of spot fire spots being generated? This document uses the expression "raining firebrands", do you think that is overstating?

A. I think that is overstating. However, there is considerable opinion that a lot of fires start by very short distance - sorry, there is considerable opinion that a lot of fires spread by a very short distance spotting as one of the primary processes. Just talking about spotting requires some indication of how far out from the fire. In terms of long distance spotting, the language is a little bit over the top.

25 Q. When you are talking about that long distance spotting, are you talking about these other documents that refer to spotting distance of up to 10 kilometres? Is that the sort of spotting you are saying that it would be overstating to say that spots were raining down over that kind of distance?

A. The language is catching me here. You will get burnt leaves falling out. That's quite a common thing near large bushfires. Burnt leaves, black but cold, they are not firebrands. Raining firebrands sounds very unusual to me. Usually if they occur they will occur in small numbers.

40 Q. The short distance spotting contributing to fire spread that you were referring to, you were talking under a kilometre in that context, are you?

A. A handful of metres.

45 Q. You certainly recognised, Mr McRae, didn't you, a potential for a fire under extreme conditions affecting and impacting on urban areas as at January 2003?

A. The potential was recognised, yes.

Q. I just want to ask you about a training program that you were apparently involved in. It is referred to in an email that you received after the fires of January of this year, [ESB.AFP.0012.0326]. While that is being brought up, it is an email to you from Mr Peter Mills where he seems to be sending you some photographs. My reason for asking you about it is in the last paragraph Mr Mills says:

"I cannot help remembering your words during one training session at ESB when you had your Dr Doom hat on and said to us, when the fire (big one) hits Aranda one day we will probably pull it up two or three streets into the suburb. Quite ironic. I now know you were not really kidding us."

Do you recall the training session that Mr Mills was referring to?

A. I don't recall the specific one. But it's - firstly, it's the sort of thing I do say repeatedly to get the message across. However, the qualifier is it is two or three rows of houses in, not streets, that I say when I talk about these matters.

Q. Was that view that you apparently expressed at that training program limited to a fire in the Aranda bushland, or did you put it more widely than that - or have you put it more widely than that?

A. Well, I have used that as a rule of thumb for all of Canberra's interface for how far bushfire impacts would be expected to occur. That's consistent with national research.

Q. There you are talking about - the email says "two or three streets". You take issue with that, do you?

A. Two or three rows of houses.

Q. That's your common warning when you are wearing your "Dr Doom" hat?

A. Yes.

Q. As I think you have just said, that was a warning that you were making in training sessions leading up to January 2003 about effectively the whole of the interface along the urban edge; is that correct?

5
A. Well, I would apply it anywhere in the urban edge where we felt there was going to be a bushfire impact. It doesn't mean I expect the bushfire impact everywhere on the urban edge.

10
Q. No, indeed.

A. Apart from that it is correct.

Q. So that was something, at least in a theoretical sense, you recognised a potential for in advance of January 2003, that level of impact into the urban area?

A. Yep.

20
Q. You begin dealing with the events of January 2003 at paragraph 8 of your statement where you say you arrived at work at approximately 9am. You spend most of the morning at Black Mountain investigating the causes and patterns of arson fires which had occurred on Black Mountain during the previous two to three weeks. You attended the police station in Civic. You were in the work vehicle in the police carpark. You don't recall precisely what time it was, but you started hearing radio calls about smoke plumes in the Brindabella Ranges, and that was the first you knew of the fires that day?

25
A. That's correct.

30
Q. You confirm to that time you had an acknowledged role as the planning officer under the SMT structure, and you made your way to Curtin. You say in paragraph 10 as you drove down the Tuggeranong Parkway:

35
40
"I could plainly see two smoke plumes to my right in the Brindabella Ranges. By reason of the fire danger rating at this time being very high I knew this to be a significant incident and that in my view the SMT would need to come together to address what should be done."

Do we take it from that that you were already anticipating at that stage that it was likely to be an incident of the scale that required, in effect, the creation of the SMT? It wasn't
5 something that was just going to be dealt with by someone going out to the fire and taking on the incident controller role and getting it out?

A. I made an assumption, in a sense, that the SMT would be called together. Obviously under the
10 procedures it is up to the incident controller to ask for a planning officer. But seeing multiple smoke plumes suggested we would need multiple incident management, and that coordination would be highly likely to be needed. So the assumption
15 was a valid one.

Q. Was it more than just the multiple smoke plumes? Was it also your knowledge of the conditions of that season which you had warned
20 about earlier in the year, the level of dryness and so on that we have spoken of?

A. That is all integrated into that morning's normal fire weather forecast. If that very high fire danger rating has integrated into it the
25 drought level, but that's the tool we use, the fire danger rating on the day. And the very high fire danger rating indicates that you need to be --

Q. Did you have in your mind at the time, was it your view, that any fire starting in the Brindabella Ranges, in the ACT, or indeed outside
30 the ACT, at about that time under those conditions was going to be a difficult fire to manage?

A. It depends on what you mean by difficult to manage. Any fire in Namadgi is difficult in
35 various ways. There wasn't an expectation at this point that things would evolve into landscape fires. We had plenty of precedent for having fire events like this and being able to respond and put
40 them out fairly quickly.

Q. In order to achieve that, though, Mr McRae, one of the things that is necessary is rapid
45 initial response; is that correct?

A. Not necessarily. Measured response rather than rapid response is often the best way to react

to fires in the wilderness area.

Q. Is it the position that you don't agree that a rapid initial response is an appropriate rule of thumb in relation to fires in the ACT?

A. In some circumstances it is far better to prepare a measured response rather than a rapid response. That is the official stance. The ACT reporting to the Productivity Commission even recognises that difference.

Q. Do you prefer the terminology that there is a need to attack the fire aggressively, again as a rule of thumb?

A. Well, you put in place a measured response. When that measured response is implemented it should attack the fire aggressively.

Q. Were you involved in the Namadgi fire workshop that had been conducted on the 8th of November? I understand it was a desktop exercise 2002.

A. Would that be the one at Tidbinbilla visitor centre?

Q. Well, perhaps the best way to deal with it is if I bring up a document that purports to set out the outcomes of that workshop. It is [AUS.AFP.0035.0019]. It is a document on Environment ACT and DUS letterhead headed up "Namadgi Fire Workshop 8 November 2002 Outcomes".

A. I think I know the one you are referring to.

Q. It is one where the scenario - I won't go to the scenario document unless it assists you - that certainly had some echoes in relation to what actually occurred in January 2003; does that assist your recollection?

A. I do recall the workshop, yes.

Q. You will see there in the second complete paragraph that one of the outcomes of the workshop was that:

"In any fire situation in the Cotter catchment the Emergency Services Bureau would attack the fire aggressively."

Was that an outcome of that that you were aware of?

A. Yes.

5 Q. Is it a philosophy that you would agree with?

A. Yes.

Q. Indeed, in paragraph 11 of your statement you say in the final sentence, for example, after referring to your arrival at the ESB at approximately 4pm you were informed that Mr Ingram had already been dispatched to conduct an aerial reconnaissance. You met with Mr Lucas-Smith and Mr Graham. You quickly agreed to go to COMCEN. Then in the final sentence you say you wanted to be there to receive that information at the earliest opportunity and dispatch resources in the quickest possible manner. So you saw that quick response as a desirable thing to do on that - at that time, at that early stage?

20 A. A quick initial response, yes.

Q. In the discussion we had earlier, when I think I was using "rapid initial attack" - drawing a distinction between an initial attack and subsequent management of the fire - would you accept so far as initial attack is concerned, doing that as quickly as possible is an appropriate rule of thumb?

30 A. Sorry, could you repeat that question, please?

Q. Do you accept that a rapid attack will, as a rule of thumb, be appropriate in the initial stages of any fire that's started in those more remote areas of the Namadgi?

35 A. I accept that insofar as you can achieve an initial attack. If it can't be achieved then the measured response is the way to proceed.

40 Q. You have no choice in those circumstances really, do you?

A. Yes.

Q. We will come to this shortly, Mr McRae. You later on in the evening accompanied Mr Lucas-Smith to Queanbeyan to meet with representatives of the Incident Management Team that had been established

to respond to the McIntyre's Hut fire. In the period up to your departure for that meeting had you formed any tentative views about the level of the event that you were facing, given the initial reports both from the fire towers of the multiple ignitions as well as the reports you were starting to get from Mr Ingram?

5
10
15
A. There were a number of components to my assessment of the regional situation. We had known fires in and adjacent to the ACT which were not trivial fires by any means, and we were still trying to assess their status. We knew that there were significant numbers of fires further out from the ACT, and the implications of those were being assessed.

20
We knew that traditionally with a lightning ignition swarm like this there can be further ignitions revealed up to a week after the storm event has passed. We had to recognise that there could be more fires detected in the near future.

25
We also recognised, I guess uniquely of the fires in and close to the ACT, the McIntyre's Hut fire had made a significant early run, and the smoke plume that was visible from Curtin made that very obvious to us. It was a different smoke plume in character to that from the other fires.

30
Q. I take it at that stage you had no way of knowing whether you were going to get a similar run, depending on the terrain in which the other fires had ignited from those other fires?

35
A. No, prior expectation, and this is why it is always important for us to get good situation reports from people in the field, direct observations.

40
Q. Do you recall getting initial reports from Mr Ingram before you left for Queanbeyan?

A. Yes. Yes.

45
Q. Again, what were those reports telling you about the potential for the event that had commenced during that afternoon?

A. My assessment of the fires that we had to face were that we had lightning ignitions. Unlike some

lightning ignitions these ones had begun to spread, but also unlike the McIntyre's one they weren't spreading in an extreme fashion.

5 Q. Did you have a sense at that time or information that was giving you an idea of the size of the fires before you left for Queanbeyan?

A. If I remember the sequence of events correctly, we were getting grid references from
10 Mr Ingram in 'Firebird 7' before we left. Whenever we get these grid references we plot them on appropriate maps and try to use that as a basis for a situation assessment.

15 Q. Can you recall what those assessments were telling you about the size of the fires that you had to deal with in the ACT at least at that stage?

A. As I said, they were certainly spreading.
20 They weren't spreading catastrophically. I don't think we could be more precise in our assessment than that.

Q. Mr Graham, in his statement at paragraph 16,
25 also refers to the meetings of the SMT. He says:

"Throughout the afternoon and into the evening the SMT, not including David Ingram as he was in 'Firebird 7', met to discuss the
30 current situation and to consider a range of issues, including the need for overnight deployment; the following day's resource requirements; tasking of 'Firebird 7'; and objectives and strategies for each of the
35 fires in the ACT."

Do you recall perhaps not formal meetings but discussions of those topics with Mr Graham and Mr Lucas-Smith in the period at least before you
40 left for Queanbeyan?

A. I recall those discussions going on. At that stage we were all working out of the one room, so it was the process that goes on all the time and we work in that mode.
45

Q. Were you participating in those discussions?

A. Yes.

Q. Do you recall in particular discussions about overnight deployment?

A. No, I do not recall.

5 Q. Do you allow for the possibility that that was among the topics discussed in that period leading up to your departure for Queanbeyan?

A. I certainly do. However, under ICS - under the conditions we were in planning may not
10 necessarily be involved in discussing overnight resources, especially if planning is very busy with other jobs.

Q. Were you conscious of being very busy with
15 other jobs while these discussions were occurring?

A. I know I was very busy with some key tasks during the late afternoon and the evening. Most specifically validating all of our fire tower calls and trying to work out which fires we had
20 and making sure we weren't missing any fires, because some of the fire tower bearings lined up and you can easily overlook a small smoke plume at the back.

Q. Was the position in relation to the number of
25 fires you had to deal with firming up in that period leading up to your departure for Queanbeyan?

A. It was firming up but it was still quite
30 dynamic.

Q. But in any event you don't have a specific
recollection of the topic, overhearing or
participating in a discussion which included the
35 topic of overnight deployment?

A. No, I have no recollection.

Q. Do you have a recollection of, again a general
discussion, either being a part of it or hearing
40 it, about resource and resourcing for the following day?

A. I don't recall discussions specifically. But I may well have been involved in.

45 Q. I should ask you, in paragraph 20 of your statement you say:

5 "From examining the maps - these are the maps
you referred to in earlier paragraphs - I
assessed that there were no assets at risk at
that time from any of the fires and again
therefore saw no need to contact anybody in
relation to the nearby assets."

What are you including in the term "assets" in
that paragraph, Mr McRae?

10 A. Within the setting of Namadgi National Park
you are talking about things like huts,
hydrological facilities, bridges, arboreta, that
sort of thing. I guess implicit in paragraph 20
is a time frame which is sort of 12-hourish.

15 Q. So you are not including in that what some
might include, for example, the park itself being
an asset in a very broad sense. You are
concentrating more on structures and particular
20 assets like arboreta?

A. I guess I'm not including environmental assets
here. There was a document we looked at
previously where I put that in brackets. The
environmental assets aren't necessarily damaged by
25 a fire.

Q. Perhaps I should ask this first: when you were
doing that examination you refer to in paragraph
20 were you looking at or incorporating the
30 McIntyre's fire?

A. No, that was for New South Wales to work on.

Q. I understand that. But I think the following
day at least you identified assets, and in
35 particular the pine plantations had the potential
to be affected by that fire. Was that something
you identified on the evening of the 8th?

A. On the evening of the 8th, and before going to
Queanbeyan, I wouldn't have used different words
40 for what was under threat from McIntyre's. My
impression was, it was burning within a forested
area with very little in the way of it and well
short of anything like a pine plantation.

45 Q. But you would have included a pine plantation
as an asset of the kind you were referring to
there, would you?

A. I would have put one in if I had assted it, yes.

5 Q. Now, you say in your statement, Mr McRae, that the meeting at Queanbeyan, which you deal with in paragraph 23, started at approximately 6.30pm. Other evidence would suggest that it might have been closer to 8pm that the meeting started.

10 A. I will accept I may have been wrong. I wasn't watching the clock.

15 Q. Just before we finish I will ask one more question about the period before the meeting, Mr McRae. There is evidence that a telephone conversation took place between Mr Lucas-Smith and Mr Graham which I think on both versions may have taken place while Mr Lucas-Smith was enroute to Queanbeyan while he was in his car. Did you travel with Mr Lucas-Smith to Queanbeyan?

20 A. Yes, I did.

Q. Do you recall him having a conversation with Mr Graham on the way?

25 A. I recall him having a mobile phone conversation, yes.

Q. With Mr Graham?

30 A. I don't recall details. I don't make a habit of listening in to conversations.

Q. I am not suggesting that you do. I think you would agree it is difficult not to if it is going on in the car in which you are a passenger?

35 A. True. But I had quite a lot of things to think about prior to this meeting. I was distracted by those, I imagine. but I don't have --

40 Q. Sorry, do you recall the subject matter of that discussion? Or is your recollect the best you can do is it was going on and you were conscious that it was going on but you don't recall --

45 A. I don't recall the content of it.

Q. There's a transcript of that conversation, Mr Graham, which I perhaps should show you. Given

the time we might do that on Wednesday.

THE CORONER: We could do it now, to finish it off.

5

MR WOODWARD: That would get to us a convenient point.

Q. I will ask you to have a look at the transcript of the conversation, to check whether or not it rings any bells. Have you seen this transcript incidentally, before, of the conversation between Mr Graham and Mr Lucas-Smith at about 1942 on 8 January?

15 A. No, I haven't.

Q. It is [DPP.DPP.0003.0207]. In this conversation Mr Graham is giving Mr Lucas-Smith, at least the beginning of it, a bit of a situation report, a very brief one, in relation to the Bendora fire. You will see there he said it's approximately 500 square metres, burning very slowly. Mr Lucas-Smith says "okay, is Odile on it?". Is this assisting your recollection at all Mr McRae about that conversation? Do you recall a situation report or the size of the fire being discussed?

25 A. I'm sorry, I don't have any recollection.

MR CRADDOCK: I object. That is plainly inappropriate. He has already indicated it is a mobile phone conversation. The conversation that my friend is now asking about is attributed to Tony Graham. I thought he said he was in the car with Mr Lucas-Smith.

35

THE CORONER: It is the conversation, as I understand it, between Mr Lucas-Smith and Mr Graham. Mr McRae is in the car with Mr Lucas-Smith when he, Mr Lucas-Smith, is having a conversation with Mr Graham. Is that right?

40

MR WOODWARD: That is right. I don't think there is any dispute about that.

45

MR CRADDOCK: Unless it is on the speaker phone he is only getting bits of a conversation. That is

not fair.

THE CORONER: That is true. That is a valid objection.

5

MR WOODWARD: Was it hands-free, Mr McRae, to your recollection?

A. The mobile phones in all our command units are hands-free.

10

MR WOODWARD: I must say, I assumed that Mr Lucas-Smith would have had hands-free, your Worship.

15

Q. Mr McRae, I am not seeking to do anything other than to see if this assists your memory at all.

A. Please do.

20

Q. You will see there a reference to Mr Lucas-Smith, according to the transcript, saying:

25 "Okay. So, what, are they going to be able to do anything tonight; do you think?"

Mr Graham responding:

30 "No, I would be very doubtful if they could.

30

Mr Lucas-Smith saying:

So we would be looking at crews back tomorrow."

35

Does that assist your memory at all as to whether you overheard this discussion about whether there would be crews on the fire overnight?

40 A. No. I heard so many phone, radio, verbal messages over the period of the fire that it is very difficult to recall individual conversations like this.

45 MR WOODWARD: If that is a convenient time, your Worship.

THE CORONER: It is convenient. We will take the

adjournment now. I wish you all a very relaxed
Easter break. We will resume on Wednesday the
14th of April.

5 **HEARING ADJOURNED AT 4.05 PM TO WEDNESDAY,
14 APRIL 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 33

Wednesday, 14 April 2004

[10.00am]

<RICHARD HARRY DURRELL MCRAE, RE-AFFIRMED

5 <EXAMINATION-IN-CHIEF BY MR WOODWARD CONTINUING

MR WOODWARD: Q. Mr McRae, last Wednesday I think we had reached the point of the trip to Queanbeyan on the night of the 8th of January. We might pick up the chronology from that point.

10 A. Could I just raise a matter from the previous day. You seem to be interested in the drought factor and drought index calculations. I brought along some printouts from the computer software I used to do the calculations, if you are interested.

Q. Is that something you have done recently or is that something you were doing at the time?

20 A. The data would have been entered at the time, but I printed it off yesterday.

Q. I might look at that over the morning adjournment. We may come back to it. If you need to refer to it - it is just difficult for me to read it now - please mention it if it is relevant to anything that comes up between now and then.

I think we concluded when I had been asking you some questions about the telephone conversation that occurred between Mr Graham and Mr Lucas-Smith at about 1942 on the evening of the 8th, which Mr Lucas-Smith and I think Mr Graham as well both at least thought likely occurred while Mr Lucas-Smith was enroute to Queanbeyan. I think you, despite seeing the transcript of that discussion, were in the position where none of that refreshed your memory and you had no recollection of that discussion - overhearing that discussion while you were in the car with Mr Lucas-Smith; is that the position?

35 A. Yes.

Q. Do you recall at any stage before the meeting commenced at Queanbeyan having a discussion or overhearing a discussion about the question of crews being on the fire line overnight at Bendora?

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R.H.D. MCRAE

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MR

A. Sorry, you could repeat the question?

Q. At any time before the meeting at Queanbeyan do you recall being part of or overhearing any
5 discussions concerning whether or not crews should be left on the fire line overnight at the Bendora fire?

A. I do not have a recollection of being involved in discussions like that. I'm not saying I
10 wasn't. I just don't have a recollection.

Q. I think you mention in your statement being involved in some discussion about that on your return from Queanbeyan, but we will come back to
15 that later.

I think you agreed - although in your statement you thought the meeting at Queanbeyan commenced at about 6.30 other evidence would suggest that was
20 closer to 8.30pm - I think you indicated you wouldn't disagree with that timing; is that correct?

A. Yes.

Q. You deal with the meeting commencing at paragraph 23 of your statement where you first say the meeting started at approximately 6.30pm. You mention representing the ACT there was yourself, Mr Lucas-Smith, Mr Neil Cooper, "and perhaps
25 others, although I can no longer recall". I think the evidence would suggest Mr Tony Bartlett was present as well. Is that something you have a memory of now?
30

A. I wouldn't disagree that he was there. I just
35 don't have a good memory of that.

Q. You say that:

"There were a number of people from New South
40 Wales Parks and Wildlife Service, including Julie Crawford, Rob Hunt and Tony Fleming and from Yarrawluma Shire Council there were several people including Mr Arthur and Mr Lomas."
45

Those are the people you remember being present on the New South Wales side; is that correct?

A. Yes.

Q. You deal in paragraph 25 with the fact that the biggest concern by far was the McIntyre's Hut fire. When you say "the biggest concern", were you there referring to the biggest concern for everyone present, including the ACT personnel?

A. Well, the meaning of paragraph 25 was the biggest concern for that meeting. The meeting was the - I guess the regional focus, not necessarily the same focus as would be had in purely ACT terms.

Q. There was some discussion at the meeting of the fires in the ACT.

A. Yes.

Q. The main focus of the meeting was the McIntyre's Hut fire; is that correct?

A. Yes. That was the only fire that had made a major run and therefore required significant immediate attention.

Q. Well, what do you say about the level of concern among yourself, at least, and based on anything you heard discussed among the ACT personnel concerning the McIntyre's Hut fire? Did you and did others present express the view from the ACT that it was also the biggest concern for the ACT personnel?

A. Sorry, I have to get you to repeat that question.

Q. Did you have the view, and based on discussions during the evening involving Mr Lucas-Smith and others from the ACT, did you have the impression based on those discussions that the McIntyre's Hut fire was at that point the biggest concern for the ACT personnel, including yourself?

A. At the end of the sentence you said "biggest concern for the ACT personnel", that's in strategic terms?

Q. Whether it is in strategic terms or other terms - perhaps I should break it up. At your mind at the time, was the McIntyre's Hut fire the

biggest concern for the ACT; if I can put it in those general terms?

A. Yes, I think I'd agree with that.

5 Q. Based on the discussions that night involving Mr Lucas-Smith and others, was it your impression that it was also the biggest concern for other ACT personnel present at that meeting; in other words, was it in their minds a bigger concern than, for
10 example, the Bendora, Gingera and Stockyard Fire?

MR CRADDOCK: I object. In those terms he cannot fairly be asked that question. He can take it person by person, an overall impression is
15 worthless.

THE CORONER: That is fair, I think, Mr Woodward. It is difficult I would think for Mr McRae to comment on what was in other people's minds,
20 unless there was some discussion or unless there was some indication as to how other people were thinking and feeling at the time - and then perhaps who were those people. There seems to be quite a lot of people from the ACT at that
25 particular meeting.

MR WOODWARD: I commenced the question "based on the discussions that night involving Mr Lucas-Smith and others". I was endeavouring to
30 wrap up the ACT personnel in one question in order to save some time. But perhaps if I just focus on Mr Lucas-Smith.

Q. Mr McRae, did Mr Lucas-Smith say anything
35 either to you or in your presence that suggested how he saw the McIntyre's Hut fire relative to the fires then burning in the ACT?

A. I didn't need an explicit answer to that. The fact that two members of the Service Management
40 Team travelled to Queanbeyan that evening is a clear demonstration of where our priorities on the concerns lay at that time.

Q. You say in your statement:
45

"There was a concern that if more west north-westerly winds arose, the McIntyre's

fire may progress to threaten the ACT pine plantations in its path."

5 Do we take it from that, Mr McRae, at least in your mind that was a real concern that night on the 8th?

A. Yes. It was a fire that was already spreading across the landscape and had no suppression in place. Had it made another run it could have
10 threatened the ACT directly, yes.

Q. You referred to ACT pine plantations in its path. Do we take it that is the Uriarra pine plantation and Pierce's Creek - are those the pine
15 plantations that you had in your mind, at least, as being under potential threat?

A. Most directly Uriarra.

Q. Was anything said by Mr Lucas-Smith that
20 indicated to you that he shared that concern that night?

A. I don't recall the exact words he said, but the whole purpose of the meeting was based on sharing that concern.
25

Q. Later on in paragraph 25, Mr McRae, you say halfway through the paragraph:

30 "It was also agreed that earth works would be required around the entire area in order to contain the fire prior to commencing the burn out from the fire breaks towards the existing fire."

35 Putting aside the requirement for earth works, which would clearly be necessary for the purposes of construction of containment lines, and just focusing on that part of that sentence that suggests it was agreed that night that the earth
40 works would need to be completed in effect before the burn out commenced, was that something you recall actually discussing that night, that timing?

A. I don't have a detailed recollection of the
45 words, but my impression of the outcome of the meeting was that that was to be the case, that you get the containment lines built first before

lighting up, although not necessarily completing. There are dangers with lighting up while you are still constructing.

5 Q. The reason I ask that, Mr McRae, you may be aware, I think it was the following morning or during the course of the following day, Mr Cooper in particular was expressing concerns directly to - it may not have been yourself - certainly
10 back to the SMT about the fact that the burning out was being delayed he thought for too long while the weather conditions were ideal for the burning work that needed to be completed. I think, if I am interpreting his statement
15 correctly, he disagreed that it was necessary to complete the entire containment lines before burning out commenced. So, that's why I ask, Mr McRae, whether your recollection is that there was actually an agreement to that effect that
20 night on the 8th or whether that was something that you just came away with an impression that that was what was planned.

A. The purpose of the meeting was to agree on the objectives and strategies. I don't have a
25 recollection that it was a unanimous agreement. At the very least, it was the consensus of the group that we'd agreed on how to do things.

30 Q. Can I be more specific: Do you recall any agreement that night to the effect that no burning out would commence until all the containment lines were complete?

A. I don't recall a specific agreement to that effect.
35

Q. If that was discussed is that an approach - I think you said a moment ago that it is at least theoretically possible to commence burning out operations providing the containment line
40 construction is progressed, it is not necessarily essential to wait until all containment lines are complete. As a matter of general theory, would you agree with that?

A. As a matter of general theory, yes.
45

Q. So if a view is being expressed that night that no burning out could commence until all

containment lines were completed, do you think that is something that you would recall?

5 A. I don't recall the details, but my general recollection is to that effect. But that's not to say that there weren't qualifiers.

Q. You would go as far to say, would you, it was a topic of discussion - the timing of the containment lines versus burning out?

10 A. It was a topic of discussion, yes. Maybe it's worth pointing out that there were different people in different parts of the meeting area talking about different things, and I wasn't privy to all parts of those discussions.

15 Q. I was really focusing on the fact that you say "it was agreed" that that is what would occur. As I understand it, what you are now saying is that perhaps you wouldn't elevate that to that height, that there was an agreement at least so far as ACT personnel were concerned to that effect?

20 A. I would agree in broad terms with what is in my statement. It is just that there may have been qualifying bits that I wasn't aware of.

25 Q. You say in paragraph 26:

30 "By the time of the meeting, ACT fire crews had already been dispatched by ESB to the Stockyard Spur, Gingera and the Bendora fires. At the meeting it was discussed and agreed that the ACT priority should be given to the Bendora fire because of its proximity to Canberra."

35 As best as you can recall, Mr McRae, what was the nature of that discussion?

40 A. From the regional point of view we just had a run through what the ACT's priorities would be.

Q. This was as part of your discussion with the New South Wales personnel?

A. Yes.

45 Q. The agreement that priority would be given to Bendora because of its proximity to Canberra, was that a matter of discussion?

A. I believe it was.

Q. I take it there you are referring to Canberra city?

5 A. The concentration of values of assets that is generally called Canberra.

Q. We have had some debate about what that means?

A. I'm aware of that, yes.

10

Q. Perhaps we better be clear. At least in your statement when you are referring to "Bendora's proximity to Canberra" are you referring to Bendora's proximity to the Canberra urban area as that term has been generally used?

15

A. I wouldn't disagree with that, although we were also concerned about the rural residents and other assets.

20

Q. In between --

A. Which tend to be concentrated around the edge of the city.

Q. So can we take it then that the location of Bendora relative to the urban area of Canberra was a general topic of discussion that night?

25

A. Yes.

Q. Can you assist or elaborate at all on what that discussion was and who was saying what?

30

A. No, I don't have a detailed recollection.

Q. Were the comments about the proximity to Canberra being made, as you recall it, by ACT personnel or New South Wales personnel?

35

A. My recollection isn't good enough to be specific on that.

Q. But you are able to say that it was a general topic of discussion between everyone present?

40

A. That's my recollection, yes.

Q. You go on to say priority was also given to Bendora because there was only one access road running through the Brindabella Ranges, and I think in summary what you are referring to there is the fact that there was a need to keep the

45

Mt Franklin Road as clear as possible from fire threat to ensure access to Stockyard and Gingera fire was maintained?

A. Yes.

5

Q. Again, that was something that was discussed at the meeting between the New South Wales personnel and the ACT personnel present?

A. Yes, the Mt Franklin Road also had some implications for New South Wales people.

Q. In paragraph 28 you talk about Mr Lomas speaking about his experience fighting fires on the New South Wales South Coast approximately a month earlier and talking about the difficulties he experienced at those fires leading to a view that direct attack, in your words "would fail". Again, can you recall what Mr Lomas was saying about that issue that night beyond what is in your statement?

A. Well, he had been involved in task forces from New South Wales Shires adjacent to the ACT which went down to help suppress fires in the Deua National Park. It is a fire towards which the ACT also sent task forces and in which the crews were having unexpected levels of difficulty in succeeding with direct attack.

Q. You refer in your statement to the dryness of the fuels. Was that his summary of what he understood to be the reason for the difficulty they were having?

A. I believe that's what he was saying, yes.

Q. Were there any other factors that he was referring to that caused those difficulties or might have caused those difficulties?

A. I think his point was based on the fuel dryness.

40

Q. Did he discuss what strategies were ultimately employed on those fires?

A. Well, he said they had trouble with direct attack and they had trouble with close range indirect attack and found that they had to resort to longer distance indirect attack.

Q. Did he say how successful that had been?

A. Well, the fires were eventually suppressed, so eventually 100 per cent successful. But it took a lot of effort to achieve.

5

Q. Did he discuss at all any problems they were having with the long distance indirect attack back-burning, getting away and those sorts of problems?

10 A. He may have gone into some detail, but what I said is about the limit of my recollection.

Q. You then go on to talk about - paragraph 29 - the agreement that was reached in relation to indirect attack by the construction of containment lines and then back-burning being the appropriate course. You made a phone call during the evening to the severe weather meteorologist and got special weather forecasts. I take it there was nothing about that forecast that was - what was the nature of the forecast, Mr McRae?

15
20
25
30 A. The nature of the forecast, well, I spoke to people in the meeting and I said that I would phone the Bureau of Meteorology severe weather section in Sydney, because the Canberra office had shut down at that time, and request a special fire weather forecast. As is in place, there is a standing agreement between the Bureau of Meteorology and ACT/NSW fire agencies. So it was a standard request.

35 what was required in that was for me to specify the location of the fire and in general terms its elevation. I believe I've heard a tape of that phone call played. Once you've made the request, the meteorologists have to act on it. They also have to prioritise it against other jobs coming through at the time. So it may be a while until it comes through. In fact, I can't recall whether it had come through by the time we had finished this meeting.

40
45 Q. I should ask you: in relation to the containment strategy that was devised, do you recall any debate that night about whether in terms of the eastern boundary one of the options may have been the Baldy Ridge trail as an eastern

containment line?

A. Baldy Ridge trail was the one on the top of the first high ridge as you approach from the east, I believe.

5

Q. I think that's the Webbs Ridge track was the very first. The main fire had just crossed Webbs Ridge track. The Baldy fire track was where the spot fire was on that night?

10 A. There was some discussion involving Parks field people about where it should be put. There had been a ranger drive out there to have a look.

15 Q. Can you recall what the report given to the meeting was about that the ranger had observed?

A. My recollection was there was some disagreement about whether it could be achieved on that track or not.

20 Q. Are you aware in the days that followed an attempt was made to establish the eastern containment line on that track?

A. I believe that was the case, yes.

25 Q. What I am seeking to ascertain was the level of debate that night about whether something could be done to deal with the eastern edge of the spot fire that had in part crossed the Baldy track and then, having done that, use the Baldy trail as the eastern containment line?

30 A. I believe there was a discussion about whether that could be achieved.

35 Q. What is your recollection of the nature of that discussion?

A. In general terms, my belief would be that the majority felt that it wouldn't be achievable. But there was some agreement to see if something could be done.

40

Q. Was there any discussion, to your recollection, of getting crews onto the eastern side of that Baldy Range spot fire on the night of the 8th?

45 A. I don't recall.

Q. Are you aware that Mr Cheney, in his evidence,

has suggested that had that work been done or at least commenced that night, there was some real prospect of maintaining the eastern edge at the Baldy Range track - eastern containment line, I'm
5 sorry?

A. I'm not familiar with the details of Mr Cheney's evidence.

Q. I should ask you this question first: you are
10 aware, are you, that the decision was made that night in relation to the western containment line that the Goodradigbee River would serve as that containment line?

A. There was discussion about where the western
15 line should be, given that there was a shortage of existing road lines and places where a road line could be put. I think the consensus was that the Goodradigbee River had to be used even though it wasn't the ideal line - the fallback on Limestone
20 Creek to the west of the river was quite a way back.

Q. When you say it wasn't the ideal line, were there discussions as to why it wasn't ideal?

25 A. Just the lie of the land and the vegetation.

Q. Was there discussion about the fact that it was going to be difficult to patrol that line?

30 A. There was. There was also confidence that they could achieve it.

Q. Do you recall any discussion about the level of vegetation along the river and whether that would pose a problem in holding the line at the
35 river?

A. Not explicitly, no. I don't recall.

Q. Do you recall any discussion as to whether the name of the track is Lovell's track that runs
40 somewhat to the east of the Goodradigbee River could have served as a containment line?

A. I recall the discussion about a number of options in the north-west corner and field staff commenting on the status of some of those tracks.
45 I don't recall which tracks in particular. I'm not familiar with that particular area up there. There was discussion about whether some tracks

could be upgraded quickly for the job.

Q. What was decided about that, whether that was an option?

5 A. I don't recall the details. As I say, I wasn't familiar with that particular area in the track so I didn't know how to interpret fully what they were saying.

10 Q. Do you recall any reference to Lovell's track that night?

A. There was a reference to Lovell's track.

Q. Do you recall what that reference was?

15 A. They were discussing whether it could be upgraded to meet the need.

Q. Do you recall what the outcome of that discussion was?

20 A. No, I don't.

Q. You returned from Queanbeyan and went back to Curtin; is that correct?

A. Correct.

25

Q. At that time you had some discussions with Mr Graham and Mr Lucas-Smith?

A. I believe so, yes.

30 Q. You say in your statement at paragraph 31 commencing partway through the paragraph:

35 "Tony Graham was still there, and Mr Ingram had also returned ... during a briefing, Tony Graham informed me that the crew sent to Stockyard Spur fire had failed to reach the fire by dark and had returned to Mt Franklin Road. He also informed me that the fire crews at the Bendora fire had left that fire and that there would be no crews working on that fire overnight."

40

Doing the best you can, what was the effect of that discussion as best as you can recall it?

45 A. "Effect". What do you mean by effect?

Q. What was Mr Graham saying to you about it? I

should be more specific: in relation to the fire crews withdrawing from Bendora, what do you recall him saying to you about that topic on your return?

5 A. It's a difficult question because it has been discussed so many times, especially in regard to the McLeod review. It is difficult for me to identify my primary recollections from post-discussions. Well, we were briefed on what had happened and, from the planning officer
10 perspective, I believe that I evaluated that from the information that I was aware of, such as weather forecasts. And with the forecast wind change for that evening, I had no reason for saying anything negative about what I had been
15 briefed on.

Q. When you say you were briefed, what did Mr Graham say to you about the decision to withdraw from Bendora?

20 A. Again, it is difficult for me to recall exactly what he said at the time because of all the reworking of this matter. But my recollection is he just told us what had happened.

25 Q. Did he mentioned to you what considerations had been discussed? Was there a discussion of the pros and cons of the decision?

MR CRADDOCK: I object to that in its form. It is
30 not quite clear whether my friend is talking about his recollection of what is related by Mr Graham in a discussion between others or a discussion involving this witness as to what the pros and cons were. It is not quite clear what he is
35 driving at.

THE CORONER: Probably both, I would think.

MR CRADDOCK: It may be. And fine if it is, but
40 we just don't really know.

MR WOODWARD: Q. I was asking you, Mr McRae, about Mr Graham's briefing - to use your words - to you concerning the decision to withdraw. I am
45 trying to get as much detail as I can. I appreciate the difficulty you have in separating in your mind what you knew at the time or what you

can recall and what has happened since, but doing the best you can, what considerations or what factors was Mr Graham outlining to you as being - perhaps if I can put it more generally: what was his briefing to you, the effect of it, as you recall it?

5
A. Okay. My recollection is to the effect that we were looking at a map. General indication of where the fire is. Proximity to the road to the south-east downslope of the fire. Discussion of the steep terrain and heavy fuels and the fire weather forecast.

10
Q. What's your memory of what the fire weather forecast was at that point?

A. The main tool at that point was the normal - the routine fire weather forecast. I am trying to recall when we actually got the special weather forecast relative to this discussion. I can't recall. But I don't think they were different in their content. What we had the afternoon of the 8th basically was hot, dry and windy with a north-westerly wind with a trough line passing over, picking up a dust storm.

25
As often happens in the ACT, that is followed by a wind change which nominally was a south-westerly, but the mountainous terrain in this region modifies those so it may well have come through as a south-easterly even. What that does, it puts a significant wind change at that fire ground at about the time the crews were going to be starting to work. And that was a serious concern.

30
Q. So there was discussion of a concern arising from a wind change that had been forecast?

A. As I say, it's my recollection, but it's difficult to be too precise about that recollection.

40
Q. Were there other safety factors being referred to by Mr Graham that you can recall?

A. It is another area that is difficult because of all the post-discussion that I have been involved in. I think some of it - just saying it was steep terrain and working at night-time, we have implicit in our own minds a number of safety

issues. Because we are used to working as a team, we don't necessarily say all these things explicitly.

5 Q. That exhausted your memory, does it, subject to your comment that it is difficult to divorce the times of what issues Mr Graham referred to that night as apparently being relevant to the decision to withdraw?

10 A. Yes.

Q. I think you began to say earlier that you personally had no real concerns about the decision that night?

15 A. I agreed with the decision. Obviously leaving a fire unattended is not a decision to be taken lightly.

20 Q. Were you asked for your opinion about the decision?

A. My recollections aren't good enough to recall if I was explicitly asked that. But I believe that the fact that I didn't disagree with it was to the same effect.

25

Q. Do you recall Mr Lucas-Smith making any comments about the decision?

A. No, I don't.

30 Q. Did anyone present during that briefing you had from Mr Graham on your return express reservations about the decision?

35 A. I don't recall reservations being expressed apart from the fact that we all appreciated it was a significant step to leave a fire unattended.

Q. How long did the discussion about that go on between the three of you?

A. I don't recall.

40

Q. But I think you just said there was a recognition that it was a serious decision or a decision not to be taken lightly to leave the fire unattended?

45 A. Yes.

Q. Was there discussion that night about

resourcing the fires the following day, in which you took part?

5 A. I believe others in the team were primarily focusing on that. I had other things to get on with.

Q. You don't recall participating in a discussion about resourcing for the following day?

10 A. I don't believe I participated in that, no.

Q. Do you recall being aware that night of what resourcing was proposed for any of the three fires for the following day?

15 A. No.

Q. You said earlier that no reservations were expressed to your memory that night about the decision. Is your recollection of the discussion one that you and Mr Lucas-Smith were simply receiving information from Mr Graham about the decision that had already been made, or was there some, in effect, reconsideration of the decision occurring in the course of your discussion that night?

20 A. I don't believe it was a reconsideration. The decision has been made and we work with that.

Q. At least so far as you can recall, there was no discussion of whether it was a decision that could have been reversed at that point of the evening?

30 A. You wouldn't reverse a decision like that. You would make a new decision and apply it - new objectives and strategies. We didn't feel that that was required.

Q. Was there any discussion of whether a new decision needed to be made about overnight resourcing of the Bendora fire?

40 A. Not to my recollection.

Q. Did you have in your mind - perhaps I should ask you specifically: Mr Graham in his briefing to you, do you recall him talking about the size of the Bendora fire at that time?

45 A. There was discussion of the size before we went to Queanbeyan, but I don't recall any new

discussion after we returned.

Q. You mentioned a moment ago all looking at a map, is that correct, on your return from Queanbeyan?

A. I believe we did, yeah.

Q. In the course of that discussion over the map, did Mr Graham identify what he understood to be the rough boundaries of the fire at that time?

A. My recollection would be he was using the same information we had before we left to go to Queanbeyan.

Q. Perhaps more specifically, did he say anything about what Ms Arman had told him about the size of the fire or fire behaviour?

A. I have no recollection in that area.

Q. As at that time, namely the time of the discussion over the map, what was in your mind the size of the Bendora fire at that stage?

A. I can't remember the detail figures, but less than one hectare - a fraction of one hectare, but I can't remember the exact figures.

Q. I think there is some evidence - it is not all consistent, Mr McRae - that one of the figures at least being discussed that night was 500 square metres. Does that accord with your recollection of about the size of the fire that you were talking about?

MR PIKE: I object to that. My friend rightly concedes it is not consistent but he chooses to choose one only of them. In fairness, particularly in the circumstances that the witness has indicating quite clearly that his recollection is very hazy, the whole range of those estimates that night should be put to him.

THE CORONER: It is not unfair to ask, though, Mr Pike. If it doesn't accord with Mr McRae's recollection, he can say so.

MR PIKE: If your Worship please.

MR WOODWARD: Q. I think one of the reports that came in from Mr Ingram, I am having trouble finding the reference to it specifically, was that the fire was 500 square metres?

5 A. There were a number of reports that came through from 'Firebird 7' and 'SouthCare 1' at different times through the afternoon. Of course they stopped when the sun set because of visual flight rules. I don't remember the exact details
10 of the reports as they came in and exactly when they came in. But my recollection was that these reports were indicating a fire that was growing from a small starting point and increasing in size but not that it was reported it being greater than
15 a fraction of one hectare that evening.

Q. The difficulty I have with that, Mr McRae, is "a fraction of one hectare" could be anything from a square metre to something much larger. I am
20 just trying to get an understanding of what in your mind was the size of the fire that you would be dealing with, what size it had reached by the time you had finished work that night?

A. I would have probably rounded it off mentally
25 to be about one hectare. There is a high error bars on that because I can't recall the exact details. We take these measurements. We put them on white boards and we analyse them. We don't try to memorise them as they come in.

30 Q. I understand that. On that very topic, Mr McRae, that night either before or after your return from Queanbeyan, did you conduct any predictions as to what the spread in particular of
35 the Bendora fire might be overnight?

A. We didn't have sufficient information to do detailed predictions. Our expectation was that when the wind change hit it would increase in size but, not knowing how the wind change would
40 interact with the local terrain there, it was difficult to know in which direction it would change when the wind change hit it. And the expectation on our normal experience with these types of wind change events would be after that
45 initial growth it would ease off and perhaps stop spreading overnight so when we got in in the morning it may have, for instance, doubled in size

and become fairly amenable to an attempt of direct attack.

5 Q. Is there a rough rule of thumb that you can apply in relation to rate of spread - I appreciate you say that is going to be affected by local terrain and local weather conditions - is there a rough rule of thumb you can apply to overnight spread under the sort of drought conditions that
10 you had at that time?

A. You can take weather information on its face value and calculate a rate of spread and then apply corrections for slope effects. On the site that we were dealing with, we knew there would be
15 an uphill run to - I believe it is Bendora Break. So the slope effect would push it perhaps a few hundred metres in one direction. But the exact direction of the wind change may have added to or subtracted from that slope effect. It's very
20 difficult to know how those will apply.

There are also uncertainties in dealing with the meteorological predictions in mountain country because of things like inversions and local slope
25 winds that may kick in. We certainly wouldn't expect the meteorologist to be able to anticipate those given the information available to them.

30 Q. What predictions did you perform that night, Mr McRae, either formally or informally, to determine what size fire you might be dealing with - I am asking about Bendora, the following morning?

A. Informally my expectation was, as I said
35 before, it may have perhaps doubled in area and it would have tended to go uphill towards the Bendora Break.

40 Q. You certainly weren't expecting that it would go out overnight, were you?

A. What our expectation was was that some parts of fire perimeters in the high country would self-extinguish overnight. We wouldn't have expected all of it to self-extinguish, but if any
45 had self-extinguished that is an advantage to fire crews going in the next morning.

Q. What would you have expected the large fuels to be doing overnight under those conditions?

A. We would have expected large fuels to be consumed after the fire edge had passed over them.

5

Q. Would you expect them to be continuing to burn and be still burning all night?

A. Well, any logs lying on the ground that ignite under those conditions will keep burning for some time. Exactly how long it takes for them to burn out depends on circumstances.

Q. As a general rule is it the case, Mr McRae, that where you have got a BKDI over 100 generally speaking you would expect the large fuels to continue burning overnight?

A. Yes.

Q. And provide multiple points of reignition the following morning to the extent that fine fuels may have extinguished?

A. The complexity in the scenario you are talking about there is what we would generally expect is that the fine fuel driven fire edge will pass the heavy fuels and then the heavy fuels will ignite after the fire edge has passed them. So the logs should be expected to be burning within burnt ground. So if the logs pick up a flame again the next morning, they are surrounded by burnt fine fuel and therefore won't necessarily start the fire edge.

Of course a large log that goes some distance into unburnt fuel can start the fire edge. If it is totally - a smaller log especially if it is totally within the burnt areas it is just something that the crews have to get to eventually but their priority is the fire edge.

Q. That of course is something that is more likely whenever the fire is unattended overnight?

A. What would be more likely?

Q. The large fuels continuing to burn and in effect reigniting fine fuels the following day?

MR CRADDOCK: I object. That is misstating what

the witness has said in a serious way.

THE CORONER: Are you asking Mr McRae to clarify what he said, Mr Woodward?

5

MR CRADDOCK: No, I am putting that what he just lastly put to the witness has misstated the witness's evidence. This is what he put to him:

10 "The large fuels continuing to burn and in effect reigniting fine fuels the following day."

It is just not what he said.

15

MR WOODWARD: I don't agree. In my submission, Mr McRae said that it is a complex issue because in certain circumstances large fuels which are burning in where the fine fuels have already burnt clearly won't reignite already burnt fine fuel. But I understood him to say where a large log is still in unburnt fuel, in those circumstances it will create an ignition point to the fire.

25 THE CORONER: To the fire edge.

MR WOODWARD: I am confirming my understanding, he can disagree or not, that that is something that is more likely to occur where the fire is unattended overnight.

30

THE CORONER: That can be clarified, Mr Craddock.

MR CRADDOCK: Firstly it wasn't "will", it was "may". Secondly, if that is what he is trying to get at then he should ask that and not just put to the witness as if it is his evidence, "The large fuels continuing to burn and in effect reigniting fine fuels the following day".

40

THE CORONER: Q. Do you understand, Mr McRae, what Mr Woodward is referring to is your answer to the large logs, where there are large logs burning but they can still reignite, or rather continue to burn to the fire edge? Your evidence was, Mr McRae, that where there are the smaller fuels and where there are logs burning in a burnt area

45

that they are not as likely to reignite, as I understand it, as new ground. Part of what Mr Woodward is putting is that larger logs do have that potential. Do you agree or disagree with that proposition?

5 A. It is a complex area. Perhaps if I can add part of my thinking, which I hadn't said before, that will work around the discussion.

10 Based on our understanding of the way the fire weather varies through the day, when the sun sets fire danger will, and fire behaviour will abate, and it will continue to abate until sunrise and some time after sunrise by which time we would

15 have had the fire crews in.

So the expectation was that the potential for self-extinguishment would continue through the night. The ability for large logs to reignite would reduce through the night. It is only the next day when we have crews in again that any of these effects would start to appear. So I guess my thinking was there would be other things happening before these issues would come together

20 to create new fire.

25

MR WOODWARD: Q. Because achieved, as I understand what you are saying, by the crews turning up the following morning and endeavouring to prevent that occurring; namely, the large fuels reigniting areas of unburnt fuel?

30 A. Yes. Yes.

Q. Broadly in that area, Mr McRae, did you have involvement in the submission to Mr McLeod?

35 A. Yes, I did.

Q. What was your level of involvement in preparing that document?

40 A. I had a substantial involvement in preparing material for it, not so much involvement in the actual words that went into the Emergency Services Bureau's submission to him.

45 Q. I will endeavour to bring this document up, Mr McRae. If you need to see it before answering this question please say so and we will come back

to it when we have found the number. In relation
to the report of the fire on the night of
9 January 2003, there is a discussion on page 100
of the resourcing for that morning. At the top of
5 page 101 there is this statement:

"On arrival at the Bendora fire it was
evident that there had been slow growth in
fire size overnight. With no
10 self-extinguishment of the fire overnight, (a
somewhat common feature of highland fire
behaviour with cooler winds easterly winds),
it was evident that there was some unusual
fire behaviour occurring."

15 Do you recall that sentence in the report,
Mr McRae?

A. Sorry, this is the bureau's submission to
McLeod you are reading from?

20 Q. This is the ESB submission to Mr McLeod, that
is correct.

A. It is some considerable time since I've looked
at that document. I don't recall what is in it.
25 However, just from what you read, maybe if I could
see it on screen.

Q. We will perhaps come to that.

A. It sounded like there might be an ambiguity in
30 the words there.

THE CORONER: I have a copy of the report, if that
assists. It is page 100.

35 MR WOODWARD: At the top of page 101, and by all
means look at the previous page to put it in
context.

THE WITNESS: Thank you, your Worship.

40 MR WOODWARD: Q. That paragraph at the top of
page 101, Mr McRae, do you recall being involved
in drafting that?

A. I had some involvement in it, yes.

45 Q. It is [MLI.DPP.0007.0240] at 0340. The second
sentence on that page reads:

5 "With no self-extinguishment of the fire
overnight, (a somewhat common feature of
highland fire behaviour with cooler winds
easterly winds), it was evident that there
was some unusual fire behaviour occurring."

Is that your drafting?

10 A. I had some input to it. I don't recall if I
wrote these words directly or not. I agree with
the sentence.

Q. Self-extinguishment of the fire, was that a
possibility that night?

15 A. We would have expected some
self-extinguishment as usual practice, especially
given the wind change would have brought cooler
moister air over the fire ground. Certainly some
fires in some places did tend towards
self-extinguishment overnight but not all fires.

20

Q. This is a reference to the Bendora fire. I
suggest to you that the sentence, at least to a
lay person, would suggest that someone would have
expected that the entire Bendora fire might have
25 extinguished overnight. That was never a
realistic prospect.

MR CRADDOCK: I object. That is not a fair
question of this witness. First of all what may
30 occur to a lay person, obviously not the witness
by definition, is neither here nor there. What he
makes of it he can ask. But, again, upon the
qualification it is not his document. He said
that he agrees with the proposition and he can be
35 cross-examined about that. But that's an entirely
different matter. It cannot be put to him that a
lay person might think something about the
document.

40 THE CORONER: That is probably fair, Mr Woodward.

MR WOODWARD: Q. Mr McRae, was there any prospect
at all of the Bendora fire self-extinguishment
overnight - I am talking about the entire fire?

45 A. Total self-extinguishment we would not have
expected.

Q. You certainly didn't expect that, did you?

A. No. Partial self-extinguishment we would have expected perhaps. Something in the order of maybe 30 per cent of the fire line self-extinguishing.

5 It depends on the circumstances. It also depends on the fuels, the aspect, the elevation, the arrival of the wind changes - very complex.

Q. Well, Mr McRae, that sentence suggests, I put
10 to you, that there was some possibility of the fire, that is the Bendora fire, self-extinguishing that night.

MR CRADDOCK: I object. That is a purposeless
15 question. It is a matter for your Worship to construe the document for whatever relevant purpose for which you conduct this inquiry. In my submission, it isn't fair nor appropriate to be putting to this witness, "Well, that's an
20 available reading of the document," when it is not established that it is his document.

So, I ask, what purpose could that serve but to
25 lay the ground for some unfair criticism of this witness?

THE CORONER: Except, Mr Craddock, Mr McRae did say that he agreed with the comment contained in that sentence.

30 MR CRADDOCK: Let him be asked about that. He has been asked about that. He has explained that he would not expect total extinguishment. He has been asked and he has explained what he would have
35 expected. To continually put some other person's document to him in that way is plainly unfair.

THE CORONER: It is not established that it is some other person's document. Mr McRae, as I
40 understand it, cannot recall whether he did or did not draft that.

Q. Is that right, Mr, McRae, you do not know
45 whether or not you drafted that document with those words?

A. I think the words we are looking at here were a team effort, and it is difficult to work out

which part of the team wrote which particular paragraphs.

5 The bit on "on first arrival crews at the Bendora fire" was not something I had direct experience in. I would have provided some comment on likely fire behaviour. But who wrote the rest of the paragraph, I don't know.

10 MR CRADDOCK: So in other words, it isn't established that it is his document. Now he is being taken to task for a potential reading by another person of the words written by somebody else in this document. That is not fair, and it
15 shouldn't happen.

THE CORONER: It is simply being put, whether or not it is fair, that that can be a reading of that sentence. That is all that is being put.
20

MR CRADDOCK: Which requires him to look into the minds of potential readers; the lay person approaching the document. It is not his document.

25 THE CORONER: It is asking an opinion, Mr Craddock.

MR CRADDOCK: What purpose is it for him to say, this witness, about some other person's document,
30 some other member of the community might read those words in a particular way. That is just purposeless. And in the context of this cross-examination of this officer, it isn't fair.

35 THE CORONER: I don't agree with you, Mr Craddock. It is not unfair at all. This was a submission that was made by ESB to the McLeod Inquiry. Mr McRae was one of the authors of that submission. He is simply being asked whether or
40 not somebody reading that - Mr McLeod reading that, the general public reading that, you reading that, Mr Craddock, me reading that - whether that can be an impression that people reading that particular sentiment can get. That is all he is
45 being asked.

MR CRADDOCK: Two things about that. Firstly, he

hasn't said he is an author of this document. He has said that he contributed; he gave ideas. Now, if you are going to ascribe authorship then that ought to be done strictly in the circumstances in which this is being asked; that is, did he write these words? In relation to this paragraph, the answer appears to be no.

10 If it is his document, and that is established, then sure, he can be asked what he intended by it and whether, having regard to what he now says, it might appear perhaps to have the tendency to mislead.

15 But if it is not his document; that is, he is not the author of this portion of the document, even if he has contributed an idea which may have gone to somebody else, which may have gone to somebody else, which may have led to somebody else sitting
20 down with a typewriter, in those circumstances to ask him what some other notional person may think is unfair. It is also useless.

25 THE CORONER: He can offer a comment on it, and that is what is being asked. I will allow him to offer that comment if he is so comfortable in doing it.

30 MR CRADDOCK: With respect, he was not asked to offer a comment. He was asked to state as a fact whether another person could read that document of somebody else in a particular way.

35 THE CORONER: He has been asked to offer an opinion. That is what he is being asked, because that is the way that it was put to him, with all the qualifications that you say that Mr McRae is not suggesting that he was the one who wrote it, but he did say he had some input into it, and that
40 is all he is being asked, whether or not someone can read that document in the way it was put to him. I will allow him to answer that if he is comfortable in answering it.

45 MR PIKE: I am hesitant to rise to my feet. It just occurs to me and I object on this basis, the submission, as I understand it, was a submission

to the McLeod Inquiry. This witness is being asked in his view whether someone might have a certain interpretation of that. I know I am new in the matter, but my recollection of having read the McLeod Inquiry is that there is no suggestion that Mr McLeod, for whom the submission was made, was misled in the way that is being suggested by Mr Woodward. If that is the case, essentially it is speculative.

10

THE CORONER: We are not bound to follow what Mr McLeod did or did not find or what Mr McLeod did or did not make of the document.

15

MR PIKE: Quite so. I am not suggesting that at all. What my friend is suggesting is that this passage may have been misleading and it may have suggested that the fire could have been turned out by itself. Mr McLeod doesn't seem to have fallen into that deception, as it were.

20

In the absence of that, given the fact that the submission was a submission to Mr McLeod, I am just wondering what the point of this line of cross-examination is and how it might assist your Worship.

25

THE CORONER: Thank you, Mr Pike.

30

MR WOODWARD: Your Worship, as you are aware - to be fair neither Mr Craddock nor Mr Pike are aware - it has been a matter of some difficulty establishing precisely who was the author of this document. There seems to be a general position taken by every witness asked about it so far that they had some involvement in preparing parts of it, but no-one seems to be owning up to actually putting the words on paper.

35

40

In those circumstances, in my submission, it is appropriate, as it was put to Mr Lucas-Smith and I think Mr Castle, where there is something in this document that suggests a view is held in relation to these matters, apparently at the time, if that was the view at the time, to test that. And in circumstances where Mr McRae in that context has indicated that he had some involvement in the

45

document, and may have had some involvement in
this information and agrees with the paragraph, it
is entirely appropriate for me to put to him what
is clearly a fair interpretation of that document.
5 As your Worship is aware, there is more than one
reference in this document which subsequent
evidence has suggested is quite misleading - at
least has the potential to mislead. Those are
matters which should be put to witnesses so they
10 have an opportunity to comment.

THE CORONER: It is put in fairness, Mr Craddock,
to Mr McRae to give him an opportunity to comment
on it as well.
15

MR CRADDOCK: If that is the purpose then that has
been achieved. It has been put to him. He has
indicated quite clearly, you have heard it, that
he did not draft this passage. He agrees
20 generally with the sentiment. The matter "what do
you mean total self-extinguishment", he said, "no.
Some degree. Complex matter, May be 30 percent.
It depends on all these circumstances". What
could be clearer?
25

To take it further, now that we know that we
needn't trouble ourselves with those other matters
that Mr Woodward is concerned about - that is,
whose document is it and is everyone just denying
30 responsibility for it, whatever - we know that is
not the case. We know what his involvement is
with the document with respect to this passage.
We know what his evidence is about, the
propositions within the passage. It is for your
35 Worship to determine whether somebody else might
conclude wrongly or interpret the document, that
paragraph in a particular way, that really ought
to be an end of it.

40 To ask him to imagine what someone else might
think and so forth, when that is just
speculative --

THE CORONER: That is not the way it is being put.
45 I would be assisted by Mr McRae's view on that.

MR CRADDOCK: If your Worship pleases.

MR WOODWARD: Q. Mr McRae, I think you have agreed at least in your mind there was no prospect of the entire fire extinguishing overnight. I suggest to you that the effect of that sentence is that there was a prospect of the Bendora fire extinguishing overnight; do you agree with that?

5

A. Sorry, I am trying to juggle - there is no prospect of the Bendora fire extinguishing overnight; was that your question?

10

Q. Yes. No, it's not. I think you have already answered that question. What I am putting to you: is it a fair interpretation of that sentence that there was some prospect of the Bendora fire extinguishing overnight?

15

A. I can see how some people may read that into it. I don't believe that was our intention when we drafted those words.

20

Q. Because there was no such prospect, was there?

A. Historically a small percentage of highland lightning ignition fires will self-extinguish on the first night. It is a fact. The majority don't .

25

Q. I think you have agreed, in your words, only 30 per cent of the fire might have extinguished that night. That was your expectation, wasn't it?

30

A. We wouldn't have expected the Bendora fire to self-extinguish, no.

35

Q. Mr McRae, I want to read to you from Mr Cheney's evidence in relation to the position of the Bendora fire on the night of the 8th and the decision to withdraw. I am asking you for your comments. I am reading to you from page 397 commencing at line 30. His evidence was:

40

"A. The observations from the firefighters were that the fire was, at least in this part of it, drawing in, as you would expect with both the convective activity within the fire area and this being the eastern edge, that eddy wind that would tend to pull the fire upslope a little bit. Elsewhere, there may have been some southerly wind influence coming in on this fire as well. That wasn't

45

recorded.

5 Pulling out of the fire overnight, I believe,
lost a really valuable opportunity to bring
this fire under control. The resources that
were there, which were two large tankers and
a couple of light units, probably wouldn't
have been able to control the fire, but they
could have been able to make a fairly
10 substantial start on the control.

"Q. That would have involved crews remaining
overnight?

15 "A. Oh, very definitely, yes. I mean, they
were just starting to work, I understand,
when they were withdrawn."

20 Firstly, dealing with Mr Cheney's description of
the likely fire behaviour that evening, say, at
around 8pm, what do you say about that? Do you
want me to re-read that section?

A. That was quite a lengthy extract. Can I just
ask, was this direct observations or --

25 Q. This is Mr Cheney's evidence based on direct
observation, yes, on his understanding of the
statements that had been provided at that stage by
the people who were present at the fire.

30 THE CORONER: It is not his direct observation.

MR WOODWARD: Sorry if I didn't make that clear.

35 Q. It was his evidence based on the direct
observations of others, as I understand what he is
referring to there. That was the nature of his
evidence.

A. Okay. You will have to read it again.

40 Q. All right:

45 "The fire was drawing in, as you would expect
with both the convective activity within the
fire area and this being the eastern edge
that any wind that would tend to pull the
fire upslope a little bit. Elsewhere, there
may have been some southerly wind influence

coming in on this fire as well."

That description of fire behaviour that night, what do you say about that?

5 A. I assume the first part was observations made by people based on the main track of the down slope side on the east and - well, they sound like valid observations.

10 The bit about southerly winds perhaps being somewhere sounds to me to be a bit speculative.

Q. You said there was a wind change predicted that night?

15 A. There was. I also said how it arrives depends on the detailed interaction between the wind and the terrain. It is not the sort of thing you make assumptions on.

20 Q. The second and perhaps most important part, his reference to:

"Pulling out of the fire overnight, I believe, lost a really valuable opportunity to bring this fire under control. The resources that were there which were two large tanker and a couple of light unit probably wouldn't have been able to control the fire but they should have been able to make a fairly substantial start on the control."

Would you agree with that?

35 MR CRADDOCK: I object. If he is being asked to comment on or express an opinion upon a matter based upon observations of others, that is to say --

40 THE CORONER: And facts. The facts are that equipment was there at that time.

MR CRADDOCK: Yes, that as being part of it. In other words, if he is being asked to give his opinion alongside the opinion that Mr Cheney has given based upon a range of factual matters and observations, then, to be fair, they all should be

laid out before him.

To just give him a brief summary and say, "Well,
that's Mr Cheney's opinion, what are your comments
5 on that" is unfair.

THE CORONER: How is that unfair, Mr Craddock?

MR CRADDOCK: If he is being asked to give his
10 opinion on it, he should have the same advantages
as Mr Cheney did as an expert. If Mr Cheney had a
range of material before him, as experts do, and
he looked at those observations, all of them, and
considered them, and then arrived at an opinion --
15

THE CORONER: I don't agree with you, Mr Craddock.
It is quite fair to put to Mr McRae. He is aware
of the size of the fire - or at least he said he
was aware of the size of the fire. It is now
20 being put to him he has been told about the
behaviour of the fire. He is told the units and
the crew that he is at that particular fire. He
is simply being asked whether or not he agrees or
disagrees with Mr Cheney's opinion that an impact
25 would have been made on that fire that night.

That is all he is being asked. If Mr McRae can't
answer that question, he can say so. If he
disagrees with Mr Cheney's opinion, he can say so.
30 There is certainly sufficient information from
what Mr McRae has been given to be able to make a
comment one way or the other, Mr Craddock. It is
not fair to put everybody's opinion on what was or
was not there to Mr McRae. It is not necessary to
35 do that.

MR CRADDOCK: Your Worship, that is the advantage
that Mr Cheney had. And, by the way, he hasn't
said he knew exactly what size the fire was that
40 night. Nor has he said that he presently has in
mind the observations that were made, and we know
that they varied as between different observers at
different times during the course of that
afternoon and evening. If --
45

THE CORONER: He is being asked to comment on
Mr Cheney's opinion. That is all.

MR CRADDOCK: Which in itself was based upon a range of material.

5 THE CORONER: It has just been put to Mr McRae what Mr Cheney used and what was put to Mr Cheney.

MR CRADDOCK: Yes. But he hasn't been given the benefit of it. What has been put to him, explicitly it was put to him, that Mr Cheney
10 looked at this range of observations, the statements made by the people who were there. You will recall the questions about whether they were his observations or those at the fire ground. It turns out it was his opinion based upon the
15 observations of the people at the fire ground.

If this witness is now to be asked his opinion as to what could have been done that night, he should have available to him the same range of materials,
20 and they are not set out in the passage of Mr Cheney's evidence to which his attention has been directed. There is a potential unfairness involved in that.

25 Now, I appreciate to do it the way that I would suggest that it ought to be done, if it is to be done at all, would involve this witness having to look at those same materials. So be it. If that creates a difficulty as to time, then that's
30 unfortunate, but it will result, perhaps, in an opinion which you might then be able to use.

Simply to have his opinion about an opinion about a whole range of things which he can't see is of
35 no real value and potentially unfair to the witness. If later in the day it is going to be suggested that Cheney said this and he said that, Cheney is right, he must be wrong, that is the unfairness that may readily develop if he is asked
40 to undertake the exercise on a completely different and inadequate footing to that which Mr Cheney has been asked to undertake it. That is the basis of the objection, if your Worship
45 pleases.

THE CORONER: What do you say, Mr, Woodward? Is there some way you can shortcut without putting

all the information that was before Mr Cheney
before Mr McRae?

MR WOODWARD: Indeed. It seemed a convenient way
5 to raise the issue. In my submission, there is
absolutely no doubt, given this witness's
expertise in fire behaviour and as I understand he
has himself talked about his involvement in
10 preparing for the McLeod submission and the like,
and in fact there is a document that I will be
discussing with him shortly on this very issue of
the withdrawal overnight, it is an issue he has
clearly given consideration to. In my submission,
15 it is entirely appropriate and indeed will assist
your Worship to know what this expert says about
that issue.

Mr Cheney has expressed the view that a valuable
opportunity was lost. I wanted to ascertain from
20 Mr McRae, and I did it by reference to Mr Cheney's
evidence - it is with hindsight because that is
clearly how Mr Cheney approached it - whether with
hindsight this witness in his expert opinion would
agree that the decision to withdraw was the loss
25 of a valuable opportunity.

MR CRADDOCK: May I make a suggestion?

MR WOODWARD: Before my learned friend rises
30 again, as I understood it, after my learned
friend's initial submission, your Worship ruled on
the objection and ruled that I could ask the
question and I would seek to be able to do that.

35 THE CORONER: I make that ruling. It is not an
unfair question to Mr McRae.

MR WOODWARD: Q. You have heard that discussion.
I appreciate it was put to you in the context of
40 the way Mr Cheney expressed his view, but drawing
on your own understanding firstly on the night and
your own examination of events since that time,
would you agree with hindsight that the decision
to withdraw on the night of the 8th from the
45 Bendora fire was, as Mr Cheney put it, the loss of
a valuable opportunity to:

"Pulling out of the fire overnight, I believe, lost a really valuable opportunity to bring this fire under control."?

5 A. To comment on that, I'd have to think about any reliable data that has come my way. And perhaps the best that's come my way is a photograph taken by Mr Jeff Cutting, which was used in a Powerpoint presentation that Mr Cheney presented in phase 1, if I am correct.

10

Q. That is right.

15 A. Now, my understanding is that was taken on the evening of the 8th. And by comparison with photographs that I took in a very similar location when I went out to that area to assist Mr McLeod in his inquiry, it seems to me that the flames are going at least 10 metres up the trees in a tree species which has got considerable ribbon bark and candle bark on it, which is hanging large flakes of bark which, once they start to burn, are prone to falling off and make it very hard to hold a containment line.

25 That photograph also indicates to me very steep terrain and difficult working conditions. Crews may have been able to achieve some success under those conditions, but whether they would have had any substantial impact on it is not, to me, guaranteed.

30

It looks to me like the fire would have continued to spot outside of its containment lines for as long as the fuel moisture content supported ignitions. I don't have any weather observations taken from the site. So it seems to me somewhat speculative about how successful crews would have been.

40 Q. You say they might have had some success that night, Mr McRae, in relation to achieving some degree of control of the fire. Stopping there, is that your evidence, that they may have had some success that night?

45 A. Perhaps of the same order as the self-extinguishment that would have been expected. In fires like this we expect some percentage of the perimeter not to be a problem. But another

percentage of the perimeter, especially where there is wind and slope acting together to continue to present a problem and challenge the crews. Those are the bits that will cause the
5 problems the next morning or the next shift when the fire weather begins to climb again.

Q. If there may have been some success that night, crews may have had some success that night,
10 I suggest to you it is the case that a valuable opportunity was lost by withdrawing the crews that night; do you agree?

A. The phrase "a valuable opportunity" is problematic for me because there was no dispute
15 that some part of the perimeter could have been contained. But whether that would have assisted in the next shift in gaining containment overall, I have trouble agreeing with that. So if you can't achieve those goals then maybe it is not a
20 valuable opportunity.

But more information would allow me to give a better opinion. But with what I have got at hand, that's the best I can do for you, I'm afraid.
25

MR WOODWARD: I do want to press a little further on this point only to ask Mr McRae about what inquiries he has in fact made since the fire to assist him. I think it would be useful to know
30 that. I see we are at 11.30, if that is a convenient time.

THE CORONER: We will take the morning adjournment.
35

SHORT ADJOURNMENT
[11.30am]

RESUMED
40 **[11.55am]**

MR WOODWARD: Q. I am hoping to be able to bring up on the screen the photograph which you were referring to in your evidence a moment ago of
45 Mr Cutting. While that is being done, since the fires, you have spoken about your involvement in the preparation of the McLeod report. What

inquiries and investigations have you undertaken into the fire behaviour and the position of the Bendora fire in the evening and overnight on 8 January?

5 A. What investigation have I - sorry, the question didn't end the way I thought it was going to end. It's been difficult to do any detailed analysis of Bendora on that first night because there has been very little useful data come my way
10 to allow me to undertake any further analysis.

Q. Have you read any of the statements of the personnel such as Odile Arman, Mr Stevens and others who were present at the Bendora fire on the
15 evening of the 8th?

A. I haven't had an opportunity or the time to go through those statements yet.

Q. Have you been provided with any information
20 either from them or based on their statements about the fire behaviour and what they observed on the night of the 8th?

A. No.

25 Q. Have you, in any event, despite not having that information, undertaken any other investigations about the prospect of having any success in containing the fire overnight on the 8th?

30 A. What I have done that's relevant to Bendora at that time was to gain time sequence weather observations from the Bureau of Meteorology from various automatic weather stations in the ACT region and to analyse those in terms of fire
35 behaviour models making some assumptions about how they can be interpolated to the areas where the fires actually were, because there weren't weather stations of any form in those areas.

40 Q. So has that work put you in a position to form any views about the prospect of achieving any level of containment on the night of 8 January?

A. At the moment the difficulty I have is that
45 some of the automatic weather station data sets, especially for night times, are indicating that there was a phenomenon called an inversion operating. What an inversion means is that the

normal variation as you go up in elevation with
the weather is reversed. It is due to the
settling of denser air into low parts of the land
form and also to do with the passage of different
5 weather systems as time goes by.

There is an indication that some sites like the
Thredbo automatic weather station and Cabramurra
automatic weather station were showing the highest
10 daily fire danger indices before 6am, which is a
reversal of the normal daily cycle.

So there is not enough information to determine
whether that process was going on at any
15 particular fire ground at any particular day. It
makes such a big difference in the interpretation
that it makes it difficult at the moment to have
any confidence in working out how to predict - how
to post-model how things would have been going.

20

Q. To the extent that, to use your term, any
post-modelling were possible based on the various
theoretical indices that can be used to undertake
that kind of work, as I understand the effect of
25 what you have just said that there is scope for
that post-modelling to have been in error because
of the presence of the inversion layer which you
saw evidence of, I think you mentioned, on the
15th and subsequently, because of the presence of
30 the inversion layer.

A. That's a concern I have with post-modelling.

Q. So there is a potential inaccuracy, to put it
that way, in theoretical post-modelling based on
35 the usual indices that might otherwise apply?

A. The difficulty isn't with the indices; it is
with the weather that is input to it.

Q. You haven't had so far the benefit of any
40 observations by those who were present at the
Bendora fire on the night of the 8th?

A. It's been my intention to locate any
information of that form and apply it to
post-modelling once my comment to this process is
45 out of the way.

Q. But you haven't done that to this point?

A. No, I haven't been able to.

Q. Hence your reference, as I understand it, to this photograph as being, at least as far as you
5 were concerned, really the only source - I hope I am not putting words in your mouth. Is that what you are effectively saying, that provides a useful source of information as to what fire behaviour
10 existed in order for you to form some conclusions about the prospect of overnight containment?

A. It is my understanding this photograph was taken on the 8th. If that's the case, it's the best direct information that I have access to. That's about a quarter of the photograph. I am
15 assuming that is the one I am talking about.

Q. I think it is.

A. Oh, yes, yes.

20 Q. Is that the one?

A. Yes.

Q. On the assumption that that is a photograph taken from Wombat Road at about 2100 hours on the
25 night of the 8th, what do you say that is showing about the fire behaviour, Mr McRae, at that time?

A. The photograph I have of the vegetation post the fire indicates that the gap between the trees tends to be around about 2 metres. If you apply
30 that observation to this photograph and assume the trees are about 2 metres apart, they are of the order of 30 metres tall, then that puts the flames and the latter fuels going up the bark of the trees over 10 metres.

35 There is also considerable combustion of large branches that are leaning off standing trees as opposed to being flat on the ground.

40 Q. Where do you see that, Mr McRae?

A. Above the letter "J" in the photographer's signature there is a branch about a third of the way up which is leaning at about 20 degrees off the vertical.

45

Q. Yes.

A. It is difficult to point. There is another

one to the left of that at 45 degrees from the
copyright symbol. That indicates there is a fair
bit of fuel involved other than just the surface
fuel, which would create considerable difficulties
5 for crews trying to establish containment lines.

The photograph indicates, as I mentioned before,
that there is candle bark present in the trees and
some of that appears to be alight. That certainly
10 indicates the potential for burning firebrands to
be - if they start off 10 metres up, by the time
they hit the ground they have travelled a
considerable distance sideways that can easily
breach any containment line that has been
15 attempted.

Q. A firefighter working on such a containment
line would normally be in a position to deal with
that sort of thing; that's what they would be
20 there for; isn't that right?

A. All other things being equal it is not
impossible to fight fires in these conditions.
The other thing to consider here is the wind
change coming through - it started burning with a
25 north-westerly wind and to have almost a wind
reversal certainly raises some safety issues for
fire crews operating in the area. With time the
base of trees starts to burn through and then the
ability for the tree to remain standing is
30 compromised. If there is a puff of wind of enough
magnitude, it can cause a tree to topple. For
firefighters being near that, as I have been
personally, it is not a pleasant experience.

35 The slope in this area is really quite steep and
rocky. Even after the fire when we took the
McLeod team up into this area, it was very
difficult to walk through with all of the under
storey removed. With the under storey there, it
40 would have been considerably more difficult. I am
not saying it is impassable, but there are a whole
lot of things which, when combined, mean that they
are going to have issues working on this fire on
that night.

45

Q. What do you say about the overall flame
height, putting aside the fire running up trunks

and catching the candle bark alight?

A. Okay, in terms of the flame height, looking at the photographs taken after the fire, the shrub appeared to be generally of the order of 3 metres
5 high. The prime species is what is called the blanket bush. It seemed to be uniform right through there. The surface fires here are perhaps less than half a metre in that photograph, which isn't by itself the problem. The problem is the
10 flames in other than the surface fuels.

Q. In terms of spotting?

A. Yes, just general difficulties in holding a
15 containment line.

Q. Have you worked in conditions like that, Mr McRae?

A. Not in the ACT.

20 Q. Have you in New South Wales?

A. Yes.

Q. At night?

A. Yes.

25

Q. Would you agree that firefighting that night was possible if it was considered something that was likely to have some effect?

30 MR PIKE: I object to that question. My friend is trying to do the same thing as he tried before around a different way. In my submission, out of fairness, if this witness is to be asked a
35 question and I take it he is being asked about this particular location, "Firefighting that night was possible," in all fairness to him shouldn't he have given to him the information from those on the scene at the time as to what was in their mind as to the considerations they were contemplating
40 when they made that decision.

He hasn't read those statements. Without the benefit of those statements, we really don't know what the factual basis is of this question.

45

MR CRADDOCK: Your Worship, just before my friend answers, this way he can deal with both, I have a

problem with it too. It lies in the difficulty of what "possible" means? Does it mean --

5 THE CORONER: I am not going to entertain that one, Mr Craddock.

MR CRADDOCK: You haven't even heard it, your Worship. You haven't even heard my submission. May I put my submission about the question?
10

THE CORONER: I am not going to entertain you giving me a lecture of what "possible" means.

MR CRADDOCK: I am not going to do it.
15

THE CORONER: That is how you started.

MR CRADDOCK: May I put my submission?

20 THE CORONER: Yes.

MR CRADDOCK: Thank you.

THE CORONER: If you would just leave the room, Mr McRae, while this is being done.
25

(The witness leaves the hearing room)

MR CRADDOCK: What we do not know is whether what is intended by the question is possible regardless of safety issues or possible regardless of whether you succeed in holding a containment line. There is a vagueness of the question when it is put in terms of what is "possible". My submission is that the question put as it has been put - I adopt what Mr Pike says, but leaving that aside for the moment - is of little use to you. It needs some definition.
30
35

MR WOODWARD: I am happy to do that, your Worship. I am happy to back up a little bit and paint him what I am ultimately trying to achieve, if that assists.
40

THE CORONER: On the basis that Mr McRae has said that he has fought fires in these conditions, Mr Craddock.
45

MR CRADDOCK: I know he has said that. He hasn't been asked whether it is effective to hold a containment line or to avoid injury to firefighters, any of those many matters.

5

THE CORONER: He is not being asked that at the moment; he is simply being asked one question.

MR CRADDOCK: Precisely my point.

10

MR WOODWARD: I am happy to define the question more specifically, your Worship.

(The witness returns to the hearing room)

15

MR WOODWARD: Q. I think you agreed, Mr McRae, that you personally have fought fires at night in conditions similar to those that you understand were facing the firefighters on the night of the 8th; is that correct?

20

A. Yes.

Q. You, albeit somewhat limited, have had an opportunity to review this photograph and you yourself visited the area to ascertain where the fire was burning and what sort of terrain the firefighters were facing that night?

25

A. Yes.

Q. Based on your own experience as a firefighter and based on your knowledge of the terrain and information such as this photograph, could firefighting have been safely conducted on the night of the 8th?

30

A. The tricky word there for me is the word "safely". Under the arrangements and procedures that we have in place, it would be questionable whether it would be safe to have crews in there and the judgment of the incident controller, I would rely on.

35

40

Q. I am asking you a somewhat theoretical question, Mr McRae. I appreciate that I am not asking you to second guess the incident controller as at the position on the night. I am asking you to express a view in hindsight based on your own experience of fighting fires and your knowledge of

45

this area. Are you able to express a view as to whether the fires could have been fought that night - I am going to use the word again - safely? In other words, having regard to the sorts of dangers that one generally faces in night-time firefighting and safe firefighting practice, including things like ensuring you have a safe anchor point and so on, are you able to express a view as to whether firefighting that night could have been conducted in a way that didn't present undue danger to the crews?

5
10
A. Well, to decide whether it would be safe or not requires information I don't have.

15 Q. Such as?

A. The direct field observations which were available to people out there.

20 Q. Based only on what you have now got in front of you, the photograph and your own understanding of the terrain that they were in, are you able to express any view at all about whether firefighting could have been conducted safely that night?

25 A. Well, this photograph is taken on the downhill edge from the trail which was later found to be where the fire had self-extinguished overnight. So this would have been the most mild part of it. If you extrapolate from this photograph what would have been happening on the opposite side of the fire, I think there would have been serious safety concerns.

30 Q. What about this edge, Mr McRae? Could firefighting have been conducted safely along the milder edges and flanks of the fire?

35 A. Well, the downhill edge is where the fire went out so, yes, the information suggests on this particular quarter of the fire's perimeter, yes.

40 Q. Are you able to express a view and, if so, what is it, as to whether if firefighting had been conducted that night it would have assisted in the control of the fire the following day?

45 A. From what I saw myself the next morning, I don't believe there would have been too much impact on how the fire picked up the next morning.

Q. Can I put the proposition more generally. Is the effect of your evidence that based on this photograph and your own inspection of the terrain post fire, is it your evidence that no
5 firefighting conducting that evening by the crews that were there present would have been effective in assisting the control of the fire the following day?

A. That last bit changed my answer. I think it's
10 easy to agree that the bit near the road was going to be put out whether by itself or by fire crews. As for the rest of the fire perimeter, it is my belief that they were unlikely to have been successful in stopping it increasing its rate of
15 spread on the morning of the 9th as it did.

Q. Does it follow from what you have just said that any firefighting done that night would have been ineffective in assisting the control of the
20 fire the following day?

A. What do you mean by "assisting the control of the fire"? I am trying to understand your question.

Q. The impression I have from your evidence, Mr McRae, is that based on what you saw the following day, as I understand it, anything done that night would have been, in effect, overtaken by the events during the course of the development
30 of the fire the following day? Is that a fair summary of what you --

A. I think there is a high likelihood that that would have happened, yes.

Q. I did ask you about a document on the last occasion, which I think you agreed was drafted by you. Have you had an opportunity to look at that document?

A. Yes, I have.

Q. I will have it brought up now. It is document [ESB.DPP.0001.0149]. While that is being brought up, you provided to me during the break a document, among other things, that discloses the
45 Byram-Keetch drought index during the period leading up to January 2003. I think you wanted to clarify some evidence you gave last week about the

level of the BKDI returning to zero in the year up to January 2003. Is that correct?

A. Yes, that is correct.

5 Q. One of the charts you provided in particular would suggest that it in fact didn't - I think the expression is - zero out at any point during the year leading up to January 2003 - I am sorry, in the 2002 calendar year?

10 A. Yes, that's correct.

Q. Your chart I think shows that the lowest point reached in late September 2002 was about 20?

15 A. Yes. When you tabled that email while we were talking about this, the figure in that didn't match my recollection. So I went to the raw data, and that is in accord with what was in the email.

20 Q. I pointed out to you at that time, Mr McRae, that Mr Cheney's evidence and in particular a chart he provided during the course of his evidence, which is part of his analysis of the fires, for the Keetch-Byram index for the year 2002 it actually reaching zero for a very short period at the very beginning of September. Would you like to comment on that?

25 A. Yes, I would like to comment on that. As I mentioned when we were talking about this before, there is a number of different ways of calculating these indices. We had set up a national working group involving the fire agencies, the Bureau of Meteorology and the CSIRO to look at ways of removing those discrepancies and making sure the calculations all come with the same answers if you put the same inputs in. What this demonstrates is we still have some way to go. In general terms the curves aren't dissimilar, but there is still some tuning to be done.

40 Q. Mr Cheney's written report includes in the context of the KBDI this statement - I will read it to you and ask you, if you are able to, to confirm or not. In discussing the Keetch-Byram drought index scale, he says it was introduced into Australia in 1966. He goes on to say this at page 4:

5 "McArthur also found that when the
Keetch-Byram drought index did not reduce to
zero for two or three months over the winter
period, severe forest fires could be expected
at a lower index than 100 the following
spring and summer."

Do you agree with that?

10 A. There are a number of things like that that
are in the literature and you have got two
choices. You can run the numbers and go with what
the indices say or you can take them and try and
apply these corrections. In the ACT, we don't
15 have any experience on how those corrections
apply, so we didn't apply them.

Q. So without the corrections you are left with
basic analysis offered in the literature; is that
the position?

20 A. Yes, that is correct.

Q. So does it follow then, would you agree, the
position so far as the ACT was concerned in about
January 2003 was consistent with Mr Cheney's
25 evidence that you would expect, applying that
literature, that if the drought index did not
reduce to zero for two or three months over the
winter period, severe forest fires could be
expected and a lower index than 100 in the
30 following spring and summer. That's the
conclusion you would draw from the literature; is
that correct?

A. You would need to know the context of the
claim. Different parts of the world have
35 different processes going on when you go in and
out of drought. I am not sure where that one
comes from. I have seen similar claims in the US
and other places. In terms of the ACT, what we do
is we apply the indices and then we build up our
40 own experience base on how well those apply.

I guess one of the reasons we would try to stick
to just applying the indices is because of our
need to co-ordinate with New South Wales in so
45 many matters and do things the same way they do.
This is why we haven't adopted the soil dryness
index as our official way of doing things because,

as far as the Bureau of Meteorology is concerned,
we are part of the New South Wales region. Until
the New South Wales Rural Fire Service makes any
change like that, we can't do it on our own.

5

So for interoperability we just go with the
indices in our own experience base. It would be
nice to work out how to apply those other things
and we need to do that. We haven't.

10

Q. As January 2003 approached, Mr McRae, you were
aware, were you, that the KBDI either had not or
had only for a very short time reached zero that
year?

15

A. Well, I was using the numbers in the material
I gave you, so I was aware, yes.

Q. So on your material it hadn't reached zero at
all?

20

A. It had gone down low.

Q. But it had not reached zero?

A. I did not see it as the issue that you have
identified in your quotation.

25

Q. Let us deal with the initial premise, if you
like. The KBDI had not reached zero during the
2002 year; is that correct?

30

A. My calculation of the KBDI had not reached
zero. I do not recall if the Bureau of
Meteorology calculation had reached zero or not.

Q. Mr Cheney's evidence would suggest it had, but
only for a very short period at the beginning of
September?

35

A. Yep.

Q. Were you working on the basis then, as
January 2003 approached, given the drought factor
leading up to that time that you could expect
severe forest fires at a lower index than 100?

40

A. That wasn't part of my thinking, no. The
drought factor was the prime tool, not the drought
index.

45

Q. And the drought factor applying the index had
reached 10 before --

A. It had just reached 10 as the base level.

Q. Returning to this document that is now on the screen, Mr McRae, I think I asked you on the last occasion about its origins and I think you indicated that you hadn't finalised it. You were provided with a copy of this particular version of it. I appreciate you still haven't finalised it. Having read it, does it still recall your views about the prospect of direct attack being effective - or more importantly ineffective - on the night of the 8th of January?

A. The analysis presented in the document is predicated on some assumptions, and that includes assumptions about that thermal inversion not being present.

I guess the only way I could work around that was to do it twice, once for Cabramurra and once for Canberra. Given the assumptions behind the models that were used in the documents, it's correct.

Q. Can I just ask you about a couple of particular references. You will see on the part of the document on screen you have said:

"As a rule of thumb if the intensity exceeds 400 kW/m, then direct attack is not likely to succeed."

Where does that figure come from, that figure of 400 kilowatts per metre?

A. I can't recall where I got that from - let me think - there is a reference which has that in it. I couldn't locate it when I was drafting this up, so that was my recollection of what the number was.

Q. The information I have suggests that in 1978 Luke & McArthur have stated that suppression is unlikely to succeed when forest fire intensity exceeds 4,000 kilowatts per metre. In other words, is it possible that your figure there is out by that kind of factor?

A. I won't disagree. As I said, this is a draft document.

Q. All right. I understood your conclusions to be conclusions you still adhered to, but you would agree, would you, that perhaps that is a typographic error and that it should read 4,000?

5 A. It should read 4,000, yes. But whether that is what I had in mind when I drafted the document, I cannot recall.

Q. Moving down to the chart, given what you have described as post analysis vegetation types - the vegetation type list used in the ACT for modelling - that is presumably an average figure applied for the purposes of modelling the fuel load for different types of forests?

15 A. That's correct.

Q. Certainly the Bendora fire - I think your document goes on to refer to that being on montane forest; is that correct?

20 A. Yes.

Q. We are looking there at a fuel load of 30 tonnes per hectare as an average?

A. Yes.

25

Q. Moving down to the chart, as I understand this chart, you have used the results provided by the Cabramurra automatic weather station and you have checked these against Canberra. This is the issue you referred to earlier; namely, concern about the possibility of the inversion layer and using Cabramurra, at least to some extent, to try and factor that into your theoretical calculations.

A. Yep.

35

Q. I appreciate this is a draft document, so I will give you the opportunity to assist. The column down the left-hand side shows what you have described as the Byram intensity and it is shown there in brackets as "watts per metre". The figures down the left-hand side suggest in summary that the lowest intensity reached on the Bendora fire on the night of the 8th of January was in the region of 24,000 watts per metre?

40
45 A. I would never use watts per metre. That would be a typo.

Q. That should read kilowatts per metre?

A. Yes.

Q. Can I suggest also, Mr McRae, that
5 24,000 kilowatts per metre intensity overnight on
the Bendora fire may also be an error?

A. It's a draft document. I wouldn't release a
document like this without totally reworking
everything and validating everything, which I
10 haven't done.

Q. I understood you might investigate this sort
of aspect of it. Perhaps I should have been more
specific when I asked you to look at it over the
15 break. What I want to ask you, if you need
further time to look at it please say so, if
indeed the left-hand side of the chart is designed
to show kilowatts per metre, and that in fact what
you need to do is drop a zero off each of those
20 levels down the left-hand side; would you agree
with that?

A. Sorry, I wouldn't agree with any suggestions
on how to tackle it. I would go back to the raw
data and rework it just to see if I come up with
25 the same answers.

Q. Well, can I just ask you this general question
then: based on what you do know about the Bendora
fire overnight on the 8th of January - I
30 appreciate you don't have the assistance of direct
observation - but as much as you do know, I
suggest to you it is much more likely that the
figure down that left-hand column should be 2,400
as the lowest intensity reached on the night of
35 the 8th not 24,000. That would be more consistent
with what was observed and what you saw on the
photograph; wouldn't it?

A. There could be any number of errors in this
draft document. They may be confounding. Rather
40 than picking one, as I say, I would rework the
whole thing.

Q. Perhaps it might be useful, Mr McRae, given
what I have asked you about more specifically in
45 relation to this document, if over the luncheon
adjournment you could have another look at it. If
you go on over the page, it says:

"Figure 1 shows the BI - which is the Byram intensity - time series for montane forest. This assumes level ground. BI clearly never gets near the cut-off for direct attack."

5

The difficulty is that if in fact the figures on the previous page for intensity where you have got 400 should be 4,000 and the figure should in fact be 2,400 kilowatts per metre as being the minimum intensity reached that night, that would be well within the limits of what could be achieved for direct attack on the night of the 8th; do you follow what I am putting?

10
A. I follow what you are putting. The draft document clearly has some flaws in it. I don't know how to reconcile them without reworking it. So I can't constructively answer the question you are asking.

15
Q. What is your view generally about the capacity, just based on Byram intensity, of crews to undertake direct attack on the Bendora fire overnight on the 8th?

A. If you are just talking about the fine fuels on the surface, then there were places where direct attack would succeed in stopping a fire edge on those fuels.

25
The non-surface fuels, the aerial and semi-aerial fuels as seen in the photograph, are obviously going to cause difficulties which would not be indicated at all in an analysis of Byram intensity.

30
Q. Because they don't in a real sense contribute to the overall intensity of the fire, do they?

A. Well, the expectation on the tools that we base our procedures on is no, they don't. But we also recognised after the fire that the tools we were using didn't pick up everything that was relevant to the fires that we fought at that time. We're awaiting anxiously the findings from Project Vesta which indicated that some of those shortcomings will be addressed, if not all of them. So the tools we had at the time weren't sufficient, yes.

Q. Again, I appreciate you have indicated that it is necessary to undertake some remodelling to check the accuracy of this document but, based on your general experience, Mr McRae, and that
5 photograph and the other information that you are aware of about the fire, it is not possible, is it, that the fire intensity on the night of the 8th was anything like 24,000 kilowatts per metre, is it?

10 A. That figure is not correct, and I wouldn't support it.

Q. So that to the extent that this document suggests that the intensity of the fire appears at
15 least to be constructing an argument that the intensity of the fire was in excess of what was susceptible to direct attack, we should ignore it until you have had an opportunity to revisit those calculations; is that the position?

20 A. Well, I wouldn't recommend putting any prudence on this document until the analysis is confirmed and the conclusions based on the analysis are already done. I didn't release the document.
25

Q. I understand that. We were provided with a copy of it. It appeared to be, as you pointed out, not finalised. We were concerned to ascertain whether or not it was suggested that the
30 intensity was such that direct attack would not have been possible on the night of the 8th. I understand you to be saying that we shouldn't rely on this document in its current form to that end.

35 But perhaps, if you are able to over lunch have another look at it and see whether you can confirm at least that the columns on the left-hand side of the page in that first figure appear to be overstating the level of kilowatts per metre by a
40 factor of one decimal point?

A. I'm sorry I wouldn't be able to improve on this without going to the office and spending some hours in working through all the time series data and confirming the models. It is not a trivial
45 thing to advance the status of that document.

Q. So we should in the meantime disregard it?

A. I would recommend you disregard it, yes.

Q. I can't now recall, Mr McRae, whether we got to the point in the chronology on the evening of the 8th. So I will just ask you again, if I could: did you perform on that evening before you left work for the night any analysis of the likely fire spread overnight - sorry, I think you did say you conducted an informal assessment and in your view it may double in size. Is that the effect of your evidence?

A. Yes.

Q. That is as far as your analysis went that night?

A. That's correct.

Q. Is that an assessment you recall expressing to anyone else at Curtin that evening?

A. I don't recall. I may have mentioned it. I just can't recall.

Q. Do you recall being asked for your view as to what the likely fire spread overnight would be?

A. Sorry, I don't have a recollection of the conversations that took place at that time. It probably did.

Q. But you don't have any memory now of a discussion with particularly Mr Graham or Mr Lucas-Smith of the topic of the likely overnight spread?

A. No. No.

Q. Did you produce at that time - undertake any modelling yourself on your computer or elsewhere of that fire spread that night?

A. No. As I said, I only did the informal modelling.

40

Q. Now, moving to the 9th of January, at paragraph 33 of your statement you say that you returned to the ESB at approximately 7am, checked the weather forecasts that had come in from the Bureau of Meteorology that morning and was satisfied that the weather had not changed in any significant way from the weather forecast provided

45

the previous night:

5 "I then commenced generating maps from the GIS system in my office, which enabled me to provide data on vegetation, topography, access and assets within the areas of the fires."

10 You say you then generated these maps and printed them out for use where required as part of the incident management system. Mr McRae, do you recall actually providing those maps to anyone that morning?

15 A. The crude first maps that I produced of the areas where we understood the fires to be, I produced in colour A4 format and took them around to the district management room where the Service Management Team was operating out of at that time.

20 Q. What did you do with them then?

A. I just made a set available.

Q. To whom?

25 A. To the people in the room, not to anyone in particular. This is to augment the topographic maps that we also had made available.

Q. To whom?

30 A. Well, standard practice when we fight fires is to make sure that the room contains standard topographic maps at 1:100,000 scale, 1:25,000 scale and, if achievable, 1:10,000 scale for the areas that we were working on.

35 Q. Was that done on the morning of the 9th?

A. Started doing that on the evening of the 8th.

40 Q. As I understand what you just said, you supplemented that information by providing I think what you described at that stage as crude maps based on the GIS system in an A4 format?

A. Yes.

45 Q. I am trying to get an understanding of what physically happened to these maps after being produced. Did you leave them on a table or were they stuck on somewhere; what happened to them?

A. I don't recall specifically what happened. But what we do in general terms is we find the most suitable map for the incident that is being managed and that goes on to a wall or technically
5 onto a whiteboard with magnetic strips to hold it on, and the others are put on a small table in the corner of the room for reference for anyone who requires them.

10 Q. Do you know or were you aware as to whether or not any arrangements were made for wider dissemination of those types of maps, for instance into the field?

A. I don't recall any arrangements being made to
15 put those maps into the field.

Q. Would they have been useful to people in the field?

A. Not necessarily. The published topographic
20 maps at that stage of the incident would have been the best tools for people in the field to be using, and we expect all the trucks to have those on board.

25 Q. Before any fire event they are there all the time; are they?

A. Yes. It is a standard procedure.

30 Q. So in those circumstances, assuming that is the case - namely, that the maps were already in the relevant vehicles - it is not necessary to be sending maps out into the field; is that the position?

A. Yes.

35

Q. But in any event, you are not aware of any arrangements being made, either by yourself or by anyone else, to begin to distribute the sort of maps you were referring to, either topographic or
40 the GIS system maps, out into the field?

A. Well the provision of topographic maps is up to the people in the field. The maps that are generated in Curtin are primarily done to support the broader scale planning that is going on in
45 Curtin by the Service Management Team.

The map is only as good as the information that is

put on it. If we are getting information from people in the field and then putting it on the map, then they have already got it.

5 Q. In the case of an aerial reconnaissance though, Mr McRae, that would be additional information that would only get to people in the field if that was being passed on; would you agree with that?

10 A. Yes.

Q. Now you say in your statement that midway through this process of generating the maps, at approximately 9am you were in effect to take
15 Mr Lucas-Smith's place on a reconnaissance flight of the fires. Is that correct?

A. That's correct.

Q. That commenced a little after 9 o'clock, did
20 it?

A. Not a little after 9 o'clock. It took some time to get out to the helicopter. If I recall correctly, it took off at about 10 o'clock.

25 Q. So it was about an hour later that you actually took off?

A. Yes.

Q. How long did the flight last, Mr McRae?

30 A. Over an hour.

Q. How much over, as best you can recall?

A. Oh, maybe an hour 15. Not an exact
35 recollection.

Q. You say in paragraph 34 of your statement - I am sorry, I should have drawn your attention to that. I didn't mean not to. You say in your statement that you conducted a one-and-a-half hour
40 reconnaissance flight over the fires. It was of that order is I understand what you are saying?

A. Yes.

Q. You took the role of aerial observer in the
45 front seat and Mr Castle travelled in the back. You say the helicopter was fitted with a GPS receiver that enabled you to plot the co-ordinates

of the fire on laminated maps in the air observer kit that you took with you, and you also made some notes about the fires?

A. Yes.

5

Q. In paragraph 35 you say you took approximately 20 photographs of the fires and you also had some exchanges over the radio with personnel on the ground actually working on the fires. You mention Mr McNamara and Mr Hayes; is that the position?

10

A. Yes.

Q. I will just ask, Mr McRae, for a document to be brought up on screen, [AFP.AFP.0003.0384].

15

These appear to be handwritten notes in your handwriting. Do you recognise those notes?

A. Yes, I do.

Q. Although someone has written on the top "Rick's brief 11.50", it appears from the text of these compared to the typed notes that you refer to in your statement that these are notes that you were taking during the flight; is that correct?

20

A. That's correct.

25

Q. They were subsequently typed up by you and put on the ESB website - I will come to that in a moment.

A. That's correct.

30

Q. Just dealing with your observations based on those notes, Mr McRae, it would appear - I appreciate I think probably someone has run a highlighter pen over these so it is obscured - the names of each of the fires. The top one, can you interpret what that is - something "hill fire"?

35

A. At that stage I called the fire Cromwell Hill fire, which officially was called something different by New South Wales - Mt Vale.

40

Q. That was a fire burning in New South Wales but not any of the fires that we are now dealing with?

A. That's correct.

45

Q. The next one is Broken Cart?

A. Mmm-hmm.

Q. You have put in brackets after that "not visited" but you have a brief comment in relation to those. Is that in effect a long distance observation of those fires?

5 A. Based on the behaviour of the smoke plume, yes, that's correct.

Q. You didn't actually fly over any of those next three fires?

10 A. No. The mission was to look at the immediate concerns for the ACT.

Q. Mt Morgan fire is the next one, I think?

15 A. Sorry Yarrangobilly after Broken Cart.

Q. Sorry I lumped those together as all not visited. The next one that you apparently did visit was Mt Morgan; is that correct?

20 A. That's correct.

Q. And you observed, in relation to the fire behaviour there "90 per cent self-extinguished." I can't read that word that follows.

25 A. "90 per cent self-extinguished overnight".

Q. Overnight?

A. Mmm.

30 Q. And then "hot spots north, south-west, south-east corners may be held by foot track on west margin". Have I read that correctly?

A. Yes.

35 Q. "Threats none. Could make run onto peak and escalate"?

A. (Witness nods).

Q. The next one over the page is the Bendora fire. Is that correct?

40 A. Yes, that's Bendora.

Q. "fuel - montane forest. Terrain - ridge line. Size" - is that "20 hectares growing"?

45 A. Yes.

Q. You identified the size then, as I understand your evidence, Mr McRae, by use of the GPS

facility in the aircraft - sorry, GIS facility in the aircraft?

A. It would be GPS, global positioning system. That wasn't the primary tool. We were making
5 reference to the GPS. Basically the pilot and I, while the machine was orbiting around the fire, were forming an estimate and we both agreed our visual estimate of 20 hectares.

10 Q. Did that surprise you when you first observed that, Mr McRae, based on your expectation of what was going to happen overnight?

A. Yes.

15 Q. At the time did you have an explanation as to why it apparently reached that size so quickly?

A. It was not immediately obvious to me why it had grown so much.

20 Q. You refer to "access road to south-east flank Wombat Road" and "behaviour hot and growing on south-west". Sorry what is that next?

A. "Fire behaviour hot and growing on south-west 2-metre plus flames".

25

Q. That is on the south-west flank; is that right?

A. South-west corner, in that gully head.

30 Q. "Backing 1.5 metres on north-west, north-east"?

A. Correct.

Q. "Out on road to south-east"?

35

A. Correct.

Q. Is that the Wombat Road edge?

A. Yes.

40 Q. You have identified as a threat the Cotter catchment?

A. Mmm-hmm.

45 Q. Was it while you were conducting that initial assessment, Mr McRae, that you were speaking with Mr Hayes?

A. Yes, that would be correct.

Q. Did you have, either based on what you could see from the aircraft or based on information before you left Curtin that morning, an understanding of the level of resourcing of the Bendora fire that morning?

5 A. Not really, no. I didn't have time to catch the details on that. As I said before, I was given the opportunity to make the flight at short notice.

10 Q. Could you see from the air what level of resources were on the Bendora fire that morning?

A. You could easily see units parked on Wombat Road and talking to the incident controller I worked out where crews were on foot. But under the forest canopy, it was difficult to see where people were.

Q. Putting aside individual people, can you recall how many units you observed as being on the fire that morning?

A. No, no. I wasn't taking notes on that.

Q. There seems to be some dispute - some inconsistency in the evidence, at least at this stage, Mr McRae. On one version there was one tanker and one light unit; there may possibly have been another vehicle used to transport personnel. Does that assist you at all? Do you recall seeing significantly more than that that morning?

30 A. I really don't recall what units I saw. That wasn't one of my goals. Remember, I wasn't tasked as a formal air observer; I was given an opportunity to go on a flight.

35 Q. Do you recall at any stage during your flying over Bendora and your discussions with Mr Hayes having the impression that the level of resourcing was insufficient for the size of the fire that you had observed; namely a 20-hectare fire?

40 A. I wasn't considering whether resourcing was sufficient or not. My discussion with Mr Hayes was assisting him in his tactics to deal with where the fire was burning most intensely, which is what I discussed with him.

45 Q. So is the answer to my question, "No, you

don't recall having a view one way or the other as to whether there was an adequate level of resources at the Bendora fire"?

A. The answer is no.

5

Q. How much do you recall about the discussions you had with Mr Hayes that morning?

A. The general terms of the discussion, but not the details.

10

Q. It may be easier to do this after the luncheon adjournment. There is passage in the radio transcript that I can take you to which appears to be a series of exchanges between yourself and

15 Mr Hayes, although it is a little confusing because you are both called "Rick". Do you recall Mr McRae, the sorts of assistance Mr Hayes was looking for that morning from you?

20 A. What you get from the helicopter that is hard to get from the ground is an overview of where the fire is burning most intensely, where it is not and the general area of the fire.

25 Q. What sort of things was Mr Hayes asking you to tell him, what sort of information?

A. Sorry, I wouldn't have recalled him asking me to tell him things. It was just a discussion that we entered into about where the fire was burning most intensely.

30

Q. It may be easier to come back to that with the actual transcript.

A. It would assist, yes.

35 Q. Which to save time we might do straight after the luncheon adjournment. In the few moments I have left, I might move on to what you observed of the McIntyre's Hut fire, which is the next thing in your note, Mr McRae.

40 A. Sorry, the pages appear to be out of sequence. We went to Stockyard before Bendora. We certainly went to McIntyre's after Bendora.

45 Q. So at least on this page it confirms that you went to Bendora before McIntyre's?

A. Yes, that's correct.

Q. You described:

5 Fuel - dry forests; terrain - steep
dissected; size - main fire, 300 hectares,
Dingi-Dingi spot fire 20 hectares, Mountain
Creek spot 15 hectares, baldy Range spot
20 hectares; access - not relevant."

10 I assume you are saying that because at that stage
the tactics of indirect attack were already well
in place so access to direct attack was not
relevant?

A. That's correct.

15 Q. "Behaviour - much" - something -"backing
flames 0.5 to 1.5 metres"?

A. "Much is backing".

20 Q. Then you have identified "threats - ACT,
pines, private property, power lines." Were you
able to get a sense, as you flew over the
McIntyre's Hut fire, Mr McRae, of how it was
positioned relative to - in particular I think you
identified the Uriarra pine plantation?

25 A. It was very difficult to get a feel once you
got close to the fire, because at that point the
smoke plume was being drawn down to the ground in
a process called fumigation. It is to do with the
30 atmospheric stability under some conditions as
well as the smoke going up, and part of it is
drawn downwards. That was causing a lot of
difficulties for the pilot as well.

35 Q. When you identified in your notes "ACT, pines"
what were you seeing that caused you to identify
those as threats?

40 A. Well, I knew from discussions the previous
night where the fire was in general terms and the
direction it had been heading when it made a run.
And what I was seeing from the helicopter
confirmed my prior expectation of what was under
threat, which is why I wrote down what I wrote
down.

45 Q. So what you saw from the helicopter
effectively confirmed what you effectively
understood to be a threat?

A. That's correct.

Q. In your typed notes, Mr McRae, under "threats" - I will just ask you if you recall it -
5 you have slightly elaborated on what you have got there. You have got:

"ACT, especially pines; private property; power lines."

10

Is that what you were identifying in your notes there, a general threat to the ACT and particularly the pines? Is that how you were seeing it at that time?

15 A. That would be my intention, yes. The private property most immediately under threat was in New South Wales.

Q. Being what area?

20 A. The Fairlight area and Dingo Dell, that enclave that grows in there within the forest area just downwind of the fire.

Q. And the power lines, was that in effect on the
25 southern side of the fire?

A. Yes.

MR WOODWARD: Is that a convenient time, your
Worship?

30

THE CORONER: We will adjourn for lunch.

LUNCHEON ADJOURNMENT

[1.00pm]

35 **RESUMED**

[2.04pm]

MR WOODWARD: Q. Before the luncheon adjournment I was asking you about your observations about the McIntyre's fire as recorded in part at least in
40 the notes on the screen. As I mentioned to you, in your written notes you refer to especially "pines, private property and power lines". At that time as you were flying over the McIntyre's fire in particular but also the Bendora fire, were
45 you in your own mind thinking at least of threats beyond those that you have identified in your notes?

A. No, I wasn't. The primary goal was to make sure that the objectives and strategies we were then considering were appropriate given the situation out there in the field. When I have written "threats" there, I am thinking what are the immediate threats as the situation is at present with some rolling into the future, but only a day or so in my thinking.

10 Q. Perhaps we better be clear. You used in that answer the expression "immediate threats" and then talked about a day or so into the future. Is that how you would define an immediate threat? When you talk about an immediate threat, how far out would you be looking?

15 A. To be more specific, what I'm talking about is an assessment applicable to the current shift and the next couple of shifts for which we needed to make sure that whatever the objectives and strategies were were set appropriately.

20 Q. For those threats?

A. Yes.

25 Q. That's what defines, in effect, the threats that you have identified in these notes; that is, what might be under threat in the course of the next one to two shifts?

A. Basically, yes.

30 Q. I appreciate that you say, Mr McRae, that was part of the purpose of your assessment. Putting aside what the purpose may have been, did you in your own mind go beyond that in terms of your thinking that morning as you were flying over these fires? Were you speculating in your own mind at that time as to where these fires might go beyond the next one or two shifts?

A. No, I wasn't.

40

Q. Did you on that morning, Mr McRae, identify or see any threat to the urban area of Canberra?

A. No, I didn't.

45 Q. You mentioned and referred to some discussions that you had during that reconnaissance flight with Mr Rick Hayes. I just want to take you to

some part of the transcript of the radio communications that morning, which appears to be at least part of your discussion with Mr Hayes. The document number is [ESB.DPP.0003.0001]. This is the transcript commencing at page 32 at approximately 10.44 on the morning of the 9th. If we move halfway down that page, Mr McRae, you see there the reference:

10 "Parks 6 - 'Firebird 7' to Parks 6."

The time is not quite displayed there. In the middle of the page:

15 "Parks 6 Firebird 7 receiving.

Rick is there any chance of a fly around of that fire below you at Bendora please and tell the boys how they are going up on that southern flank."

Parks 6, is that Mr Hayes?

A. Yep.

25 Q. At that stage you were 'Firebird 7' or at least you were --

A. I had the mike on 'Firebird 7', yeah.

30 Q. So that's a message that you have received. Your response, according to the transcript is:

"Negative on that. We're now on a mapping mission but I'll do a recon and give you some information in a minute or so. Over."

35

That is you speaking to Mr Hayes, correct?

A. Correct, yes.

40 Q. Moving a bit further down the page you are then talking to what appears to be Guises Creek 5; is that correct, in particular the entry at - they are all at 10.45:

45 "That's affirmative. What's our situation from here over. The flank you're on is very hot. The flames are raising up the slope. Over. 2-metre flames starting to get up into

the trees over."

5 A. Sorry, I am just needing to read some of the stuff from the gap between the two, which explains why Guises Creek 5 got into the conversation. Guises Creek 5 has requested 'Firebird 7' go over and do some checking on their area, the southern flank. Then I spoke directly to Guises Creek 5.

10 Q. Is that a heavy tanker?

A. Guises Creek 5 is a command unit.

Q. Do you know who was in that command unit at the time?

15 A. No, I don't.

Q. It wasn't Mr Hayes at that point?

A. No, no. He had been in another command unit. Sorry, Guises Creek 5 would probably be on foot in this scenario. He drove up in a command unit.

Q. But you don't know which person represents Guises Creek 5 at this stage?

A. Oh, no, no. The call sign was sufficient for me to converse with them.

Q. Of course. I understand at the time you needed no more information. I just wondered since then have you been able to find out who it was. Our record would suggest that Guises Creek 5 might be Mr Tim Holdsworth, does that assist?

A. It doesn't assist my recollection. I suspect that's who it was, yeah.

35 Q. In any event, you have told Guises Creek 5:

"The flank you're on is very hot. The flames are raising up the slope over. 2-metre flames starting to get up into the trees over."

The response is:

45 "Yes, 'Firebird 7'. Your recommendation is it worth to carry on a rake hoe trail up the hill."

Again this would appear to be your response:

5 "I would say that a direct attack would fail.
You'll need to monitor this one very closely
to go off the road and ahh, yeah a rake hoe
line would fail over."

Is that your response, Mr McRae, to that request?

10 A. I believe that's what I said. Yes.

Q. You then have a discussion, I think, with
Mr Hayes. At the bottom of the page you've got:

15 "Rick, I was going to have a go up the
northern end of it. How hot is it down the
northern end please."

Moving to the next page:

20 "We'll go and have a look. What's your
ground location? Over."

He's identified the ground location. He said
you've asked him:

25 "Is there anyone on the northern flank."

He responded:

30 "there's not. That was a hot one this
morning so I took the cool one and now it's
turned around."

You said to him:

35 "The northern flank is backing down below the
ridge line now. It's about 50 metres below
the ridge line now. It appears to be backing
all the way but it's fairly warm in there not
40 as bad at that other flank though."

Mr Hayes has then said you to:

45 "Yeah, I'm between a rock and a hard place
which one to have a go at now."

You've said:

"There doesn't look to be too much around it. It appears to be the slope driving it at the moment. Do you concur with that? Over."

5 He has responded:

"It's very steep on the southern end and I don't think it's much better on the northern end Rick."

10

You said:

"You could have a go at a rake hoe line on the northern flank but I don't know what your anchor points are. Certainly just."

15

Then you said to him:

"The southern flank is very hot right over the ridge top and a bit down the other side certainly the flames. Over."

20

He says:

"On the southern side and I'm using this fire trail as me anchor point."

25

You responded:

"Yeah look we're going to go and have a look on the other side. Just standby."

30

Then if we can jump over to page 34 where your communication with him appears to recommence:

35

"Parks 6 'Firebird 7'.

Parks 6 receiving.

40

'Firebird 7' is departing your fire for McIntyre's and 'SouthCare 1' has got a clear run.

45

Just back to you 'Firebird 7', how hot was that side, Rick, if I get some water on it do you reckon I've got a chance of running a rake hoe trail around that northern side."

You've responded:

5 "The flames are up to one and a half metres
on the I guess it's the north western north
eastern parts. It's certainly out down near
the road but hotter to the south-west. Does
that help you?

10 Then:

"Yeah, I'll go back down the northern end,
Rick, and have a drive around. That fire
trail cuts right back into that gully there.
And I'm hoping I might be able to sneak in
15 down there somewhere. Over."

Then it continues a little further. I won't read
it all - similar sort of discussion. Mr McRae,
based on that discussion you had with Mr Hayes,
20 did you have a sense from him or based on your own
observation as to how much success Mr Hayes was
having in his suppression efforts on that fire?
A. How much success in his suppression efforts,
well obviously the bit near the road was a
25 success. As for the rest of it, he was obviously
having troubles working out how to put in a
successful anchor point and make some progress
from there.

30 Q. I think you said to him, had you not, that the
southern side would not be amenable to direct
attack?

A. At that time. What I think was happening was
that the wind slope had conspired to push the fire
35 over that upslope run and it was backing down the
other side. Every time there was a slight veering
of the wind, one of the flanks would become
reactivated and make another hot uphill run. What
that means is that it is absolutely critical that
40 you have a solid anchor point on the downslope
side there; otherwise you are going to get burnt
over.

45 You really have to establish an anchor point at
the low point and build your containment up and
make sure the fire can't jeopardise that
containment. Then you effectively try and pinch

off the flank until you get to the top of the hill and you work out what to do next depending on the circumstances when you get there.

5 It would seem every time the wind would veer, either the south or north side would become the hot one. Then when 'Firebird 7' was over the top it was the south side because a flank run had been made and got into the gully and made a hot run up
10 the steep head wall of the gully.

Q. So can we take it that at least at the time you saw that Mr Hayes was having difficulty firstly deciding which side he should have a go
15 at, north or south; is that a fair assessment of what he is saying to you?

A. He is trying to find which one - yes, that is a fair assessment. Yes.

20 Q. Did you understand at the time that he had to make that choice; namely, he really had to choose one or the other; he didn't have sufficient resources to be putting teams on, for example, any part of both sides, both the north and south side?

25 A. I didn't know what total resources he had available to him or what resources were enroute so I can't comment.

Q. His comment "yeah I'm between a rock and a
30 hard place which one to have a go at now," did that indicate to you that he was having to make choices about which side - which flank of the fire to work on?

35 A. It certainly did, but not because of resources necessarily, just because of the wind veering and backing.

Q. What about your own observation, Mr McRae? Was it consistent with your own observation that
40 he didn't have sufficient resources to deal with more than one flank of the fire at the time?

A. I wasn't trying to observe what resources he had.

45 Q. I am not asking you what you were trying to do; I am asking you what in fact you saw. Maybe you didn't because that wasn't something you were

focusing on. Is that the position, you simply didn't make that observation at the time?

5 A. I didn't go looking for tankers and foot crews and I didn't try to assess the total resourcing he had.

Q. Can we take it from that that because you weren't trying to do it, you didn't do it?

10 A. It would have taken considerable effort to try and locate things under the canopy, so I didn't do it.

Q. Was it obvious to you from the nature of Mr Hayes' inquiries that he didn't have sufficient
15 resources, at least at that point in time, to deal with other than a part of one flank of the fire?

A. That wasn't a conclusion I reached from our discussion. It was merely that he didn't know which would be the quiet flank to focus on.

20

Q. Have you since the fires, Mr McRae, come to learn the level of resourcing of the Bendora fire during the 9th?

25 A. That information has come my way, but it doesn't mean I've remembered it.

Q. I think I indicated to you before lunch that whilst there seems to be some disagreement in the evidence about precisely the number of crews, I
30 think on any interpretation there was no more than one large tanker and two rake hoe teams; is that consistent with your understanding of the position?

35 A. I don't recall enough to comment on that.

Q. You don't recall - I'm asking you with hindsight, let me make that clear --

40 A. As I was saying to you, I have seen what was out there but I don't remember it.

Q. That information, did that come to you based on any inquiry that you have made, Mr McRae, since the fires; that is, the level of resourcing of Bendora on the 9th?

45 A. That was one of the areas we had to go through for the McLeod submission.

Q. So you have known that information, but it's just not something you recall now, sitting in the witness box?

A. That's what I said, yes.

5

Q. Again, I'm asking you to express a hindsight opinion - you saw a 20-hectare fire on the morning of the 9th, do you consider that two rake hoe teams and a large tanker is a sufficient level of resource to have any meaningful effect on the suppression of a fire of that size?

10

A. I'm just thinking about that. Give me a second, please - more would have been better.

15

Q. Mr Cheney in his evidence, Mr McRae, has expressed the view that with hindsight the Bendora fire was severely underresourced on the 9th of January during the day. With hindsight, is that a view you would agree with?

20

A. It's a difficult question to answer. The resourcing level depends on the objectives and the strategies primarily. Anyone who understands the way ICS works knows that you first set your objectives, and then from there flow the strategies, and from there flows the tactics and that sets your resourcing. So you can't just comment on resourcing alone.

25

Q. You knew, did you not, that the objective for the Bendora fire at least as at the morning of the 9th was direct attack?

30

A. Yes.

Q. That position continued, did it not, until at least at the earliest late on the 9th?

35

A. Yes.

Q. In those circumstances and as you knew on the day, it was a 20-hectare fire burning in, to some extent, difficult terrain; would you agree that with that tactic of direct attack the Bendora fire was severely underresourced?

40

A. I wouldn't use the phrase "severely underresourced". What I would say was in the scenario you've presented me that they should re-assess their tactics and, after reassessing their tactics, they should consider the

45

resourcing.

Now, if you've got a left flank that is burning up
a steep gully and it is defying you setting an
5 anchor point, then it's not necessarily the
resourcing that's the problem. Maybe it's the
notion of the direct attack that is the problem.
If that's the problem then resourcing is not the
question at all. I'm not trying to be difficult.
10 It's just the way we train people to work under
ICS - its objectives, strategies and tactics, and
then the resources flow from that.

Q. I understand that. At the time you were
15 conducting that reconnaissance flight, you knew
that Mr Hayes was attempting direct attack?

A. Yeah.

Q. Did he say anything to you to suggest that he
20 was contemplating moving to indirect attack at any
point that day?

A. There's nothing in the transcript, and it's
better than my recollection, so no.

Q. Given those circumstances, and I accept I am
asking you to express a view with hindsight.
Given the fact that Mr Hayes, no doubt this is
something that he will need to be asked in due
course, appeared to be continuing to pursue a
30 tactic of direct attack throughout that day, would
you agree in those circumstances that the
suppression effort was severely underresourced?

A. I wouldn't agree to the use of "severely" but
given the provisos, yes, it was underresourced.
35

Q. As I understand you, that wasn't something
that was apparent to you on the 9th?

A. No.

Q. From your observation; is that correct?
40

A. That's correct.

Q. Perhaps I should ask you: do you recall there
being any other exchange between yourself and
45 Mr Hayes other than that that has been read to
you? Was there a break and some other exchange or
is that as best as you can recall the full extent

of it?

A. I believe that would be the full extent of it. We visited once and then moved on.

5 Q. Do you recall - it doesn't appear from that transcript - your observation of the size of the fire? Is it fair, subject to what the transcript might show, that that's not something that you mentioned to Mr Hayes? Do you recall telling him
10 the size of the fire as you assessed it?

A. I believe I didn't tell him the size of the fire, but he knew the salient points from our conversations. I understood that he had a good handle on where the fire was.
15

Q. Do you think he would have had a handle on the overall dimensions of the fire from where he was at that time?

A. It's likely he did, if he knew where the fire was.
20

Q. Would you agree you were in a better position, being over the fire in an aircraft, to identify the total dimension of the fire than Mr Hayes, who was on the ground apparently working on one flank?
25

A. That's most likely, yes.

Q. Do you think it would have assisted him to know what the overall dimension of the fire was, your observation of it?
30

A. I didn't believe at the time that it would assist him. A lot of our fire controllers prefer brevity rather than a detailed travel log from air observers.
35

Q. It doesn't take long to say "Rick, you've got a 20-hectare fire down there", does it?

A. If you put it like that, it doesn't.

40 Q. I suggest to you that would have been helpful information for Mr Hayes?

A. Well, at the time he had an awful lot on his plate trying to get his tactics right.

45 Q. Well, would it have given him enough information to realise that, whatever tactics he was going to deploy, he was going to have a lot of

trouble having any significant effect on the control of that fire?

A. I believe he knew the situation quite well.

5 Q. Did you turn your mind to and make a deliberate decision not to tell him how large the fire was?

A. No.

10 Q. I beg your pardon?

A. No, I didn't.

Q. So it just didn't occur to you to tell him; is that the position?

15 A. I told him what I believed he needed to know in terms of assisting him with a problem that was obvious to me in the helicopter.

Q. You knew he was the incident controller of that fire; didn't you?

20 A. Yes.

Q. You knew under ICS - at least the way it operates in the ACT - it was his responsibility to, for instance, identify if he had insufficient resources available to him; is that part of his responsibility that day?

25 A. Sorry, could you repeat that question?

Q. Would you agree that under the ICS system, as applied during this firefight within the ACT, that it was Mr Hayes' responsibility to identify the fact that he had insufficient resources to have any significant effect on this fire?

30 A. Yes, I would agree with that.

Q. Wouldn't you agree that it would have assisted him to have an impression of the overall dimensions of this fire in order to make that assessment?

40 A. It's information that he needed. It's also information I believed he knew.

Q. Did you ask him --

45 A. I could have told him a whole lot of things. But I felt he knew them and I didn't tell him.

Q. The size of the fire is one of the most basic bits of information to assist a person in his position to combat the fire; isn't it?

A. It's one of them.

5

Q. Was it apparent to you from your observation of the fire that it was not possible for him, for example, to circumnavigate the fire in a way that would enable him to get an impression of the overall dimensions of that fire?

10

A. That wasn't anything that was apparent to me.

Q. Were there roads all the way around the fire that would have given him an opportunity to observe where each of the flanks of the fire were burning?

15

A. There were roads in the area but they weren't visible from the air because of the tree canopy and the smoke.

20

Q. I suggest to you that it would have been very difficult for Mr Hayes, positioned as he was and given the tasks he was faced with achieving, to spend time trying to get his way around the fire and get an understanding of how big this fire was; that would be something that would be very difficult for him to do?

25

A. Look, any information that would have assisted him - I made a call in the helicopter that he had a lot on his plate and I gave him the information that would directly assist him with the task he had at hand. Maybe I made a bad call there. Sorry if I did.

30

Q. I think you pointed out that the notes that we had up on the screen earlier may not have correctly reflected the order in which you flew over each of the fires. Perhaps if we can go back to [AFP.AFP.0003.0384]. The last page of the document at 0386, at least in the way it is put together in our bundle, shows each of the Gingera and Stockyard Spur fires; is that correct?

35

40

A. Yes.

45

Q. Your recollection is that should fall somewhere else in the sequence; is that correct?

A. This was the second of three pages.

Q. I see. So before you went to Bendora and McIntyre's, you flew over Gingera and Stockyard Spur?

A. Yes, that's correct.

5

Q. In relation to Gingera, again similar information, you've identified the size as 2 hectares and growing. You have referred to "access by a 4-wheel drive trail, 200 metres down slope to the east. Fire behaviour 0.5-metre backing on flanks and heel". That's the flame height, is it?

10

A. Yes.

15 Q. Was that on all flanks, Mr McRae; that is, your estimate of flame height of 0.5 metres on both flanks and the heel of the fire?

A. Yeah. When we flew over it, the head fire was in among some large granite boulders, so it was difficult to describe the flame behaviour in there.

20

Q. So that flame height relates only to the flanks and the heel of the fire, not the head fire?

25

A. That's correct.

Q. Again you have identified the threat as the Cotter Catchment and noted "could make a run onto peak"?

30

A. Yes.

Q. And for Stockyard Spur fire, you have identified the nature of the fuel as montane, ash and snow gum. It is on a ridge line. Size is 8 hectares. Access "dormant trail by foot". Do you know what trail you were referring to; is that what is known as the Stockyard Spur trail?

35

A. That's correct, yes.

40

Q. Again "behaviour - backing 0.5-metre flames. 1 metre on west flank. Escalating. Threat - Cotter Catchment. Lots of large logs. Difficult for rake hoe". Is that consistent with your memory of what you observed of the Stockyard Spur fire?

45

A. Yes.

Q. As you were observing those two fires, Mr McRae, did you have a view about what resources might be necessary to begin effective containment work on those fires?

5 A. That was a very difficult scenario, because we were only just getting ground crews on scene there. The issues for them were on the ground and difficult to see under the canopy. So there wasn't too much contribution I could make on this
10 one.

Q. You have noted the Stockyard Spur fire would be difficult for rake hoe. Were you aware at the time that was all that was either going to or at
15 the fire; namely rake hoe teams?

A. Yes.

Q. Did that suggest to you anything about what needed to be done to overcome that difficulty?

20 A. No, it didn't.

Q. I will be more specific: did you form a view at the time that to have an effect in relation to the containment of that fire it would be necessary
25 to bring heavy plant in?

A. I didn't seek to form a view at that time. The main source of that would be from the field crews when they got there and fully assessed the situation.
30

Q. Again, Mr McRae, I accept it may not have been part of your role to form that view and it may not have been something you set out to do, but did you form a view as to whether or not it would be
35 necessary to bring heavy plant to those fires in order to have an effect?

A. Well, heavy plant is always one of the techniques we use for fire suppression in these areas. But whether it is practical or not depends on a number of issues that can only be assessed on
40 the ground, such as how far you can get with the float to bring it in, what's involved in walking the machine across country to get to the fire ground, and exactly how rocky or steep the area
45 the fire is burning over is.

Q. Those all may be factors that need to be

considered in due course, but did you, as you identified that it would be difficult for a rake hoe team in that area, think in your own mind, "We are going to need to try and get heavy plant in here"? Is that something you came away from your reconnaissance flight thinking?

5 A. No.

Q. I should just check with you, I did point this out, the first page of those notes had up the top "Rick's brief 11.50". Can we take it that those notes were taken by you during the period of your reconnaissance flight commencing at about 10 o'clock and going through until your return some time between 11 and 11.30?

15 A. Yeah, that would be correct. When I got to the office, I photocopied it. This is one of the photocopies. As you say, someone has put the mark up there. It is not the original.

20

Q. You used those notes, did you, for the purposes of then entering or typing these details onto your computer into the ESB website; is that how --

25 A. That's correct.

Q. If we can look at document [ESB.AFP.0110.0761]. I will read from your statement at paragraph 40 you say:

30

"On return to ESB my first priority was to make available the notes of my observations during the helicopter flight. I therefore made multiple photocopies of my notes and provided them to Peter Lucas-Smith, Tony Graham and Dave Ingram. I then typed up my notes, downloaded the photographs from the digital camera, printed the photographs and placed the notes on ESB website."

35
40

Do I understand from that, Mr McRae, the notes that you provided to each of Mr Lucas-Smith, Mr Graham and Mr Ingram were a photocopy of the handwritten notes we had up on the screen earlier?

45 A. That's correct.

Q. Did you have any discussions with either of

Mr Lucas-Smith or Mr Graham about your observations when you provided the notes to them?

5 A. I believe I handed them the notes, told them that it was an assessment of the situation from the flight I had just been on and indicated there was some stuff they needed to look at - fire sizes, for instance.

10 Q. Do you recall specifically drawing Mr Graham's attention to the size of the Bendora fire?

A. Not specifically, no.

15 Q. I take it from your earlier answer that you were certainly concerned that they note that information in your notes; is that the position?

A. Sorry, could you repeat that?

20 Q. I think you said in your earlier answer you gave them the notes indicating to them there were some important points they needed to note or needed to look at and you said "fire sizes for instance"?

A. Yes, yes.

25 Q. Again, I am not suggesting you remember verbatim what you said, but did you say something to the effect that "Here, have a look at these. You better note the fire sizes" or something like that?

30 A. In general terms, yeah. I don't have a specific recollection, but that's what I would have done.

35 Q. Before I leave the reconnaissance flight, I should just check with you, Mr McRae - Mr Castle was present during the flight. Do you recall any exchanges with him during the course of the flight?

40 A. Not specifically. It's not easy for the rear seat passenger in a squirrel helicopter to engage in a conversation.

Q. So it's unlikely that you had any conversation with Mr Castle during the flight?

45 A. We would have exchanged some very short sentences but not a conversation.

Q. Do you recall any of those short sentences or the subject of them?

A. No, no.

5 Q. On return to I think it was Weston - is that where you flew back to?

A. The police centre at Weston.

10 Q. And you then drove together, did you, back to Curtin?

A. Separately.

15 Q. Did you have any discussion with Mr Castle before you left to drive back to Curtin - did he ask you any questions about what views you had formed or what you had seen or anything of that kind?

20 A. I believe we did have a conversation before departing, just a discussion on the situation in general terms.

Q. What sort of thing did you say to him?

A. I don't recall the discussion.

25 Q. Did you talk to him about the threats that you had observed from the air?

A. Sorry, I don't recall the discussion.

30 Q. Is that a copy at least, Mr McRae, of your typed notes on the screen now?

A. I would say that was a printout from the website version.

35 Q. Were there any other versions that you typed up at that time that you are aware of?

A. Well, I typed it up as a word document and then transformed that into what's called hypertext mark-up for the website. But this was the version that was made available to people.

40

Q. Was it amended or otherwise - did you go back into it at any point after it was originally loaded into the website?

45 A. No. The only material that is on here that wasn't in the handwritten notes was grid references for the point of origin.

Q. Where did that come from?

A. Off a topographic map.

Q. Did you do that exercise on your return to
5 Curtin?

A. Yeah, that's correct. There's information we
acquired the day before and I just merged it in
with this.

10 Q. I have already asked you about the reference
to "ACT, especially pines" that you have got
there. Going over the page to the reference to
the Stockyard Spur fire, you don't appear,
Mr McRae, to carry over into the typed version
15 your reference to difficulties - I will make sure
I get the words right - difficulties for rake hoe,
lots of large logs. Is there a reason for that?
I beg your pardon, you do refer to lots of large
fallen timber but don't mention the difficulty for
20 rake hoe or difficult for rake hoe?

A. I expected in this case I made an editorial
change for the web purposes, because on the
Internet not many people who read it would
necessarily know what a rake hoe was.

25

Q. Do you recall discussing that issue - namely,
the difficulty for rake hoe teams on Stockyard -
with anyone on your return to Curtin?

A. I don't recall. It was in the notes which I
30 gave people.

Q. Do you have any recollection of anyone to whom
you gave the notes coming back to you at any point
and asking for further information or any
35 elaboration of any of the points you made in your
notes?

A. No recollection, I'm afraid.

Q. In paragraph 41 of your statement - perhaps we
40 will go back to that - you say:

"On returning to ESB it was becoming clear to
me and to the rest of the SMT that direct
attack was not going to succeed and that we
45 needed to focus on indirect attack. This in
turn meant that we needed to address the fire
as a 'campaign' fire. That in turn requires

extensive planning and additional personnel and capability to assist with that function."

5 Now, I appreciate you were simply summarising, Mr McRae, but in relation to your reference there to it "becoming clear to you and the rest of the SMT", how do you say it was clear to the rest of the SMT that direct attack was not going to succeed?

10 A. I can't recall the exact details of how we reached that point. But the problems that Mr Hayes was having with the flanks at Bendora and the observation that there was going to be rake hoe problems at Stockyard Spur fire and the
15 established problems in the McIntyre's fire area would all be things that would contribute to us collectively reaching this conclusion.

20 Q. All of those things were apparent to you. What I am seeking to ascertain, Mr McRae, was there a discussion or series of discussions where things were said by other members of the SMT that led you to to conclude that they were of a similar mind?

25 A. Unfortunately, I don't have a good recollection of that sort of discussion.

30 Q. You say in your statement - I will leave some words out to get the sense of it:

"It was becoming clear to the rest of the SMT that direct attack was not going to succeed."

35 What I am seeking to do is to identify what information came to you during the course of that day that led you to that understanding on behalf of the rest of the SMT?

40 A. Well, apart from what I said before, other information that might be bringing us to that conclusion is that we were all mindful of what Jim Lomas had said the night before, there would have been the radio traffic being monitored coming from the fire ground. Although you don't necessarily
45 have a trigger point, the general flavour of the radio traffic gives you a feel for the likely probability of success as the shift progresses. My recollection would be that all of these

indicators are suggesting that there is going to be issues with direct attack.

5 Q. I will try and be more specific. Do you recall comments - I'm not asking you to recall verbatim - being made by other members of the SMT, for example, that indicated to you that they were picking up this same flavour, to use your terminology?

10 A. My recollection of this time would be that's what was happening. But it's not a really detailed recollection, I'm afraid.

15 Q. You use the expression "campaign fire", do you recall that expression being used among members of the SMT that afternoon, some realisation apparent to you on behalf of members of the SMT that they saw this as turning into a campaign fire?

20 A. Once it was obvious that the fires weren't going to be extinguished during that current day shift, then the only real alternative is you are looking at a campaign fire.

25 Q. Perhaps I should ask you, if you could, to define what you mean in that context by "campaign fire".

30 A. Campaign fire is one where the fire goes for some number of shifts before it's finally suppressed and requires significant logistic and other support and significant operational commitment.

35 Q. And although you use the word in the singular, I take it you are there referring to all the fires, are you, in that sentence: "This in turn meant that we needed to address the fire as a campaign fire"?

40 A. Yes, you are correct. In 41 - it should be a plural in there, yes.

Q. Did you include in your thinking at that time the McIntyre's fire?

45 A. I wasn't referring to McIntyre's in 41. But it was obviously a campaign fire once the objectives and strategies were set the night before.

Q. Dealing more particularly with the move to indirect attack, do you recall any discussions during the day on the 9th or into the evening that that was going to be necessary, that it was
5 necessary to move to indirect attack?

A. I can't recall any direct discussion on that, other than the fact that we are starting to think that way and starting to --

10 Q. Was a decision made to your recollection at a meeting or at any point among the SMT that there would be a move to indirect attack?

A. Sorry, I'm trying to build a recollection of what happened. What I would expect would have
15 happened was we would have held a meeting at some point in the afternoon and then gone through the options.

Q. Can you recall whether such a meeting occurred
20 that afternoon?

A. I don't have a recollection of it.

Q. It may assist you if I take you to paragraph 43. I am not meaning to skip paragraph 42 but you
25 there outline at least for your part what you felt was necessary to increase the resources available in the planning area. But then you go on to say in paragraph 43:

30 "That morning a situation analysis was prepared identifying the different options for fighting the fires. Option A was direct attack and option B was indirect attack. As
35 it was becoming apparent that direct attack would not be successful, our focus moved to option B. I therefore commenced preparing maps to identify potential containment lines and potential fire behaviour by reference to
40 the vegetation topography. I prepared these maps on a computer screen using the GIS unit. I cannot recall whether I printed any of those maps that day or the following day. The computer generated maps prepared were to
45 augment published topographic maps of the area."

Just dealing first with the situation analysis you

refer to in paragraph 43, Mr McRae, I should indicate to you that our document set is by no means we would suggest definitive in terms of what was produced during this period. But I think I
5 can say with some confidence that we have been unable to identify a document that meets the description in paragraph 43, at least nothing prepared that morning. Have you seen that document since the fires?

10 A. No.

Q. But your memory is that such a document was prepared that morning; is that right?

15 A. Back in October when I prepared the statement, that was my recollection.

Q. Are you now less confident about it?

20 A. I think I would be less confident in that recollection. But --

Q. When you say "was prepared", is it your memory that it was prepared by you or by someone else?

A. It would have been by me.

25 Q. I am sorry?

A. If one was prepared, it would have been prepared by me.

30 Q. Have you looked for that document among your own - what documents you do have in the lead-up to you giving evidence?

A. Yeah, I've looked for anything like that, and there's nothing.

35 Q. You are not able to find a document that meets that description?

A. The best I can find is three situation reports I had done.

40 Q. That evening?

A. I am just trying to remember the time stamp on them. But it was the end of the period of direct attack.

45 Q. There are situation reports - and I will come to these - prepared during the afternoon but not by you. There were some situation reports

prepared that evening - I beg your pardon,
incident objective and strategy documents prepared
that evening by you?

A. Yes.

5

Q. Is that what you are referring to?

A. Yeah, that's what I am referring to, yeah.

Q. Those are timed at 2100 hours?

10 A. Those are the only ones that I have been able
to locate. It is possible that what I said in
paragraph 43 of my statement, I was confused. Six
months ago my recollection was that that was the
case. I can't improve on that.

15

Q. The second part of that paragraph dealt with
you preparing maps with potential containment
lines and not recalling whether you printed them
that day or the following day. What was the
purpose of preparing those maps, Mr McRae?

20

A. If we went into a campaign situation, the
planning section within Curtin would have to be
ramped up and the set of tasks would have to be
expanded. One of the things that needed to be
done was to start preparing this sort of material.
It was a fairly complex process which I began. I
don't believe I produced any output at this time
but began the process of working towards it.

25

30 Q. I understand it may have been at the initial
stages at that point, but ultimately what was your
intention as to how these maps might be used?

A. Okay. For the purposes of the Service
Management Team, if we were going to go into any
broad scale planning then we needed to have an
overview of what the drivers of the situation
would be. A lot of that information was available
in the computer system. It was a matter of making
sure that it was on hand and available for
whatever tasks needed it.

35

40

Q. One of those tasks, I assume, Mr McRae, would
have been for the purposes of conducting a
discussion between members of the Service
Management Team about strategies and objectives;
is that correct?

45

A. Certainly about objectives. But when we went

into the campaign mode, every time we had a meeting we sought to have a wall map that people could point to and use for explaining whatever they were trying to explain.

5

Q. Did you anticipate at that stage that those maps might in due course form the basis of a document or an incident action plan that might go out to the field to assist them with their strategies and tactics?

10

A. No.

Q. Why not?

A. My belief was that the incident action planning would be done in the field when there was an Incident Management Team working in the field. If there wasn't one working in the field, then it was staying within Curtin.

15

20

Q. Why wouldn't you think if such an Incident Management Team was established that they would be assisted by documents and maps of this kind that you were preparing?

A. Partly because of timeliness. The information we are getting we've got from the field. It takes some time to get from the field; it takes some time to get into the computer system; it takes some time to be printed out. By the time we have got any of that out to the field, it's long since out of date. Whereas out in the field people would be using their topographic maps that they are very familiar with and have trained in using for years and they are using their own annotations to make their own decisions. That's a far better way of doing things.

25

30

35

Q. Mr McRae, if you are spending time preparing maps with proposed containment lines, which is what you seem to be referring to in this paragraph 43 at least, and looking at potential fire behaviour including reference to vegetation and topography, having generated those maps which are forward-looking one assumes from your description, why wouldn't it be useful for someone in the field to say, "Well, someone sat down and conducted an assessment of where a containment line might go and provide them with something to

40

45

assist their own planning out in the field"; why wouldn't that be useful?

5 A. My feeling was it wouldn't provide value to the people in the field. It was my decision at the time.

Q. Did you discuss that with anyone?

A. No.

10 Q. You deal with identifying containment lines in paragraph 44. Then you say in paragraph 45:

15 "The outcome of the discussions with Tony Graham and Dave Ingram, as operations officer and logistics officer respectively, was that there are a number of options for containing the Bendora fire, there being various fire access trails through the area, but the Stockyard Spur fire and the Gingera had no
20 existing containment lines except the Mt Franklin Road.

We therefore agreed on a set of containment
25 lines for Bendora based on fire access trails. That plan was incorporated into the incident action plan for the day shift to commence at daybreak on 10 January 2003. Those working on the fire at the time performing direct attack continued to do this
30 task in order to try and hold the fire while the containment lines were put in place."

Pausing there, Mr McRae, is it the case that what that would suggest is that you, Mr Graham and
35 Mr Ingram have looked at containment line options for Bendora and come up between you with a set of proposed containment lines; is that what you are saying in those paragraphs?

A. Sorry, there's a lot of concepts and I am just
40 trying to come to grips with all of that. In the transition to indirect attack, the requirements out in the field were completely different. And it is my recollection that the incident controller was given a full briefing by Tony Graham as the
45 operations officer. That's the linkage in our procedures between the Service Management Team and the Incident Management Team. So in order to

allow the incident controller going out to Bendora to start off the job with an incident action plan, Tony Graham, at least, was giving him the briefing.

5

Now before that briefing the Service Management Team did a review of options. But, as far as I was concerned, the briefing to the incident controller was done by operations and I didn't
10 prepare an incident action plan that was handed over.

Q. I was actually going to come to that. I asked you what the paragraphs indicate, I will ask you
15 perhaps in a different way: is it the case that during the day on the 10th yourself, Mr Graham and Mr Ingram agreed on a set of containment lines for Bendora based on fire access trails?

A. I believe it was, yes.

20

Q. Were those recorded in any way?

A. I don't recall. No, sorry, I can't recall.

Q. Have you seen any documents since the fires
25 that record what appear to be containment lines agreed by yourself, Mr Graham and Mr Ingram?

A. At that time?

Q. Yes.

30

A. No.

Q. I think you have already answered this question. You say:

35

"The plan was incorporated into the Incident Action Plan for the day shift to commence at daybreak on 10 January 2003."

You have used capital letters there, Mr McRae,
40 that would suggest a formal plan, wouldn't it?

A. It doesn't necessarily imply a formal plan.

Q. Well, what were they incorporated into? Is it
45 your evidence, Mr McRae, that they were incorporated into in effect a briefing; is that your understanding?

A. Perhaps it was a briefing.

Q. Under ICS an incident action plan in its more formal manifestation is a document or a series of documents; isn't it, Mr McRae?

A. In its formal manifestation, yes.

5

Q. What would an incident action plan in its formal manifestation normally comprise?

A. There is no fixed content. It depends on the incident. It can include operations and objectives. It can include divisional sector strategies and tactics. It can include logistics, plans, communications plans. It can include weather reports, maps.

10 Q. It can also be something less formal, can it, as a document?

A. Yes.

15 Q. Are you able to say whether or not at any stage the containment lines that you have referred to in these paragraphs were incorporated into any document?

A. I can't recall, no.

20 Q. Again, I can indicate to you we are not aware of any document that sets out those containment lines. Is it possible that no document was prepared?

A. I guess it is possible, Mmm.

25

Q. The incident action plan that you refer to - I have lost your answer off the screen now - I think you agree it may have been no more than a briefing?

30 A. It's possible.

Q. Do you recall at about this time, Mr McRae, a documented incident action plan being produced?

A. Sorry, could you repeat that?

35

Q. Do you recall at about this time, that is on the evening or afternoon of 9 January, a documented incident action plan being prepared?

A. Not a large formal one.

40

Q. Any form of document that could be described as an "incident action plan"?

A. On that evening the three reviews of objectives and strategies were prepared, so I guess that means a yes - a partial yes to your question.

5

Q. I might just ask you about some situation analysis forms that were prepared during the course of the afternoon --

10 THE CORONER: Before you move on, we might take a short break.

MR WOODWARD: Sorry, your Worship. I lost track of the time.

15

SHORT ADJOURNMENT [3.10pm]

RESUMED [3.20pm]

20 MR WOODWARD: Q. Mr McRae, perhaps before moving on to the next document, I wanted to ask you about some answers that you gave before lunch in relation to issues concerning the withdrawal of crews from Bendora on the night of the 8th.

25 Correct me if I am wrong, but I think the effect of your evidence was that you hadn't read statements or otherwise spoken to the five - to the individuals who were at the Bendora fire on the night of the 8th; is that correct?

30 A. The five individuals, did you say?

Q. No, I am not giving you a number. Have you yourself either read the statements of or spoken to those personnel who were at the Bendora fire on the night of the 8th?

35 A. I haven't read their statements.

Q. Have you spoken with them about what they observed that night?

40 A. Sorry, I don't recall this being a previous question. I'm just trying to --

Q. I am probably not putting it in the same terms. I understood your answer to be to the effect that level of investigation is something you were hoping to do in due course. Is that correct?

45

A. That's correct, yes.

Q. Do we take it from that that is not something
you have done up to now, that is to investigate
5 the issue of the withdrawal of personnel from
Bendora?

A. If I remember correctly I said there was some
level of investigation done for the submission to
the McLeod report but, beyond that, no, not yet.

10

Q. Why is that, Mr McRae? Why wouldn't you have
undertaken that work before appearing to give
evidence?

A. I haven't had the time to do it.

15

Q. You haven't had the time to read the
statements of those personnel present at the
Bendora fire on the night of the 8th?

A. That's correct.

20

Q. I am trying to get an understanding, Mr McRae:
is that something you will have time to do after
your commitments to this inquest are complete?

A. That is my intention.

25

Q. Do you know, Mr McRae, whether anyone within
ESB, apart from the McLeod submission, has
investigated that issue among others in relation
to the way in which the fires were managed over
30 the period between the 8th and the 18th?

A. Sorry, can I hear that question again, please?

Q. Do you know whether anyone at the ESB, the
bureau, has conducted an inquiry or made inquiries
35 about the decision to withdraw from the fire on
the night of the 8th?

A. I suspect people have looked at that, yes.

Q. Have you read Mr Cheney's evidence about that
40 issue?

A. I've looked at some of Mr Cheney's material
but not all of it.

Q. Were you aware that before giving evidence to
45 this inquiry that Mr Cheney was in a broad sense
critical of the decision to withdraw personnel
from the fire on the night of the 8th?

A. It had been brought to my attention, yes.

Q. And that didn't cause you to yourself make inquiries as to whether or not that criticism was justified?
5

A. No, it didn't. Not in the immediate sense.

Q. But it is something you plan to do in due course; is that the position?

10 A. If I have the time and resources, that will be investigated.

Q. Have you discussed with anyone else at ESB whether that would be something that could usefully be done at some point, Mr McRae?
15

A. Quite possibly I have.

Q. The reason I am asking these questions, Mr McRae, is that I am trying to get an understanding as to why that work has not been done before now. So perhaps if I can put that proposition to you broadly. Don't you think that it might assist this inquiry to have had that work done before now?
20

25

MR LAKATOS: I object to that question. I don't mind if Mr McRae goes outside while this is being done. Perhaps it might be appropriate if he does so.

30

THE CORONER: If you don't mind, Mr McRae.

(The witness leaves the hearing room)

35 MR LAKATOS: Everybody involved in this incident knew there was going to be a longstanding coronial inquiry. At the time when myself and Mr Johnson initially appeared, we purported to appear for the territory and its officers under "the umbrella" as it was then called.
40

There have been numerous debates or questions asked of counsel assisting at various times as to whether a person's evidence could be made available to other witnesses, whether evidence given in this inquiry has been made available to other witnesses and so forth. A view has been
45

expressed at least in the earlier stages of this inquiry that, for reasons of inter alia the suggestion that witnesses might tailor their evidence one against another, that particular
5 situation was not encouraged.

This is, as I apprehend it, the reverse of what is happening. Mr McRae says he hasn't seen this material yet. Now it seems he is to be criticised
10 for not being pre-emptive. With respect, in the circumstances of how this inquiry unfolded, in my submission, that is an unfair situation to put any witness in given the history of this particular inquiry. And I object to the question.

15 THE CORONER: On what basis do you put these questions, Mr Woodward?

MR WOODWARD: I will make some inquiries about the matter that Mr Lakatos has just referred to. Standing here at the moment, I hesitate to say, I don't recall those many instances that he has referred to. Mr McRae is a fire behaviour expert, as I understand it. I certainly don't recall any
20 suggestion that, for the purposes of him reflecting or providing an expert opinion about some of these matters, there would be any problem with him reviewing that kind of material.

30 We will make those inquiries. I can indicate that I am not suggesting any criticism. I simply asked Mr McRae whether there was any reason that he knew of as to why that work had not been done. His answer was "I didn't have time". If the answer
35 was "I was told that I wasn't allowed to look at those statements," then again that may be the subject of further inquiry.

40 Perhaps given the answer by the witness, namely it was because he didn't have time, and in my submission it is an appropriate question to find out from him whether that was the only reason to his knowledge.

45 More broadly, your Worship, the issue concerning us is that Mr Cheney has given an expert opinion in relation to a variety of matters concerning the

way in which the fires were managed over this period. There had been some expectation that Mr McRae, given his expertise, may be in a position and be prepared to comment on some of the
5 conclusions Mr Cheney has put.

THE CORONER: This is since Mr Cheney has given his evidence?

10 MR WOODWARD: Since he has given his evidence. It is a matter, perhaps unjustified, of some surprise to me that he appears not to be in such a position to comment one way or the other on the conclusions that Mr Cheney has drawn. It was simply to find
15 out whether there was some reason for that.

If the reason is, as my learned friend indicates, because they had an understanding that witnesses weren't to be shown evidence of other witnesses,
20 then so be it. I won't pursue the matter any more.

MR LAKATOS: One thing I should say, with respect, is that Mr McRae is also a witness of fact. My
25 understanding was that the evidence that he was asked to supply was what he said, did, heard and witnessed during the relevant period of time, not necessarily to supply an expert opinion contrary to Mr Cheney's. If he was asked that, well so be
30 it if he has the relevant expertise. The evidence which was asked to be supplied was what he did during the relevant periods rather than anything more than that.

35 THE CORONER: It doesn't prevent him being asked those questions. He is an expert.

MR LAKATOS: I agree with that. All I am saying is, if there is to be criticism of that, then
40 maybe it ought to be tempered with the proposition --

THE CORONER: I don't know that it was meant as a criticism. I didn't take it to mean that.
45 Perhaps if Mr McRae thought it was a criticism, if you could just clarify that. It wasn't meant to be a criticism.

MR WOODWARD: It certainly wasn't. I was seeking to ascertain whether there was any specific reason as to why --

5 THE CORONER: Why this information hasn't been looked at since.

MR WOODWARD: -- he hadn't reviewed it and why it was something that was still proposed to be done.
10 If, as my friend says, the explanation is that --

THE CORONER: That is the instruction that was given to the witnesses.

15 MR WOODWARD: -- then so be it. Although it doesn't seem to have been his explanation. But I won't pursue the matter any further.

MR LAKATOS: One thing I will say: I am indebted
20 to my friend, it is something that all of those around me at the Bar table reminded me of, perhaps the obvious proposition, which is to say that everybody knew from the earliest time there was to be a coronial inquiry and the priority or
25 otherwise of investigating issues surrounding what this court is going to do is, with respect, questionable in the sense of allowing this court to do its work unencumbered by somebody treading on that relevant ground. That, with respect, is
30 also an obvious reason why a witness in this inquiry might not do what my friend seems to think perhaps might have been done otherwise.

MR CRADDOCK: May I say in support of that,
35 because I represent him certain things have been conveyed to me. They certainly reflect what has been said by Mr Lakatos. It is one of the reasons why this morning, although rejected, I put the proposition that even though he might be
40 considered to be an expert because he has some learning and experience, if he is to be asked matters of expert opinion he should be given the basis and the proper basis for doing so; that is, all of the relevant circumstances, especially if
45 they have been laid before some other expert upon whose opinion he will be asked now to comment.

THE CORONER: Thank you, Mr Craddock.

MR WOODWARD: I won't take that matter any further, but can I say in case silence might be
5 taken as some kind of acceptance of the view just expressed, in my submission, there is no vice in asking someone of Mr McRae's expertise whether he has formed an expert opinion on particular issues that arise in the context of this inquiry.

10 Whether or not he is seized of the same information as that expert, that sort of thing happens all the time in all sorts of forum where an expert is asked to comment on the opinion
15 expressed by another expert. If he feels unable, as he in fact did this morning, to provide detail comment then so be it. I don't think, having said that, your Worship, it is useful to debate the issue any further now.

20 It is perhaps best left to the next time a question is put that my friend finds objectionable.

25 THE CORONER: Thank you. If Mr McRae could be brought back in.

(The witness returns to the hearing room)

30 MR WOODWARD: Q. Mr McRae, just before I go on to the document that has been brought on to the screen, the evidence you gave earlier about the discussion and agreement as to containment lines during the afternoon of 9th January, do you recall
35 any discussions at that time about the level of resources that would be required to implement the containment line strategy that had been identified that evening or afternoon?

40 A. There was discussion about the resourcing, but I don't recall the details of it.

Q. Do you recall any discussion that day or into the evening about the need to get heavy plant including - perhaps if I can use the generic -
45 dozers into the fires to assist the strategies that were then being discussed?

A. We were certainly talking about how to bring

in heavy plant at that stage, yes.

Q. Do you know what if anything was done to that end?

5 A. No, I don't.

Q. At that point whose responsibility was it to determine what level of resources was going to be required to implement the indirect attack strategy on Bendora that had been discussed between you that afternoon and evening?

10 A. Well, once we'd accepted the change in objective and the strategies needed to implement them, then it fell to operations to work out how to make it happen in conjunction with logistics to work out what was achievable in terms of making the resources available as per ICS.

Q. Were you part of those arrangements?

20 A. Not directly, no.

Q. The form up on the screen, Mr McRae, is a fire situation analysis form for McIntyre's Hut dated 9 January at 12 noon. It is document [AFP.AFP.0013.0079]. If we can scroll down the document so you can get a sense of its contents. You are familiar with this fire situation analysis form?

25 A. Yes, I am.

30

Q. Can I just ask you while that is scrolling, this is a form prepared in relation to McIntyre's Hut. Firstly, do you recognise the handwriting?

A. No, I don't.

35

Q. If I suggested it might be Mr Hilton Taylor; does that assist you?

A. Sorry, what was --

40 Q. Other documents would at least suggest that it may be Mr Hilton Taylor?

A. I really wouldn't be able to recognise his handwriting.

45 Q. Why were you or why was the ACT preparing a fire situation analysis form for McIntyre's Hut at that time, Mr McRae?

MR CRADDOCK: I object. Look at the question. It is obvious the nature of the objection. The witness has said it is not his document. He is asked:

5

"Why were you or why was the ACT preparing a fire situation analysis form for McIntyre's Hut at that time?"

10 THE CORONER: He can answer it or he cannot answer it, Mr Craddock. He may have an opinion; he may not have an opinion. He may have a view; he may not have a view.

15 MR CRADDOCK: It should be put on a proper basis.

THE CORONER: It was. The ACT is preparing it. Somebody in the ESB prepared the document.

20 MR WOODWARD: Q. Do you recognise the document, Mr McRae?

A. No, I don't.

25 Q. If we could now scroll down to the bottom half of it. Are you able to tell from what you have seen of the document now, Mr McRae, as to whether or not that was a document prepared by someone at ESB?

30 A. No. I am not able to say where it was prepared or by whom.

35 Q. Do you know as a general proposition whether or not people in the planning unit at ESB were preparing fire situation analysis forms for McIntyre's Hut?

40 A. I am just trying to think who was in the planning unit at that time. I thought it was just me. My recollection of what was going on would lead me to say this document was not prepared in ESB. There's a signature block on page 5.3 of the ICS form. Have you got that? This is 5.1.

45 Q. I don't believe we do, Mr McRae. It does appear from other documents. I will come to one of those that appear to be Mr Hilton Taylor's handwriting. Perhaps if I can put this general proposition to you. Assume for the moment that it

is Mr Taylor's document. Did you give him any instruction or would you otherwise know why he may have been preparing a document relevant to the McIntyre's Hut fire at this time?

5 A. My recollection would put him as working under ACT Forests at this point of time.

Q. Was he working out of Curtin?

10 A. I don't believe he was at that time. I could be wrong.

Q. Is that your explanation that, if he was working out of ACT Forests, that may explain why he is preparing a document relevant to McIntyre's Hut?

15 A. It would surprise me if ACT Forests were doing this. But --

Q. In any event, you don't recognise the document?

20 A. No.

Q. Could I ask you about this document, [AFP.AFP0007.0117]. Do you recognise that document, Mr McRae?

25 A. I am having trouble reading it in its present form.

Q. If you could perhaps continue to move down.

30 A. Mmm-hmm. I believe I've seen this page before.

Q. Do you recall seeing it at the time of the fires?

35 A. No.

Q. Do you recognise the signature?

A. No, I don't.

40 Q. Again, if I suggest to you it could be Mr Hilton Taylor's, does that assist?

A. I wouldn't disagree with you.

45 Q. Mr Taylor in his statement indicates that he presented himself at the ESB planning office at approximately 2pm on the 9th of January. Does that sound right to you, Mr McRae?

A. Yes, it does.

Q. He says he was assigned to the situation unit as part of the planning unit and had a general
5 responsibility for the situation unit from then on; is that the position?

A. The responsibility for the situation unit cycled between him and one or two other people. But it's not an incorrect statement.

10

Q. Mr Taylor, not apropos of this document, Mr McRae but in more general terms, I will perhaps bring the statement up and ask you to comment on some things that he said in his statement
15 [ESB.AFP.0108.0076] at the bottom of 0079. Mr Taylor says:

"Although I knew the function of the situation unit, it was unclear to me how
20 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 IC for each fire. But
25 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
30 officer, Rick McRae, and through him to the SMT was getting through to the incident controllers in the field."

He then talks about what he describes as the
35 normal ICS structure. He says partway through that paragraph:

"During the January 2003 fires, the resources function was not operating from within the
40 planning unit. The logistics unit handled both the planning function of what resources were required and the logistics functions of what resources were already deployed, what was available to replace those resources,
45 what else was required and where to get it. This doesn't just mean resources directly required to fight the fire. It includes all

the back-up resources such as food, fuel, mechanics, first aid and transport. However, this combining of the planning and logistics resources functions seemed to work reasonably well. I think the logistics officer Dave Ingram handled it all pretty well.

Another thing that confused me was the relationship between each Incident Management Team and Service Management Team. Information flowed out of what should have been the Incident Management Team meetings, but were in fact Service Management Team meetings. The boundaries were often blurry with some of the SMT meetings becoming very large with senior personnel and politicians."

Just dealing broadly with Mr Taylor's comments, what he describes as lack of clarity over the various roles and confusion, is that something that you have become aware of since the fires?
A. Sorry, there are a number of different issues in what you have read out.

Q. Perhaps I can ask you this: do you recall Mr Taylor raising any of these matters with you during the fires?
A. Not explicitly, no. There really are a number of separate issues in that material. Are we treating them as a group or separately?

Q. I am endeavouring to treat them globally for the moment. He says, perhaps starting at paragraph 18, and I will take you to each one:

"It was unclear to me how information was disseminated from the situation unit, and I couldn't follow how the incident control system was functioning around me."

He says that at the bottom of page 0079. He then goes on to talk about the incident controller in the field and also an incident controller at ESB. Is that an issue he raised with you; that is, it was unclear to him how the information was being disseminated from the unit?

A. He didn't raise it with me to my recollection.

Do you want me to tell you what the real issue was?

Q. Please do.

5 A. The real issue was we didn't have an ability to train people in using the facility for the Service Management Team roles in Curtin. It's unfortunate that Hilton - well he's a very good
10 planning unit operator but he hadn't had the training in Service Management Team arrangements. So he came in with an expectation of how things would work that in hindsight says was incorrect. Now perhaps I should have picked that up and briefed him.

15 The real issue is that we didn't have a standing facility to train people in. We are going out of our way to fix that now. But if people aren't getting the message either through direct
20 face-to-face training and workshops or through their brigade on how the Service Management Team arrangements as put in place by the Bushfire Service should be worked, then this is the very confusion that will result.

25 Q. Were you aware at the time of these fires that Mr Taylor had not had training in the operation of the SMT?

30 A. Well, his ICS training was done in Victoria. I perhaps would have expected he would have been briefed on the arrangements through the forest brigade but perhaps he wasn't.

35 Q. I don't think that quite answers the question - perhaps it does. Are you saying that you perhaps assumed that at the time, at least, he had been given some explanation of the operation of the SMT at the time of these fires?

40 A. That's correct.

Q. Do you recall yourself discussing that issue with him during the period 8 to 18 January; that is, the operation of the SMT and how --

45 A. I didn't pick up that it was an issue, therefore I didn't give him the briefing that perhaps he should have had.

Q. I might just move to the documents that we spoke of briefly earlier. These are the incident and --

A. Sorry, there are other issues in --

5

Q. Are there other matters that you wanted to raise in response to what Mr Taylor said?

A. In general terms there was one issue that wasn't covered by what I had said. That was to do with the work that Mr Ingram was doing. In the early phase of the fire, logistics was doing the T-card work just because they had the opportunity to do it. T-card work is the logging of resources in what they are tasked to do.

15

We had a meeting - myself, Mr Ingram and Mr Graham - to discuss whether we should switch this to true ICS or leave it as it was. And we agreed that the current arrangement, although it wasn't true ICS, was working well and there was no need to put it into the proper ICS arrangement. So we left it at that.

Q. I think Mr Taylor made the comment that it seemed to work reasonably well as well?

A. That's correct.

Q. The final paragraph I read to you, Mr McRae, talks about confusion. I understand that you have explained that as arising out of the fact it appears he hadn't been trained in the role of the Service Management Team. Is there anything you want to add to what you said about that?

A. The final paragraph being?

35

Q. Paragraph 20 is the last one I read to you.

A. I think that explains this as well. If you understood the Service Management Team arrangement it makes the planning meeting goals different and therefore clearer.

40

Q. While it is up and to save bringing it up again, I might ask you about one further issue Mr Taylor raises in paragraph 21:

45

"On 8 and 9 January, and for some period after that, I think, difficulties arose

because there was no overnight planning, and so no incident action plans were in place for the day shift in the field which started work at 6am."

5

Was that your understanding that there was no overnight planning, at least in those early days?

A. Yes, that's correct - sorry, it is largely correct. But there is always someone in the system who can handle the work, if it is needed.

Q. What was your understanding of what, if any, planning was being done overnight firstly at the SMT in the period up to the 18th of January?

A. From the Service Management Team perspective, early on there wasn't perceived to be a workload so people weren't tasked to do the work overnight. Later on we had a single officer doing the Service Management Team role overnight, which included the planning role and in reflection of an increase in the workload.

Q. Did you know at the time what planning work was in fact being done by that overnight officer?

A. In the later days when we had one there?

Q. Yes.

A. Look, the planning requirements for the Service Management Team was such that I wouldn't have felt there was much to be done overnight at all.

Q. Why is that?

A. Well, if you look at the tasks, most of it is stuff that is going to be coming through to be looked at in daylight hours.

Q. Mr Taylor makes the comment and, without going to the detail, there are other statements, Mr McRae, that appear to express the view in general terms that one of the disadvantages of not having overnight planning, as they saw it, was that it was difficult or slow to get things moving once the morning shift commenced; they didn't have incident action plans available to them to start work with; there was a need to assess what resources were available, what was coming in; and

all of that took time. Generally speaking, the view has been expressed in some statements that that was a deficiency in the system in the management of the fires; that is, there had been
5 no overnight planning undertaken. Is that something you are now aware of?

A. I'm aware of that being said. But it's my belief that that is a deficiency in not having resource planning in the field - incident
10 management teams as opposed to the Service Management Team.

Q. It is your evidence, is it, to the extent that overnight planning needed to be undertaken, that
15 was something that should have been carried on out in the field?

A. That's my understanding of the arrangements we were working to. It was obvious that people had misconceptions about that. There is an obvious
20 need to make sure people fully understand the arrangements and the link between what happens in Curtin and in the field. We have taken a lot of steps to try and fix that. But learning about these things post-fact is unfortunate.

Q. Do we take it from that that that is not something you weren't conscious of at the time that there was no overnight planning apparently going on in the field during the period 8 to
25 30 18 January?

A. If you have an incident controller in the field then you have planning going on, whether it is by that person or someone delegated by that person to do it.
35

Q. Are you aware as to whether or not, for example, during the period 8 to 18 January anyone out in the field was undertaking the preparation of incident action plans overnight for the
40 purposes of the shift beginning first thing in the morning?

A. Well, the first couple of nights there weren't people in the field overnight. After that my expectation was that there was sufficient work
45 being done to ensure continuity of management, which is the purpose of the incident action plan. From what I am reading in people's statements

after the fire, there was a problem there.

5 Q. Was there any information available to you during the period 8 to 18 January one way or the other as to whether that kind of work was being done in the field; that is, preparing incident action plans, for example?

10 A. No direct information. This is part of the nature of the link between Curtin and the field where the link is to operations, and operations is in a different room in Curtin headquarters. It makes it very difficult to monitor that sort of thing. That's something we have got to avoid in future.

15

Q. Did you take any steps during that period to yourself find out what, if any, work was being done overnight to plan for the next day's shift?

A. Could you repeat that question?

20

Q. Did you yourself make any inquiries during the period 8 to 18 January as to what, if anything, was being done overnight to plan for the next day's shift?

25 A. Not directly. The information I was getting from operations was indicating that there were hand-over briefings occurring. If the hand-over briefings were occurring, it was implicit to me that the information was there.

30

Q. Well, a hand-over briefing could be no more than simply indicating or explaining what work had been done overnight and indicating as much as the person handing over knew about the current fire, that's --

35

A. That might be the case. The goal is to ensure continuity of management. If that does the job, then it is sufficient.

40

Q. What about forward planning. Isn't part of the planning role, particularly the overnight planning role, to be taking the opportunity while things generally are a little bit quieter to start to think beyond - certainly into the whole of the next shift and perhaps beyond?

45

A. I would have thought it was the role of all shifts to be looking into the future.

Q. If that was the role, did you have any indication at the time other than knowing that there were hand-over briefings occurring that that sort of forward planning was being done in the field?

A. Not explicitly, no.

Q. And did you do anything to find that out? Did you take any steps to find out whether there was any active forward planning going on?

A. There was certainly active forward planning going on. That was obvious.

Q. From what?

A. Well to take Bendora for an example, you cannot identify indirect attack containment lines, bring in heavy plant and prioritise your effort without an awful lot of forward planning. There was so much of it obvious to me that it was a redundant question.

Q. Do you say that was all going on out in the field, that sort of planning?

A. As it should be.

Q. Is that your understanding, that's where it was happening?

A. Yes.

Q. I should ask you, were you aware as to whether or not - we spoke earlier about formal incident action plans - did it come to your attention at any stage during the period 8 to 18 January that anyone in the field was preparing something in the way of a more formal incident action plan, a written document?

A. I don't have a recollection of that.

Q. But as I understand your evidence, to the extent incident action plans needed to be prepared, formal or informal, that's where it was supposed to be carried on.

A. My understanding of the process is it would be carried on in the field and the way the process was being done indicated that there was very good planning and forward planning being done in the field.

Now, I didn't see a need to be looking at the
audit trail that was being left by people out
there. The fact is they were achieving the goals
that they had to do, which was getting down,
5 putting containment lines in and looking at
holding the fire.

MR WOODWARD: Is that a convenient time, your
Worship?
10

THE CORONER: Yes. We will adjourn until tomorrow
morning at 10 o'clock.

MATTER ADJOURNED AT 4.02PM UNTIL THURSDAY
15 **15 APRIL 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 34

Thursday, 15 April 2004

[10.00am]

MR PIKE: Before the witness does resume, could I raise one issue? It arises indirectly out of some
5 of the interchanges yesterday concerning Mr Cheney's report. Admittedly, I have been in the matter for a very short time. That problem has created a situation where I have been trying to find out what the bases of various opinions
10 have been, in particular Mr Cheney's, trying to work out what material he has been provided with and on what material he bases his report.

I made an inquiry yesterday with the DPP and they
15 told me in fact no letter of instruction was ever sent to Mr Cheney outlining in the usual way, as an expert, what list of documents that he had been asked to look at.

It was a matter which was raised by Mr Craddock
20 yesterday. Leaving aside the objection that Mr Craddock took, certainly from my point of view, trying to work out precisely what Mr Cheney has based his conclusions on, I really need to have
25 some document which lists what had been given.

THE CORONER: That can all be provided to you
Mr Pike. I am surprised it has not been provided
30 to you, actually by the people who instructed you.

MR PIKE: The other thing is Mr Cheney refers in his report to having interviewed a number of people. I am not sure if there exists anywhere a list of those he has interviewed. That may be of
35 some assistance as well. He has obviously obtained some information from some potential witnesses, which wouldn't appear in terms of that communication he had with them to be before this inquiry. It does make things rather difficult not
40 knowing what he has obtained from him.

THE CORONER: I am sure if you inform counsel assisting of the information that you want - as I say, I am surprised that information was not
45 provided to you by those people who instructed you. I am sure between the people who did instruct you and counsel assisting, any

information that you want in relation to Mr Cheney and his report will be provided to you.

5 MR PIKE: Thank you, your Worship. If there is a list of documents he has been provided with, then I would call on that list and request that a copy be made available to myself and the others who perhaps have come in a bit late and have not had an opportunity to address themselves quite in the
10 same way as the others have.

MR LASRY: Can I just say in relation to that, particularly given that Mr Cheney was my witness, and he was in the witness box for some time, of
15 course this issue as such in detail wasn't raised with him at the time. It is not my learned friend's fault. He was not here.

A reading of Mr Cheney's report, which in effect
20 stands as his statement in the proceedings, makes it clear, I would have thought, by reference to a large number of footnotes, as to where the information came from.

25 THE CORONER: That is so.

MR LASRY: We had a number of discussions with Mr Cheney, as material was being put together, and I should also point out that it is expected that
30 Mr Cheney will be recalled. Of course he can be asked about this. I would have thought, unless there is something my learned friend is particularly after which is escaping me at the moment, but a great deal of the information that
35 he seeks is footnoted in the report. If there is more that he wants, I will endeavour to locate it and provide him with the information.

40 THE CORONER: Thank you, Mr Lasry. Do you have that report?

MR PIKE: I have. I looked at it very carefully and I had already addressed the issue of the footnotes. It appeared to me from reading at
45 least the part of his evidence before this court plus the statement that the footnotes didn't begin to enumerate all the matters he looked at. For

example, Ms Odile Arman's statement is not footnoted, and yet I would have imagined he must have had recourse to it when he was contemplating some of the matters she had involvement with.

5

I hear what my friend says, but I do think that it must be the case that there is more than simple those which are footnoted, which in fact have been provided to him.

10

MR CRADDOCK: For my part, since I appear for someone who has been asked opinions as an expert here and asked to comment on opinions by Mr Cheney, that finding out what Mr Cheney had regard to by way of examination of him after counsel assisting, when he next comes into the witness box, is not really an effective answer to the call that has been made by Mr Pike, which I make too.

20

We ought to have a list of that material in advance so that we can know. We otherwise cannot prepare. I don't know yet whether I will have any questions for him. But I won't know until I have the opportunity to see what he has had regard to. I should have that opportunity before he comes into the witness box, not during.

25

THE CORONER: Do you have the brief? You presumably have a copy of the brief, the disk of the brief?

30

MR CRADDOCK: I have got what luxuriates under the term "mini-brief", which is an odd way to call a collection of about 30 lever arch folders.

35

THE CORONER: It is not in folders. We are trying to discourage people from bringing in 30 folders. It is supposed to be a paper-less court.

40

MR CRADDOCK: It is a little bit paperless in here, but it is very paperful out there. For my part, I haven't had an opportunity to read even --

45

THE CORONER: I understand why, Mr Craddock.

MR CRADDOCK: I don't know when he is coming back.

It may be quite some time. I am sure something might be done in the meantime and we won't be prejudiced, as long as we have it before he comes back.

5

THE CORONER: I think counsel is aware of what you may require. If it is not contained in the brief as you have it, and if you can't pick it up from the footnotes, then perhaps if you just inform
10 counsel assisting as to what other information you might require that will be provided to you.

MR CRADDOCK: To put it very simply, it is a list of what he has had regard to. I don't think that
15 we should be in the position where we just go through and collate footnotes and then try and figure out whether he must have looked at something else.

20 When he is putting in footnotes he would do so in the ordinary course, he won't be trying there to set out a list - when you have seen a squillion expert reports, in the ordinary course an expert will list either by reference to the qualifying
25 document or within the body of the report the materials that he has had regard to. Now, that hasn't happened here. There is no criticism. What I am submitting is that I wouldn't have thought he was seeking to be comprehensive as to
30 those matters when making footnotes.

He is making footnotes in order to support the conclusions that he has derived in the report, not in order to inform the reader of all the things he
35 has had regard to.

I am really just after a list. If I can please have the list in advance of his return to the witness box. If your Worship please.

40

MR LASRY: I am not sure whether there is a list as such. As I say, as Mr Cheney gave evidence, the process by which he formulated the views that he did was over an extended period of time and
45 included speaking to various people, reading various statements and making his own observations of various things.

I will make an inquiry of Mr Cheney as to what there is. Mr Cheney has already given evidence for a week in this inquest. This issue arises because in that week the members of the Bar table
5 who are now making this call were not here. These were matters that could have been asked of Mr Cheney in his first round of evidence and weren't. No issue was taken about the source of this material.

10

Let me make it clear, I will make an inquiry of Mr Cheney. I will find out what there is in the way of additional sources of information to what is already referred to in his report. If there is
15 no problem in making that available, I will do so.

I should also say, we would estimate that Mr Cheney's evidence would be at least eight weeks' away before he is called. The matter is
20 not pressing at the moment. I understand my learned friends want such information as we can provide them between now and then, and we will endeavour to do so.

25 THE CORONER: Thank you, Mr Lasry. Any other preliminary matters before we resume? Thank you, Mr McRae.

30 <RICHARD HARRY DURRELL MCRAE, RE-AFFIRMED

30

<EXAMINATION-IN-CHIEF BY MR WOODWARD CONTINUING

MR WOODWARD: Q. Mr McRae, I just want to touch on a matter I asked you about yesterday briefly.
35 We discussed from I think pages 3177 through to 3181 of the transcript, your draft document discussions of firefighting strategies early in the fire event. The first question I asked you in broad terms at page 3177 - I referred to the fact
40 that you already said you hadn't finalised the document; I then referred to the fact that I asked you to review the document over the course of the break; and I said:

45 "I appreciate you still haven't finalised it. Having read it, does it still - the actual transcript says 'recall'; I think what I said was 'record' - record your views about the

prospect of direct attack being effective -
or more importantly ineffective - on the
night of the 8th of January."

5 You then provided in effect a qualification to
your answer which, as I understand it, related to
the potential for inaccuracies arising as a result
of the effect of the inversion layer and the hills
and so on. That is why you used the Cabramurra
10 weather results and checked it against Canberra.
I think you did ultimately say the document was
correct.

I just wanted to ask you, Mr McRae, what was the
15 nature of the review of that document that you did
conduct over the period of the break?

A. Sorry?

Q. You said you agreed you received a copy of --
20 A. No, I am just trying to think. In your
question you said you felt I had said the document
was correct.

Q. That's how I read the transcript.
25 A. Sorry, my intention was that the document is a
draft in need of rework.

Q. That was ultimately your evidence, Mr McRae.
I am not suggesting otherwise. When I first asked
30 you whether it still recorded your assumptions - I
will read your whole answer so you have it you
say:

35 "The analysis presented in the document is
predicated on some assumptions, and that
includes some assumptions about that thermal
inversion not being present. I guess the
only way I could work around that was to do
it twice, once for Cabramurra and once for
40 Canberra. Given the assumptions behind the
models that were used in the document, it's
correct."

I understood your answer and understand it to be
45 that you were qualifying again by reference to the
problem that may have been created by the
inversion, but ultimately you were confirming that

it did record your views or continue to record
your views and was a correct document. What I am
now seeking to ascertain is what was the nature of
your review of the document over the period of the
5 break?

MR LAKATOS: I wish to object to that question on
the basis of relevance. As I understand it, your
Worship's inquiry in relation to the fire at least
10 goes to the cause, origin and circumstances of
that event. This appears to be a document,
according to the witness, that he compiled at some
time after the event. We don't know when. It
appears to be a draft document which this witness
15 has said time and time again requires some
reworking.

With respect, the context of how that is
relevant - certainly not relevant to the cause nor
20 the origin, as I would see it, with respect. It
may be tangentially relevant to the circumstances
but, with respect, how far away do we go? This is
a draft document which he has said is not correct
in certain respects. I just wonder, with respect,
25 when we are looking at an inquiry which is perhaps
pressed for time in terms of the timing that is
put on it, what merit there is in going down this
path. I object on the basis of relevance.

MR WOODWARD: I want to ask the witness
essentially one question about this document. And
to put it in proper context I needed to ascertain
from him the level of inquiry - level of review of
the document he engaged in over the break. In my
35 submission, the ultimate question I do want to ask
him, which wouldn't be fair to put to him without
that background, is relevant in relation to some
broader issues concerning - if I am going to
continue, I should perhaps do so in the absence of
40 the witness. if your Worship wants to hear further
argument on whether I can ask that question --

THE CORONER: I will allow you to ask the
question, Mr Woodward. This was the document put
45 to Mr McRae yesterday that he said there were some
inaccuracies in it and he was going to rework the
document at a later time.

MR WOODWARD: To be fair to him, he said he hadn't done the reworking. I understand what he says about that. I understood his first answer was, in effect, to confirm that the document still did accurately record his views, and clearly he later agreed that there were clearly some flaws in it. I am not seeking to tie him to the document. I accept that he says it has some inaccuracies. I am concerned, given that he was asked to review the document over the break, what the nature of his review was.

THE CORONER: I will allow you to ask that.

MR CRADDOCK: I object on that basis. If that is the purpose, I must object. There is a preliminary matter --

THE CORONER: Mr McRae, sorry about this. If you could just leave the room.

(The witness leaves the hearing room)

MR CRADDOCK: The preliminary matter is this: I don't think that he has said that he did review the document over the break. My friend's question presumes that he did. I am looking for the transcript reference, but I can't really turn it up. The witness was asked whether he could have a look at it and he stressed - I think that I don't misquote him when I say he told your Worship the review of this document is not a critical matter. He said, "If I am to review it, I need some hours back in the office and I need to go back and look at the data sets again in order to review all of the figures. I can't just pick a figure and come up with some" --

THE CORONER: We will find out whether or not Mr McRae has reviewed it.

MR CRADDOCK: That was his evidence. I do not think that it had been established that he said that he had reviewed it.

THE CORONER: Is that what you are presuming - that Mr McRae in the break had reviewed it?

MR WOODWARD: That was his evidence yesterday.
When I pointed out some apparent flaws in the
document, he agreed they were flaws. I then asked
him again to look at it further, and he said that
5 would take him two hours or more. When I asked
him before the break - the Easter break I am
talking about - to review it, I understood he
would - I think I did ask him some preliminary
questions earlier in the extract of the transcript
10 I have - whether he did look at it over the break,
the Easter break and he said he had.

THE CORONER: That is opposed to the break between
yesterday and today.

15 MR WOODWARD: The question I asked him when the
objection was first taken was, "What was the
nature of your looking at this document over the
Easter break?" If his answer is, "Look, I really
20 didn't read it at all," then it is clear I can't
take the matter much further.

I am concerned to know, if he did read it, how it
is that he didn't pick up these flaws when he read
25 it over the Easter break. That is really the
substance of the inquiry, your Worship.

THE CORONER: I will allow you to ask that.

30 MR LAKATOS: Would your Worship allow me to say
two very quick things. I don't mean to cavel with
what your Worship said. Firstly at transcript
3181 and 2 Mr McRae said "I would recommend you
disregard the document". I know it is a slightly
35 different issue. With respect, the proposition
put by my learned friend as to if he checked over
Easter and didn't find these things, once again,
how is that, with respect, relevant to the cause,
origin and circumstances of the fire? In my
40 respectful submission, it is an extremely long bow
and one as to which there is no relevant
connection.

THE CORONER: Thank you. If Mr McRae could be
45 recalled.

(The witness returns to the hearing room)

MR WOODWARD: Q. Mr McRae, did you have a look at this document over the course of the Easter break?
A. Over the course of the Easter break?

5 Q. Yes.
A. Yes.

Q. Did you just read it or did you go through and check any of your calculations? What time did you
10 spend reviewing it?

A. Well, enough time to know that it required significant work to be taken to its final state.

Q. Mr McRae, when I asked you yesterday whether
15 it still recorded your views about the prospects of direct attack, albeit with the qualification about the inversion layer, I understood your evidence at that point, before I took you to what appeared to be some flaws, to be that it was a
20 correct document; is that not your evidence yesterday?

MR CRADDOCK: I object. If he is going to be
25 cross-examined about his evidence yesterday, he should be taken to his evidence yesterday as a matter of basic fundamental fairness.

MR WOODWARD: I will endeavour to find the
30 passage. I had read it to him, the whole of his answer. If it assists it is at page 3177 of the transcript. I will hand that to you, Mr McRae. You will see there that I returned to the document, having got it brought up on the screen a
35 little earlier. Then dealing with another document at the top of 3177, I confirmed your earlier evidence that you hadn't finished it. I asked you whether:

40 "Having read it, does it still recall - that should be record - your views about the prospect of direct attack being effective - or more importantly ineffective - on the night of the 8th of January?"

45 And your answer, after qualifying it by reference to the fact that it relies on assumptions concerning the inversion layer as at that point,

as I understood it, Mr McRae, was that the document was still correct subject to that assumption about the inversion layer; have I read that correctly?

5 A. There are two issues, one of which is the assumptions, and the assumptions needed to be revisited before I made the document final. The other issues are the ones you brought up in subsequent questions regarding some technical
10 mistakes in the document.

Q. When you said "it's correct" Mr McRae, what were you referring to at line 18?

15 A. Sorry, I am having to get my thoughts together on this. Did you say line 18?

Q. I think it is about line 18. It is just above where I asked you:

20 "Can I ask you about a couple of particular references."

You will see just above that, after talking about the difficulties arising from the assumptions, as
25 I understood your answer ultimately to be that, given the assumptions behind the models that were used in the document, it's correct. Now I understood your answer, Mr McRae, to be subject to the assumptions that you have outlined earlier in
30 your answer, the document was correct?

A. Sorry, the interpretation of my words is different between you and me. With an analysis like this you take your input data, you run it through the models and then you look at the models
35 and their implications. Now, what I was saying there was that, given the input data and the modelling, then the implication that I had written was correct. Then it was found that - sorry, I have lost my train of thought. It is a very
40 unusual start to the day for me, your Worship, and I apologise.

Q. Let me approach it another way. When you read the document over the break, did you look at it
45 and think "Hang on, there is something wrong with the chart that suggests that the intensity of the Bendora fire got no lower than 24,000 kilowatts

per metre on the night of the 8th"?

A. Sorry, my thinking is just going around in circles. I am finding it very difficult to come to grips with the line of questioning, I'm afraid.
5 As far as I am concerned, it is a draft document which I never released. I am finding it difficult to defend a draft in this fashion.

Q. You read it over the Easter break; is that
10 correct?

A. Yes.

Q. When you read it over the Easter break, did you pick up the fact that this document appears to
15 be suggesting that the intensity of the Bendora fire on the night of the 8th was no lower than 24,000 kilowatts per metre?

A. What the document says it says. I am trying to --

20

Q. You see, Mr McRae, the conclusions that you outline in this document in some detail - it goes for several pages - in effect, it is summarised at the top of page 2 of the document
25 [ESB.DPP.0001.0149]. I will read it to you the conclusion you draw based on the chart:

"Figure 1 shows the Byram intensity time series for montane forest. This assumes
30 level ground. BI clearly never gets near the cut-off for direct attack."

When you look at the chart on the previous page, which as I understand it was put together to
35 support that conclusion at that stage. That was showing that the Byram intensity for the night of the 8th was no lower than 24,000 kilowatts per metre. What I am trying to understand, Mr McRae, how is it that your experience, when you first
40 prepared this document albeit as a draft and when you read it over the Easter break, you didn't look at that and say, "Well, hang on that can't possibly be right. A 24,000 kilowatt per metre fire is an extraordinarily intense fire for a
45 night-time, isn't it"?

A. When I read it over the Easter break, my feeling was that it was a draft document in need

of significant rework and we wouldn't get to this level of discussion about it. I apologise if I didn't give it the due diligence that you expected me to give it.

5

I do not support the document because it is a draft and, as I have said, it is in need of considerable reworking. I did not release the document because it is a draft.

10

Q. How do we understand your evidence, which is now before you, Mr McRae, where you say, as I understood it, that subject only to the assumptions about the inversion layer the document is correct; isn't that what that says?

15

MR CRADDOCK: I object. This is purposeless badgering of a witness. If this attack on this witness --

20

THE CORONER: It is not an attack, Mr Craddock. It is not an attack on the witness.

MR CRADDOCK: That is the impression that I have. If it goes to anything, it could only go to credit. I ask: is that what that goes to? If so, why is his credit being attacked?

25

THE CORONER: It is not being attacked, Mr Craddock. Mr McRae is being asked to explain evidence that he gave yesterday. I will allow Mr Woodward to continue.

30

MR CRADDOCK: He explained it yesterday.

35

THE CORONER: Obviously it wasn't a satisfactory explanation. He can explain it again, Mr Craddock.

40

MR CRADDOCK: It wasn't obviously not a satisfactory explanation --

THE CORONER: I will allow the question to be asked; thank you. Continue, Mr Woodward.

45

MR WOODWARD: Q. It does need to be cleared up, Mr McRae. Certainly when I heard your answer

yesterday, before I took you to a couple of items which you have agreed are flaws in the document, I understood you to have confirmed that having read the document, subject to the assumptions and
5 subject only to the inversion assumption issue which you have referred to in your answer, was a correct document?

10 A. Sorry, the transcript I am reading in the answer says:

"The analysis presented in the document is predicated on some assumptions, and that includes assumptions about the thermal inversion not being present."

15 There were other assumptions which I didn't specify.

20 Q. But it is not a matter of assumptions, Mr McRae. You certainly didn't mention in your answer the fact that it contained errors, did you?

25 A. I didn't look for errors because I knew it was a draft. The process of developing a draft in a technical report of this nature for me is doing a run through, seeing what you come up with and re-doing it almost entirely to make sure you haven't made errors. Obviously I made errors.

30 Q. You say you didn't release the document. Did you at any stage have discussions or express the opinion to anyone at ESB, or indeed to anyone in the period leading up to this inquiry, that your research had indicated that the fire on the night of the 8th was too intense for direct attack; is that a view you have expressed leading up to this inquiry?

35 A. I didn't express a view like that. I take it that the document was from Mr Graham's collection. I exchanged material with Mr Graham and perhaps
40 some others in the view of this is the sort of analysis that I can do and I am trying to work through these analyses.

45 Q. Did you say to Mr Graham, "Look, my analysis suggests that the Bendora fire could never have been susceptible to direct attack on the night of the 8th"?

5 A. I wouldn't have said that, because we knew that it was partially susceptible to direct attack. That was commonsense from what we knew. If the model doesn't match what you know, then the model needs revisiting.

Q. You don't recall having expressed that view during the course of the period leading up to this inquiry to anyone, that is --

10 A. It was important to me to tell people there were some opportunities for analysing the situation. As I have said, I haven't had time to conclude my post-analyses because of the various demands on my time post the fire.

15 Q. Returning to the afternoon/evening of 9 January and in particular page 10 of your statement, paragraphs 45, 46 and following. Just to summarise, as I understand it, you had discussions with Mr Graham and Mr Ingram and identified some potential containment line options for the purposes of commencing indirect attack on the morning of 10 January; is that correct?

25 A. Sorry?

THE CORONER: Which paragraph?

MR WOODWARD: Q. I am dealing with paragraphs 45 through to 47. In 45 you talk about the outcome of your discussions with Mr Graham and Mr Ingram as identifying trails that would service containment lines. In 46 you say:

35 "We therefore agreed on a set of containment lines for Bendora based on those access trails. The plan was incorporated into the incident action plan for the day shift to commence at daybreak on 10 January. Those working on the fire at the time performing direct attack continued to do this task in order to hold the fire while the containment lines were put in place."

A. Mmm.

45 Q. In 47 you say:

"The agreed containment lines meant that

there was no purpose in overnight direct attack because overnight fire behaviour would not jeopardise the proposed lines. That proved to be correct."

5

Is it correct to say in summary that, by the end of the 9th, proposed containment lines for Bendora had been identified?

A. Well, we had identified some containment lines for consideration in the field.

Q. Is it your understanding that the intention was that indirect attack would commence on the Bendora at least during the following shift?

A. During the following day?

Q. Yes.

A. Yes.

Q. Sorry, during the following day?

A. Yes.

Q. Did you have an understanding based on your discussion or was anything said to you to give rise to an understanding about what time that was to commence? Was it from the beginning of the shift or some other time?

A. What time? What was --

Q. The indirect attack would be implemented.

A. The moment you start the shift you are doing all the work required to do it. It is more than just getting the bulldozer to carve dirt.

Q. I understand that. That process was, as I understand what you are saying, to commence from the morning of the 10th; is that correct?

A. Yes.

Q. I think yesterday when I asked you about the incident action plan, again I don't have a transcript reference so I will simply just seek to clarify it with you. I think you said the reference to the incident action plan may have in fact been in the form of a briefing rather than a more formal incident action plan?

A. It may have been, yes.

Q. Do you know what, if any, briefing was given in relation to those proposed containment lines, Mr McRae, that next morning?

A. No, I wasn't involved.

5

Q. The incident controller for the Bendora fire the next day was Odile Arman. Was that something you were aware of?

A. I have been aware of that in the past, I suspect, but I don't recall it now.

10

Q. She says in paragraph 74 of her statement:

15

"While my instructions - this is her instructions on the morning of the 10th - were to contain the fire, they were not specific in terms of the strategies to be employed or the objective to be achieved for that particular morning. So far as I can recall at this time I was not provided with any further information aside from the weather (south-easterly, to pick up later in the day), the fact that the fire was believed to be about 80 or 90 hectares in size, that we might get some extra support later, and we were to try and contain the fire."

20

25

Ms Arman doesn't appear to refer to any containment lines being suggested or identified as possible for the purposes of her work that day. Are you able to explain why that is?

30

A. I am unable to explain that.

Q. In paragraph 48 you talk about what was proposed in relation to the Stockyard Spur fire and in particular more thought was required to identify containment lines and a decision was made to ultimately bring in Mr Sayer to assist with that task commencing on the morning of the 10th; is that correct?

35

40

A. That's my recollection, yes.

Q. So what was broadly the strategies, if any, in relation to Stockyard? You deal with Gingera in paragraph 49, for the 10th, Mr McRae.

45

A. Sorry, are you just asking about Stockyard or are you talking about Gingera as well?

Q. Perhaps we will take them one at a time, let us take Stockyard first.

5 A. The problem with the Stockyard fire was that it started on the only access road in that general area. Therefore that access road was not a suitable containment line. It was obviously going to be problematic to put containment in. Therefore, it required considerable detailed review to commence that process.

10

Q. So what was happening in the meantime in relation to Stockyard while that review process continued?

15 A. In the meantime, we were focusing on Bendora.

Q. Was there a strategy, to your recollection, in place for the Stockyard fire in the period while the containment lines and other strategies were being identified?

20 A. The objective was to monitor the situation while planning containment.

Q. In relation to Gingera, you deal with that in paragraph 49, you say:

25

"... crews were on the Mt Franklin Road to prevent the fire from crossing that road, but otherwise no additional effort was made to contain that fire with efforts deployed to the Stockyard Spur and Bendora fires further north."

30

So again do we understand, Mr McRae, that what was proposed in relation to Gingera was, apart from crews preventing the fire crossing Mt Franklin Road, further work was in effect being deferred until things were more under control in relation to Stockyard and Bendora?

35

40 A. It was a similar situation in large part to the Stockyard Spur fire, because the Gingera fire started just across the border near the Mt Franklin Road and burnt into the ACT. That was its first uphill run. There was only one advantage there, and that was what you would call the eastern sector were the road was. We were inclined to make sure we didn't throw away that advantage. We kept crews there to stop the fire

45

crossing the road while working out how to tackle the other parts of its perimeter and again prioritising the Bendora.

5 Q. Was it as you recall on the night of the 9th ultimately the intention, with these reviews that were going on, to develop an indirect strategy; is that what was proposed?

A. Sorry, could you repeat that question?

10

Q. Yes. With both Gingera and Stockyard, I appreciate time was being spent to develop objectives and strategies but was it, as you understood it on the night of the 9th, ultimately the intention to develop indirect attack strategies for those two fires?

15

A. Yes, yes.

20 Q. Just briefly in relation to paragraph 50, I should ask you about this because I asked Mr Graham about it. You say in the second sentence:

25

"Fighting of the Gingera fire was the responsibility of the Incident Management Team looking after the Bendora fire and the effort for that was simply containing it at the Mt Franklin Road."

30 Mr Graham I think had indicated that he wasn't aware that the responsibility for Gingera was rested with the Incident Management Team looking after Bendora. Where did that information come from, Mr McRae?

35 A. What's in my statement is certainly my recollection, but I don't know where I got it from.

40 Q. Do you recall a conversation where that was said to you?

A. No specific conversation.

45 Q. It is simply because it doesn't seem to be referred to in any other statements and certainly those working at Bendora that day didn't refer to the fact that they also had responsibility for Gingera so --

A. It's possible my recollection is incorrect.

Q. You talk in paragraph 51 about the commencement of more formal meetings of the SMT commencing that afternoon. Then you say you finished work at ESB at approximately 7pm that night.

I just wanted to ask you about some documents that we referred to briefly before, Mr McRae, commencing with document [ESB.AFP.0110.0756]. While that is being brought up, this is a incident objectives and strategies document, which I understand is in your handwriting, and is timed at 2100 on 9 January 2003. I think it also bears the initials of Mr Lucas-Smith.

A. There were three such documents in the set, I understand.

Q. Yes, that's right. Have you seen those documents more recently?

A. Yes, I have.

Q. It is a small matter, Mr McRae, but I should just clarify it: your statement says you left the ESB at 7pm whereas these documents are timed at 2100. Can you explain that?

A. The time in my statement would be incorrect. In fact my recollection, now I'm thinking about it, is that my intention was to finish my work at 7pm but a number of last-minute jobs came in which stopped me going home for some time.

Q. What is your present recollection as to when you finally did leave on the night of the 9th? Was it shortly after these documents were prepared?

A. Shortly after Mr Lucas-Smith signed these documents, I left.

40

Q. Just dealing with the content of the documents, they relate to the operational period from 6am to 6pm on 10 January; is that correct?

A. 6pm in double quotes because we knew the start of the shift but we weren't trying to specify the end of the shift because there were various things which may shorten or extend it. We weren't trying

to be prescriptive.

5 Q. It does have some more detail. Just dealing with the general control objective, you have written "direct attack, minimum area".

10 A. The purpose of these documents was to formalise the strategies which had been in place to do a direct attack because we were going to switch to indirect attack. If we were going to change, we needed to know what we were changing from to identify what had to be altered to achieve the new objectives and strategies. So these three pages were a description of the direct attack phase.

15

20 Q. I am not sure I understand that, Mr McRae. Is the general control objective in these documents at least intended to identify the current position, not the position for the operational period for the following shift - for the morning shift or the day shift?

25 A. Prior to the switch to indirect attack, we needed to identify what would have been in place if we had continued with direct attack. And that's what these documents did.

30 Q. So they don't in fact reflect, as one would have thought from reading them, that the general control objective for the period from 6am to 6pm on the 10th of January was direct attack, minimum area?

A. That's correct.

35 THE CORONER: Q. Let me just understand that, Mr McRae. That document says "incident objective and strategies" and the time is 10 January to 10 January from 6am to about 6pm. Where it says "direct attack" that is not what the objective is for that period from 6am to 6pm on 10 January; is that what you are saying?

40 A. It wasn't being recommended as what would be rolled out in the field. It was a definition of what would have been put out had we kept attacking the fires the way we had been.

45

Q. Was that known to everybody who would have access to that document, that it was a past

document, not a future intention of the strategy or objective?

A. My recollection is that Mr Lucas-Smith requested me to do these. I gave them to him.
5 Where it went to from there, I don't know.

MR WOODWARD: Q. Just looking at each of the general control strategies, Mr McRae, in particular "aim to pinch down edge (pending am
10 reconnaissance flight)" Did that generally reflect a direct attack - pinching the northern edge, I assume that is a reference to - would normally be achieved by direct attack, wouldn't it?

15 A. It's one of the techniques of direct attack that we can use when you work from perhaps two anchor points and then work along the side of the fire, eventually the two come together and you have pinched off the fire.

20

Q. Which in effect can really only be done by direct attack; isn't that right?

A. That's correct.

25 Q. So the general control strategies that are there bulleted, do they fall into the same category as the general control objective; namely, they are reflecting work that was at that stage or up to that time being done but not what was
30 proposed for the following day?

A. The strategies have to be consistent with objectives.

35 Q. What I am trying to understand, Mr McRae - I appreciate you have said Mr Lucas-Smith asked you to prepare these - is what possible purpose was there in producing a document of this kind that did no more than deal with what appears to be at that stage at least a strategy that had been
40 rejected?

A. It had been rejected, and there had been forward planning of various types done on the basis of those rejected strategies.

45 If we go into some new strategies, we need to change things like the logistics support. We need to know what changes in logistics support. You

need to have documented what you were replacing and also document what you are replacing it with. This is the first step in that process by documenting what we were moving away from.

5

Q. I may be oversimplifying, and please correct me if I am, the operational period that is shown in each of these three documents - I suppose what I am trying to get to, Mr McRae: is it the case that the operational period that is identified in the documents really has no bearing on what is contained in them in that what was really being reflected in these was the position up to about 2100 hours on 9 January?

10
15 A. The documents are stating for the day shift approaching this is what would have been needed if we continued with direct attack. But it didn't seem to be overly prescriptive in defining the day shift. That is why the 6pm is in double quotes.

20

Q. I understand that. But I still don't follow why a document like this was thought to be necessary when the strategies that have been reflected in it apparently for the day shift the following day had been rejected?

25

A. As I said, it was defining what we had rejected to allow us to identify the nature of the changes to be made.

30

Q. Was there some document prepared that you can recall that then took you to the next stage and said, "Now moving away from this. This will no longer be the strategy for the day shift on 10 January. Here is what we are actually going to do"?

35

A. Sorry, could you repeat that question?

40

Q. As I understand what you are saying, these documents were prepared to reflect, in effect, a theoretical position that by then had been rejected. Was there some document prepared similar to these that dealt with the position that was actually going to be pursued the following day?

45

A. Not at that time, no.

Q. I should just refer you, Mr McRae, to the

evidence that Mr Lucas-Smith gave broadly about these documents. It commences at page 881 of the transcript. It was put to him and first identified that these were your documents. This question was put to him:

"Q. Did you participate in the preparation of this document or is this all his work?
"A. This would be all Mr McRae's work.
That's what his job as planning officer is.

"Q. This was to take effect from 6am the following morning for 12 hours; is that right?
"A. Yes.

"Q. The general control objective is direct attack, minimum area?
"A. Yes.

"Q. Does that mean direct attack on the fire?
"A. Well, as I said before, we had constraints in areas to be able to do indirect attack, which was one of the reasons why we went to direct attack in the very first place when McIntyre's went to indirect. We had the east-facing aspects of the Mt Franklin Road to the west and the Cotter River to the east, and all we had were those east-facing aspects. So our area to actually move in relation to establishing lines for indirect attack was a lot smaller than what we needed for the time that we know we would have needed to construct the complete lines. So a strategy had to be adopted where we continued to suppress the growth of the fire as much as we possibly could to give us as much time as we possibly could to construct our indirect attack containment lines."

That suggests a somewhat different view of these documents than your own, Mr McRae; do you agree with that?

A. Sorry, you read an awful lot out. I am still trying to think it through.

Q. In summary, I suggest to you what

Mr Lucas-Smith appears to be agreeing with in those passages I read to you is that direct attack was to continue for some period until containment lines could be established.

5 A. That would be the case, yes. I haven't been trying to give the impression that we are totally abandoning direct attack. The goal was, on the 8th and the 9th we got direct attack only. That is trying to keep the fire basically to as small
10 as possible an area. When it became obvious that that wasn't going to work, then the requirement was to focus on indirect attack, which requires creation or upgrading of your containment lines.

15 And then when those are at a suitable state, doing some burn outs on the edge to put burnt ground between the fire and the containment line under control conditions, to stop the head fire or whichever part of the fire reaches it from being
20 too intense to be held by your line.

Now the important bit is to keep the fire away from your containment lines until such time as it is of sufficient level to contain the fire. So as
25 part of that, you have to continue direct attack in various ways to retard the fire, to stop it reaching the lines you are working on too quickly.

Q. Yes, all right. Does that mean then,
30 Mr McRae, to some extent these documents that we are referring to and you are familiar with did reflect what was intended for the day shift on the 10th?

A. Well, these are written around pure direct
35 attack. Now, as I said, we were creating some new objectives and strategies to replace them. This is the starting point so we know what is going to change. Without specifying what the new
40 objectives and strategies are, only that they are focusing on indirect attack, the detail of them would include some direct attack, either with rake hoe crews or aerial water bombing to retard runs of the fire to keep them away from where you are working until you finished your containment lines
45 and made them safe.

Q. Is that what these documents then are

articulating, that intention to continue with direct attack?

5 A. No, they are not. They are articulating what would have been the case if we hadn't decided to make a change. Full stop.

10 Q. What I suggest to you - I will say this so you have an opportunity to comment - that what Mr Lucas-Smith appears to be saying in the evidence I read to you was that he is certainly not disagreeing with you that there was benefit to be gained in ongoing direct attack but he seemed to be saying in his evidence that this document was reflecting that there was some direct attack
15 continuing and that was what was intended for the 10th; do you understand the distinction?

20 A. I see the distinction that you have pointed out to me. Perhaps the reason for the disagreement is that I was tasked by Mr Lucas-Smith to prepare these documents, which I did. I gave them to him. Maybe I misunderstood the reasons that he required me to prepare them but I am not going to disagree with him. He was in charge.

25 Q. Mr McRae, just going to that specific issue that you have referred to, namely there is some real benefit, is there not, particularly as Mr Lucas-Smith has said in his evidence, where you are dealing with containment lines that are a little closer than ideally you would like to where the fire is actually burning, it is important while those containment lines are being constructed to continue to try to hold the fire so
30 that you have got time to put the containment lines in, get them established before the fire reaches the containment lines. That's important; isn't it?

35 A. Yes, it is.
40

Q. Given the importance of that tactic or strategy, why is it not the case that that sort of work wasn't undertaken overnight on the night of the 9th; do you recall?

45 A. Sorry, what sort of work?

Q. That is, continuing with direct attack on the

fires, in particular the Bendora fire, to retard the growth of the fire to enable the indirect strategy to be implemented? Wasn't there benefit in continuing with that type of attack overnight
5 on the 9th for that reason?

A. The recollection I have is that we didn't feel that we needed a significant effort overnight, because the fires weren't immediately heading towards the proposed containment lines. My
10 recollection is there was some resourcing on the night of the 9th.

Q. I think the evidence, and this will have to be established in due course, was that at most there
15 was someone monitoring the fire. There was no actual firefighting going on on the night of the 9th on any of the fires; are you in a position to comment on that?

A. No, I'm not in a position to comment on that.
20 But if the fire was generally likely to behave itself well within the core of the proposed containment block, then we felt it was better to get ready for the next day's strategies.

Q. I am putting the matter in very simple terms. If there is benefit on the day of the 10th to continuing with direct attack in order to retard the growth of the fire while containment lines are established, why isn't that benefit there also on
30 the night of the 9th?

A. Sorry, the goal is to retard the growth of the fire. So if the fire weather on the day leads to significant rate of spread, that's what you have got to stop. So that's when and where you
35 actively try and hit the spread of the fire with things like water bombing.

If the forecast weather overnight suggests that your fire danger isn't going to cause the fire to be spreading, then there is no point trying to retard it because it has retarded itself. That's, of course, notwithstanding what we knew later about these inversions. But the information we had suggested that was a safe and prudent thing to
45 do.

Q. So is it the position then there would have

been no appreciable benefit of the kind we have been discussing by continuing with some direct attack overnight?

5 A. If the purpose of the direct attack was to retard the fire, yes, there would have been no appreciable benefit in doing it.

10 Q. You move to the 10th in paragraph 53 of your statement. I want to ask you about one comment you make in the second complete sentence of your statement. You say:

15 "On 10 January, I started work back at ESB at approximately 7am. As soon as I arrived, I checked the weather forecasts and the reports coming in from the crews in the field and found that the weather forecasts and fire events had occurred roughly as we had anticipated. None of the fires was out, nor
20 had any broken out in any significant way."

In the first part of that sentence "none of the fires was out", do you mean none of the fires were extinguished?

25 A. None of the fires we were addressing had self-extinguished or been extinguished, no.

30 Q. That was never going to happen, was it, Mr McRae, when there is no-one attending them overnight?

35 A. No. The purpose of paragraph 53 was to state what I found when I commenced work. It was merely a way of saying there was no surprises. I am not stating an expectation, merely there were no surprises.

40 Q. I am sorry, Mr McRae, to jump back. I want to ask you to look at a document and tell me if you recognise it [DUS.DPP.0001.0008]. This is what is headed up as a fire status report 9 January 2003. It is on letterhead of Environment ACT and Urban Services. It appears to be a document prepared by Mr Nick Lhuede which seems to set out a summary of the current status of each of the fires including
45 McIntyre's Hut. Do you recognise this document?

A. Not really, no.

Q. I think others have suggested it may be a document that Mr Lhuede was preparing for the purposes of his own employer, I think would be the best way to describe it. It was internal.

5 A. It sounds like a reasonable description of it, yes.

Q. It is not something that you were involved in or recall?

10 A. No.

Q. I now ask you about a document that is a fire situation analysis form. It is [ESB.AFP.0110.0852]. As far as we are able to ascertain, this is the first of a number of these sorts of documents which appears to have been prepared by members of the planning team. Are you familiar with the type of document?

15 A. ICS form 5, yes.

20

Q. Just going over to the second page of it, you will see it is headed up - it is identified as being in relation to the Bendora fire for 10 January and the time prepared appears to be 1145-1500. McArthur's fire danger index number is V and then it sets out some details in relation to the fire. Moving quickly to the bottom of the page under "legal constraints on suppression activities" it says:

25 30

"The fire is in Namadgi National Park and needs to be managed in accordance with Parks policies."

35 Then under "important social or external considerations" it says:

40 "Fire is in Cotter Catchment and will be difficult to contain if southern or eastern breaks are breached."

Over the page are set out the general control objectives. Have you seen sufficient of this document to know whether or not you have seen it before?

45 A. Not yet.

Q. Again, I appreciate it is a little bit unclear in the photocopy, you will see three alternatives are set out there apparently for the Bendora fire. The first of those is:

5

"Dozer to secure southern, eastern and western boundaries. Chopper to control northern flank before fire crosses Bushranger Creek. Tankers and light units to direct attack - something - road access."

10

Alternative 2 is "indirect attack" strategy:

"Back-burn from swept trails."

15

Sorry I can't read what follows there. The third alternative is:

"Fire uncontained and let natural forces extinguish fire."

20

Do you recall this document, Mr McRae?

A. I don't recall it, but it is obvious what its intention is. Is it possible to see the end of the last page?

25

Q. Yes, of course. Unfortunately, it doesn't have a signature. But by all means.

A. Do you know who prepared it?

30

Q. Based on the handwriting we think it might be Mr Taylor, but that is a guess at this stage. What were the circumstances in which this type of document was being prepared by members of the team, Mr McRae? Was it something they were doing routinely or how was it working?

35

A. A form like this could have been prepared in the field or in Curtin. The level of detail in this one would suggest to me it was prepared in the field. The goal --

40

Q. Sorry, when you say that, do you mean because of the lack of detail it would suggest it was prepared in the field?

45

A. Because of the high level of detail.

Q. Sorry. I am just trying to get a sense in

terms of the planning unit at Curtin, Mr McRae:
were the members of that unit under a general
instruction to be preparing these on a regular
basis or what was the procedure?

5 A. The purpose of this document, within the
currently set objectives, is to review the
strategies and to have alternates on hand. Now at
all times you need to have a set of strategies
that are adopted. You also need to have some
10 alternates available to wheel out quickly should
you need to change your strategies.

Now the role of the Service Management Team is to
work with the incident controller and the incident
15 management team on objectives primarily.

Q. Can I stop you there, when you say incident
controller, are you there talking about
Mr Lucas-Smith?

20 A. No, in the field.

Q. Sorry.

A. The role of the Service Management Team is to
work with the incident controller in the field and
25 the Incident Management Team in the field to make
sure there is coordination in the objectives. Now
it is then up to the people in the field to take
those objectives and set strategies that are
consistent with it. And from those strategies to
30 make sure you have got tactics that are again
consistent.

All of that is on the assumption that there is an
Incident Management Team in the field. If there
35 isn't, then this is the sort of work that should,
when required, be done by the Service Management
Team.

Q. Were members of the planning unit within the
40 Service Management Team preparing these fire
situation analysis forms during the period up to
the 18th of January?

A. As I said, there were circumstances in which
they would be prepared in Curtin.

45

Q. You are not able to say, as I understand it,
whether this was prepared at Curtin or in the

field?

A. I cannot state where this document was prepared.

5 Q. You don't recognise the handwriting?

A. Like you, I wouldn't be surprised if it was Hilton Taylor, but I wouldn't state an opinion without - what you said prior to that.

10 Q. Can you indicate or are you able to explain, Mr McRae - I appreciate it is not your document; I just invite you to comment - in relation to the third alternative on the previous page, where the alternative is set out, "fire uncontained and let
15 national forces extinguish fire", what would be the purpose in putting that forward as an alternative in a document like this?

MR CRADDOCK: I object. It is not a question that
20 can be asked. It is a question of why would this have been written by somebody else. That can't assist you. He can't answer it. Any answer that he could give wouldn't assist you.

25 THE CORONER: We will see.

MR CRADDOCK: I object to the question.

THE CORONER: I understand you object,
30 Mr Craddock. I will allow the question.

MR WOODWARD: Q. Mr Taylor was working within your planning unit, is that correct, from time to time?

35 A. From time to time, yes.

Q. Was he generally reporting to you?

A. When he was working in the planning unit, he was reporting to me if I was the planning officer.

40

Q. Based on your understanding of the purpose of preparing these sorts of documents and given that Mr Taylor at least from time to time was reporting to you, can you offer any explanation as to why
45 that third alternative would be included in a document of this kind?

A. I can suggest some reasons why it might have

been done. I can't suggest why he did it. But reasons why it might have been done, the three alternatives, really you are looking at one is more direct, two is indirect and three is doing
5 nothing like what was being, in real terms, done on the Stockyard Spur fire. So the purpose of evaluating that for this fire would have been asking the question: if this fire is treated in the same way as Stockyard what would be the
10 results? Preparing an alternative is in no way an endorsement of an alternative.

Q. I understand that. So is another way of putting that, the way you have described it,
15 Mr McRae, to say, in effect it is the worst case outlook, if nothing were done in relation to this fire. So it is giving you in effect the range of options.

A. Well, looking at the document, it is difficult
20 without the whole thing in front of me. Would it be possible to see the objectives just slightly above what we can see now? Now, if you look at the control objectives, I think you will find that alternative strategy number 3 is not consistent
25 with the objectives. So maybe it shouldn't have even been put in there in what would colloquially be a "let burn" type strategy. The objectives are clearly stated and any alternative strategies would have to be selected on the basis of those
30 objectives. So that one would never have been selected.

Q. Just moving forward in your statement, Mr McRae, in paragraph 57 you refer to the arrival
35 of Marika Harvey for the purposes of fulfilling functions of the media and information unit?

A. Sorry, which paragraph?

Q. Paragraph 57, partway into the paragraph.
40 A. Mmm-hmm.

Q. We have already talked about this - Mr Ingram managing resources aspects. You say:

45 "For the purposes of fulfilling the functions of the media and information unit, Marika Harvey came into ESB. I understand that Mike

Castle asked her to assist and she came over from the Chief Minister's Department."

5 As I understand the ICS structure, the media unit sits within the planning cell; is that correct?

A. That's correct.

Q. Was that the arrangement that was established for the purposes of these fires?

10 A. The decision would appear to have been made by Mr Castle to treat the media along the lines specified in the media part of the ACT emergency plan, which is something that is a well-practised process. It is my understanding that's why
15 Ms Harvey was brought in.

What that required to mesh media into the Service Management Team structure was for Ms Harvey to be working to Mr Castle or Mr Lucas-Smith as required
20 but in terms of locking the media into the ICS structure is still to report to me. What that means is, if there is content of media materials she works with Mr Lucas-Smith or Mr Castle. But if she needs to ask for a meal to be provided then
25 she comes to me.

Q. So that so far as the position for the period from her arrival on about the 10th through to the 18th of January, what was her reporting line in
30 terms of the content, as you understood it, and the decision to make or disseminate media information?

A. Well, as I said, she was working with Mr Castle and maybe Mr Lucas-Smith on that side of
35 things.

Q. Did you, in your capacity as the planning officer in the SMT, have any responsibility during that period for media releases by the ESB?

40 A. No.

Q. As you understood it, who had that responsibility?

A. Well, my belief was it was as specified by the
45 media plan.

Q. Can you identify the individuals who you say

had responsibility for the content and issuing of media releases?

5 A. Okay. In terms of content there is perhaps not an easy answer to that. We would discuss at planning meetings from time to time media information, and in that sense the whole team was having some input into media content.

10 But after the planning meetings, it was my understanding that Ms Harvey and Mr Castle and perhaps others would go and do the wordsmithing to come up with a polished media release.

15 Q. Whose responsibility was it, as you understood it, Mr McRae, to make the decision that information needs to go out to the public, whether in the form of a media release or some other form?

20 A. My answer to that would be Mr Castle or perhaps Mr Lucas-Smith from time to time.

Q. To that extent, again correct me if I am wrong, as I understand the ICS structure that would represent something of a variation on what is contemplated under the ICS structure where the media unit would normally be reporting up through all aspects of its work through the planning officer through the incident controller; is that correct?

30 A. A very slight variation. What we were doing is allowed under ICS. The definition of the roles discusses the fact that some agencies have their own media requirements and ways to factor that in, and if the ACT government can be called "an agency" then that's what we were doing.

35 Also, in the planning section, the ICS definition allows you to have a technical specialist who can be locked into the structure in different ways, rather like I was just saying had been done with Ms Harvey. As an example, if you have an earthquake and you have a geotechnical expert, although answering to the planning officer he can be spending his day talking directly to the incident controller. But, again, if he needs to order a lunch he will go to the planning officer for that mundane request.

Q. Mr McRae, I will just ask you briefly to have a look at document [ESB.AFP.0110.0311]. This is actually a combination of two documents, ICS forms, it begins with ICS form 2.2 and then
5 appears to be accompanied by an ICS form 3.1. The first is, as I understand it, Mr McRae, a general statement of the current position in respect of the Bendora fire at about 1800. That's generally the purpose of the incident information document,
10 is it not?

A. In general terms, yes.

Q. There is some reference to some planning requirements further down the page. The next part
15 of the document is a form 3.1 "incident objectives and strategies":

"Operational period from 1800 to 0600 on
20 11th. Continue direct attack and secure areas contained."

General control strategies:

"Use dozer and tankers til dark and maintain
25 skeleton crew overnight. Efforts will be concentrated on south-west corner, southern and eastern breaks. Northern break will be left uncontrolled overnight."

30 Some safety considerations referred to and then at the bottom there is a weather forecast and then the document is signed by Mr Hilton Taylor. He describes himself as assistant to the PO, which I assume is the planning officer. Are those
35 initials those of Mr Lucas-Smith, Mr McRae, or yours or someone else?

A. On the left?

Q. On the left?

40 A. I would believe those to be Mr Lucas-Smith's initial.

Q. Do you recall seeing this document, Mr McRae?

A. I may have seen it.

45

Q. Is it consistent with what you understood to be the strategies for the night of the 10th of

January?

A. Sorry, I have not had a chance to read all I need to answer that. I need to see the top of this page.

5

Q. If we can go to the top of the page, please.

A. And down a bit. Thank you. It is difficult to work out exactly what is intended by the objective. The strategies start off saying "use
10 dozer" which to me indicates indirect attack. But the objective says "continue direct attack".

Q. Reading those together would suggest I think, correct me if I am wrong, what is proposed here is
15 what you were referring to earlier, namely continue with direct attack to secure, in effect, the containment lines. Perhaps it hasn't been happily expressed. As you say the general control strategies would appear to suggest, at least in
20 part, an indirect strategy.

A. I can't comment on the details on this document. As you saw in the signature block, I wasn't involved in its approval.

25 Q. Just as a general question, we may come to some others, do you recall how often during the period 8 to 18 January the process of the preparation of this kind of document occurred with it then going for approval, say, to yourself and
30 to others within the SMT; was that something happening regularly or did it only happen a few times, from your memory?

A. Perhaps the latter. Only happened a few times from my memory.

35

Q. So it wasn't a daily occurrence?

A. As I said earlier on, it was done when the need was there. It was done when the need was there. If the need wasn't there it wasn't done.

40

Q. We found only perhaps two or three among the papers, Mr McRae. Would that be consistent with your memory; namely, that during that period there may have only been that sort of number?

45 A. That is probably consistent, yes.

Q. When you refer to there not being a need or it

only occurring when there was a need, as I understand your evidence it is that need wasn't occurring more regularly because to a large extent, at least as you understood it, this sort of assessment and identifying these sort of objectives and strategies was a field responsibility?

5 A. Yes.

10 MR WOODWARD: Perhaps that is a convenient time, your Worship?

THE CORONER: We will take the morning adjournment.

15

SHORT ADJOURNMENT
[11.27am]

RESUMED

20 **[11.50am]**

MR WOODWARD: Q. Mr McRae, moving to the 11th of January, you deal with events that day commencing paragraph 62 of your statement. Paragraph 64 you say:

25

"During that morning - that is the morning of the 11th - the continuance of the fires, their number and the combining factors of temperature, fuel, the high combustibility of the fuel and the prolonged easterly air flows then occurring caused me to believe that the fires would not readily be extinguished and that predictive modelling was an appropriate tool for the purpose of managing the fires. During that day or the following day, I consulted with Malcolm Gill who is a 'fire scientist' from the ACT Bushfire Council and, separately, Jeff Carey, who is also a 'fire scientist', who teaches fire management as part of the forestry degree at the Australian National University. Both, separately, expressed much the same view I held that the fires would not be readily extinguished because of the various factors described above, and that predictive modelling would be required in order to manage the fires.

45

Mr Gill, Mr Carey and I each thought that the fires were likely to develop into 'landscape fires', meaning a fire that burns across multiple parts of the landscape in terms of different vegetations, and more than one valley or slope or hilltop or flat grassland. For this reason, I set about using predictive modelling, meaning modelling or making predictions of where each of the fires was likely to 'run' in order for the operations personnel then to apply that information to decide where best to place containment lines."

You then go on to describe some of the tools. I will come back to that. Dealing with elements of those paragraphs, Mr McRae, I accept that you are not sure whether it was that day or the following day you had your discussions with Mr Gill and Mr Carey. Can you recall the sorts of issues that you and they were discussing either that day or the next?

A. The issues discussed would have been, in general terms, the ones that I spelt out in my statement.

Q. There is a reference there to "not be readily extinguished". Was there a discussion of how long it was expected by any of you involved in these discussions the fires might continue to burn?

A. No, there wasn't.

Q. Did you have a view at that time as to how long it would take to extinguish the fires?

A. No, I didn't.

Q. You refer in the reference there to prolonged easterly air flows. Were you at that stage working to any kind - or did you have in your mind any kind of deadline within which it was likely the fires would need to be at least under some level of control before the weather changed?

A. Before the weather changed, what do you mean?

Q. There has been reference in other evidence, Mr McRae, to there being a general cycle of weather patterns in this area in the summer

months, involving the weather moving from a north
north-westerly air flow and then usually within
five to seven days that being followed by a cold
front, and then a shift around to more easterly
5 flows, and then a move back to the north
north-westerly flow to within five to seven days.
Is that a cycle you are familiar with?

A. There are different ways of describing it, but
a cycle like that is a normal feature of a
10 Canberra summer. The prolonged easterly flow that
I mentioned there was a significant departure from
that cycle, which was causing us some problems
trying to work out what the weather was up to long
term.

15 Q. Did you have an expectation at that time as to
when it was likely that the cycle would revert
back to a north north-westerly flow?

A. We've never had a fire burn to the west in our
20 records in the ACT for a week. There is no cycle
in that. There not being a cycle, we had no idea
what would come next in the script that the
weather seemed to be following. All of the
planning for fire prevention, fire safety, fire
25 suppression in the ACT is based on fires making
runs driven by a wind from the quarter from west
through to north. To have fires making
significant runs to the west by a wind coming
generally from an easterly direction plus or minus
30 was something that we hadn't anticipated.

Q. Did you, despite the fact that the easterly
flow for it to be that prolonged being unusual,
35 did you have in your mind the fact that at some
point there would be a reversion to that more
typical north north-westerly flow in due course?

A. When you say at some point and in due course,
that's inevitable. The question is when.

40 Q. Just stopping you there, did you at that stage
have an idea as to when that might happen? Were
you working on any assumptions or were you saying
to yourself, "We can expect it will revert to that
normal flow within four days," or anything of that
45 kind?

A. I was looking at weather forecasts from a
range of sources looking to see if there was an

indication of a switch to the sort of weather patterns or, if you care to say, weather cycles that we are familiar with, and there wasn't any indication of that immediately apparent in the modelling until we got later in the process.
5 Certainly on the 11th there was no indication of any of that returning.

Q. So is it the case then that you would expect that it would return in due course, but at least in your mind you hadn't set a time frame as to when that was likely to happen, regardless of the forecasts at that time?

A. I hadn't set a time frame, yeah, that's reasonable to say.
15

Q. I will come to this in due course but while on the topic - about when did you start to receive information that suggested to you a time frame for the return to that normal cycle?
20

A. I'm trying to think about the exact meaning of your question. I don't believe the normal cycle returned in January and through --

Q. You referred a moment ago in your evidence to the forecasts were not indicating a return to the north north-westerly flow until later. I'm asking, and I shouldn't have referred to the cycle: when did you first start to receive information that suggested that there would, within a predictable time frame, be a return to a north north-westerly air flow?
30

A. The weather models we look at go out reliably to about 144 hours. If I recall correctly, it was on around about the 14th that we got some indication of - if you can call them a potential north-westerly wind or you might say a continental air mass coming over us. It was on that basis that we looked at getting the briefings from a meteorologist at our planning meetings.
40

Q. Up until about the 14th, is it your evidence that you weren't undertaking your planning at least with a view to that return to a north north-westerly air flow?
45

A. That would be correct, yeah. That time frame was outside our --

Q. When you were having your discussions with Mr Gill and/or Mr Carey, did you include among your discussions that topic; namely, the returning at some point in the future to a north-westerly air flow?

5 A. I don't recall.

Q. Was there any discussion or any reference during those discussions with Mr Gill or Mr Carey to a possible impact on the urban area of Canberra?

10 A. I don't believe there was.

Q. On the following paragraphs of your statement, Mr McRae, you refer to the various tools that were available. In paragraph 66 you say:

20 "These include, at a basic level, use of the McArthur circular slide rule, right through to spatial computer models."

You checked the tools that were available and you began to receive linescan information from the New South Wales Rural Fire Service. Had that information been available, to your knowledge, up until that time?

25 A. Sorry, had what information?

Q. The linescan information.

30 A. Not for the ACT fires, no. I had to arrange with Mr Walker to have the aircrafts area of operation expanded to include the ACT.

Q. Over the page, among other things, you discuss the operation of the linescan information in paragraph 70 --

35 A. Just thinking on that further question - sorry, I am confused about when we first got the first linescan information in. There may have been some material that overlapped from the New South Wales one earlier on, but I can't recall now.

Q. I think the evidence would generally suggest - yes, late on the 11th appears to be the time at which the linescan information was at least first used by you.

A. Okay.

Q. Mr Graham in his statement at paragraph 75 refers to you sharing it with him at 7pm on the
5 11th.

A. Okay. I wasn't confused. My original.

Q. You say in paragraph 70 what the linescans enabled you to do in terms of estimating fire size and set out as at 1800 on 11 January what the fire size was based on your assessment of the linescan information. That sort of information and your predictive modelling that you referred to, could you describe the process by which that was fed
10 into the management of these fires generally?
15

A. Okay. The predictive modelling that I referred to covered a range of techniques. To start with the simplest one, the use of the circular slide rules, I would expect that was
20 going on all the time with field crews. They have all been issued with those things. A lot of people have undergone training that allows them to use these to have reliable estimates of fire behaviour. So that would have been going on.
25

At the other end of the scale going towards sophisticated fire behaviour modelling within my geographic information system, the goal there was to make sure that the system was brought up to
30 speed, should the need arise for the information it can produce to be relied on.

Q. So at that early stage were you actually undertaking modelling work or were you just
35 checking that everything was ready for that to commence?

A. I was checking that everything was ready to be commenced. The need to go and sit down and do systems development work on the computer was
40 competing with the needs for managing the planning section, so I didn't have too much time to put into that. That's why in the later days I stood myself down as planning officer so I could finish all that work.
45

The other part of your question about the linescan data, the intention with that was that it would be

a reality check. The problem that we had was the time that it took to take information from the aircraft, have it processed and value added, and then made available. It often took up to six
5 hours in the early stages for that to happen by which time the fire had expanded considerably. The people in the field would have a much better idea of the then current extent of the fire than they would get from looking at a linescan that was
10 by that stage some hours old. What it did do was give us a reliable proof of where the fire was at that time, so we could then assess the confidence we had on the information we had from other sources.

15

Q. I understand from what you are saying you didn't actually commence any modelling processes until a little later. Presumably that sort of information would have been of great assistance to
20 you in being absolutely clear on where the fire was at a particular point in time to then model from that linescan information.

A. When the model could be run, it would be of assistance to me. The primary issue at this point
25 in time was the fires being pushed by an easterly. The head fires were burning outside the area that the modelling had been set up to run in. So there was a need to look at doing considerable systems development work, as I recall it, to fix that.

30

Q. I am just trying to pick up a date in which you did stand yourself down.

A. I think it was perhaps the Monday.

35 Q. Yes, it was. I will come to that shortly. Before we leave the 11th, I just wanted to ask you about a document [ESB.AFP.0110.0689]. This is an AIIMS message form to OPS from planning. It is a document which appears to have been written by
40 Mr Hilton Taylor and it seems to set out some strategies in relation to I think it is the Bendora fire:

45 "Western flank for burnout should be Mt Franklin Road.

Fire behaviour on eastern side of Bendora

Hill indicates Moonlight Hollow and Parot Roads are unlikely to be able to be defended.

5 Therefore use of Mt Franklin Road ... south to -a grid reference - is recommended.

Need to burn back before fire approaches Mt Franklin Road.

10 It is signed off by Mr Hilton Taylor. There is a reference to it on the left. I think it refers to it being faxed somewhere. It seems that you have written "OK" and signed it at 1905 on Saturday the 11th.

15 The reason I have asked that that document be brought up, Mr McRae, is to get a general indication of what this is indicating is occurring in relation to the Bendora fire. Firstly,
20 Mr Taylor, in providing this information or making these suggestions, what function is he fulfilling?
A. My understanding in what was behind the preparation of this document was that he had been talking to people out in the fire ground directly
25 and using his skills to assist them on request on finetuning the containment lines. So he applied his personal knowledge and his relevant skills and prepared this document. I was quite okay for the document to be passed on as a recommendation.

30 Q. Is your signing of it, and the use of "OK", should we read that as an approval or simply an acknowledgment that you have received it?

35 A. It is an approval. Sorry, do you know what it says on the lower left-hand corner there?

Q. It looks as though it reads "faxed on to" there is something under that?

40 A. I expect it says "Oscar 6".

Q. That could be correct. Oscar 6, I can't remember now, is it Mr Murphy?

A. He would be out in the field at that time too.

45 Q. Why was it necessary for you to approve it, Mr McRae?

A. Because Hilton said, "I'd like you to approve

this before I send it off".

Q. Was it necessary that you approved it before it was implemented in the field?

5 A. As I said, I understand Hilton was acting on a direct request from the field, so perhaps it wasn't necessary.

Q. But he asked you to okay it?

10 A. That's my recollection.

Q. Now you deal with the 12th of January commencing in paragraph 73. You refer in paragraph 76 to the information you received in particular that afternoon about the developments on the Bendora fire:

20 "Later that afternoon I received a report that the Bendora fire had spotted westward across the Mt Franklin Road into New South Wales and had taken hold. The next feasible containment line from there was the Honeysuckle Track and Brindabella Valley Road. That entailed quite a large burn out area. Upon receiving that report, I tasked the planning unit to consider options for containing the fire within those roads."

30 Then at the bottom of that paragraph you say:

"I also formed the view and reported to the planning meeting, that there was an appreciable risk that the fire may swing eastwards to the north of Bulls Head."

35 Is that something the fire would do under the influence of effectively a westerly wind, Mr McRae?

40 A. It would do that under a westerly wind, but there are other factors that could cause that to happen.

Q. What sort of factors were you concerned about that led you to make that comment at the planning meeting?

45 A. A number of factors, not any one in particular. But a wind coming from a westerly

quarter would certainly push the fire towards
Bulls Head. But more specifically, a drop in wind
would cause the slope to take over driving the
fire. In other words, the fire, from where it had
5 spotted and taken hold, would then move upslope
towards the east and Bulls Head.

Q. So they are two factors. I think you have said
this but I will just double-check: one of the
10 factors that was in your thinking was the
possibility of a shift to a more westerly wind
flow?

A. That was one of the possible factors, yes.

15 Q. Jumping ahead to the planning meeting on the
afternoon of the 12th - you deal with that in
paragraph 79 - you say:

20 "At the planning meeting that afternoon,
there was a general discussion about the
significant escalation of the fires and the
large burnout area that was involved by
reason of the limited containment line
options. In particular, there was general
25 recognition that resources were required
beyond what the ACT could provide. I agreed
with that view but had no role in obtaining
those additional resources. I understand
that contact was made with New South Wales
30 NP&WS and with Emergency Management Australia
for the purpose of acquiring additional
resources."

You then say:

35 "The bulk of my day was spent managing the
planning unit, although I can no longer
recall the specifics of the tasks at hand.
Our energies that day were focused on the
40 three ACT fires. McIntyre's Hut fire was, by
agreement, left in the hands of the New South
Wales firefighters. Our resources were
concentrated on the ACT fires. I finished my
shift at approximately 7pm that night."

45 Just broadly on the issue of the McIntyre's Hut
fire, I understand it was being largely fought by

New South Wales but, in terms of planning, Mr McRae, were you factoring it into the planning work that you were doing at about this time?

A. In general terms, no.

5

Q. Did you still recognise that it posed a risk to the pine plantations across the border?

A. If you accepted that it would break containment then there would be a risk to the pines, yes.

10

Q. Was that in your thinking, that that may happen at that time, the evening of the 12th?

A. It was my understanding that work was already being undertaken by ACT Forests to address that risk and, from my point of view, it was more important to focus emphasis on the other fires.

15

Q. If ACT Forests was undertaking work to address that risk, I assume you are referring to some bulldozer work around the Uriarra plantation; is that correct?

A. That's correct.

20

Q. It was a risk that was continued to be recognised at that time?

A. Sorry?

25

Q. Can I just confirm with you, that was a risk, at least in your mind, that still existed?

A. The risk, it still existed to a level that required a mitigation strategy.

30

Q. Again I will just do this briefly, Mr McRae, just to get your confirmation about this document [ESB.AFP.0110.0770] and I will ask the court operator to go to the final page which is page 0773. This is another fire situation analysis form for Bendora. It has on this occasion on the final page the various decision sections completed.

35

40

If we can just scroll down to the bottom half of that page. You will see there in the decision section, you've written in:

45

"Alternative 2 is recommended because area

less than alternative 3, higher chance of success than alternative 1. Fallback to 3 if 2 fails."

5 You have signed it off at midday on the 12th.
Mr Tony Graham has then concurred and
Mr Lucas-Smith has finally signed off at 12.15.
That's the sort of document I was referring to
earlier, Mr McRae, in which my inquiries would
10 suggest that this is the only that has those
sections all completed by the members of the SMT
in that form. Would that be consistent with your
recollection? I think you said there would only
be a few.

15 A. It would be consistent with my recollection.

Q. I read to you from paragraph 79 of your
statement. Returning perhaps to that, about the
discussion that afternoon about the significant
20 escalation of the fires and large burnout areas
being required. You received reports during the
day - you refer to these in paragraphs 76 and 78 -
of Bendora fire breaking containment lines and
Stockyard Spur making runs to the north and west.
25 You then in paragraph 79 talk about the need for
additional resources. What was your view at that
time of the level of success that was being
achieved in suppressing the fires in the ACT?

A. The level of success in containing fires in
30 the ACT refers to primarily the Bendora fire, the
part of it within the ACT. At this stage we had
identified where the containment lines would be,
and work was progressing to my recollection at
that time in a satisfactory fashion in
35 establishing those containment lines.

Now, the complication of all of this was that the
fire was also burning in New South Wales and that
required a new set of containment to be put in
40 place in New South Wales.

With the Stockyard Spur fire, work was progressing
on finding ways of putting containment around
that.

45 The Gingera fire was, I guess, increasingly a fire
in New South Wales in an area with a few

containment options.

Q. I will ask you directly about this document
[ESB.AFP.0014.0268]. This is a media update for
5 12 January issued at 1830. I think you have
indicated in your evidence earlier that you had no
direct responsibility for deciding when a media
update would be issued or what it would contain.
Were you consulted from time to time about these
10 documents?

A. I was consulted about content, not the
documents.

Q. So you weren't involved in any approval or
15 checking process for these documents once they had
been drafted?

A. Except for around about the 18th, the answer
is no.

Q. You will see there the media release refers to
20 firefighters managing to reduce greater spread in
the first paragraph. Then there is a quote which
is later attributed to Mr Castle that:

25 "While we've been successful in reducing the
growth rate of the three fires, we are still
expecting all three fires to continue burning
for at least some time to come."

30 You would agree in the period up to 6.30pm that
there had been success in reducing the growth rate
of the three fires?

A. Yes.

Q. In your statement, Mr McRae, you refer to the
35 Bendora fire at paragraph 76 spotting westward
across the Mt Franklin Road and taking hold, and
also the Stockyard Spur fire making runs during
that afternoon and at the planning meeting
40 discussing the significant escalation of the
fires. That doesn't, I suggest to you, sound
consistent with the assertion that there had been
success in reducing the growth rate?

A. The growth rate had been reduced. I didn't
45 say it had been slowed or stopped.

Q. What is the difference between "reduced" and

"slowed"?

5 A. If we hadn't been using aircraft to water bomb these things and if we hadn't been using ground crews and water carrying fire vehicles, the fires may have expanded to a far greater area at this point in time.

10 Q. So are you saying - putting aside this document - in comparison to what would have been the position had there been no firefighting undertaken at all, then firefighters were having success in reducing what would otherwise have been the growth?

15 A. Yes.

Q. Does the same comment apply to "reducing the rate of spread"?

A. Sorry, rate of growth is equivalent to rate of spread, I assume.

20 Q. Is that your understanding that it is effectively saying the same thing where it refers to reducing the rate of spread in the first paragraph and reducing the growth in the third?

25 A. I can't see why they would be different.

Q. Moving to the 13th, you say in paragraph 82 of your statement:

30 "On Monday 13 January, I returned to ESB at 7am. Consistent with my normal approach, upon arriving at work I checked with operations at COMCEN about the developments overnight on each of the fires. The detail
35 that struck me as being of most significance was that the fires from Bendora and Stockyard Spur had become established to the west of the Mt Franklin Road meaning a significant escalation in the probable size and
40 seriousness of these fires to the west and so the possibility of the fires looping around to re-enter the ACT outside established or proposed containment lines."

45 Now, is that a similar comment to the one you made earlier in your statement about what might have happened, for example, under the influence of an

easterly wind flow - because there is no containment to the west, there was a risk of fires looping back around existing containment lines and running uncontained back into the ACT?

5 A. If that is the one that is Bulls Head, yes.

Q. Again, was one of the factors in your mind in the thoughts you were referring to in paragraph 82 the shift to a westerly wind flow?

10 A. Yes - no time frame specified but eventually, yes.

Q. It was something that was always a possibility perhaps not in the immediate future but certainly within a reasonably short time frame - I will withdraw that. Did you at that stage on Monday the 13th have in your mind any time frame as to when that may occur, when there may be a switch to a westerly wind flow?

15
20 A. Although I can't remember the details, I suspect that by about Monday, the long-range weather modelling was starting to indicate the possibility of the swing occurring. I recall that by the 14th it had become clear in the long-range
25 modelling that that was about to occur. That's why we activated the briefings from the Bureau of Meteorology. On the 13th, if I remember correctly, it was starting to indicate that the systems were redistributing themselves.

30

Q. Was that information also providing you with some broad time frame as to when that might happen?

A. Not at that point, no.

35

Q. Did you have a view or were you making any of your own educated guesses about when that might occur?

40 A. I had no precedent for this run where the fires are being pushed to the west, so I had no basis for making an educated guess as to when it would end.

45 Q. If you are planning for potential future fire behaviour, Mr McRae, I appreciate you may not have been in a position to make an educated guess because of the unusual weather pattern, but would

you ordinarily be working on an assumption that that type of event was likely at some time in the foreseeable future?

5 A. At some time in the future, but not foreseeable at that point in time.

10 Q. That event was going to create, was it not, some significant problems for managing the fires within the ACT, the sort of event you are referring to in paragraph 82; that is, fires looping around and heading back towards the ACT outside containment lines?

A. It would create problems.

15 Q. Do you approach the planning role that you had at the time, Mr McRae, on the basis you should be including in your thinking worst case scenarios?

A. Could you define a worst case scenario for me?

20 Q. Perhaps I will ask you. On 13 January you have identified in paragraph 82 the risk of fires burning with an uncontained westerly flank under the influence of, among other things, a shift of the wind to the west pushing the fires back
25 towards the east. Would that have been a worst case scenario at that time for you in the ACT?

A. At that time given certain parameters, yes.

30 Q. Were you planning at that time for that eventuality - or that possibility, I should say?

A. Only in general terms.

Q. What was your planning telling you might be the consequences of that occurring?

35 A. Were the fire to make a run to the east from the Goodradigbee, it would burn up to the Brindabella Range and the Mt Franklin Road - it depends on where it routes the range. Then it would have a downslope run generally towards the
40 Cotter River. So if the fire were to come up and cross the Mt Franklin Road, then our fallback option would be somewhere down towards the Cotter River. The exact detail depends on where in the north-south line of the Brindabella Ranges we are
45 talking about this happening.

So it would have been not unlike the fires that we

were currently looking at between the Mt Franklin Road and the Cotter River and just putting in similar strategies.

5 Q. Was that the sort of thinking that was influencing your planning work on about the 13th?

A. On the 13th, our primary goal was to be looking at what we were currently doing and attempting to do and looking at the outlooks.

10 Under ICS the planning officer is required to look into the future in different time-frames, and the longest time frame I'm looking at is the one that is referred to indirectly in paragraph 82.

15 Q. Well, what is the time frame?

A. It wasn't specified but I was trying to go out to the limit of the weather modelling that I was looking at. It certainly indicated there was a potential for the fires to loop around, but there were no specifics on the 13th for me to work to. I was trying to get ahead of the game there, going further into the future than I probably could have decided to go.

25 Q. The ICS manual in its check list for a planning officer refer to some time-frames. One of those I think was 10 days?

A. I don't recall what's in the manual. What I do know is when I train people in ICS, the training I give them is they should look at about half a dozen future time-frames, and those time-frames should vary to suit the contents that they are working within.

35 Q. Under your approach, what is the longest time frame that you would suggest was a useful outlook?

A. I can only go out as far as the long range computer weather models will allow me to go.

40 Q. So you won't go beyond and rely on your own experience, you won't go beyond what the weather forecasts are actually telling you for the period that they cover; is that what you are saying?

A. As I said before, I had no experience of this sort of weather pattern so I couldn't go beyond what I had available in the model.

Q. You knew that the typical weather pattern, albeit this wasn't typical at that time, involved a swing to the north, north-westerly wind flow; is that right?

5 A. That is a typical weather pattern.

Q. By about the 13th, were you planning for that typical weather pattern; were you planning what might occur if the weather reverted to that more typical weather pattern?

10 A. Sorry, was I planning if it reverted to?

Q. I will put it more simply: were you planning for the return of a north north-westerly wind flow?

15 A. No, I was planning for the fires that we were managing at the time, and they were driven by a different weather pattern.

20 Q. So on the 13th you weren't planning for a return to north north-westerly wind flows; is that the position?

A. I was planning for the end of the easterly winds driving the fire. That's why I have said what I have said in paragraph 82. Now, how the weather responded at the end of that prolonged unusual spell wasn't predictable. There are any number of possibilities for how the weather could have evolved after that --

30 Q. I suggest to you, Mr McRae, in that range of possibilities the most likely was a return to the north north-westerly wind flow?

A. That wasn't the most likely in my view.

35 Q. On the 13th I think you have already said, and certainly by the 14th the long-range forecasts were indicating a return to a north north-westerly wind flow; that's right isn't it?

40 A. Sorry, could you repeat that?

Q. On the 13th and certainly by the 14th, the long-range forecasts that you were receiving were indicating that there would be a return to a north north-westerly wind flow; is that what you were saying earlier?

45 A. Sorry. I'm getting a bit confused by this.

I've said in my statement that we were looking at the possibility of the fires looping around and certainly indicated we realised there was a potential for winds coming from the westerly quarter. If you want any more than that, then you need to ask a meteorologist because I am not qualified to talk about how the weather might evolve beyond the modelling that was available to me on the 13th.

10

Q. I think you have just said in your evidence, Mr McRae, that within the scope of your planning you were expecting at that time a return to a north north-westerly wind flow. That was within the modelling parameters that you were working to; is that correct?

A. At the end of the possibilities of weather forecasts I was looking at, there could have been some north-westerly wind flow, yes. You keep talking about different things, and I am having trouble following you.

Q. Just sticking with what you have just said, that at the end of the period there was the possibility of a return to north north-westerly, how were you factoring that into your planning at that time on about the 13th?

A. As I said in paragraph 82, I was making it clear to people that there was a chance of the fires coming from New South Wales back into the ACT.

Q. Did you go beyond that in your planning at that point, Mr McRae, to actually track if the fire were to do that what might then occur?

A. No.

Q. You referred earlier in your evidence to identifying that, if that were to occur, the fire would cross Mt Franklin Road and move back towards the east and you would need to look at other containment lines. I think you referred to the Cotter River. Was that something you were thinking about on the 13th?

A. We were starting to think about it.

Q. Were you going at all beyond that in your

thinking?

A. Not at this point in time.

Q. Did you identify at that time on the 13th the
5 possibility under the conditions you have referred
to in paragraph 82 that if fallback positions
under the influence of a north north-westerly wind
flow were unsuccessful that the fire might
continue to burn in an easterly direction and
10 ultimately impact upon the urban area of Canberra?

A. That wasn't a part of my thinking at this time
at all.

Q. On the 13th?

15 A. It was not part of my thinking on the 13th.
The fire --

Q. Do you want to complete that answer, Mr McRae?

20 A. No. The sentence slipped out of my mind.

Q. You then refer in the following paragraphs to
scaling up the planning role within the SMT. You
talk about more technical infrastructure being
required particularly in the areas of meteorology,
25 geographic information systems and fire behaviour
analysis. You spent the day increasing the
infrastructure, according to paragraph 84, and you
refer to people you telephoned.

30 In paragraph 85 you say:

35 "I also wanted to bring in a fire analyst,
and so telephoned Malcolm Gill and Geoff
carry at ANU respectively, although neither
call was answered. I later spoke with Jeff
Carey about my needs and he explained that he
did not feel comfortable providing any
assistance."

40 Did he say why he didn't feel comfortable about
providing assistance, Mr McRae?

A. That's providing assistance as a fire analyst.
He was providing assistance in other areas. As a
fire analyst, he didn't feel that was something he
45 was comfortable doing.

Q. Because he didn't feel qualified to fulfil

that role; is that what you understood him to be saying?

A. No, I just took his answer on face value. I didn't try to interpret why.

5

Q. I see. So he simply said to you, "Look, I don't feel comfortable providing that assistance"?

A. I don't remember his exact words.

10 Q. Over the page you also spoke later, it appears, to Mr Geoff Dau, having got approval from Mr Bennett to see if he would fulfil that role. You say in paragraph 85 towards the end:

15 "Either then or later, Mr Dau explained that he did not feel comfortable working as a fire analyst but nevertheless came in and assisted in the situation unit working with Mr Hilton Taylor."

20

Again, did Mr Dau say why he didn't feel comfortable in that role?

25 A. The fire analyst role is a very technical and very demanding role. To be asking people to come in without any experience or necessarily training in doing that role is quite a big ask. I was quite happy if people felt they weren't going to be comfortable doing it.

30 Q. Did you at that time think to contact the CSIRO, Mr McRae, to see if there was someone there who might be able to fulfil that kind of role?

35 A. I pulled out a contact list that I had of people who work in the bushfire area. It was actually from a national bushfire conference. I was working through that trying to contact people who I felt might be suitable and available.

Q. Did you think to speak to Mr Cheney?

40 A. He was on the list. I can't recall if I tried his number or not.

Q. Is there any reason why you wouldn't have spoken to Mr Cheney and sought his assistance?

45 A. I was going through that list. If there was a fire analyst nearby, I use them.

Q. You say you don't recall one way or the other asking Mr Cheney as to whether he might be able to assist?

5 A. I was going through a number of telephone numbers and trying to call them. There were certainly some which I dialled and didn't get an answer. I didn't keep a lasting record of who I had called or not.

10 Q. I am still not too clear. I understand you to say that you went through the list of people that included CSIRO personnel. Did those people you called, putting aside for a moment what response you got, include Mr Cheney?

15 A. I don't recall whether I tried to contact him or not. And I did try and contact CSIRO, if you count Malcolm Gill as a CSIRO scientist.

Q. You say mid afternoon you received a call from Mr Nic Gellie. You had worked with him before. He was asking whether he could be of assistance. Eventually he did come in and assist as a fire analyst; is that the position?

20 A. That's correct.

25 Q. The 13th of January was the day when the helicopter went into the Bendora Dam. I think others have agreed that was something of a distraction for a number of people within the SMT. Is that your recollection, that it did divert people's attention for a time at least?

30 A. It didn't divert my attention. But I wasn't in the SMT that day.

35 Q. I see. That was the day I think that you referred the planning officer role to Mr Woodruff?

A. If I'm correct.

40 Q. You refer to that in paragraph 87 as well. Were you aware, as I understand it, Mr McRae, broadly of Mr Cheney's experience as a bushfire behaviour scientist?

A. I think I've known Mr Cheney for about 18 years.

45 Q. You knew that he was the person effectively responsible for Project Vesta which is the most

detailed research in relation to fire spread analysis undertaken in recent years; am I overstating the position?

A. Yes.

5

Q. I am overstating --

A. Sorry. The answer to your question is yes.

Q. That is the most detailed research conducting
10 into fire spread analysis in recent years. You answered that question yes?

A. Yes.

Q. That was a project that he was running?

15 A. Yes.

Q. And that was something you were aware of?

A. Yes.

20 Q. Do you recall having any discussions with Mr Lucas-Smith either late on the 13th or at any time on the 14th up until the planning meeting on the afternoon of the 14th of January where he mentioned to you that he had a phone conversation
25 with Mr Cheney?

A. The planning meeting is my first recollection of that matter.

30 Q. So your best recollection is that he didn't mention it to you at any time before that planning meeting on the afternoon of 14 January?

A. Seems to be my best recollection, yes.

35 Q. Just before we leave the 13th of January, Mr McRae, I just ask you to have a look at this document [ESB.AFP.0110.1083]. We are informed that these are, I understand, photographs of some butcher's paper that was pinned or, using the magnetic things that you referred to earlier, held
40 up on to a whiteboard in relation to strategies for I think the Bendora fire. There is also a fire situation analysis form that contains similar information to what appears in these documents. Do you recall these documents, Mr McRae?

45 A. I did not see these documents until well after the fire.

Q. You now know the circumstances in which they were prepared and who prepared them?

A. Well, my expectation is they were prepared by the Incident Management Team in the field.

5

Q. Are you able to say where that would be? Would that be at Bulls Head?

A. That would seem to me to be the most likely place to do it, yes.

10

Q. Is it possible that these were prepared at Curtin?

A. I wouldn't expect they would be prepared at Curtin.

15

Q. Why wouldn't you expect that, Mr McRae?

A. The medium they are on, we weren't using butcher's paper that they are on. The wording generally used indicates to me someone in the field.

20

Q. I might just bring up briefly the situation report that appears to contain, although not word for word, some similar language in the various alternatives and just ask you if you recognise this document [ESB.AFP.0026.0278]. This is a fire situation analysis form timed at 1600 hours on the 13th. The fire name that is given as you will see there is "Brindabella complex". Do you recall that description of the fires being adopted at some point in the period leading up to the 18th?

25

30

A. No, I don't.

Q. Do you know what is meant by "Brindabella complex"?

35

A. Well, it is written on there Bendora, Stockyard and Gingera, so that's what I would guess it was referring to.

40

Q. Are you aware as to whether or not strategies were being devised at this time either in the field or by the SMT or within the SMT for in effect all three fires?

A. Could you repeat that question again?

45

Q. Are you aware as to whether or not by about this time on the 13th strategies were being

devised for all three fires as a group as distinct from individual fire by fire?

A. I wouldn't have said that was the case. Can I just point out it says "McArthur's fire index
5 number V". I don't understand what that means.

Q. I assume it is Roman numeral 5. That would be correct, wouldn't it?

A. Nothing that we use in the ACT would suggest
10 writing a V in there.

Q. But the fire danger index at that time was 5; wasn't it?

A. At 4 o'clock on the 13th it would have been
15 well above that.

Q. I beg your pardon?

A. At 1600 on the 13th, the fire danger index would have been well above 5. I just don't know
20 why anyone would write one in there so I don't know who would have been writing it.

Q. We need to ask the author.

A. Does this one have a signature block?
25

Q. No, it doesn't. Perhaps I will just go to the next page and just get that scrolled through and see if you are able to say, Mr McRae, from the alternatives that are there identified whether
30 they appear to be alternatives identified for the group of three fires referred to on the previous page or not. Alternative 1:

35 "Construction maintain containment lines.
Lick Hole Road, Cotter Hut Road, Franklin Road, Leura Road, Goodradigbee River.
Harry's Spur to river. Mt Franklin, Stockyard Spur to Corin Dam. Flat Rock Spur" --

40 Does that suggest to you a document dealing with all three fires?

A. It does seem to be, yes.

45 Q. But you are not able to explain why a document of that kind is being prepared at that time for the three fires as a package?

A. It's difficult without seeing the whole fire

situation analysis. But I would say that the intention of the author was to look at fallback containment options along that line we were talking about - fires looping back into the ACT.
5 That's as far as I can go.

Q. You start dealing with the events on 14th of January in paragraph 89 of your statement. You say as best as you can recall you commenced work
10 at around 7am and spoke with Tony Graham and COMCEN to find out what had occurred the previous night:

"I received reports that the Bendora fire was
15 continuing to be held within its eastern and southern containment lines in the ACT, but expanding westwards into New South Wales. The Stockyard Spur fire was continuing to expand in all directions but predominantly to
20 the west. In particular, it had established on both sides of the fire trail between Mt Ginini and the Goodradigbee River. From a planning viewpoint, this meant a large burnout block east of the Goodradigbee River
25 and to the west of Mt Franklin Road shared with the Bendora fire.

The Mt Gingera fire continued to be held on
30 its eastern containment line by the Mt Franklin Road, but was continuing to expand westwards.

From a planning viewpoint, I therefore
35 considered the Stockyard Spur fire to be the major priority."

I think you there refer to Mr Sayer continuing to be involved in seeking to identify containment lines for the purposes of containing that fire.
40 In paragraph 93 you say:

"I considered there was a low chance of the
45 containment line holding the fire but there was no real alternative for preventing the Stockyard Spur fire linking with the Bendora fire, even if the Bendora fire was held at its Flat Rock Spur containment line."

I take it that was your view, Mr McRae, you were pessimistic about that containment line that is referred to holding the fire?

A. Sorry, which containment line?

5

Q. It is your statement.

A. There are two in that sentence.

Q. Which one were you --

10 A. I wasn't sure about whether the northern containment line for Stockyard would be successful. I wasn't implying that the Flat Rock Spur containment would not be successful.

15 Q. So your reference to "a low chance of the containment line holding", is that a reference to the northern containment line for the Stockyard fire?

A. Mmm.

20

Q. Just over the page, perhaps I should read on:

25 "It was apparent that should the fire cross the containment line then being constructed by Mr Sayer, the next feasible option was to hold the fire at the Cotter River connecting Bendora Dam with Corin Dam. There was no realistic alternative. However, the Cotter River was recognised as a poor containment
30 line. The river was low, fuel was dry right down to the river bank and it was apparent that the fire could easily spot across. However that was the only alternative. After that the fire had a clear uphill run across
35 the Tidbinbilla Ranges."

Then in paragraph 94 you say:

40 "For this reason, that afternoon at the 4.30pm planning meeting, I drew the attention of those present to the wall map and discussed various alternatives as to where the fire might run in the event that it
45 crossed the Cotter River."

Just backing up a little bit, Mr McRae, I think we know that day was the first planning meeting where

formal minutes were taken. Is that your memory of that meeting; that is, the morning of the 14th of January?

A. That sounds right.

5

Q. Were you in the circulation list for those minutes during the following days?

A. Yes.

10 Q. Did you read them when they were delivered to you?

A. I was given a chance to comment on them, if I was available.

15 Q. In draft form?

A. In draft form after they had been typed up.

Q. Do you remember on any occasion suggesting or making amendments to them?

20 A. My recollection is that the quality of the minute keeping was pretty good.

Q. I think it is in those minutes that you refer to the need for a Bureau of Meteorology liaison officer working at the planning cell full time. Perhaps I should bring these up [ESB.AFP.0110.0782] at 0783.

30 Down at the bottom of that page under the planning section, you have referred to a number of planning issues including a north-west wind flow during the day changing to an easterly in the evening, high fuel loads, and rates of spread. You refer to the need for a Bureau of Meteorology liaison officer, 35 and then it is recorded that you state that the overall weather pattern is for easterly air flows for the next few days.

40 Are you able to recall that point - that is the morning of the 14th - whether you then had any information about what was to follow that easterly air flow for the next few days?

A. Sorry, what was to follow what is in here, the easterly air flows for the next few days?

45

Q. The minutes record that you said there would be easterly air flows for the next few days. Do

you recall having information at that stage as to what the weather was going to do thereafter?

5 A. Well, it looked like the easterly flow would be breaking down, and that's why we needed the meteorologist to find out what would exactly replace it.

10 Q. What were the long-term forecasts saying to you that morning about what would happen with the wind?

A. I don't recall. There were a number of possibilities. I can't recall what the charts would say.

15 Q. Had you by that time identified that, after that easterly air flow for the next few days, the wind was likely to shift to the north north-west?

20 MR WHYBROW: Your Worship, I note the time. It is not so much an objection, but I have this morning dug out the Bureau of Meteorology submission which includes every single forecast issued, and many of them were issued at the request of this witness to him at various times on various days. Rather than
25 having him try to remember, which may not be accurate after this period of time exactly what he was told, perhaps if the actual documents could be put to him, which were apparently faxed to him, so he doesn't have to try and remember such important
30 information as to when he was given those things. I raise it now because it will probably be lunchtime and it will give my learned friend an opportunity to perhaps consider that course.

35 MR WOODWARD: If that is a convenient time, your Worship, I will certainly consider that over the luncheon adjournment.

40 THE CORONER: We will take the luncheon adjournment.

LUNCHEON ADJOURNMENT [1.00pm]

45 **RESUMED [2.02pm]**

MR WOODWARD: Q. Mr McRae, I have arranged for that document that we were speaking about earlier

to be brought up, because an explanation for that Roman numeral 5 has been suggested to me. I will mention it and ask if you can comment on it.

5 Before I refer to that though, further down the page you will see the actual FDIs are set out in that column, which no doubt you are familiar with that form of the document; is that correct?

A. Yes.

10 Q. It has been suggested to me that the reference to Roman 5 up there may be a reference, as I understand it, to the edition of the McArthur's fire danger fire meter that was then current; namely, mark 5 meter. As I understand it, on the
15 meter it actually has at the top that it is meter mark V; namely, the edition of the meter. Is that what that could be referring to?

A. I wouldn't have felt that that was the purpose of box B on the form but I can't comment on that
20 suggestion beyond that.

Q. Mr McRae, before the luncheon adjournment, we were talking about paragraphs in your statement on pages 20 and 21, which are the paragraphs leading
25 up to and referring to matters being discussed at the 4.30 planning meeting. I then jumped back to the minutes of the planning meeting that morning. I asked you some questions about your recollection of what the long-range forecasts have been telling
30 you. My learned friend Mr Whybrow made reference to the Bureau of Meteorology submissions that include copies of the fire weather forecasts that were apparently being issued at your request during the course of the fire.

35 If I can just ask you the general question first: was that the only information that you were using for the purposes of forecasting weather?

A. It is the primary source but not the only one.
40 There are other sources available on the Internet.

Q. Were you referring to those during this period yourself?

A. Yes, I was.

45

Q. Is it fair to say that, in doing that, you were in a general sense supplementing the

information that was coming to you from the Weather Bureau in the form of the special fire weather forecasts?

5 A. You could use the word "supplementing", but the special fire weather forecasts were the sole tool for short-term planning. But for the longer-term outlook planning, I was putting more emphasis on non-Bureau of Meteorology sources.

10 Q. You said non-Bureau of Meteorology sources; is that right?

A. Yes, off the net. So it's the five or six-day weather charts where I would look for alternatives.

15

Q. To the extent you were identifying that longer-term forecasts were predicting a shift to a north north-westerly wind flow, you would have been relying more looking at 5 or 6 days on those Internet charts you referred to; is that correct?

20

A. All the charts were on the Internet, including the Bureau of Meteorology ones.

Q. The reason I ask, Mr McRae, is because reviewing the bureau forecasts that were generated, the first one that refers to Friday the 17th as being a day where north-west winds were likely to occur, or they were being forecast, is one that is timed at 6.24pm on 14 January. None of the prior ones to that seem to be referring to that far out nor referring to north-westerly wind flows. Yet at the meeting at 4.30 or 4 o'clock that afternoon, that is before this forecast, you were apparently reporting on north-west winds being forecast for the Saturday and Sunday?

25

30

35

A. There is an awful lot in that. I am trying to work it through, bear with me. You are referring to mean sea level pressure chart, are you?

Q. No. What I am referring to - I will have it brought up - is the submission from the bureau which is [BOM.AFP.0092.0001] at 0102. Page 102 of the submission is given a heading for the purposes of this submission: "Bendora 1400 metres CMO, 6.24pm, 14 January 2003". It is a special weather forecast for the Bendora fire. At the bottom there is a reference to:

40

45

"Requesting officer/organisation: Rick McRae,
ACTESB."

It is not a weather map, Mr McRae --

5 A. It is a special - I understand that.

Q. It is the first one of this type of special
forecast that appears in the submission, as I
indicated earlier. If you go down to the bottom
10 of that page under "further outlook", that is the
first time there is any reference to the forecast
out to Friday. All the previous ones to Bendora
refer up to only Thursday. It is also the first
one that refers to forecast of north-westerly
15 winds. But that is timed at 6.24pm on the date
that was issued. Whereas --

A. Sorry, which day of the week was the 14th?

Q. That was the Tuesday. Whereas the minutes -
20 I will just refer to them first - of the planning
meeting at 1600 that day refer to you indicating:

"Long-term weather outlook details - the
25 temperature for Saturday at 35 degrees with
temperatures for Sunday, Monday and Tuesday
being hot with stronger north-westerly
winds."

So you seem to have had some other information,
30 assuming this was only received by you some time
after the planning meeting, in order for you to
provide that information at 4 o'clock?

A. I can see the mention of the Monday there is
perhaps the first warning sign we were getting.
35 However slight chance of afternoon showers the day
before indicates that, if there is moisture in the
system, then Monday wouldn't be a problem.
There's a whole lot more to this than just the
wind direction.

40

Q. I understand. Can I take you to the top of
that page so I can confirm for you that this is
apparently something that is timed at 6.24pm on
the 14th?

45 A. Mmm.

Q. I will now bring up the minutes of the

planning meeting at 1600 that day, which is
[ESB.AFP.0110.0775].

MR LAKATOS: May I make a comment, very briefly.
5 It is simply to assist. It was certainly issued
at 6.24. To the extent it matters, down at the
bottom the date and time received was 1745. I
don't know if that time difference is going to
cause a problem. If that page could be brought up
10 a bit so that my friend can check.

MR WOODWARD: I understood that section to be the
date the request - if you look at the section at
the bottom, that is when the request for the
15 special fire forecast is made. That is the time
when the request was made.

THE CORONER: It was provided at 6.24.

20 MR WOODWARD: That is my understanding of the way
these things work.

Q. Is that correct?

A. Yes, that sounds consistent.
25

Q. You have already indicated you were working in
terms of long-range forecasts with other
information that was available to you on the
Internet. It appears you only got this forecast
30 that we just had up after 1800. If we go to the
second page of the minutes, which is 0776 to the
middle of the page, you will see there "weather":

35 "The inversion level today made fire
behaviour hard to predict. Long-term weather
outlook details the temperature for Saturday
at 35 degrees, with temperatures for Sunday,
Monday and Tuesday being hot with stronger
north-westerly wins. Mr McRae stated this
40 forecast indicates that strategies will be
harder to complete and hold after Friday
evening."

45 Can we assume, Mr McRae, because that is
information you are providing to the planning
meeting before you received that fire weather
forecast that that would incorporate some

information you have obtained from other sources as well?

A. It looks like it did, yeah. I can't recall the exact sources I used for that statement.

5

Q. But generally speaking you were relying, particularly for longer-term forecasting, on other information in addition to that available from the Bureau of Meteorology?

10 A. Even the Bureau of Meteorology does that. When I discuss long-term outlook over the telephone with the duty meteorologist, we are frequently referring to European or American modelling.

15

Q. Can I ask you now whether you recall, and I do so reminding you that earlier I indicated that the bureau forecasts that I have just taken you to is the first that appears to refer to the shift to

20 north-westerly on the Friday and thereafter --

A. I will take your word for that, yes.

Q. The earlier ones still talk about the forecast up to Thursday and refer to north-easterly winds largely. Do you recall now what time either on

25 the 14th or earlier that the information that is there set out - in particular the information of a shift to the north-westerly winds - when you first became aware or you first had some knowledge that

30 that was part of the long-term forecast or you identified that?

A. I don't have any clear recollection of when that happened. The material we have already discussed in terms of looking at the potential for

35 the fires to come back and this material here is the best that I could refer to for when that happened.

Q. So we can assume then it is some time before

40 1600 on the 14th of January you at least have received information that is enabling you to make that report about the longer-term weather outlook for Saturday and the hot stronger north-westerly winds for Sunday, Monday Tuesday some time before

45 1400 on 14 January?

A. Sorry, I didn't finish --

Q. I was asking you whether you could identify at what point before 4pm you became aware of that information, that is knowledge about the forecast north-westerly winds. I think your answer was to the effect you can't be specific?

5 A. No, I can't.

Q. But can we assume, because it appears in the minutes and you have report that to the meeting at least by 4 o'clock, that you had that information?

10 A. That would seem reasonable, yes.

Q. I took you to some paragraphs of your statement just before the luncheon adjournment commencing at paragraph 93 where you were referring to containment lines in relation to the Stockyard Spur fire. You referred in that paragraph:

20 "It was apparent that should the fire cross the containment line then being constructed the next feasible option was to hold the fire at Cotter River connecting Bendora Dam with Corin Dam. There was no realistic earlier alternative. However, the Cotter River was recognised as a poor containment line."

25 You then set out the reasons. In the conclusion of that paragraph you say:

30 "However, that was the only alternative. After that the fire had a clear uphill run across to the Tidbinbilla Ranges."

35 Going over the page of your statement you say:

40 "For this reason, that afternoon at the 4.30pm planning meeting, I drew the attention of those present to the wall map and discussed various alternatives to where the fire might run in the event that it crossed the Cotter River."

45 What alternatives were you identifying at that stage, Mr McRae?

A. We were only looking at options immediately east of the top of the range.

Q. In the course of your discussion - assuming, as I understand it, you were there discussing scenarios that would occur if the Cotter River which was recognised as a poor containment line
5 was breached then what would then happen, were you identifying the path the fire in that event once the Cotter River had been breached?

A. In long-term planning like that, you can't be specific about where the fire is going to be
10 because that sort of prediction needs to have a starting point.

But in general terms we knew that, if it crossed the Cotter, it would make a strong uphill run onto
15 the range and then when it reached the top its rate of spread would be expected to drop quite drastically. On the other side of the range there were fire trail options which could be utilised. We had some feasible alternatives for getting in
20 there and putting containment in.

Q. Did you go beyond that as to where the fire might run if those containment lines weren't established in time?

A. At this point it's a matter of first things first.
25

Q. So is the answer to that question no?

A. No.
30

Q. In paragraph 95 you talk about everyone, including you, thinking the Mt Gingera and Stockyard Spur fires would join later on that day or overnight. You were discussing the containment
35 of the fire from moving south using the Cotter River on the eastern boundary and Leura Gap Fire Trail on the southern boundary. You say there was a greater chance of holding the fire at Cotter River further south as the land is flatter and there is more grassland and there is a track. The
40 Leura Gap Fire Trail, however, would be problematic because it ran through steep and heavily forested country. Did you examine what options or what might occur if the fire ran over the Leura Gap Fire Trail on the southern boundary,
45 Mr McRae?

A. We did have a fair bit of discussion about

what would happen if the fire crossed the Leura
Gap Fire Trail. It is a long way to the next
containment option after that. The feeling was we
would probably try and round up any break-outs
5 rather than fall back.

Q. Was there any discussion that you can recall
in the context of identifying potential
containment lines for the Stockyard fire about a
10 possible threat to rural communities directly to
the east of where the Stockyard fire was then
burning?

A. No, we didn't. Our planning wasn't factoring
in the fire running that far at this point in
15 time.

Q. You say in paragraph 96:

"A concern that day was the future prospect
20 of the McIntyre's Hut fire breaking its
containment lines and moving into the pine
plantations to the east."

That was a concern that you recognised at least on
25 the morning of the 9th of January. So do we take
it from that that that concern still existed on
the 14th of January at about 4pm?

A. Yes.

30 Q. Was it discussed at the meeting that you can
recall?

A. I don't have a recollection. But I wouldn't
be surprised if it was discussed.

35 Q. You say:

"However, that was a matter being attended to
by the ACT Forests staff working in the
planning unit and I left them to that task.
40 I had no involvement in it."

Now, what was being attended to by the ACT Forests
staff, Mr McRae?

A. They were considering what could be done to
45 protect the pines if McIntyre's broke out of its
containment lines.

Q. You say you had no involvement in it. Did you have any knowledge of what they were doing?

A. What do you mean by that, sorry?

5 Q. You use the expression in your statement that you had no involvement in it. Does that mean you had left it entirely to them and had no even knowledge of what they were doing or that you just didn't participate in the process?

10 A. I didn't participate in the process.

Q. Were they reporting to you or telling you what they were doing to that end?

15 A. The task was to develop options and, in terms of developing the options, they weren't reporting to me.

Q. Were they telling you what options they were developing?

20 A. My recollection is I got some information when they finished but I don't recall what it was.

25 Q. You mention ACT Forests staff. Can you identify with any more precision who you are referring to there? What individuals?

A. No, I don't recall. There would be a reference somewhere I would expect - Hilton Taylor perhaps.

30 Q. He is with ACT Forests and was in the planning unit?

A. Yes.

35 Q. Was there anyone with ACT Forests working in the planning section at the SMT?

A. There were others from time to time, but I don't recall who was in it, no.

40 Q. It may have included Mr Hilton Taylor, but you can't identify any other individuals at this stage?

A. That's correct.

45 Q. Just returning to the minutes of the meeting for 14 January [ESB.AFP.0110.0775] and in particular at 0776. Again the reference I took you to earlier in a slightly different context of

your comments on weather: firstly you indicated that stronger north-westerly winds were forecast. Do you agree that that's something you said to the meeting?

5 A. Yes.

Q. You stated, "This forecast indicates that strategies will be harder to complete and hold after Friday evening." Do you recall making that comment at that meeting?

10 A. Yes.

Q. Were you present throughout the meeting, Mr McRae?

15 A. I don't recall leaving the meeting.

Q. I asked you earlier about when you first had a recollection of hearing about Mr Lucas-Smith's conversation with Mr Cheney. You did hear about that during the planning meeting?

20 A. I heard about it during a planning meeting. I expect this was the one.

Q. I will take you to that part of the minutes. At the second last page, page 0778, I will just read to you what appears in the minutes. Then I will take you to at least one of the handwritten notes of the meeting which provides a little bit more detail of the discussion under the heading "media". The minutes record that:

"Peter Lucas-Smith stated that Phil Cheney (fire behaviour expert) has conducted an interview with WIN TV."

35 Just pausing there, is that consistent with your recollection that Mr Lucas-Smith stated that the interview had been conducted?

40 A. I don't recall the exact words, but it seems consistent with me.

Q. Then apparently:

45 "Mr Cheney stated that any strong westerly gusts of wind could turn the fire towards urban areas. There are currently no westerly winds forecast. There was a discussion

5 regarding appropriate media response. Tim Keady suggested that while the westerly wind direction would make operations difficult, we are currently implementing measures to control this possibility."

10 Just moving to the handwritten notes, Mr McRae, [ESB.AFP.0110.0033] at 0038. About halfway down the page do you see there, Mr McRae, there is a note in the left-hand column "media":

"WIN TV Phil Cheney fire behaviour expert CSIRO, (CONS expert in Australia)."

15 Do you recall, Mr McRae, what was being said at least at that point about who Mr Cheney was?

A. No, I don't recall.

20 Q. You see there what is written by the notetaker is:

"Any strong gusts from W - which we understand is west - bring fire into city. B of M west wind into city."

25 Is it your recollection, Mr McRae, that what Mr Lucas-Smith was telling the meeting was that Mr Cheney either had or would be saying in an interview with WIN TV that any strong gusts from the west would bring the fire into the city?

30 A. Could you repeat that again, please. I am still thinking about what is on the screen.

35 Q. All right. Is it your memory, Mr McRae, of this discussion that what Mr Lucas-Smith reported was that Mr Cheney had or would say in the interview that any strong gusts of wind from the west would bring the fire into the city?

40 A. That seemed to be the gist of it. I don't know whether it was a "had" or "would say".

Q. But, more relevantly, there was a reference in your memory to fire coming into the city?

45 A. That's my recollection.

Q. And was it your recollection that you understood that to be a reference to Canberra

city?

A. Yes.

Q. What was your reaction to that, Mr McRae?

5 A. My reaction to that was anyone is entitled to have an opinion. If we need to manage this fire, we need to have people come in and help us with the detailed planning we are doing.

10 Q. Were you concerned that Mr Cheney was apparently of that view; namely, that gusts from the west would bring the fire into Canberra city?

A. I was concerned that he was going to the media and I was concerned that, if he had information
15 that could assist us, he wasn't bringing it to us.

Q. Isn't the effect of what Mr Lucas-Smith telling you, Mr McRae, precisely that; namely, that Mr Cheney is telling Mr Lucas-Smith, "I've
20 been asked to give an interview and this is what I propose to say"?

MR CRADDOCK: I object. He has already indicated he doesn't know whether it was a "had" or a
25 "would", so it is hardly appropriate to put it in those terms which it is premised on the basis that Mr Cheney was telling Mr Lucas-Smith that he would go to the television and say that.

30 MR WOODWARD: I don't want to get caught up on a "had" or "would". Really nothing turns on it.

THE CORONER: It is the message not whether or not it had been or --

35

MR WOODWARD: Q. Putting to one side whether it was something that Mr Cheney had or would be doing, is it your understanding that Mr Lucas-Smith was reporting that Mr Cheney had
40 telephoned Mr Lucas-Smith to notify him about the interview that he either was going to give or had given?

A. Mmm.

45 Q. Isn't indeed the effect of that, I suggest, he is informing Mr Lucas-Smith precisely of the sort of information that you said would be helpful for

you to have; namely, his opinion that strong gusts of wind from the west would bring the fire into the city?

A. Sorry, that wasn't going to be helpful to us.

5

Q. That wasn't going to be helpful?

A. No. We needed detailed analysis of the weather sequence, detailed analysis of the fire behaviour. It's a very complex area. Just a single opinion wasn't going to be of any help to us.

10

Q. Did you agree with Mr Cheney's assessment to the extent that it was articulated at that meeting?

15

A. Well, as a one-line throwaway statement, I couldn't disagree with it. As I say, it is of no value to us.

20

Q. If you say you couldn't disagree with it, albeit in general terms, had you by that time identified that the risk that strong gusts of wind from the west would bring the fire into Canberra city?

25

A. We weren't anticipating strong gusts of wind from the west. We were expecting varying weather and challenges for the people trying to suppress the fires before they caused damage anywhere.

30

Very complex matter. As I say, a simple throw-away line is of no value to us.

Q. That doesn't quite answer the question, I don't think, Mr McRae. Let me put it more generally. At that time, namely at 4pm on the afternoon of 14 January, I have referred to your statement about forecasts and what you had said earlier in the meeting about north-westerly winds, had you identified at that point that there was a risk that under the influence of winds from the west or north-west that the fires or any of the fires would impact on the city of Canberra?

35

40

A. I did not see a risk of westerly winds driving the fires anywhere at that point in time.

45

Q. Why not?

A. Well, we are talking about something in the area from north to north-west which may or may not

lead to escalating fire behaviour, depending on the moisture content of the air mass. Westerly winds arise from totally different pressure system configurations which really weren't under
5 consideration at all.

Q. Mr McRae, just referring back to the second part of that section:

10 "Bureau of Meteorology west wind into city upset not forecasting west winds."

Do you recall who was making comments that appear to have been recorded by the notetaker there?

15 A. I cannot interpret that line of those handwritten notes.

Q. Were you participating in the discussion? Were you responding to the information that was
20 being received at the meeting?

A. Could you repeat that, please?

Q. Were you participating in the discussion. Were you making comments in response to what
25 Mr Lucas-Smith was informing the meeting about his discussion?

A. I believe I was.

Q. Looking at that note that has been taken of
30 what was said at that meeting, are you able to say which if any of those notes record comments by you?

A. Well, that third line beginning with "BOM", I can't recognise the content of that.

35 Q. What about the comment apparently to the effect "not forecasting west winds"?

A. Sorry you mean "upset not forecasting west winds"?

40 Q. All right, any of that line. Does that record anything that you said?

A. What I said about that line, no, I don't recognise it.

45 Q. The next line appears to be attributed to Mr Castle, "If fire not contained what wind

changes risk urban city." Do you recall Mr Castle asking that question or a question to that effect?
A. Yeah, I believe he did.

5 Q. Did he get an answer that you can recall?

A. I can't recall the details of the discussion.

Q. Can you recall the substance of any response to Mr Castle's question?

10 A. No, I'm afraid I can't.

Q. The next line we understand in the margin would be what is written there:

15 "ESB source of REA - the notetaker has interpreted REA as reasonable, I understand - threat to public."

Are you able to elaborate on what was being said?

20 A. No.

Q. It goes on:

25 "Acknowledge west winds will make harder, things in place."

Does that assist you or are you able to say who made that remark from your memory?

30 A. No, I can't.

Q. You have agreed that at that time you were referring to forecasts of north-west winds. Do you agree with that?

35 A. I believe our previous discussions included something of a north to north-westerly wind. I would agree with that.

Q. I won't bring it back up. But I will remind you that the minutes actually record you saying:

40

"With temperatures for Sunday, Monday and Tuesday being hot with stronger north-westerly winds."

45 Do you agree you referred in the meeting to a forecast of north-westerly winds?

A. Yes.

Q. And under hot conditions?

A. Yep.

5 Q. And that strategies would be harder to complete and hold after Friday evening?

A. Yep.

10 Q. Mr McRae, did you at the time identify that hot conditions with north-westerly winds posed a threat to the urban area of Canberra?

A. No. None.

Q. Why not?

15 A. Well, what you said is incomplete. Without knowing the moisture content of the air mass, you can't calculate the fire danger. Therefore, you can't calculate the fire behaviour and you can't work out where the fire is going to go and cause trouble.

20

Q. Well, Mr McRae, you have said in this meeting, apparently --

A. Sorry, I was responding to your question.

25 Q. What I am struggling with is perhaps you can't provide precise predictions as to where the fire might go or precisely what it would do, but if you have got a longer term weather outlook for Saturday 35 degrees, with temperatures for Sunday, Monday, Tuesday being hot with stronger
30 north-westerly winds, isn't that sufficient for you to start contemplating what that kind of condition might mean without being that precise?

35 A. Well, clearly I was already contemplating with the words we have already been talking about about telling people after Friday they would have difficulty in holding containment lines. But that doesn't mean anything more than that necessarily without the full forecast picture.

40

Q. It is part of your role, isn't it, Mr McRae, to be as much as you reasonably can forecasting what these fires might do in the medium to longer term?

45 A. Yes, it is.

Q. As part of that role, I suggest to you that it

is important to look at what might happen if things don't go to plan in terms of containment?

A. Yes.

5 Q. You knew that there was a fire burning just over the border in New South Wales to the north-east of the city of Canberra?

A. Sorry, say that again, please.

10 Q. You knew there was a substantial fire burning just over the border in New South Wales to the north-east of the city of Canberra?

A. With a substantial and more resourced containment strategy, yes.

15

Q. You just agreed with me, I think, that it was part of your role to look at what might occur if containment strategies weren't successful. That's right, isn't it?

20

A. Yes.

Q. Did you identify on about the afternoon of the 14th of January, with or without the assistance of Mr Cheney's remarks, the possibility that under a north-westerly wind and hot conditions that that fire could burn over the border and impact on the city of Canberra?

25

A. No, I did not identify that nor did I have a basis for identifying that.

30

Q. What sort of basis would you need, Mr McRae?

35

A. As I said before, to identify the fire behaviour you need not just the wind direction, strength and temperature, you need the information about the moisture content of the fuel. Now, the long-term forecasting that you get from meteorologists does not include moisture content. You don't get moisture content in your forecasts until you are about two or three days out, and generally then it is only because you pressure them. In normal fire weather forecasting, you generally get the moisture about one day out --

40

Q. But Mr McRae there was forecast --

45

MR CRADDOCK: I object. He should be permitted to complete his answer.

MR WOODWARD: I am happy for him to complete his answer.

5 THE WITNESS: Without that, you are a long way short of the requirements for looking at where the fire is going to go and therefore looking at what the fire is going to put under direct threat.

10 Now, when we think about fire weather forecasting, we are thinking in terms of air masses. Some air masses which can come through from the north-west certainly are very dry, will lead to low humidity and will increase the fire danger quite markedly. But other air masses, which more frequently come
15 through over Canberra from the north-west, have come not too long up-wind over the coast and they have a high moisture content. So you can have a hot day with north-westerly winds and even as low as moderate fire danger indices. Under those
20 conditions, a fire isn't going to make major runs of any form.

Now, as I say, in Canberra most of the time we don't get the low dew point air masses coming
25 through - dew point being the technical measure of the moisture content of the air mass. So what would have been needed to anticipate the McIntyre's fire actually entering the ACT would be a forecast of a low dew point system coming
30 through, and we weren't necessarily anywhere near getting that.

MR WOODWARD: Q. Mr McRae, you were forecasting or at least identifying already the risk of the McIntyre's fire coming into the ACT, weren't you?

A. Yes.

Q. So it is not a matter of it coming into the ACT. That was a risk that was already a concern,
40 according to some documents we have referred to.

A. Sorry, what?

Q. The fire actually coming into the ACT was already identified as a risk?

45 A. Yes, if it broke containment. Now, that hadn't been included in the statement of our assessment of the likelihood of it breaking

containment. And on this day I thought that they had every chance of holding it.

5 Q. It follows from that, doesn't it, Mr McRae, there is a risk that they won't hold it?

10 A. Well, it's a chain of events in which every previous chain has to fall into place before you get to the next chain. If I didn't think it would break containment, it was me being prudent to take the next step anyway and say that the fire came into the ACT. I didn't see it as necessary to go to yet the next link in the chain of the fire making runs into the ACT at this point. I didn't have a basis for doing that.

15 Q. You did have a basis, didn't you, that you just referred to; namely, although you say it may not have been the most common the form of a north-westerly wind, it was still a distinct possibility, was it not, that the north-westerly wind you were referring to would be one that brought with it a low dew point?

20 A. That would have caused the first link in the chain.

25 Q. Why aren't you, as part of your planning, assuming that all of those things would be on the scale of more serious impact and not assuming that the outcome is going to be better?

30 A. Could you repeat that question, please?

35 Q. I will put it another way. You have referred to the fact that there were two possibilities in terms of the north-westerly weather that is referred to in the minutes. One was one that carried with it a dry air mass with a low dew point. That was one possibility; is that correct?

A. That was one possibility, yes.

40 Q. The other possibility, and I appreciate you say more likely or more common, was one that carried with it a moister air mass?

A. That's correct.

45 Q. What I don't understand, Mr McRae, is why you wouldn't be at this point on the 14th, given the potential that may arise with the former of those

possibilities, identifying that if that eventuated there was a risk to the city of Canberra?

5 A. There wasn't a risk to the city of Canberra. If that eventuated, as I have said before, that would have been the cause of the fire entering the ACT. That was as far as I felt it was prudent to take the planning at that point in time. There was no basis for expecting the fire to make a run of that magnitude.

10

Q. And so as we understand it, as I should understand it, Mr McRae, the possibility of the fire burning and making that run under those conditions and impacting on the city of Canberra was not part of your planning at least by the end of the 14th of January?

A. That is correct.

20 Q. And you didn't take it upon yourself, as I understand it, to revisit your planning having heard that Mr Cheney considered that there was a threat to the city of Canberra?

25 A. Well, I don't know the basis for Mr Cheney's opinion on that matter, so I couldn't work it, could I.

Q. You knew Mr Cheney was an expert in fire spread prediction, didn't you?

30 A. Say again, please.

Q. You knew Mr Cheney was an expert in predicting fire spread, didn't you?

35 A. No, I didn't know he was an expert in predicting fire spread. He was an expert in fire behaviour, most definitely.

Q. He was an expert in fire behaviour, an expert of some standing; you would agree with that?

40 A. Yes.

Q. Why did you need more, other than to be told Mr Cheney has expressed this view? I don't understand why that hasn't rung some alarm bells with you, Mr McRae?

45 A. I was interested in developing the capability to do a quantitative analysis of the future growth of the fire situation that we were facing. And in

order to do that, we needed to be able to do a range of different approaches to modelling, and I had brought in people to assist me with doing that. And that was sufficient. I had a lot of
5 technical expertise in this capability available to me. Now, I didn't see addition to that from Mr Cheney going to the press.

Q. Did you understand from Mr Lucas-Smith that
10 essentially what Mr Cheney was doing was as a courtesy letting Mr Lucas-Smith know that he had been asked to give this interview and what he planned to say; did you understand that to be what Mr Lucas-Smith was reporting?

15 A. I think in general terms, yeah, that would be my recollection.

Q. Did it occur to you having got that
20 information, which as I understand it, Mr McRae, was a view that was not shared by you, to call Mr Cheney and ask him to give you that additional information that might assist your own planning?

A. No, it didn't occur to me to do that.

25 Q. Why not?

A. Because I had enough capability already.

Q. That capability wasn't suggesting to you, as I
30 understand it, that there was a risk to the urban area of Canberra?

A. That's correct.

Q. Mr Cheney, who you have acknowledged was an
35 expert in fire behaviour, was apparently of a different view. That was something you were aware of at the 14th?

A. That seems to be correct.

Q. Don't you think it would have assisted to
40 supplement what information you had to have that input from Mr Cheney with an alternative point of view?

A. I already had at least three alternative ways
45 of doing the work in my unit. That was enough.

Q. In your reference before to Mr Cheney making a one-off, one-liner remark - I can't bring back

your reference --

THE CORONER: "Simple opinion" I think the words were.

5

MR WOODWARD: Q. Are you critical of Mr Cheney in some way in relation to the way he has approached the matter, Mr McRae?

10 MR CRADDOCK: I object.

MR LAKATOS: So do I, with respect. This is about the cause, origin and circumstances of this fire. Now Mr Cheney has been brought in and given his
15 view. That is fine. I ask rhetorically: what possible benefit can this inquiry have of Mr McRae expressing a view like that in the context of the cause, origin and circumstances of the fire? It is simply irrelevant.

20

THE CORONER: I disagree with you, Mr Lakatos. It is not irrelevant as to why Mr Cheney's opinion wasn't sought. Mr McRae was out there looking for people from the CSIRO to give him an opinion. He
25 is told that there is someone from the CSIRO who has an opinion. All he is being asked is why he didn't follow it up.

MR LAKATOS: The question was: "are you critical
30 of Mr Cheney in some way?" That is the question, with respect, that I am objecting to.

MR CRADDOCK: That is the question I objected to. That question; not any other question.

35

THE CORONER: Thank you.

MR WOODWARD: Your Worship, Mr Cheney is this inquest's expert in relation to matters of fire
40 behaviour. I detected, and perhaps incorrectly, that Mr McRae was expressing some criticism of Mr Cheney in the way in which he has - I think he used the term "a one-line throwaway statement". I think he again used the term something to the
45 effect that that was not particularly helpful. I wanted to clarify whether Mr McRae was critical. If he is not, then I won't pursue the matter.

Given Mr Cheney's status as an expert in this inquiry and given Mr McRae's expertise in the area, if he is critical of Mr Cheney I think that needs to be identified.

5

THE CORONER: Yes. I agree with you too, Mr Woodward. I will allow you to ask the question.

10 MR WOODWARD: Q. Did I wrongly or rightly detect, Mr McRae, in your earlier answers - I don't know that I can bring it up - that you were in some way critical of Mr Cheney in the way in which he raised this matter with Mr Lucas-Smith or provided
15 the information that he provided?

A. My goal wasn't to be critical. I wouldn't recommend the way he did it. From the shoes I was in at the time, I was the manager trying to run a capability and I made a decision at the time based
20 on the information I had at hand. That's the decision I've talked about.

Q. What decision are you referring to?

A. The decision not to take any further action
25 regarding Mr Cheney's forecast of how the fire might evolve.

Q. Are you suggesting that Mr Cheney should have done more than he did in expressing his views to
30 Mr Lucas-Smith?

A. It's not up to me. All I'm saying is I made the management call I had to make at the time. I will stand by that call.

35 Q. Mr McRae, moving to the 15th of January. I think we are dealing here with possibly some discrepancy between the morning and the afternoon planning meeting. In your statement you deal with the 15th commencing in paragraph 100.

40 A. That is paragraph 100 on page 22?

Q. Yes, it is. That was the morning on which you first had a report from Mr Mason from the Bureau of Meteorology?

45 A. Mmm-hmm.

Q. Firstly to you and then to the planning

meeting; is that correct?

A. Yeah, that's correct.

5 Q. You say in paragraph 101 that Mr Mason told you:

10 "The forecast for that day - which is the Wednesday - Thursday and Friday was similar weather to that then being experienced, meaning very warm dry weather and a mild wind predominantly from the east. However, he forecast that some time after that Friday morning, conditions would change. He forecast much higher temperatures into the high 30s, wind instead coming from the north-west and very low humidity. These features combined to create a forecast of extreme fire danger."

20 He then explained what extreme fire danger means. That would suggest, wouldn't it, that at that point at least you then have one other piece of the puzzle that you were referring to yesterday; namely, an indication from Mr Mason that the weather conditions for Friday afternoon and beyond involve very low humidity?

25 A. That's correct.

30 Q. You then in your statement refer to what you said at the planning meeting - you indicate that that is at the morning planning meeting. I will take you in a moment to some notes that indicate that perhaps your remarks were made in the afternoon planning meeting. Subject to that, I take it, Mr McRae, that is still your recollection that those were the conditions that Mr Mason was forecasting on the morning of the 15th of January?

35 A. Yes. Yes.

40 Q. I might just go briefly to the minutes [ESB.AFP.0110.0142], and starting at 0143 which is what apparently records Mr Mason's briefing to the meeting. If we go to Friday and Saturday:

45 "A cold front from Melbourne is expected late Friday afternoon. Stronger winds from the north, north-west are expected with mid

5 afternoon winds reaching 30-40 kilometres,
 gusting to 50 kilometres per hour. Humidity
 is expected to drop with a dew point of
 2 degrees possibly lower. A fire weather
 warning is expected."

Then Saturday's forecast:

10 "Winds will be from the north, north-west
 freshening with 30-40 kilometres per hour,
 with hot dry air coming from New South Wales
 and Queensland. Temperature expected to be
 35 degrees plus."

15 Then Sunday:

 "... not much respite."

20 Monday:

 "A front is expected to arrive from Victoria
 bringing hot dry north-west winds late Monday
 evening. The front could possibly hold off
 until Tuesday. Low humidity and dew point of
25 zero degrees. Temperature is expected to be
 in the high 30s with wind speeds
 35-45 kilometres per hour, gusting
 60 kilometres plus."

30 Again, that is consistent with your memory of the
 weather forecast that morning?
A. Yes.

35 Q. Just over the page under the heading "planning
 issues", Mr McRae, correct me if I am wrong but I
 assume this is reporting your remarks to the
 meeting:

40 "The weather briefing would indicate that
 Monday is the operational deadline to secure
 operation strategies."

45 Do you recall saying something to that effect at
 that meeting or is it possible that someone else
 has made that comment?

A. It's likely I said it. I don't recall saying
 it.

Q. That is a little varied from the reference in the minutes of 4pm the previous day, Mr McRae, where you have apparently referred to strategies being harder to complete and hold after Friday evening or perhaps it isn't - would you care to comment on that?

A. They are not necessarily inconsistent.

Q. Is it still your view then on the morning of 15 January that strategies would be harder to hold, I think the expression was, after Friday morning?

A. Yes.

Q. And the reference to Monday, when you say "the operational deadline", how do you differentiate between that and what you referred to the previous day?

A. What do you mean by "how do I differentiate"?

Q. You use the expression I think the previous day to "strategies harder to complete and hold after Friday evening", and on the following morning it would appear you are saying the Monday is the operational deadline?

A. Mmm. I had already told people they should aim to have things finished before Friday afternoon. What I am saying here is it is a true deadline. On Monday, if they haven't done it, you are going to wish you had done it, basically.

Q. So you weren't revising what you had said the previous day that strategies were going to be harder to hold after Friday morning?

A. No, I wasn't.

MR WOODWARD: I was going to move to the afternoon planning meeting, if that is a convenient time.

THE CORONER: We will take the short adjournment.

SHORT ADJOURNMENT [3.02pm]

RESUMED [3.12pm]

MR WOODWARD: Q. Mr McRae, just before I go to the meeting of the afternoon on the 15th, there

has been evidence of which you may be aware that there was a discussion between Mr Lucas-Smith and Mr Koperberg at about midday on the 15th. Did you have any discussions with Mr Lucas-Smith about
5 that discussion he had at Queanbeyan with Mr Koperberg?

A. I recall a very brief discussion of it but not much about the content.

10 Q. Well, what do you recall about the content?

A. Perhaps I should say I can't recall the content.

Q. Just moving now to the afternoon planning meeting: up to the time of the afternoon planning meeting, Mr McRae, do you recall anything that Mr Lucas-Smith said about what he had been told as to the condition of the McIntyre's fire?

15 A. I don't think I can separate that from other information I'd heard about the fire on that day.
20

Q. Well, what was that information generally then, Mr McRae?

25 A. Well, the information I heard about it was that containment was progressing and I basically still had confidence that it would be held.

Q. Do you recall any reference by Mr Lucas-Smith or by anyone else suggesting that it was the view of those in Queanbeyan and/or Mr Koperberg that the McIntyre's Hut fire would not be an issue or a concern for the ACT?

30 A. I don't recall a direct reference. As I say, at the end of the day my feeling was that it would not be a direct concern to the ACT because they appeared to be confident in their containment.
35

Q. Are you aware that during the afternoon Mr Koperberg gave a brief television interview, Mr McRae?

40 A. I now know he did. I wasn't aware of the content of that at the time.

Q. So you weren't aware of the content of it on the 15th of January?

45 A. No.

Q. The planning meeting minutes for the afternoon
planning meeting are [ESB.AFP.0020.0368]. The
meeting appears to have commenced with
Mr Lucas-Smith providing a report about requests
5 for assistance from New South Wales and the
response to that request. I limited my earlier
question, Mr McRae, to the period up to the
meeting. Do you recall Mr Lucas-Smith at the
meeting saying anything about what he was told by
10 Mr Koperberg about the progress of containment of
the McIntyre's fire?

A. My recollection of the meeting is pretty
much - on those matters is limited to what is in
the minutes.

15 Q. Let me take you to them. There is the
reference to what Mr Lucas-Smith said about the
additional assistance. Over the page, this isn't
attributed, Mr McRae, but about halfway down the
20 page under the heading "McIntyre's fire" it
states:

"The south and east boundaries of the
McIntyre's fire have been contained. They
25 are experiencing difficulties in the north to
north-west boundary, which is currently being
managed by Yass Shire on behalf of
Yarrowlumla. Heavy plant and resources are
having difficulty holding the fire and they
30 are also having trouble holding the fire on
the north-east side of Doctor's Flat Road."

Do you recall who provided that information to the
meeting, Mr McRae?

35 A. I don't recall. It may well have been
Mr Graham, but I don't recall.

Q. Although it refers to the south and east
boundaries, it refers to difficulties being
40 experienced with north-west and perhaps more
relevantly north-east side of Doctor's Flat Road -
that would suggest there are still problems being
encountered in containment?

A. It's never easy. Having problems doesn't mean
45 you've lost containment.

Q. Also having problems means it is still an

issue for the ACT; doesn't it, Mr McRae?

A. Not necessarily.

5 Q. Is it your evidence as at the afternoon of
15 January 2003 that you, in your mind, believed
that the McIntyre's Hut fire was no longer an
issue for the ACT?

10 A. No, that's not what I have been saying. I
have been saying that I had confidence that they
would hold it. And I would still stick with what
I was saying from the previous day's material that
it was prudent for us to be taking the next step
in terms of looking at what was needed to protect
the ACT should they lose containment.

15

Q. So as I understand what you just said, you
were continuing to plan for the possibility, were
you, that those containment lines would not be
held?

20 A. I don't know if we were actually doing
planning on this day because we may have finished
it the day before. But the plans were still
needed.

25 Q. You were still factoring into your thinking,
Mr McRae, that containment lines around McIntyre's
may not hold; is that the position?

A. That's what is required of a planning officer.

30 Q. And that's what you were doing?

A. Mmm.

Q. In the planning meeting minutes under the
heading "planning - weather":

35

"... Monday will potentially present the
worst fire weather forecasts seen in a long
time. The fire danger index is forecast to
be within the range of 110-140. Mr McRae
40 stated we needed to be as ready as possible
for these extraordinary conditions."

Then over the page you refer to other planning
issues arising over containment lines and fallback
45 positions. It says you then warned:

"... if the fire reached any of the worst

case containment lines, then there are potentially public land, infrastructure, property and assets impacted upon.

5 The main focus is where we are currently working, and to keep in mind future impacts if conditions worsen."

10 What were you referring to, Mr McRae, in your reference there to "public land, infrastructure, property and assets"? Can you be more specific within each of those categories what you identified as being at risk?

15 A. What that was referring to was if Bendora and/or Stockyard made runs they would be burning through public land, referring to the pine plantations, Namadgi National Park, Tidbinbilla Nature Reserve; infrastructure in terms of the dams, the water supply, power lines; property in terms of rural leases and dwellings and sheds on 20 that land; and assets things like fences, roads, bridges, culvert, et cetera.

25 Q. Just jumping to one of the sets of handwritten notes of this meeting [ESB.AFP.0110.0154] at 0156. Perhaps the other set of notes is slightly more detailed. We will go straight to that. It is document [ESB.AFP.0110.0159] at 161. While that is being brought up, at paragraph 102 of your 30 statement you say:

35 "After Mr Mason had presented his forecasts - I appreciate in your statement you are referring to the morning meeting - I commented on what should be understood by it. In particular I said words to the effect of:

40 'Gentlemen, we currently have the worst fire situation you will see in your careers, and you have just heard a forecast for the worst fire weather you will experience in your careers. Do the maths.'

45 Just moving to the bottom half of that page that is on screen, you will see under the heading "planning" the notetaker has written:

"Worst fire of careers. Monday worst fire weather forecast of careers. 1:20-year fire. 1:40-year fire with a forecast on Monday."

5 Then the reference to the fire danger index. Do you accept - or at least based on those notes - that for the 1600 meeting the comments you refer to at page 102 were probably made in the afternoon planning meeting?

10 A. Yes.

Q. I think you commented at the beginning of your evidence that you wanted to include in that quote the fact that you referred to a 1:20-year fire and
15 a 1:40-year fire weather forecast for Monday?

A. Yes.

Q. Mr McRae, when you said "do the maths" in your comment, could you do them for us? What were you
20 saying; what were you asking the people in the meeting to understand by what you were saying?

A. It was a somewhat rhetorical point. Having talked about the 1:20-year fire and 1:40-year fire weather forecast, I wanted to bring home to those
25 at the meeting that the combination of the two was a fairly rare event and that we should be doing everything we could to be ready for it.

Q. Mr McRae, at this stage you go on to say in
30 paragraph 93:

"I then elaborated on this broad statement by saying we could expect large fire runs from any of the fires in a south-east direction.
35 However this was about possibilities commencing at the earliest on Saturday, and I therefore did not speculate on where these fire runs might occur pending developments over that day and the following two days."

40 A. Mmm.

Q. In your statement in paragraph 93, Mr McRae, when you refer to "any of the fires", do you include McIntyre's in those words?

45 A. I was talking about the fires we were looking after.

Q. Were you at that time expecting the possibility of large fire runs from McIntyre's fire in a south-east direction?

5 A. I wasn't thinking about McIntyre's. We had enough on our plate with our fires, and at that stage I was relying on our colleagues in New South Wales to be looking after that fire.

10 Q. It was just entirely outside your planning focus, was it?

15 A. No, that's not what I said. When we were talking about things at this meeting, I was trying to get the people managing the fires in the ACT aware of the problems, the challenges that were going to be facing them managing their fires.

20 Q. Mr McRae, if you did encounter a large fire run from the McIntyre's Hut fire in a south-east direction under the conditions you are referring to, it would be in the ACT in a manner of - well, less than an hour, wouldn't it, from where the containment line was?

25 A. It might be in the ACT in less than an hour; it depends on the circumstances.

30 Q. At least in theory it would then become a real concern for the ACT and those involved in managing the fires in the ACT?

A. That's correct.

35 Q. Is it your evidence, Mr McRae, that despite that, you were not including in your planning considerations a threat from the McIntyre's Hut fire?

A. Sorry, I don't believe that's what I have been saying.

40 Q. I have misunderstood you. Were you including in your planning considerations the possibility of the McIntyre's Hut fire --

A. Are you referring to general planning considerations or are you referring to the section of the minutes of this meeting?

45 Q. I am referring to your planning considerations.

A. Well, we had been considering McIntyre's and

then we continued to consider McIntyre's.

Q. Under the conditions that you described in the minutes, Mr McRae, the weather conditions which we
5 have spoken about with very low humidity and you have referred to fire runs from any of the fires in the south-east direction under the influence one assumes of north north-westerly winds, were you at that time including in your planning what
10 the McIntyre's Hut fire might do under those conditions?

A. In the context of the discussion that is minuted here, I don't believe I was. I was trying to get the message across to people managing the
15 fires in the ACT about what could happen.

Q. Outside the meeting - I am now moving for a moment away from what message you are trying to send at the meeting and asking you generally about
20 your planning in your capacity as the planning officer within the SMT. Were you including in your planning considerations under the conditions that you have described in your statement the effect of those conditions on the McIntyre's Hut
25 fire?

A. The effect of those conditions on McIntyre's had been considered.

Q. By you?

30 A. By the planning team.

Q. And including yourself?

A. Mmm.

35 Q. At about this time, that is the afternoon of the 15th of January?

A. Sorry?

Q. I am just trying to pin down the time that you
40 say it was included in your considerations. As at the afternoon and evening of 15 January, were you including the McIntyre's Hut fire in your planning considerations?

A. It was an ongoing consideration, yes, it was
45 at that time.

Q. Mr McRae, under the conditions you have

described in your statement, that is the 1:40-year fire weather forecast, 1:20-year fire, large fire runs and so on, I won't repeat them all, what was your planning telling you that the McIntyre's Hut fire might do?

5
A. That was a difficult question, because the McIntyre's Hut fire was burning over a complex set of terrain types and through quite a variable set of fuels. Unless you know the starting point for
10 analysing where a fire run is going to go, it is very difficult to hypothesise about where it might go. We certainly considered where the problems were being encountered by those endeavouring to contain the fire, and break-out on the Doctor's
15 Flat Road, for instance, would primarily run through lowland forest and grassland in New South Wales; and we would have expected a high likelihood of such a run being rounded up in the grassland.

20
Had the fire broken out on the north-west corner, which is another area of concern, it wouldn't have been a problem for the ACT. For a fire to break out anywhere else would, in a sense, be less
25 expected than those known trouble spots.

Q. You still have to include it in your planning, don't you, Mr McRae, that possibility?

30 A. Sorry, what possibility?

Q. That it would break out at other points around the containment lines?

A. Oh, indeed.

35 Q. Were you including that possibility in your planning?

A. If you take those into account, then the primary problem is going to be with ACT pine plantations, and steps were being taken to try and
40 stop the fire getting into those pine plantations.

Q. What were those steps?

A. As you said before, there was a bulldozer line being put around the northern edge of Uriarra.

45 Q. Were you factoring into your planning the possibility that those steps might also fail under

the conditions you are describing in your statement?

5 A. Look, at this point I was aware that ACT Forests were putting considerable effort into whatever could be done in protecting their asset. I was quite happy for those people to do that work.

Q. That doesn't answer my question.

10 A. Sorry, could you repeat the question?

Q. Were you factoring into your planning that those steps that you referred to might also fail under the conditions that you have referred to in your statement?

15 A. My expectation was that ACT Forests were taking that next step in consideration of what would happen if the fire got into their plantation.

20

Q. Is that "No, you weren't including that in your planning"? That is, the possibility of whatever work was being done by ACT Forests to prevent the fire travelling into the pine plantations - you were not factoring that into your planning at that time that that work might fail?

25 A. Well, it is a qualified "yes, I was". But I knew that ACT Forests were doing a lot of detailed work on it so I didn't do too much myself.

30

Q. Under extreme fire weather conditions with a strong north-westerly wind gusting to 60 kilometres per hour, did you have a view at that point, Mr McRae, as to whether the work that ACT Forests was doing in endeavouring to strengthen containment lines between the forest and the pine plantations was likely to stop the run of the fire?

35 A. It would have been difficult to stop the run of the fire.

40

Q. You were factoring that into your planning, weren't you?

45 A. Yes.

Q. What was your planning telling you at that

time would be the consequence of the failure to prevent the fires getting into the pine plantations under those conditions?

5 A. The approach that would have to be taken would depend on the circumstances. If you got a fire run making a run into the pines, you need to know exactly where it is, look at what your advantages are, look at what is downwind or upslope of it -
10 to take the next step is almost impossible to do properly without knowing the starting point.

Q. If you planned for the possibility that the containment lines around McIntyre's Hut fire under extreme conditions with a strong north-westerly
15 winds would fail, then you would be planning for the McIntyre's Hut fire to breach the containment lines on the north-east boundary and make a run across the border into the pine plantations, wouldn't you?

20 A. If the north-east corner was breached, it probably would not reach the pines.

Q. If the east and south-east boundary under a north-westerly wind was breached, it would make a
25 significant run across the border and into the pines?

A. That's correct.

Q. Was that possibility included in your planning
30 considerations as at the afternoon of the 15th?

A. I'm just wondering why that is different to previous questions, yes.

Q. I think you qualified your answer by narrowing
35 it down to the north-east corner. That was my hearing of it; perhaps I misheard you. But I want to ask you whether you included in your planning considerations the possibility that there would be a general breach of the containment lines under
40 the influence of a north north-west wind, being a breach that would necessarily then occur on the east and south-east side of the McIntyre's fire?

A. Well, that wasn't one of the known trouble
45 spots. As I said, it was difficult to know what the starting point would be. Can I also ask what you mean by "a general breach of containment lines"?

Q. I suppose I should be asking you, Mr McRae. I am trying to identify to what extent you were planning for the possibility that the containment line strategy being implemented by the New South
5 Wales fire authorities would fail and a fire would then burn - the McIntyre's fire under the influence of a north-westerly wind would burn across the border and into the pine plantations. Were you factoring that sort of possibility into
10 your planning?

A. I believe I have already said yes to that. But without knowing a likely starting point --

Q. Do you need to know a likely starting point, Mr McRae, if you are saying "Well, look, if these
15 containment lines don't hold, the McIntyre's fire being where it is under the influence of a north-westerly wind is going to burn generally in a south-easterly direction"; what else do you need
20 to know?

A. If you don't know the starting point then you have got to be more general in your work. I believe the ACT Forests' line that they constructed was something in the order of
25 20 kilometres long --

Q. You have already agreed that was unlikely to hold under the conditions that were being anticipated; haven't you?

A. What I was going to say is that is the sort of
30 approach you have to take if you don't know the starting point. To go beyond that is very difficult.

Q. That's part of your job, isn't it, Mr McRae, to do that very thing - to look at, as best you can, subject to all the limitations that exist, what the impact of this fire might be if
35 containment fails?

A. It seems to me we did everything that we would be expected to do.

Q. I will ask you the question again. It is part
45 of your job, is it not, to do the best you can with the information you have to identify what might happen to the fire into the future; that's part of the planning officer's role, isn't it?

A. Yes.

Q. I understand your answer to be that you felt you did the best you could at the time under the conditions. Is that what you are saying?
5

A. Yes.

Q. I will come back to this question then: were you identifying at that time the possibility of the fire breaching containment lines, running through the ACT pine plantations and ultimately threatening the urban area of Canberra?
10

A. My projections didn't go that far.

15 Q. Why not?

A. The expectation was that there would be --

Q. I don't mean to interrupt you. But you say "the expectation was"; is this your expectation? If you mean my expectation, could you say so.
20

A. You are making it very difficult for me to gather my thoughts. If you want me to answer a question, I am going to need a chance to gather my thoughts at this point.
25

Q. I interrupted you because you started your answer "the expectation was". It doesn't tell me whether it is your expectation or a general expectation on the part of the SMT. I am asking you at the moment about your own expectations. So, if you could indicate whether what you are about to refer to is your expectation or is it a wider expectation held by others.
30

A. Okay. My expectation, and I would expect others would have similar expectations, was that at some point in the sequence a forecast "bad weather" that we had in front of us that one or more of the fires in the area would break containment. And breaking containment, that weather would lead to fires making runs.
40

Now, those runs would run across the landscape. They would cause some damage. The day would end. You would have milder conditions overnight and then that would be the starting point for assessing where problems would arise the next day.
45

In an unstable dynamic situation like that, you really can't predict what your starting point will be beyond the first day that you are analysing for because it literally is too dynamic. I would not
5 have expected a run when it was first made to reach anywhere near the city.

Q. Can I take that one step further, Mr McRae: at that point, namely on the afternoon or evening of
10 Wednesday 15 January, did you at that point think there was any possibility that any of these fires, including the McIntyre's fire, might impact on the Canberra urban area?

A. My feeling was that by Monday there would be a
15 likelihood of that.

Q. Of impact on the Canberra urban area?

A. Without specifying what an impact means, yes.

Q. As at Wednesday the 15th of January, you felt
20 that by Monday that was a likely scenario?

A. Yes.

Q. Was that a view that you expressed to anyone
25 in those terms; that is, in terms of a potential threat to the urban environment by Monday?

A. I believe I didn't use those explicit words. But the general terms I was using in the planning meeting were telling people that Monday was when
30 things would be most dangerous.

Q. So your words "do the maths" at least in your mind was intended to convey, among other things, that risk that you have just referred to?

A. I was telling people that the danger day was going to be Monday. They had to be aware of the significance of the danger on Monday.
35

Q. Do you recall saying in words or in substance
40 to anyone either at the meeting or at any time after the meeting on the 15th that you thought it was likely that the fires would impact on the urban area by Monday?

A. I did have discussions with people along that
45 line. But I can't recall exactly when they occurred, especially in relation to this meeting. If I recall correctly, there were some senior fire

brigade officers in this particular meeting. I was especially wanting to make sure they were aware of the importance of what I was telling them.

5

Q. In case it assists your memory on that issue, I would just ask you to look at this document [ESB.AFP.0110.0115]. This is a request for Commonwealth physical assistance sent by Mr Castle on 15 January. If you look under the heading "situation", you will see there that he says in this document:

15 "Two of the three fires have now joined, forming two large fires. The weather forecast for the weekend and early next week predicts temperatures in the high 30s with strong winds gusting to over 60 kilometres per hour from the north-west, causing concern
20 for the ACT urban environment."

That is consistent with the evidence you have just given, Mr McRae. I haven't checked the transcript, but my recollection is that one of the possibilities that Mr Castle indicated that he obtained that information from was yourself. Do you recall having a discussion with him and providing that type of information to him some time that day?

30 A. I don't have an explicit recollection of doing that, but that's what I would have done if he had asked. It is a much more broadly worded thing than the forecast we were discussing at the planning meeting. He may even have got it at the
35 planning meeting.

Q. It is timed before the planning meeting, I should have brought that to your attention. You allow for the possibility, as I understand you, that he in broad terms got that information from you?

A. As you know, it was the morning planning meeting that we got Ian Mason in. It was the detailed forecasting that he gave us that made us
45 aware of the problems facing us.

Q. Mr McRae, did you, based on anything that was

said to you during that day by people like Mr Castle, Mr Lucas-Smith or Mr Graham have any indication from any of them that they shared your view about the risk to the urban area on Monday?

5 A. Could you repeat that?

Q. Was anything said to you, Mr McRae, or did you otherwise understand that others - and if so on what basis - in the SMT shared your view about the risk to the urban area on the following Monday?

10 A. I would have expected them to share my view. It is the purpose of having the team work. It was my role to present the risks and, unless they disagreed, it is assumed that everyone takes on board the presented information.

Q. Do you recall any specific discussions that led you to that assumption or that view?

20 A. To the assumption that they shared my view?

Q. Yes.

A. No, I don't recall.

Q. You may be aware, Mr McRae, that the following morning there was a presentation to the cabinet - a briefing of the cabinet by, among others, Mr Lucas-Smith and Mr Castle. Were you aware of that the night before that that was going to occur?

25 30 A. I don't believe I was aware of that.

Q. This may be a redundant question but I will just check: were you asked to assist at all in preparing a briefing paper for the cabinet briefing that following morning?

35 A. I don't believe I was asked to assist in that.

Q. I just want to ask you about a document - we are not sure what time this was issued - which is a New South Wales media release. It is document [ESB.AFP.0008.0336]. While that is coming up can I ask the general question: did you monitor or otherwise have access to information about what the New South Wales Rural Fire Service was saying about the fires including McIntyre's fire over this period?

40 45 A. Do you mean media information?

Q. Did you monitor the media releases that were coming out of the New South Wales Rural Fire Service?

A. No, I did not.

5

Q. Do you recall seeing any during this period?

A. I don't believe I did.

Q. Were you getting information about the status of the efforts to contain in particular the McIntyre's fire during this period?

A. Was I personally getting it?

Q. Yes.

15 A. Through operations.

Q. Was that largely at planning meetings or was it something you were getting from them on a more regular basis?

20 A. Largely at planning meeting but supplemented by other meetings, yes.

Q. I will just draw your attention to one passage within this release. Do you recall seeing this release on or about 15 January?

25 A. If it is the one I think it is, I didn't see it until after the fires.

Q. Going down the page a little bit further you will see there are some quotes there attributed to Mr Koperberg. It refers to assistance that he has been asked to provide and then he says that his volunteer firefighters are eager to help. He then says:

35

40 "'The current weather forecast, and the fact that vegetation in the southern part of New South Wales and the ACT is extremely dry, means that the potential for fire to impact on increasingly more populated areas is very high.'"

45 Does that assist your memory as to whether you saw this release or otherwise were aware that something like that was being said by Mr Koperberg at that time?

A. Sorry, are you asking about the release or

what Koperberg was saying?

Q. It is attributed to him. Firstly, is it still
the position that you don't recall seeing that
5 release, at least not on that day?

A. I don't recall seeing the release.

Q. I think I have already asked you about the
information that you had concerning the efforts to
10 contain the McIntyre's Hut fire. You begin
dealing with the 16th of January in the second
paragraph 97 on page 23 of your statement. You
refer to the priority to conclude as much burnout
as possible. Mr McRae, although there was
15 particularly concern about the weather forecast
for Monday, I take it that at that time at least
there was no change in the weather forecast you
were receiving for Saturday in the sense that
Friday and Saturday were still expected that those
20 conditions would be bad although perhaps not as
bad as Monday?

A. Well, the fire forecasts were variations on
the theme as we went from day to day. I still had
an expectation that Monday would be worse than
25 Saturday at this point in time.

Q. I suppose what I am asking you is that, whilst
Monday may be worse, was it the position that
Saturday was still going to be a bad day? The
30 conditions for Saturday hadn't improved; had they?

A. Saturday was still going to be a bad day. I
was still of the view that people had to lock in
operations by Friday afternoon.

Q. I have asked you about the cabinet briefing,
Mr McRae. The evidence would indicate that took
place on the morning of the 16th. Again, this
would appear to be consistent with evidence you
have given about what was occurring at the meeting
40 on the 15th. The planning meeting minutes for the
morning of 16th of January is document
[ESB.AFP.0004.0219]. Now we understand, Mr McRae,
Mr Castle and Mr Lucas-Smith were both briefing
cabinet at this stage so were not present at this
45 meeting; was that your memory?

A. That would be consistent with my recollection,
yes.

Q. At the top of the second page of this document, Mr McRae, there is a reference to "ACT Fire Brigade operations", and you will see there in the second sentence it is recorded:

5

"ACT Fire Brigade and the ACT Ambulance Service are to meet to discuss urban contingencies."

10 Do you recall what contingencies they were being referred to there?

A. Both of those agencies conduct most of their business in the urban setting. It was considered most important for them to put together planning
15 for impacts on the urban environment which, although arising from the bushfire, were not associated with management of the bushfire.

Q. Do you recall then, as part of that
20 discussion, or at any point during the meeting any discussion of when those impacts were anticipated to occur?

A. I don't have a recollection on that matter. My expectation would be we were still telling them
25 Monday was a likely day for the impact.

Q. Are you more generally aware, Mr McRae, of what, if anything, was being planned in terms of warning the Canberra community about that impact?

30 A. I was aware that the media people - sorry, can I just ask: did you say "Canberra community" or "ACT community"?

Q. I am focusing for the moment on the Canberra
35 community.

A. Our priority was the rural part of the ACT community because they were going to be impacted on first. If you are asking about the urban
40 community, it was my understanding that the media people were looking at arrangements.

We had brought Canberra Connect in to be a key stakeholder in the liaison between emergency
45 managers and the community, because they have quite considerable capability for disseminating messages and taking phone calls from the community. They were seen as a key part of any

strategy for dealing with the community in the city, should the city come under threat. There were also people planning the likely wordings for things and how to structure messages, that sort of
5 general content.

Q. Do you recall any discussions at about this time, Mr McRae, or indeed at any time during the 16th about getting a message to the Canberra
10 community in words or in substance to the effect that it was likely that the fire would impact on the Canberra urban community on Monday?

A. I don't recall discussions on that on this
15 day.

Q. So, if you are not aware of discussions about that, do you know whether anything was being done at all to deliver that message at about this time?

A. My understanding is that there was work going
20 on behind the scenes. All the people involved in doing that had been briefed in planning meetings and were aware of the schedule that we were working to and that there was an expectation that the planning unit's work would provide a trigger
25 for when they would need to start producing such messages.

Q. I see. As I understand your last answer, you are saying that that trigger had already been in
30 effect pulled that the point that is --

A. No.

Q. I misunderstood your answer. Was it the case that the media people or others who may be
35 involved in that work were waiting to be told by you or your unit that it was time to get that message out?

A. Yes.

Q. Did you tell them that the time had come on
40 the 16th?

A. No.

Q. Why not?

45 A. Because I didn't believe it had.

Q. You've already agreed, I think, that you

thought it was likely that there would be an impact on the urban area on the Monday. Why wouldn't, you having identified that, it be appropriate to take steps to alert the urban community to that likelihood

5
A. There wasn't a need to alert the entire urban community. As I said before, my expectation was at some stage during the phase of forecast dire weather or nasty weather or bad weather - whatever
10 you want to call it - there would be break-outs, and analysis of those would provide the starting point for the final run that, should it eventuate, would take the fire toward the city and that would allow us to pin down the subset of the urban
15 community that needed to be alerted.

Q. Why wouldn't, Mr McRae, you be at least identifying to the community even generally - or more specifically the western side of Canberra -
20 that it was likely that on Monday the fire would impact on them or may impact on them? Why wouldn't you give them as much warning as possible?

A. We were telling the community an awful lot of
25 things that would make them aware that there was a bad fire situation in the ACT and that the community needed to be careful. Now, we were telling people that there were road closures and that certain lands were being closed. We were
30 telling people not to do certain things. We felt that that was an appropriate first level of advice to the community, which would be escalated as the situation evolved.

35 Q. If you have identified by the 16th, the Thursday, that it was likely that the urban community would be impacted on the Monday, why wasn't the urban community being told that as soon as that was being identified?

40 A. We didn't know which part of the urban community to work with.

Q. Does it matter, Mr McRae? Why can't you just tell the whole urban community, "Look, these fires
45 will impact or are likely to impact on urban Canberra on Monday"?

A. My view of the matter was that we shouldn't be

giving a specific alert to the whole community.
The whole community should be getting general
material at this point. The specific stuff should
be used when we knew exactly which parts of the
5 community to target.

Q. The way you were communicating up to that
point, Mr McRae, was with general media releases
and media conferences; is that correct?

10 A. The way who was communicating, sorry?

Q. The way the ESB was communicating with the
community at that stage about the fires was via
interviews and media releases essentially; is that
15 correct?

A. I believe that's correct, yes.

Q. I am having difficulty, Mr McRae, in
understanding why it wasn't thought appropriate to
20 take the opportunity during a media conference or
in a media release to say to the Canberra
community that it is likely that these fires will
impact on the Canberra community by Monday?

A. Sorry, I wasn't involved in the interviews or
25 the media releases directly.

Q. Did you have discussions with Mr Lucas-Smith
or Mr Castle about what should be said and how the
threat should be identified?

30 A. Not a direct discussion. Briefings during the
planning meetings and on other occasions, not
direct discussions on the exact content of media
material.

35 Q. Just one final matter before we adjourn, I
said I was having difficulty in understanding why
it wouldn't be appropriate to provide that type of
warning to the general community once the
likelihood was identified, your response was you
40 weren't involved in interviews or the media
releases. Can I ask the question again --

MR PIKE: I object to that. That certainly was
not the question. That certainly was not the way
45 he responded to it.

MR WOODWARD: Q. My question was:

5 "Q. I am having difficulty, Mr McRae, in understanding why it wasn't thought appropriate to take the opportunity in a media conference or in a media release to say to the Canberra community to say it is likely that these fires will impact on the Canberra communities by Monday?

10 "A. Sorry, I wasn't involved in the interviews or the media releases directly."

I anticipate you weren't involved in the media releases or interviews directly, Mr McRae. I repeat the question: are you able to explain why it wasn't thought appropriate to take the opportunity to provide a warning to the Canberra community that these fires are likely to impact by Monday?

20 MR CRADDOCK: I object. We have been over and over this.

25 THE CORONER: That is right. We want an answer. We haven't had an answer. Don't throw your pen down, Mr Craddock. You did that yesterday, and I am not going to tolerate it. Don't throw your pen down in this court.

MR CRADDOCK: I didn't do it yesterday.

30 THE CORONER: You did. You threw your pen down. I said to you the reason this question has been repeated, Mr Craddock, is because it hasn't been answered.

35 MR CRADDOCK: That is not so, your Worship.

THE CORONER: Point to the answer, Mr Craddock.

40 MR CRADDOCK: Mr Woodward just a short while ago read the question and the answer. What he is now doing is saying, "I want to ask it again".

THE CORONER: Yes.

45 MR CRADDOCK: Now he is asking the same question, with respect, obviously enough to the motivations of other persons.

THE CORONER: The question was directed to "you", being Mr McRae. Why didn't Mr McRae --

MR CRADDOCK: Your Worship, he has already
5 explained that he wasn't involved in that. What
more can he possibly say? "I wasn't involved in
it." How can he explain why he didn't do
something that he wasn't involved in? Surely the
question is directed to the motivations of others.

10 If I am wrong about that, maybe the question is
unclear. But that's the meaning that I've taken
from it, I think, fairly - and I submit fairly. I
object to it on that basis.

15 THE CORONER: The question hasn't been answered,
Mr Craddock. Therefore, I allow Mr Woodward to
ask the question again. If Mr McRae chooses to
answer in the same terms, so be it. He has been
20 given an opportunity to consider the question and
answer it. He hasn't answered the question.

MR WOODWARD: Q. Just to make it clear, I will
slightly rephrase it. I understand, Mr McRae,
25 that you weren't involved directly in the
interviews or media releases, so I will ask you:
can you explain why it wasn't thought appropriate
for the ESB to take the opportunity to identify to
the Canberra community that it's likely that the
30 fires will impact on Canberra by Monday?

A. I don't have an ability to explain why the
decision was made the way it was, except to say
that there is a fairly complex and detailed area
of expertise involved in liaising with the
35 community and there were people involved in doing
that job who were aware of those complexities; and
I'm not.

Q. Do you think, Mr McRae, that someone, whoever
40 was responsible for communicating and had those
skills, should have been saying to the Canberra
community that the ESB or personnel within the ESB
expected that it was - felt - or considered that
it was likely that the fires would impact on the
45 Canberra urban area by Monday; do you think that
is something that should have been done on the
16th?

A. I'm not aware of the complexities of dealing with the community in terms of emergency warnings, so I don't know.

5 Q. You don't have a view one way or the other as to whether that is something that should have occurred on the 16th?

A. No, I don't.

10 MR WOODWARD: Is that a convenient time, your Worship?

THE CORONER: Yes, thank you. We will adjourn until tomorrow morning until 10 o'clock.

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**MATTER ADJOURNED AT 4.10PM UNTIL FRIDAY,
16 APRIL 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 DEATHS OF DOROTHY MCGRATH,
ALLISON MARY TENNER,
PETER BROOKE, AND DOUGLAS JOHN FRASER
AND THE FIRES OF JANUARY 2003

DAY 35

Friday, 16 April 2004

<RICHARD HARRY DURRELL MCRAE, RE-AFFIRMED

5 <EXAMINATION-IN-CHIEF BY MR WOODWARD CONTINUING

MR WOODWARD: Q. Mr McRae, there is just one aspect of your evidence given late yesterday that I wanted to clear up. At page 3351 of the transcript, you talked about your work providing a trigger for when the media people, to use that term generically would need to start producing messages including warnings to the urban community; do you recall that evidence?

15 A. Yes, I recall that.

Q. I think we were there talking about the afternoon of the 15th and the morning of the 16th whether the point had been reached where that trigger needed to be given. I think you said you formed the view that you hadn't thought that time had been reached on the 16th. We then spoke about the different types of advice that could be given.

25 At the top of page 3353 you talked about not giving specific alert to the community and you needed first to know which parts of the community to target. What I would like to ask you, Mr McRae, why on either the afternoon of the 15th or during the 16th you didn't approach either the media people, Mr Castle, or Mr Lucas-Smith and say something to the effect of "our planning is suggesting that it is likely that there will be some impact on the western side of urban Canberra by Monday and people should be told about this so they can start to prepare"?

35 A. Towards the end you were saying likely to be some impact?

40 Q. On the western side of urban Canberra. Obviously I am not giving you the words specifically, but in a general sense why wasn't it appropriate on the 15th or 16th to be telling the media people, "Look, our planning is suggesting that there is likely to be some impact on the western side of urban Canberra by Monday and people should be told about this so they can begin

to prepare"?

A. At the time we made certain decisions on the levels of fire activity and the triggers that they cause for activating warnings to the community.

5 And these were based on what was currently going on and what was forecast to go on. The decision that was made was that we hadn't yet reached the point where we needed to do that. What we forecast was the critical thing.

10

Q. You talk in your answer there about discussions and decisions, what discussions are you referring to, Mr McRae, where the topic of providing some kind of warning to the urban community was discussed?

15

A. Primarily discussions would be the planning meetings as minuted.

Q. So those matters were being discussed, were they, at planning meetings on the 15th and 16th?

20

A. As you would be aware, the minutes of the meeting are the full transcript. My recollection is the discussion that went on in these meetings was aiming to give people a full appraisal of what we thought would be happening.

25

Q. You had given, I think, some clear and dire warnings to those present at the meeting on the afternoon of the 15th of January, and there was a reference in the minutes I took you to yesterday for the morning of the 16th, I think, or it may have been in the afternoon - but certainly on the 16th - to discussions of urban contingencies involving the fire brigade. Was it in that sort of context that the issue of warnings and messages to the community was being discussed?

30

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A. Well, there are a number of different things which have been confounded in that. When going through those items, the way I viewed it is the way that I am required to view it as a risk management strategy looking at the risk. The professional definition under Australian standard 4360 that allows you to assess a risk and then to look at the possible risk treatment options. In terms of risk treatment options, there are a number of avenues open to us, and the activation of those risk treatment options weren't

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necessarily to happen at the same time.

The first thing that we do in the Emergency Services Bureau, and in fact in emergency management, is to make sure that the emergency response agencies are fully up to speed and that their capability is 100 per cent available.

In a situation like this, the first risk treatment option is to have emergency response crews try and intervene to reduce the likelihood of an impact. Once the situation escalates beyond that, then you look at other processes that might be required.

Now, when it comes to getting the community as another stakeholder involved in risk management, there are a number of different levels at which that can be done. A good precedent is the way the Bureau of Meteorology warns the community on severe weather events like a thunderstorm. They can issue an advice. The difference between an advice and a warning gets a little bit problematic, but the general product that is issued is along the lines of "we forecast that there could be thunderstorms in this area this afternoon". The next level of warning that is issued is "we are currently tracking a thunderstorm going through places X, Y and Z. People in these areas need to take certain steps to reduce the potential impact of these storms".

Now if you take that concept into the bushfire situation, the work that was being done by the media is under that first category. And in the second category, I was looking at being able to tell the media people, "We are tracking a fire that is threatening these people." These are the people that you need to get actively involved in making sure they are safe should the fire actually reach the urban interface. And we were also dealing with the rural community. In fact, the rural community were going through these processes well ahead of the urban community.

So the media unit was putting out the first level of product. You could argue about the content, as you seemed to do yesterday, but in my view the

media products that were going out were achieving that first general level of warning to the community.

5 Where I talk about the trigger that we were waiting for, that would be the trigger along the lines that we are tracking fires heading towards certain suburbs and we will be dealing with people living in those suburbs making sure they take
10 appropriate and timely actions to make sure they are safe should the fire eventually reach those suburbs.

Q. The sort of actions that people would need to
15 take, Mr McRae, time permitting, would include clearing garden areas, cleaning gutters, getting valuables identified and perhaps moved to a safer area. Those are the sorts of actions that people could expect to take if there was a suggestion of
20 threat from fire. That is the sort of thing, isn't it?

A. Sorry, "a suggestion of a threat", which of the two levels do you mean by that phrase?

Q. Any suggestion. Once there is a risk
25 identified, the sorts of actions that people would be taking would include those sorts of steps, wouldn't they?

A. If there is a general threat or risk, call it
30 what you want, identified then the goal is to have the community at a generally heightened state of awareness that they may need to take some steps. Some people may see that as a need to gather belongings and put them in the boot of the car,
35 for instance.

Q. What about clearing gardens, as people were
40 doing this, I think you would be aware, in other parts of urban Canberra after Saturday the 18th. There were certain people in areas of Canberra spending quite a bit of time clearing out their gardens and taking trailer loads of material to the tip; that kind of thing was going on.

A. Indeed, that did take quite a bit of time.
45 Our preferred strategy is and always was to take the opportunity at the beginning at the fire season to tell people that they would need to make

their house and property safe from bushfire. A lot of those actions, it's really too late to consider doing it at this stage.

5 Q. Mr McRae, that's the very point, isn't it? You indicated earlier in your evidence that although you had made certain assumptions about the level of understanding of the urban Canberra
10 community of the risk of fire, no surveys or detailed analyses had been done to indicate to you how well that understanding had penetrated into the urban community. You just didn't know, did you?

15 A. No, we didn't know but --

Q. In those circumstances, Mr McRae, what I don't understand is why, when the risk was identified, albeit four or five days off, that wasn't seen as an opportunity to go out to the community at that
20 stage and even in a general sense say to the urban community, "Look, we think it's likely that there will be some impact on the western side of Canberra from these fires by next Monday and you should start preparing"; why wasn't that done on
25 the 15th or 16th of January?

30 A. It's a very long question. I am just trying to work out all the bits in it. Please bear with me. As I've said, in terms of the media products, I wasn't involved in the final product that went out to the community nor was I actually
35 monitoring. It was my belief that the products that were going out to community were sufficient to achieve the goal, if put in combination with the pre-fire season warnings.

40 Q. That doesn't quite answer the question, Mr McRae. Is that answer indicating that, at least as you understood it, because you weren't involved in the detail of what was going out, you were assuming that that kind of message was being delivered?

45 A. I was assuming that the people doing the message were professionals and doing their job to the best of their ability. Yes, I was.

Q. On your evidence yesterday, it was the planning unit's responsibility, as I understand

it, to provide the trigger for those messages. Is it your evidence that you had provided sufficient information to identify that there was a trigger for at least that kind of general message?

5 A. There are a number of triggers, as I have said already. Some of those triggers, as I have said already, had been activated. The final trigger that you seem to be referring to, we never saw the need to activate. Yes, that's true. We didn't
10 see a need to activate it.

Q. I think you've indicated, that you had an involvement in that because it was up to your team to activate that trigger. So what I am asking you
15 now is why you didn't do it on the 15th or the 16th.

A. Can I just get this clear: we are talking about the final trigger which in my terms was telling some parts of the community that they
20 needed to take active steps to ensure their safety; or is it the one before that?

Q. I am concerned not to get bogged down in this question of identifying we can't go out to the
25 community until we know precisely which part of the community is going to be impacted. What I am endeavouring to understand and get you to comment on is why - understanding that you couldn't be terribly precise about where the fire might
30 impact, but knowing that it was likely that it was going to impact somewhere on the western edge of urban Canberra by Monday - couldn't you go out to the community with a general statement to the effect of "our planning is showing that there may
35 be an impact by Monday and people should begin to prepare"; why couldn't you do that?

A. I had no expectation that what happened on Saturday the 18th of January would happen. It was totally unexpected that the fires would all evolve
40 into plume driven fires and be driven by totally different drivers to those we anticipated. My expectation was that we would have to deal with a number of runs by fires, separate independent runs, and that these would make approaches towards
45 the urban interface at different times and different places, and that the response crews would have perhaps varying levels of success in

stopping them.

Traditional damage to the urban interface in
Canberra, as I said before, indicates the first
5 row of houses and maybe another two rows of houses
back. There was nothing at all on my radar
screen, to use a figurative term, to indicate the
impacts that did occur. In terms of the impacts
that we expected to occur, my belief is that my
10 decisions and the information given to me by
people working for me led to appropriate levels of
trigger setting for what we anticipated.

Q. If you had anticipated even, Mr McRae, an
15 impact involving the first, I think your evidence
at the beginning of your evidence was up to three
rows, not knowing precisely where on the western
edge of Canberra it would impact but knowing there
could be an impact up to three rows of houses in,
20 is the effect of your evidence to be that you
thought - or a decision was made to wait until you
had a better idea of precisely where the impact
would occur before activating the trigger, to your
terminology is that really the effect of what you
25 are saying?

MR WHYBROW: Before Mr McRae answers that
question, and it may not formally be an objection
but the question asked was:

30 "If you had anticipated - the beginning of
your evidence was you anticipated up to three
rows in."

35 I don't recall Mr McRae ever saying that he at any
stage up until the 16th of January at least
anticipating an impact of up to three rows in. I
just ask my friend to point out where that is.

40 THE CORONER: He just said that now. He said
first row and maybe two after.

MR WHYBROW: The next question was:

45 "I think your evidence, the beginning of your
evidence was up to three rows."

I understood he was talking about some earlier date he had given evidence.

5 THE CORONER: That is how I understood it, the evidence that was just given this morning.

MR WHYBROW: I just wanted to clarify it.

10 THE CORONER: I think it was this morning's evidence.

MR WOODWARD: It was, your Worship. You are quite right. In addition, I took Mr McRae very early in his evidence to an email he received on 31 January where Mr Peter Mills was reminding Mr McRae of some training that he had undertaken. He said in the email [ESB.AFP.0012.0326]:

20 "I cannot help remembering your words during one training session at ESB where you had your Dr Doom hat on and said to us when the fire, big one hits Aranda one day, we will probably pull it up one or two streets into the suburb quite ironic. I now know you were
25 not really kidding us."

Mr McRae, when he was asked about that memo said, as I recall it, that that was a warning he commonly gave during training sessions in the lead-up to fire seasons, although he qualified it to say it is inaccurate to say that he talked about two or three streets in. What he generally spoke of was two or three rows of houses.

35 Q. Is that correct, Mr McRae?

A. Two or three rows of houses, that's correct.

40 Q. What I am asking you now, Mr McRae - I have lost it off the screen so I will ask it again - did you put on your Dr Doom hat on 15 and 16 January and say to yourself as a minimum, "While I can't anticipate precisely where the impact would be, there is a possibility of not being able to pull up the fire - I will use the precise words - that you may only pull up the fire
45 about two or three rows of houses in to the suburbs." Is that the sort of impact that you

thought was possible?

A. No. The wording you used I don't agree with.

Q. Use your wording, Mr McRae. What sort of
5 impact - I appreciate and I don't think anyone is
suggesting that the level of impact that occurred
was predictable in its entirety. But you, I
think, wearing your Dr Doom hat for many years
before the January 2003 had, as I had understood
10 it, warned those attending your training sessions
that, when the big one hits or something to that
effect, you will probably pull it up about two or
three rows of houses into the suburbs?

A. Can I point out the issue I have there. It is
15 with the phrase "probably pull it up". Pulling up
means stopping the head fire. We would probably
pull up the head fire right on the urban
interface. But what a lot of people call the
momentum of the fire in terms of embers and
20 firebrands would be likely cause some damage up to
three rows of houses in. It is a different
concept than the one you are using.

Q. Adopting the concept you just articulated, was
25 that an impact that you were contemplating as the
level of impact that might occur by Monday?

A. You previously used the word "precisely".
I can't support the use of the word "precisely"
but in general terms that's what I was
30 anticipating.

Q. Given that, Mr McRae, I am probably repeating
myself but I will ask one more time: why wasn't it
thought appropriate to provide a general warning
35 to those who might suffer that kind of impact of
that possibility?

A. Well, two parts to that. Firstly, I felt that
the warning that was provided was sufficient. But
basically I made a professional call on the level
40 of trigger for warnings that was appropriate at
that time. When you are working in an emergency
management situation, you make a call. That's
what I did.

Q. I know this may involve jumping ahead of
45 ourselves a bit, but when did you believe the
trigger or when did you activate the trigger, to

use your terminology, for that kind of warning?

A. Well, it's a complex answer. Do you want a complex answer right now?

5 Q. No. What I want to know is, you've used the expression it was a matter for your unit, the planning unit, to tell the media people and I think your terminology was to activate --

10 A. If you don't want the complex answer, the answer is the way the fires evolved, I didn't get the opportunity to do that. We were overrun by circumstances.

15 Q. Perhaps we will pick that up in the chronology then. Would you agree with the view, Mr McRae, at midday on the 16th that there wasn't any threat to the urban area of Canberra?

A. I need to know what you mean by the word "threat" in that context.

20

Q. I think it is a reasonably commonly used English word, Mr McRae. To the extent that there might be an emergency services type definition, I am referring to it in its common usage.

25 A. I don't know what the common usage is. If I apply it in my professional hat, there is always a risk to the urban interface of Canberra from bushfires.

30 Q. That risk or threat - are you using those terms interchangeably?

A. If I use risk as defined under Australian standard 4360, then that's what I am using.

35 Q. I am asking about a term as to how someone in the general community might understand it, Mr McRae.

40 A. I believe in my first day of testimony, we spoke about that and the difficulties with understanding how the community perceives it. I find it difficult to answer that.

45 Q. Let me give you a working definition. I suggest to you a "threat" to most people is a risk of some harm at some point in the future; in a broad sense it is something that is in prospect; do you accept that?

A. You use risk in your definition. That doesn't help me, I'm afraid.

Q. All right, Mr McRae there are --

5 A. It is a professional problem we have. We always have to struggle with these words. I am not being difficult.

Q. I want to use the word "threat" and I want to ask you: do you accept that the threat is something that is in prospect, it is something that may or may not happen?

A. May or may not eventuate, yes.

15 Q. What I suggest to you is that the effect of your evidence in relation to when you identified that it was likely that there would be some impact on the urban area of Canberra by Monday, another way of putting that is to say there was a threat, something that may or may not eventuate, but one side of that is may eventuate; so there was a threat of the fire impacting on the urban area of Canberra; would you agree with that?

20 A. If we use that terminology, I won't disagree with it.

Q. In a media conference at about noon on the 16th of January, the transcript is [DPP.DPP.0003.0468]. I will read to you one passage of the transcript of the media conference. At page 4 of that document, Mr Lucas-Smith is being asked some questions by the media about the fires. In his answer at the bottom of the page the precise question is shown as indecipherable. He says:

35 "There is still a long way, over 20 kilometres away if you talk about Canberra it's the urban development areas, there's over 20 kilometres away from the urban areas. At the moment I don't think that there's any threat to the urban areas."

45 He goes on to say that they will certainly see a lot more smoke, but the fire has got a long way before the fire starts threatening the ACT community. I take it, Mr McRae, you wouldn't

agree with that view as expressed on 16 January?

5 MR WHYBROW: I object. That is not fair in the
circumstances. The context of that answer given
by Mr Lucas-Smith is Stockyard and Bendora, and
these questions about threats to the urban area
have been predicated for the last hour on
McIntyre's Hut. So in that sense that answer
relates to the different fires.

10 MR WOODWARD: That is not the case. The witness
in his answers has indicated quite fairly that the
most that he can say about impact on the urban
community - and his answer last night to that
15 question - was in the context of all the fires.
When I asked him at page 3345, I said:

20 "At that point, namely on the afternoon or
evening of Wednesday, did you at this point
think that there was any possibility that any
of these fires, including the McIntyre's
fire, might impact on the Canberra urban
area."

25 It was in response to that question that he first
indicated that his feeling was that by Monday
there would be a likelihood of that.

30 Quite rightly he later said he couldn't work out -
wasn't able to say where that was to begin from.
He was dealing with a package of fires, as I
understood his answers. That was the context in
which I was asking the subsequent questions,
including McIntyre's but not only McIntyre's.

35 MR WHYBROW: I accept that. Could I just indicate
my concern that Mr Woodward is using pejorative
terms like "quite rightly he said things which
were in his mind". There seems to be an
40 indication as to what the right answers and wrong
answers are by counsel assisting. Given that this
is a fact finding proceedings, I would ask at
least on behalf of my client that there be an
analysis of the answers and not a reference to
45 what the right ones and wrong ones are. He says
at line 24, "Quite rightly he later said he
couldn't work out".

MR WOODWARD: My intention in saying that was to indicate it was actually sympathetic to Mr McRae in the sense he is identifying he can't be more specific. I certainly wasn't intending anything
5 pejorative by that.

Can I also indicate that the last two objections have come from Mr Whybrow. Mr Walker on behalf of Mr Lucas-Smith hasn't raised any of these issues.
10 Perhaps that is something your Worship might take into account in relation to objections where I am asking about a comment that Mr Lucas-Smith made.

MR WHYBROW: If we are going to get into that cute comment from counsel assisting might I point out to him that my client was asked up hill and down dale about these questions at an interview where he was sitting right next to Mr Lucas-Smith. So I
15 take objection to that sort of attempt to cut me out of this proceeding.
20

MR LAKATOS: I want to add to the objection on this basis: the question my learned friend asked of Mr McRae was "did he agree with words that
25 Mr Lucas-Smith said about threat in a media conference". Now, my objection is whether or not ex post facto a witness agrees or does not disagree does not take away from the proposition that Mr Lucas-Smith said it. Mr Lucas-Smith was
30 asked in great detail what he said and what the justifications were.

It does not assist in this inquiry to have a witness later on review what was said publicly and say "well, I agree or disagree". If the answer is
35 "I disagree", what does your Worship make of it?

THE CORONER: The difficulty that I have, Mr Lakatos and Mr Whybrow, with this is Mr McRae was asked a very specific question, a very simple question in my view: "Did you agree by midday on the 16th - now I am paraphrasing - there wasn't
40 any threat to Canberra?" He hasn't answered that question. I have no idea what Mr McRae's view was on about midday the 16th of January. Presumably the reason why Mr Woodward is going down this
45 track is because other people were making

statements about the threat to Canberra on midday. I would like to know from you, Mr McRae, what was your feeling, what was your view on about midday the 16th.

5

MR LAKATOS: With respect, I rose to a question which I thought, I stand to be corrected, that Mr McRae was asked to comment on Mr Lucas-Smith's statement.

10

THE CORONER: Yes, he was.

MR LAKATOS: He had been asked about his view of threat and we have been through that. He is now being asked: "Do you agree or disagree with what Mr Lucas-Smith said?" It is, with respect, a slightly different question to which your Worship requires an answer.

20 THE CORONER: It is. The reason I suspect why Mr McRae is being asked whether he agreed or disagreed with Mr Peter Lucas-Smith is because, as I have said, I haven't heard what Mr McRae's view was on that.

25

MR LAKATOS: His answer was two or three answers before this topic was raised.

30 THE CORONER: Exactly. What was the answer? Are you clear about the answer that he gave? Because I am not clear as to what Mr McRae was thinking.

MR LAKATOS: The answers he has given have been recorded on the transcript. With respect, those are his answers. You can only go to a certain point, with respect.

35

THE CORONER: Thank you, Mr Lakatos.

40 MR LAKATOS: I repeat the objection: with respect it does not assist. With respect, it is not fair to ask one witness as against another, "well do you agree or disagree, do you want to criticise this person or not?"

45

THE CORONER: He is not being asked to criticise. He is simply being asked --

MR LAKATOS: With respect, I am not sure whether that is not the ultimate end in sight.

MR PIKE: I may be able to assist on this simply because I have been able to get up the page of transcript which appears to be 3368. After Mr Woodward had concluded the little discussion about the use of the word "threat", we see this question at line 11:

10

"Q. What I suggest to you is that the effect of your evidence in relation to when you identified that it was likely that there would be some impact on the urban area of Canberra by Monday, another way of putting that is to say there was a threat, something that may or may not eventuate, but one side of that is may eventuate. So there was a threat of the fire impacting on the urban area of Canberra; would you agree with that?

20

"A. If we use that terminology, I won't disagree with you."

Then he goes on to quote the media conference with Mr Lucas-Smith. To the extent to which the question was ultimately put in its final form, if indeed my friend accepts that it was a final form, there was an agreement from the witness to that. That might assist.

25

30

THE CORONER: I must have missed that.

MR WOODWARD: Your Worship, I accept what Mr Lakatos says to the extent that he puts that the specific answer to that question may not take the matter any further. In my submission, it was an appropriate preliminary question to then explore with this witness, if Mr Lucas-Smith was saying one thing and it was not what Mr McRae was thinking, to explore how that has arisen and whether he was able to assist your Worship to understand why it would appear that there are differing views being held about the threat at that time.

35

40

45

Of course, it was also surprising to raise the fact in due course that it appears from

Mr Graham's evidence in particular that he didn't admit of the possibility of an impact until late Friday or Saturday morning was the effect of his evidence. It seemed to me to be an appropriate preliminary question to that line of inquiry. I am happy to go into the line of inquiry.

5
10 THE CORONER: That is probably preferable, Mr Woodward.

MR WOODWARD: I am happy to do that.

Q. Did you hear the exchange, Mr McRae?

15 A. I heard the exchange. I prefer to get a chance to re-establish my line of thought in terms of your questions.

Q. That is quite understandable. The preliminary question I was proposing to ask you would have enabled me to put or at least suggest to you that there is some degree of inconsistency between what apparently you were thinking at this stage about a likelihood of there being an impact and Mr Lucas-Smith saying at a press conference at noon on the 16th that he didn't consider that there was any threat.

Mr Graham's evidence, which I just referred to, was that he didn't even admit of the possibility of an impact on the urban area until late Friday or Saturday. Your evidence, as I understood it yesterday, was to the effect that you at least understood or expected that others shared your views. Can you explain why there appears to be a difference in the level of understanding of the extent of that threat?

35 A. The differences can, at least in part, be explained. Operations have the task of tackling the job at hand. Their goal is to go out and fight the incident during that shift. They are not the ones who need to be forward looking. That is planning's role. So in terms of Mr Graham not thinking about that possibility, that's quite in accord with his role under ICS.

45 If you want to compare the words used by Mr Lucas-Smith and myself, it would be my feeling

that the discrepancy, at least in part, arises from your requiring us to use a simplistic definition of "threat". If you looked at a more detailed and complex definition of it, then perhaps the differences can be explained.

A lot of concepts to do with describing a fire and a fire's behaviour have what we call scaled dependent properties. When you start thinking about things on different scales, it is not just spatial scales across the landscape but also in time-frames. You have heard me talk about time frames on a number of occasions in my evidence. That's part of what I do, thinking in different scales professionally. And I might point out, if you look at the papers of Australian bushfire conferences, you will find there are a number of instances where I have talked about scale factors. So I view them as quite a valid tool to be using in an incident like this one.

So if you take a broader scale, which includes a broader time frame, then you are recognising perhaps the threat of something on a big scale occurring. But if you change your scale to a narrower one, then it is quite valid to say there is no threat. So if Mr Lucas-Smith was talking on a narrower time frame than I, we can say different words about the same thing and yet still not be in conflict. I don't know if that assisted you or not, but it's the way I view things.

Q. I don't expect you to try and get into Mr Lucas-Smith's thinking, Mr McRae. But perhaps if I just put this to you and invite you to comment: a message to the community is one that needs to be delivered, I suggest to you, in as simple and as clear terms as possible; doesn't it?
A. Sorry, I mentioned late yesterday that there are a number of technical aspects to delivering a message or warning to the community and that it wasn't my job to be involved in those. There were quite a number of quite complex matters to be considered, and it's part of the realm of being an emergency manager. In my view, it was someone else's task to factor those in at this time.

Q. I will just ask you briefly about what is in this document - [ESB.AFP.0008.0404]. This is a fax that has apparently been sent by Mr Wade, who as I understand it is with ActewAGL or has some association with ActewAGL, to colleagues although we are not sure. In the second paragraph of the main text, you will see he says:

"Fire ecologist Nick Gelling - I think it has been accepted that should probably be a reference to Mr Nic Gellie - provided a detailed brief on the fire behaviour and options for the southern flank of this fire - this is during the planning meeting, if you read elsewhere in the document - Off the record (in a post session briefing) he provided a more candid assessment of the chances of the fire breaking control lines and believed this were likely to happen."

He then goes on to discuss the implications. Do you know, Mr McRae, why Mr Gellie would be giving an off-the-record post session briefing that included a more candid assessment of the chances of fire breaking control lines?

A. Could I just ask what --

MR CRADDOCK: I object. It is not a comparison of like with like, with respect, your Worship. Because the portion of the paragraph that my learned friend didn't read out says this:

"This is worrying and the fire may - and 'may' is italicised - threaten much of the Bimberi Wilderness (the total catchment above Corin Dam)."

My learned friend has been asking questions about assessments of impact of a kind or other with the urban interface and seeking explanations as to why there may have been differing assessments of risk as between members of the service with respect to impact of one sort or another with the urban interface.

What is said in this document as to what Mr Gellie had been talking about is a different matter. He

is talking there - it is quite explicit - not
about a risk to the urban interface but about the
possibility, that is a "may", of a risk or a
threat, to use the terms, to the Bimber
5 wilderness.

I don't have any difficulty with the line of
questioning. But if there is to be questioning by
way of a comparison of what one person thought
10 with what another person thought and how does one
resolve what they said about what they thought,
then one needs to compare like with like.

MR WOODWARD: There wasn't going to be that line
15 of questioning. I simply wanted to ask the one
question I asked: namely, are you aware as to the
circumstances in which Mr Gellie might have been
giving a different or more candid briefing, as
described in that fax, outside what is described
20 as the session, which I understand to be a
reference to the planning meeting.

Q. I am not concerned with the content of his
more candid briefing. I am wondering if you have
25 an explanation as to why he might be doing that.

A. I don't know why he might have done it, and he
wasn't authorised to do it.

Q. You would expect, I take it, any views that
30 were held by members of your team would be
candidly disclosed during planning meetings and
all other times?

A. Sorry, could you repeat that, please?

Q. You would expect, I take it, that members of
35 your team would be candidly disclosing their views
at planning meetings and any other times that they
thought appropriate?

A. No.

40

Q. You wouldn't?

A. No. I will explain why. The role of the
planning meeting primarily under ICS is for the
four key members of the management team and other
45 key stakeholders to get together and exchange
views with the purpose of forwarding incident
management. Now, my goal in the way I manage the

planning section was to develop a diversity of capabilities for predicting the behaviour of a fire, and from that diversity of views to come up with a consensus view, and take that single view
5 to the planning meetings. So that the people who needed to take that as decision support could make a decision without being complicated by having too much information.

10 The people in operations, incident controller, they need what they need to make a quick and decision on how things will go. My goal was to give them enough information to do that.

15 What I wanted to do was to make sure that we brought the consensus view to the planning meetings. There were occasions where more than one view was expressed. That was under managed conditions with explanations. People giving
20 alternate views outside of those formal or semi-formal processes was never something I authorised.

Q. Mr McRae, I just wanted to ask you about a
25 written forecast that appears among the material we have - [ESB.AFP.0007.0229]. The best explanation I can give of this is it appears to be something that may have been generated out of Queanbeyan at about 1300 on 16 January. It may or
30 may not have been part of the material that was being exchanged between Queanbeyan and the ESB.

You will see, if we go down to "Saturday" that is shown as an extreme fire weather day with the
35 various components of that set out there. Then over to the Monday, the next page, that is shown as a severe fire weather day. Are you familiar with those terms as they are used by New South Wales personnel?

40 A. Those terms seem confusing to me. I need to look at the other page again. There is a deviation from agreed terminology in those.

Q. Perhaps we can go back to the first page. I
45 was just focusing on the "extreme" and "severe" as being apparently two different terms being used. Are you familiar with the way they were used by

New South Wales at that time?

A. I don't believe these are adopted phraseologies within New South Wales. In terms of dealing with the Bureau of Meteorology, New South
5 Wales and the ACT share an agreement. It should be "extreme fire danger rating" or it should be "extreme fire weather". There is a mixing up of terminology in here.

10 Q. What about the difference between extreme and severe, is that generally understood?

A. There is no severe fire danger rating. There is severe weather.

15 Q. Is there extreme fire weather?

A. No. There is extreme fire danger rating but not extreme weather.

THE CORONER: Q. Down the bottom it says "note: severe fire conditions" under the "extreme fire
20 weather day".

A. It does, your Worship. I could interpret that in at least two different ways as well.

25 MR WOODWARD: Q. Did you have broadly, Mr McRae, at about the afternoon of the 16th as to how the weather conditions were looking for Saturday and Monday?

A. Sorry, you better repeat the start of that
30 question.

Q. Did you have broadly, at about the afternoon/evening of the 16th, as to how the weather conditions were looking for Saturday and
35 Monday? Had there been any change in forecasts that you can recall by then?

A. As I recall saying yesterday, they were trending as variations about a theme, as fire weather forecasts always tend to do, as the
40 difference as between when they are issued and when they are forecast for changes.

Q. I think in the previous forecasts, while Saturday was continuing to look like a bad day,
45 Monday was looking worse. Had that position altered, as best as you can recall, by the end of the 16th?

A. There was a point where the forecast for both became roughly equivalent.

5 Q. Actually, do you recall when that was? If you don't --

A. Not off the top of my head I don't, no.

10 Q. Just before we leave the 16th: During the afternoon of the 16th, Mr Lucas-Smith, among others, provided a briefing to members of the ACT Fire Brigade. Were you aware of that briefing?

A. I am now.

15 Q. Were you aware of it at the time?

A. I don't believe I was.

Q. I take it from that you didn't attend it?

A. That would be correct.

20 Q. Do you recall having any discussions with Mr Lucas-Smith about what he was proposing to say at that briefing about risks and other matters?

A. I don't recall the direct discussion in the lead-up to that meeting, no.

25

Q. So you think it didn't happen or you just can't recall it happening?

30 A. I don't believe it happened as a direct discussion for that. However, we would have been talking about the situation in general, and there is every chance he used that as the basis for this meeting we were talking about.

35 Q. Moving to the 17th, there is a document which I understand is some notes that you were taking. It is [ESB.AFP.0110.0911]. There is one matter I did want to check with you. I asked you yesterday about whether you had any discussions with any other members of the SMT where you, in words or in
40 substance, mentioned or spoke about your view that it was likely that there would be an impact on the urban area by Monday. I think you said you don't recall using those precise words in any such discussion; is that correct?

45 A. Sorry I am just trying to catch up with you there. Perhaps if you repeated the question, please.

Q. I asked you yesterday about whether or not you had had discussions with any other members of the SMT where you said in words or in substance that it was your view that there was likely to be an impact on the urban area by Monday. I think your answer was in broad terms, "I don't recall using those types of words but I was certainly talking about the level of threat". You referred, I think, to your warning at the meeting on the 15th.

5

10 A. Mmm.

Q. I just wanted to check with you, was there any written communication at about that time where you may have identified that view or a view that was along those lines to any member of the SMT?

15

A. You mean written by me as opposed to minutes of the planning meetings?

Q. Yes.

20 A. Not that I can recall.

Q. Such as an email or anything of that kind?

A. I wouldn't have used an email for that, no.

25 Q. These notes, do you recognise those?

A. Yes, those are mine.

Q. Your call sign is Oscar 9?

A. That's correct.

30 Q. Your "Friday" at the top, can we take it these are notes commencing on Friday the 17th of January?

A. I assume that is a 17th in the top right. I don't recognise the black blob in the margin.

35

Q. It might be a torn document. Moving to the bottom half of that page, there appears to be some notes which are before the actual planning meeting. I will come to the page that appears to be the commencement of the planning meeting. I have interpreted these as notes you have taken during your meeting before the planning meeting with Mr Mason. Is that likely to be the case?

40

45 See down there at the bottom "Sat"?

A. I can't recall whether those were taken at the pre-discussion or during the planning meeting.

Q. Two pages further on you have a heading "planning meeting" --

A. In that case they were taken before the planning meeting.

5

Q. Can you read what follows after "Sat" at the bottom of that page?

A. Yes. He said, "PM winds may be west or even west south-west with a front later after 10pm maybe later as an easterly."

10

Q. Going over to the next page "Sun": again I appreciate it is not a very good copy but can you read what follows after "Sun"?

A. "Winds quickly" - something which I can't read then "north-east - north" --

15

Q. "Maybe even west. East surge later"?

A. That's correct.

20

Q. Down to "Monday", and correct me if I have got this wrong "light winds early east. North-west 20-30 (40)". I can't read what follows.

A. That is "KTS" which is the abbreviation for knots.

25

Q. Then underneath that you have got "maybe less wind than Saturday"; is that correct?

A. That's correct.

30

Q. Could it be at about this stage you are getting information that suggests that Monday and Saturday are starting to look as though they might be much the same in terms of fire weather?

A. That's correct.

35

Q. Throughout that period, Mr McRae, the forecasts for Saturday have been generally consistent, haven't they? It is really only Monday that --

40

A. Could you repeat that question?

Q. Throughout the period from when you started to get forecasts, I think your first reference to them is on the afternoon of the 14th of January at the planning meeting, forecasts for Saturday continued to be more or less consistent throughout

45

that period. It didn't alter much?

A. There are technical ways of addressing that.

Q. Let me put it more generally --

5 A. There were variations, but the level of them is something that meteorologists can discuss that with you.

Q. It was always going to be a bad day?

10 A. I won't disagree with that.

Q. Moving to the planning meeting section of your notes, assuming these pages are in the right order, that seems to begin at the top of the next
15 page. See the heading there "planning meeting" which you have underlined. I think the first note is a reference to "AI" aerial incendiaries; is that correct?

A. Yes.

20

Q. "At McIntyre's north-east sector"?

A. Yes.

Q. Do you recall a discussion by the use by New
25 South Wales of aerial incendiaries?

A. In broad terms, yes.

Q. What was the nature of the discussion?

A. We were informed there was an unburnt area in
30 the middle of the north-east - you could call it the north-east quadrant of the McIntyre's containment area as a result of the burnouts from the containment lines not fully meeting up with the fire burning in the middle of the containment
35 block; and that New South Wales operations had made the decision to use aerial ignition to try and burn it out before it burnt out of its own accord under less favourable conditions.

40 Q. Did you have an idea of the size of the burnt-out area?

A. No, I didn't.

Q. What was the reaction of those present to the
45 plan to use aerial incendiaries, from your memory?

A. We recognised that there were some risks associated with that. But in terms of the choice

between doing something and not doing something,
they had made the correct call.

5 Q. Just while we are still on your note - I will
come back to the formal minutes in a moment - at
the end of, possibly even after the meeting, I
will ask you which it is, at the middle of the
next page of the document there is what appears to
10 be a heading "planning tasks". Then you have
written down three planning tasks; do you see
that?

A. Yes.

Q. Do you recall when you made those notes?

15 A. I would have to look at that document and its
adjacent documents to answer that.

Q. So you can't recall. You need to see the
document in its entirety? Can you recall whether
20 it was at or shortly after the meeting?

A. It would probably be one of those two.

Q. Perhaps if I jump to the next page. You can
at least have a look at that, if that assists. I
25 can indicate over on the next page you have
written "option 2" and "option 3" and indicated
some options under that. Does that assist?

A. Mmm-hmm.

30 Q. When do you think you made those notes about
planning tasks?

A. I won't change my previous answer. I don't
have a clear recollection, but probably shortly
after the planning meeting we were speaking about.

35

Q. Can I go back to each of those planning tasks
and ask you about them. The first one:

"Rapid analysis of 11 am OPS."

40

Is that OPS?

A. Yes, OPS.

Q. That would be operations?

45

A. Mmm-hmm.

Q. What is that referring to, Mr McRae?

A. Sorry, I just want to make sure I am doing justice to this. Which planning meeting are we talking about?

5 Q. This is the morning of 17 January planning meeting.

A. Okay. What I had been telling people was that operations need to be completed before Friday afternoon - before the afternoon shortly to arrive. Planning task number 1 was to do a quick analysis of state of operations by 11am to make sure that people had achieved what they were aiming to achieve.

10
15 Q. So that was a task that you were setting your team to identify how far that had progressed by 11am?

A. I can't remember tasking people to carry out these tasks. I just don't recall.

20

Q. The next one is "spotting footprints"; what is that, Mr McRae?

A. The purpose of that was to look at the areas that were vulnerable to spotting from the fires that we had starting new fires.

25

Q. What did that involve? How would you go about doing that?

A. That would be based on an assessment of - are you after the process or the technical side of it?

30

Q. In broad terms, does it involve drawing lines on a map or how is that - the use of the word "footprints" there is some attempt to be working out an area that might be affected by spotting. Is that what it involves?

35

A. It would have been mapped, if appropriate, or it may have been just a general analysis that spotting would occur downwind. I can't recall how that one panned out.

40

Q. I see. The final one as I read it is, "'Oh shit' pre-work". Have I read that correctly?

A. That's correct.

45

Q. What is that?

A. In general terms the next few pages that you

mentioned. In other words, if fires break containment, where do we go next.

5 Q. The words do suggest that at least within that analysis is to be looking at - perhaps I am overstating it and say if I do - a disaster scenario; is that really what it is referring to?

A. No, it's not.

10 Q. Why use that expression? How did you intend that expression to indicate? Is it just simply saying --

A. The phrase in quotes?

15 Q. Yes.

A. It is put that way because that's what the people in the field trying to work on these fires would say when they broke containment.

20 Q. When it is pre-work, does that indicate what is proposed there is to try and identify what is going to happen if that eventuates, if those containment lines are broken?

25 A. Basically if it was a minor break then the incident management in place in the field at that time would likely be sufficient to manage it. But were a significant break to occur, then we need to revisit the incident management that is in place in the field. The idea of doing this pre-work
30 was, should that happen, we would have some idea how to rejig field management.

35 Q. Just moving to the minutes of the planning meeting that morning [ESB.AFP.0110.0868]. On the second page under the heading "fire behaviour", which is the bottom half of the page, it says:

40 "Rick McRae stated that due to the variable winds expected, the fire behaviour may be erratic, with the worst fire runs to the south-east. There is potential for worsening conditions when the north-west winds arrive this afternoon. The containment lines are not strong and people need to be aware today
45 of extreme fire behaviour.

Peter Lucas-Smith requested information on

the potential fire growth without intervention. Due to the varying terrain, there is the potential for the fire to run uphill, across creeks, rivers and containment lines. There is the potential for a 10-kilometre spotover distance. Rick McRae stated that due to the dry fuel moisture content, there is significant danger to embers igniting new fires and further analysis needs to be undertaken on fallback positions."

Were those comments directed to all the fires to the east of Canberra; that is Bendora, Stockyard and McIntyre's?

A. To the west, did you mean?

Q. Beg your pardon, to the west.

A. I wasn't addressing McIntyre's.

Q. Well, what were you expecting at that time from McIntyre's?

A. Sorry, the purpose of this was for the task we had at hand, which is managing our fires. We were leaving it to New South Wales to manage their fires.

Q. If you got a fire run from the south-east from McIntyre's with 10-kilometre spot overs, that was going to be your fire in a very short time, wasn't it? It was going to be in the ACT under those sorts of conditions?

A. I wouldn't disagree with you. But we had a task at hand and that's what we had to tackle.

Q. Going back to the sorts of questions I was asking you yesterday about the 15th and 16th, was that potential - that is, south-east fire run from McIntyre's breaching containment lines and 10-kilometre spots - was that in your planning considerations?

A. Sorry, you are going a bit too fast for me there.

Q. Was those sorts of conditions affecting the McIntyre's fire part of your planning considerations that day?

5 A. Planning considerations is broader than what we are talking about on the screen here. That's what I am trying to come to grips with. Also there were two sets of special fire weather forecasts being issued - one for McIntyre's and one for these other fires, and they weren't necessarily giving the same weather. I am not familiar with what the weather was forecast for McIntyre's.

10

Q. Were you expecting it to be different?

A. To some level different but not that it's not going to be an interesting day for the people trying to manage that fire.

15

But in terms of what is on the screen, I'm giving information to the people in ACT operations who are trying to successfully implement objectives and strategies on the fires that the ACT was tackling.

20

Q. I understand that is what you say about the meeting. Looking more broadly at the role that you were fulfilling during that day, that is on the 17th, were you including in your planning work plans for what might happen if, to use the words in this document, there was a fire run to the south-east from McIntyre's?

25

A. We were doing planning for that sort of thing, yes.

30

Q. Now, Mr McRae, you describe the events of the afternoon of the 17th commencing at paragraph 108 of your statement on page 26 where you say:

35

"At about 2.00pm that day, I and others at ESB began receiving reports of problems in the McIntyre's Hut burnout block. We received reports of an aerial ignition of an unburnt patch within the burnout block that was burning too vigorously. We heard that for this reason, the aerial burnout had ceased because of the risk of embers flying from the burnout to spot outside the containment lines.

40

45

Also at approximately 2pm, I and others at

ESB received reports of spot overs on the northern sector of the Bendora fire near Bulls Head and crews working to contain those spot overs.

5

A little later that afternoon, at 1500 hours, we received reports of spot fires on the eastern side of Corin Dam, which were quickly establishing and running east into Namadgi National Park.

10

At about the same time, we received reports of crews being pulled off the Bendora fire generally and pulled back to Bulls Head pending assessment of spot fires and the uncertainty about fires then burning to the west and the possibility of those fires then looping east towards the ACT."

15

You then talked about what views you expressed, and in particular you say the Bendora fire would also head east towards the Cotter River and probably cross the river and that the McIntyre's Hut fire was likely to break containment lines and run towards the Uriarra pine plantation:

25

"I expressed these opinions at a meeting of the SMT involving Peter Lucas-Smith, Tony Graham, Dave Ingram and myself prior to the larger planning meeting that afternoon. I repeated these views during the planning meeting. There was general consensus that this was the likely situation."

30

Did you in those discussions or at the planning meeting go beyond, in the case of McIntyre's, identifying what might happen after the run towards Uriarra pine plantation?

35

A. At that point we had a number of actual spot overs and some potential still at McIntyre's. Our job was to tackle the ones that had actually occurred.

40

Q. Well, you have said in your statement, Mr McRae, that you had a discussion or expressed opinions at a meeting of the SMT before the planning meeting, which included an opinion that

45

McIntyre's Hut fire was likely to break
containment and run towards the Uriarra pine
plantation. I am simply asking whether, in your
discussion as to what might happen, you identified
5 at that point any risks for McIntyre's Hut beyond
the Uriarra pine plantation?

A. Those words don't even imply I felt it was
likely that the fire would enter Uriarra pine
plantation.

10

Q. Well, did you? Did you think it was likely
that it would?

A. No.

15

Q. You didn't?

A. No, I didn't.

Q. Just so I understand that, Mr McRae. Is it
your evidence that you didn't expect that when the
20 McIntyre's Hut fire, given that it was, you say,
likely to break containment lines, you didn't
think it would run into Uriarra pine plantation?

A. At that point in time, no. The reason being
the time of day.

25

Q. I see. So you are saying it wasn't going to
run into Uriarra at that time - namely early on
the afternoon of the 17th - but were you expecting
it to do so at some point in the future?

30

A. Sorry, I wasn't talking about the potential
for the future. We had a situation with a lot of
fires breaking their containment in different ways
and starting runs. And my view at that time was
we didn't have to fuss too much about McIntyre's.

35

Our priorities were the fires to the south of that
one.

Q. Do you want to think about that last answer,
Mr McRae - you didn't have to fuss too much about
40 McIntyre's in your role as the planning officer?

A. Yes, I will think about that seeing how the
media have used my words in the past.

It is a matter of priorities. If a spot fire had
45 started early in the afternoon, it is starting
before the peak in fire danger index based on our
knowledge of the diurnal - the daily weather

cycles which influence the fire danger index which influences fire behaviour. So the earlier in the afternoon a spot had started the greater its potential to make runs and move into different parts of the landscape.

So some had started earlier. Later in the afternoon some were still starting. Our understanding was that, having got towards the late afternoon with no reported spotovers from McIntyre's, should one start it's not going to make a significant run and that the New South Wales crews would be capable of containing any break of containment on McIntyre's before it reached the border.

So we had ones that had started earlier in the afternoon which had the potential to travel across country. And having got to late in the afternoon, the potential for that happening from McIntyre's, in my assessment, was low. As I said, my assessment was that New South Wales crews would be quite capable of rounding up anything that did occur at that time of day.

Q. What was your understanding of the level of fallback containment lines that had been established outside those that were currently being put in for McIntyre's?

A. Sorry, could you repeat that one?

Q. What was your understanding of the work that had been done, if any, to establish fallback containment lines, if those then being consolidated were breached?

A. My understanding was that New South Wales had fallback containment lines in place.

Q. Was it your view at the time that New South Wales would succeed in holding the McIntyre's fire, it having breached the then containment lines, and prevent it from crossing the border?

A. Having got to the latter parts of that afternoon, yes.

Q. I take it as part of your role as planning officer, Mr McRae, you were also required to

consider the possibility that they would not succeed?

A. That's one of the things the planning officer needs to consider.

5

Q. Did you do that on Friday afternoon and evening?

A. Well, the considerations we spoke about yesterday were still current.

10

Q. You better tell me which considerations you are referring to, Mr McRae.

A. Okay. From previous days we had been looking at the McIntyre's situation and considering what would happen were it to break containment. First thing it has to do is to cross the adjacent ground. That adjacent ground has the alternate fallback lines that New South Wales has considered, if not constructed. In places, there are quite a number of fire trails in that part of the landscape.

20

As we were talking about, it depended on where the break-out would occur, whether it was on the Doctor's Flat Road or on the northern edge or the southern edge. Each potential place for a break-out to occur led to different risks.

25

I had recognised that there were some places where a break-out would certainly directly threaten the Uriarra pine plantation and I had mentioned that I was aware that ACT Forests staff were actively taking steps within that plantation, including a bulldozer fire break that was eventually 20 kilometres long.

30

35

There were also steps being taken in other places. The rural landholders in adjacent lands, as they always do, were taking steps to protect themselves from fire should it enter their holdings. Now, that was the immediate outcome should the fire break its containment. As I mentioned yesterday, we were looking at follow-up steps should those break-outs continue in subsequent runs.

40

45

Q. Was it still your view that there was likely to be an impact on the urban area by Monday by

late Friday?

A. Sorry, you say "likely to be an impact". It was my view that on Monday the fires were likely to make runs that took them towards the urban
5 edge. It was also my view that on Monday there was a good likelihood that fire suppression crews could intervene and mitigate that outcome, hopefully to quite a large extent.

10 Now, there is a big difference between having a small tongue of fire reach the urban interface to the thing that actually occurred, which is having a plume driven fire reach the urban interface. My
15 planning was that by the time the fires actually reached the urban interface, we would be looking at partly suppressed head fires on what you could call finger runs but --

Q. But it was still your view, was it, that it was likely to be an impact on the urban area by
20 Monday?

A. This is where we get to the complexities of simplifying a description of a risk. There was a small impact in my view would be likely on Monday.
25

MR ARCHER: If I could just note, it is not by way of objection, but the witness has been using the word "on" and my friend has been using the word
"by". It is a subtle but important difference.
30 Mr McRae has again used the word "on", and my friend has used the word "by". It is an important difference.

MR WOODWARD: I hesitate to do this, but the
35 evidence Mr McRae gave yesterday was quite clearly to the effect of "by". It is lines 10-15 on page 3345. That is why I have been using the word "by". His answer to my question about impact and his expectation on the afternoon of Wednesday the
40 15th was, "My feeling was by Monday there would be a likelihood of that."

THE CORONER: That is the note I have as well.

45 MR ARCHER: I think it has varied. I haven't taken the care that Mr Woodward has to go back to the transcript of yesterday. But today and just

now Mr McRae has used the word "on" and not "by".

THE CORONER: It might serve to clarify that,
Mr Woodward.

5

Mr Woodward is talking about "by" and you are
talking about "on". What do you mean, Mr McRae?
That was your evidence yesterday.

10 THE WITNESS: My intention was there was a likely
impact and in my view quite a smaller scale than
what we actually saw on the 18th. By the end of
Monday, by the time that fire danger indices were
mitigated by easing weather at the end of Monday.
15 So that means on Monday but it also means by the
end of Monday. If I didn't make it clear, I meant
the end of Monday. Then perhaps that is the
discrepancy.

20 MR WOODWARD: Is that a convenient time, your
Worship?

THE CORONER: Yes. I will take the adjournment.

25 **SHORT ADJOURNMENT**
[11.28am]

RESUMED
[11.50am]

30

MR WOODWARD: Q. I have had brought up on the
screen the minutes of the planning meeting for
afternoon/evening 6pm of 17 January, document
[ESB.AFP.0110.0865]. The first page, I think,
35 summarises the sorts of events that had occurred
and that you deal with in paragraphs 108 through
to about 113 of your statement; that is, the
various breakouts from fires and what the crews
were doing in relation to both the Bendora and
40 Stockyard fires.

Going over to the next page under the heading
"planning", the minutes read as follows:

45 "Rick McRae stated that we need to assess the
risks of the new situation, given the weather
and fire behaviour conditions. Rick provided

an overview of unattended fire behaviour for various periods until tomorrow afternoon. There is the potential for 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.

10 There is a significant threat to the pine plantation as a result of the McIntyre's fire."

Just pausing there, Mr McRae, that overview of unattended fire behaviour is a task that you were undertaking with the assistance of personnel in your situation unit in the period leading up to the meeting; is that correct?

A. That's correct.

20

Q. The minutes truly reflect, do they, the assessment that you made of the potential for unattended fire behaviour for that period going through to the potential of it reaching Narrabundah Hill by 2000 hours on Saturday?

A. That's correct.

Q. The minutes go on, Mr McRae, to say:

30 "Peter Lucas-Smith outlined the objectives for this evening and tomorrow. These include monitoring the fire growth and obtain situation reports from the field, alter the strategy of indirect attack to property protection and perform aerial operations, and to determine the best way of stopping the fire from reaching the pine plantation and beyond. Crews will not be placed near the fire line tomorrow."

40

Then there is a reference to liaison with New South Wales Rural Fire Service and also a reference to ACT resources will not be deployed to fight the fire once it is in the pine plantation. Mr McRae, the reference a little further up to "a significant threat to the pine plantation", was that your view that at that time there was a

significant threat to the pine plantation as a result of McIntyre's fire?

A. I'm just trying to catch up with you there. Yes.

5

Q. What did you think at that time was the prospect of crews halting the fire before it got to the pine plantation?

A. I didn't know the exact situation, so it wasn't possible to comment on how New South Wales would go.

Q. You are an experienced firefighter, Mr McRae, you were aware of weather conditions. Did you think it was likely that they would be able to prevent the fire under those conditions either running or spotting into the pine plantation?

A. Late on the 17th, the expectation was that we would be getting some abatement in the fire behaviour. If that was occurring, then there was a good probability that the McIntyre's break-out or break-outs, I wasn't sure, would be contained.

Q. You would put it as a good probability of the firefighters preventing the fire from getting to the pine plantations. That's the level of prospect you saw?

A. Well, I didn't know exactly where the break-outs were. So without knowing the exact situation, that was about the best assessment I could make at that time, yes.

Q. In more colloquial terms, does that equate to a better than even chance?

A. I can't comment on that.

Q. You had, as part of this exercise, identified the potential if that was not achieved - that is the fire did run into the Uriarra pine plantation - of what that may then mean for further fire spread; hadn't you? You undertook an assessment of what may then occur?

A. The primary assessment was on the basis of fire entering Uriarra pines in the heat of the afternoon. But that had already passed, so I hadn't done an assessment of the fire entering Uriarra pines explicitly in abating conditions.

But it would be less than what we had expected.

Q. Your assessment that is referred to in those minutes, was that an assessment you were making at the time; namely, that there was the potential for the fire to reach - without the bits in between - Narrabundah Hill by 2000 hours; was that your view at the time?

A. Sorry, I thought we were talking about Uriarra pines.

Q. No, I think you said a distinct probability - or perhaps I may have misquoted you - of them preventing the fire from entering Uriarra but you had conducted, as I understand it, an assessment of what may be the consequences for fire spread if that attempt failed.

A. Sorry. I'm afraid I am going to have to ask you to repeat that question.

Q. The minutes suggest that you had undertaken an assessment of what would be the consequences for fire spread if firefighters were unsuccessful in preventing the fire getting into the Uriarra pine plantation.

A. Yes.

Q. That included the potential for the fire to reach Narrabundah Hill by 2000 on Saturday, the 18th; is that correct?

A. That's correct.

Q. Does it follow, Mr McRae, from a planning perspective by identifying the potential for the fire to reach Narrabundah Hill by 2000 hours that there was then a potential for some impact on the urban area to the east or south-east of Narrabundah Hill some time late on the Saturday?

A. It was not my assessment that the fire behaviour we based our forecast on would cause damage at the urban interface on the afternoon or evening of the 18th of January.

Q. So if the fire had got to Narrabundah Hill by 2000 hours, what was your assessment telling you would happen at that point?

A. At that time the weather would abate markedly

and there was a forecast wind change in the ACT. With the wind change coming through after a north-westerly air flow, there is usually a couple of hours of very mild winds before the wind change
5 actually hits. So if the wind change is forecast for the evening, then by this time the fire drivers would have abated.

10 So even if it had achieved its unattended potential, the drivers that were pushing it towards the urban edge at that time would have gone and, if anything, when the wind change hit, it would push the fire in the other direction.

15 Q. That, I suggest to you, Mr McRae, was the optimistic assessment of the fire run the next day?

A. No, it was not the optimistic assessment. It was a professional assessment based upon the best
20 available information and the best available forecasting tools.

Q. Did you allow for the possibility that fire
25 might travel more quickly than had been anticipated by the assessments referred to in these planning minutes? In other words, did you allow for the possibility that it may reach Narrabundah Hill before 2000 hours?

A. The planning team produced a projection which
30 we viewed as a worst case, which we presented to the incident controller and operations officer as something for them to work to for making sure that operations did the best possible to prevent impact on the urban interface.

35 Q. This to you was a worst case assessment, was it?

A. That was my assessment of it, yes.

40 Q. What tools, Mr McRae, did you use to make those assessments? What fire spread tools were you using?

A. We were using the combined skills and
45 capabilities of all the people in the situation unit.

Q. I want to be a bit more specific if I can,

Mr McRae: what fire spread prediction tools was your team using to come up with these times?

5 A. Okay. I tasked the team to do what they could to do projections on the afternoon leading up to this planning meeting. A number of different views were expressed. I got the team together with the goal of coming up with an agreed common view that we would take to the planning meeting. And I understand that's on that map just there.

10

Q. We will come to that in a moment. Again I may not be making myself clear enough, are you able to say today what particular rate of spread type tools - I am meaning in particular, for example, 15 the McArthur forest fire danger meter with or without adjustments - were being used to arrive at these assessments?

20 A. That projection was based on using the McArthur fire danger indices and primarily off the circular slide rule meters.

25 Q. Were you or was your team allowing for the information at least at that stage that you had as a result of the work being done by Project Vesta that the rate of spread could be, in some parts, of that area that the fire might be crossing up to three times greater than indicated by the McArthur forest fire danger meter?

30 A. We have discussed this before. I was aware that Project Vesta had indicated that there could be deficiencies with the McArthur indices as a fire rate of spread prediction tool. I still don't have a sufficient replacement for me to use.

35 Q. You understood, didn't you, that one of the pieces of information that had been published some years earlier as a result of the Project Vesta work was that, under certain conditions, large fires could spread up to three-times faster in the 40 forest than indicated by the McArthur forest fire danger meter. That's something that you understood?

45 A. I was aware that was published work, as was other work.

Q. Did you include in your range of projections or did anyone in your team include in their range

of projections that Project Vesta correction?

A. No.

Q. You didn't?

5 A. No.

Q. So it was based purely, was it, on the McArthur fire danger meter?

10 A. No, that's incorrect to say "purely", because whenever an experienced fire officer applies a McArthur fire danger index using the circular slide rule, they will apply a commonsense element as to whether the predictions are making sense in terms of how the fire is currently and has
15 recently behaved. It is not just pure application of the meters.

Q. With that qualification, Mr McRae, the times that were given to the meeting, which concluded
20 with Narrabundah Hill by 2000 hours, is it your memory that that time was calculated by applying the McArthur forest fire danger meter to the areas that were known to exist in terms of fuel and so on between the McIntyre's Hut fire and the edge of
25 Canberra?

A. I wouldn't use those words. I would say that those predictions are made by professional officers whose primary tool in preparing that was a McArthur meter.
30

Q. I think your evidence is that at least the ultimate consensus view that was arrived at did not incorporate, if I can use a general term, the Project Vesta correction of three-times?

35 A. We did not apply that. And today I would not apply it.

Q. If you had, Mr McRae, you would have got an earlier time frame than that suggested in the
40 minutes; is that a fair comment?

A. I would have got an earlier suggestion that no-one in the situation unit believed would be useful.

45 Q. What was your understanding at the time of the meeting or shortly after about what attempt was going to be made to actually control the fire that

afternoon and into the next day?

A. Could you repeat that, please.

5 Q. What was your understanding of the plans that were in place as at late Friday as to controlling the run of the fires the following day?

A. Sorry, late on Friday afternoon we were putting plans in place for Friday night.

10 Q. Were there plans in place that you knew of for the following day?

A. My recollection was that, when we found ourselves in the situation we were in, there was a clear direction made by Mr Lucas-Smith on what our objectives and strategies were and that those
15 would remain in place until the situation abated.

Q. And those, as indicated by the minutes, Mr McRae, were that crews would not be placed near
20 the fire line tomorrow and that all crews would be moving into property protection; is that correct?

A. The latter of those two.

Q. Well, Mr Lucas-Smith apparently in the minutes
25 says --

A. Sorry, not putting crews on the fire line is not an objective; structure protection is an objective.

30 Q. Was one of the directions that Mr Lucas-Smith gave that evening that crews would not be placed near the fire line tomorrow; is that your memory?

A. Yes.

35 Q. It follows from that, doesn't it, Mr McRae, that there would be no crews in a position to work on preventing an unattended run of the fires?

A. Sorry, in your previous question - I don't recall his exact words, but my understanding is
40 the intent of that is within a forest setting.

Q. So did you understand there to be plans in place to put crews near the fire line outside the forest setting?

45 A. There are options available for doing that in grasslands.

Q. I understand there may have been that option available, but were you aware there were any plans in place to do that as at Friday night?

5 A. Well, it is a critical part of doing structure protection. You cannot do structure protection if you can't go near the fire line.

Q. I understand it may be a critical part of structure protection. But what was your
10 understanding on the Friday night as to what plans were in place?

A. What do you mean by "a plan"?

Q. What I mean is: were you aware there was any
15 planning being done for that night or the following day to, as I understand you now put it, put crews in a position to prevent the run of the fire across the grasslands?

20 A. Sorry, that's not the way I put it. That last bit wasn't the way I put it. There was a lot of planning going on. With the runs of the fire, we were struggling to be ahead of the game. But certainly we knew that there was rural property being directly threatened in the Tharwa, Paddys
25 River, Tidbinbilla Valley areas and there was considerable planning being done to make sure that everything was done to ensure the safety of people living in those areas.

30 THE CORONER: You haven't answered the question though, Mr McRae.

A. I apologise.

Q. Were you aware at some stage Friday
35 afternoon/Friday evening whether there were any plans in place to put crews in the grasslands? That was the question. It was a very simple question.

40 A. I misunderstood the question. To do structure protection, crews would have to be near the fire line in grasslands. My understanding was crews would not go near the fire line in forests.

Q. But were you aware whether or not there were
45 any plans in place to put the crews in the grasslands?

A. I wasn't aware of written plans but I was

aware that Mr Lucas-Smith had laid down the objectives and strategies, and that operations was passing that on.

5 MR WOODWARD: Q. The plan was, wasn't it, Mr McRae, that all the available crews - firefighting resources at least of the ACT - were going to be concentrating on property protection?

A. Yes.

10

Q. That night and the next day; is that correct?

A. Yes.

15 Q. Being more specific about the potential for the run from the McIntyre's fire, which you had identified at the planning meeting as possibly going as far as Narrabundah Hill by 2000 hours on the Saturday, are you aware of any plans being put in place by the ESB to prevent that run that you predicted?

20

A. At that time, the McIntyre's Hut fire was a New South Wales fire and that ACT had more than enough to commit its resources to within the territory.

25

Q. So the answer to that question is no, is it?

A. If I understood your question correctly - yes, the answer is no.

30 Q. Mr McRae, I think you referred to this before and previous evidence has shown, that following that meeting there was a significant effort put in to beginning to contact people in rural communities that may be affected by the anticipated fire runs; is that correct?

35

A. Yes.

Q. What was your involvement in that?

40 A. Okay, the primary operational work in protecting dwellings was being undertaken by the Fire Brigade in close co-operation with the Bushfire Service. My key involvement on the evening of the 17th was to assist operations in knowing where those residents were by producing a catalogue of where the ACT rural residences were and getting that reproduced in large numbers to
45 make sure that every fire truck or as many fire

trucks as possible would have a copy of that to assist them in not overlooking anyone.

5 Also, to use the terms I used before, I activated the trigger for direct involvement of the community in those areas. I was working with the media section in trying to identify the best way to identify the subset of that community that needed to be directly involved, and we chose to
10 use the district subdivision level of the ACT. There are 16 districts in the ACT. We identified the districts in which there was the need to engage the community. Those were put into products that were produced to alert the
15 community.

Q. Perhaps I should ask you this first: what was your view by late Friday of the potential for any of the fires, and I include the McIntyre's fire,
20 to impact on the urban area of Canberra?

A. Gingera - the Stockyard Fire, no potential. The Bendora fire, we were awaiting information from the field to pin down exactly where it had got to so that we could work out where its next
25 runs would come from. And in terms of the McIntyre's fire, our information was there had been minor runs on the evening of the 17th, which had basically halted at the border.

30 My understanding was there was potential for New South Wales to contain those runs and that there was no indication yet to us that those runs would enter the ACT the next day when things heated up again.
35

Q. You had predicted, hadn't you, Mr McRae, that - on at least one version of events - it was possible the next day that the McIntyre's fire would reach Narrabundah Hill by 2000 hours; is
40 that right?

A. That was an unattended prediction.

Q. You didn't know, did you, as to what plans New South Wales had in place to attempt to prevent
45 that run?

A. I wasn't aware of their exact plans, no.

Q. As far as you knew, no planning had been done by the ACT fire authorities to prevent that run?

A. I'm sorry, could you repeat that?

5 Q. As far as you knew no planning had been done by the ACT fire authorities to prevent an unattended fire run from McIntyre's?

A. No planning by the ACT.

10 Q. Given those facts and your predictions, Mr McRae, I take it at least on one of the potential outcomes that the McIntyre's fire would have an unattended fire run to Narrabundah Hill by 2000 hours. That was within the realms of
15 possibility, wasn't it?

MR LAKATOS: I object to that. At least one part of that question, with respect, was that he did not know what New South Wales was going to do. It
20 does not mean that because he didn't know the terms of it, there would not be some intervention. It leaves out an element - his ignorance of the precise tactics or strategies which were to be adopted does not mean to say there weren't to be
25 some or that he didn't consider as a general proposition that there might be some. So, with respect, it is not a logical conclusion and the question in that form is unfair.

30 MR WOODWARD: Can I respond to that your Worship?

THE CORONER: Yes.

MR WOODWARD: This witness is the planning
35 officer. He has already agreed that it is his job, with all the information he has available, to undertake predictions of where the fire might go. The information available to him, as I understood his evidence, was that he had no information about
40 whether or not the fire may have an unattended run through to Narrabundah Hill. In those circumstances, to suggest that he would be assuming, your Worship, that there was a capability to prevent that run and therefore
45 ignoring the potential is ignoring, in my submission, the nature of his role.

I put to him that he had no information concerning what plans were in place. I am asking him whether on that basis he would then make some assumptions of identifying, as within the realms of possibility, an unattended fire run. If his answer is "that wasn't within with the realms of possibility as I saw it", then so be it.

THE CORONER: I will allow you to ask the question, Mr Woodward.

MR WOODWARD: Q. Do you remember the question, Mr McRae? Were you allowing for the possibility in your planning that there would be an unattended fire run to Narrabundah Hill?

A. No. We used that as a basis for operations to do their work, and I expected operations in both New South Wales and ACT to have some impact upon the potential spread of the fire.

Q. Part of your job, Mr McRae, I suggest to you, is also to look at the other side of that equation - namely, that to the extent that they did anything, that failed - isn't it? It is part of your job to sift through that to also look at what might occur if those attempts were unsuccessful?

A. How do you define "success" in your question? If we retard the fire that is a success from the point of view of not having unattended spread. That is quite different to actually stopping the fire.

Q. There must be logically a range of possibilities, mustn't there? One is they do stop the run of the fire. That is one end of the range. The middle of the range is they have some success in retarding the run of the fire but don't halt it. The other end of that scale is that they have no success in retarding, and the fire has effectively an unattended run as you had predicted to Narrabundah Hill. That has got to be within the range of possibilities; doesn't it?

A. I would expect that the operational capability assembled would have some effect. I would not consider a no impact option.

Q. You would take that view, despite not knowing one way or another whether it was intended that any resources would be deployed to prevent the run of the fire?

5 A. Sorry, could you repeat that?

Q. In other words, you would not consider the possibility that the fire run would be unattended in circumstances where you didn't know what plans
10 were in place to prevent that fire run or even attempt to have any impact on it?

A. Not knowing detailed plans doesn't mean not knowing the general way that things are done. The general way that things are done is that we have
15 fire suppression capabilities which would be applied to structure protection and, in doing so, they would have some impact on the forward spread of the fire.

20 Q. The worst case scenario, Mr McRae, was that there would be an unattended fire run from McIntyre's fire; that was the worst case scenario on Friday night?

A. That was the worst case scenario that came
25 from planning, yes.

Q. Under that worst case scenario there would be an impact, wouldn't there, perhaps not late Saturday - possibly late Saturday, but at some
30 point there would be an impact on the urban area of Canberra; wouldn't there?

A. I don't believe I agree with that. Could you repeat the question?

35 Q. Under that worse case scenario of an unattended fire run which you predicted would reach Narrabundah Hill at 2000 hours on the evening of Saturday the 18th, I suggest to you that there would be under that scenario the
40 possibility of an impact on the urban area or on the urban area of Canberra?

A. The worst case scenario put the head fire at Narrabundah Hill, which is short of the urban
45 area.

Q. It is.

A. Now, to qualify your question: it is realistic

to expect some spotting and that sort of process going on which would be handled by fire crews. But whether you would call that an impact under the worst case scenario, I am not clear.

5

Q. Well the impact you have referred to, spotting out of - the head fire running into the pine plantation on Narrabundah Hill would be an impact on the urban area, wouldn't it? If the head fire has run into Narrabundah Hill, I suggest to you, Mr McRae, as I think you indicated, there would be spotting ahead of that head fire?

10
A. No, there might be spotting. As I said before, when the fire was reaching Narrabundah Hill, I expected that the winds might be abating ahead of the wind change, as they usually do in Canberra, in which case spotting would no longer be the issue it was in early to mid afternoon.

20 Q. As I understand your evidence, you weren't allowing for the possibility that that expectation of yours might be unfulfilled; in other words, the wind change may not have come and spotting would occur? Were you allowing for that possibility?

25 A. I wasn't allowing for that possibility, because we had such good liaison with the Bureau of Meteorology.

Q. I see. And the bureau was predicting a wind change at what time?

30 A. The time varied.

Q. Well, as at Friday night when you were predicting that the fire could reach if unattended Narrabundah Hill by 2000 hours, when was the wind change expected?

35 A. I forget the exact wind change arrival time. It was factored into our model as presented to the planning team. But we used the best forecast wind change time that was available when we did the work.

40 Q. And you relied on that information for the purposes of reaching the conclusion that night that there would not be an impact on the urban area; is that right?

45 A. It was part of the basis for that claim, yes.

Q. Did you still believe an impact was likely, Mr McRae, by the end of Monday at that stage?

A. Sorry, an impact by the end of Monday?

5 Q. Yes.

A. I felt that was still the likelihood, yes.

Q. Had it reached the stage by late Friday where it was time to activate that trigger you had
10 spoken of and say to the media people, "Look, it's Friday, I think it is likely there will be an impact on Monday. We should get some message out to the community that that may occur"?

A. At that time my thinking was for the urban
15 community, the lower level material was still appropriate. Our focus was on getting a high level of warning to the affected parts of the rural community.

20 Q. In your mind, Mr McRae, was that lower level of warning - did that include a general indication of the possibility of impact on the urban area?

A. I'm not familiar with the exact content of the material that was going out but --

25

Q. I understand that. But is that what you were expecting would be occurring, that there would be some indication to the urban community of the possibility or likelihood of impact on Monday?

30 A. I would have anticipated what we said in the planning meetings would be reflected in that material.

Q. Were you provided with copies of the media
35 releases that were sent out on Friday and in particular late Friday night?

A. I was involved in the details of the media releases relevant to warning the rural community on Friday night.

40

Q. All right. What about wider media releases --

A. I don't believe I was involved in those.

Q. Could I ask that document [ESB.AFP.0110.0905]
45 be brought up, please. This is a media release which we understand to be the last media release sent on the evening of Friday, Mr McRae, at 2050.

Do you recognise that document?

A. Not at the moment.

Q. Does that help?

5 A. I don't believe I saw that document at the time. It contains some information that the planning section provided, but I'm not familiar with the document as a whole.

10 Q. Do you see there in the second bullet point there is a reference to significant smoke over the urban area; do you see that?

A. No, I don't.

15 Q. Sorry, it is the third bullet point. The last sentence reads:

"This will result in significant smoke over the urban area."

20

A. Yes.

Q. I appreciate you weren't apparently part of the dispatch of this media release, but were you aware of or were you a part of any discussions that might assist to understand why this media release late on Friday didn't identify the possibility of greater impact and smoke over the urban area?

25 A. I'm not aware.

Q. Do you recall or were you part of any discussions, Mr McRae, where there was some reference to there being a reluctance to - or a concern about alarming the public?

30 A. I wasn't aware of any discussion on that.

Q. I think you said earlier, Mr McRae, when I asked you about the trigger, that the reason why that was never done ultimately was because things were overtaken by events. I have now moved into the morning of Saturday, the 18th of January. As far as you were concerned, what was your thinking at that time as to when you should be saying to the media people that there was a risk to the urban area that should be the subject of some kind of message to the community?

40

45

A. The way I viewed that task was as follows: the operational arrangements put in place that morning were that we divided the rural areas west of the city into a number of sectors, with a number of those having existing issues which were taking up the time of the fire crews in protecting dwellings and structures in those rural areas.

We expected later in the day that other sectors which weren't initially resourced would need to be resourced as crews tried to keep ahead of the fire. Now, had some of those sectors been resourced, then that would have been the trigger to start saying, "Okay, with the fire being suppressed in those sectors, what's downwind of those? Which parts of urban community do we need to engage?"

Q. I'm not sure that I follow that, Mr McRae. I will try to summarise what I understand you to be saying that there was an assumption, was there, that there would be certain sectors that would be resourced, certain of these sectors that you referred to?

A. Initially resourced, yes.

Q. And the plan - perhaps I am putting it too highly - your intention was on learning as each of those sectors came under threat, that would give you an indication as to what the next stage of that threat might be and would provide you with an opportunity then to issue a warning to those areas; is that essentially what you are saying?

A. Those areas and areas upwind - and of course I didn't make it clear and I don't know that you did what the word "threat" means. If fire crews are in a sector actively engaging in operations, then that was what was meant by the word "threat", I take it.

Q. Yes. So you would be anticipating getting information as a result of that resourcing of those areas, and if the information was, "Look, we're not succeeding in holding this," then you would conduct an assessment to see what was next downwind and issuing a warning at that point?

A. That's correct.

Q. What would be wrong, Mr McRae, with taking the view as at Saturday morning that there is a general threat to the western edge of urban Canberra and we should at least let people know about that threat?

A. I felt we already had that.

Q. In what form?

A. In the media material that had already gone out.

Q. Had you seen such material at that point?

A. No, I hadn't. But, as I say, I felt we had that.

Q. You say in your statement at paragraph 121, this is moving to the 18th:

"I informed the media unit that there was presently no immediate risk to assets or personnel east of the Murrumbidgee River. But as the day progressed this might change and they should be prepared for that eventuality."

Just dealing with the parts of that sentence, Mr McRae: when you were thinking at the time "no immediate risk", what did you mean by that?

A. I guess in the sense I mentioned just previously that there was no fire activity which could make an immediate run to threaten assets east of the Murrumbidgee River.

Q. So is there a time frame that you had in your mind about what you meant by "immediate"? In other words, are you saying nothing in the next couple of hours but possibly beyond that?

A. Well, basically. But the situation is dynamic and under continual review, yes.

Q. So if you were giving that information to the media unit, was it your intention to convey to them, "Look, there is no risk in the next couple of hours, but we will let you know if that changes". Is that essentially what it was?

A. They were working very closely with me at this stage and they were seeing what was going on.

They were aware just how dynamic it was. So I don't believe there was any explicit or implicit complacency.

5 Q. Perhaps I should just check, your reference to "personnel", is that a reference to people east of the Murrumbidgee River; namely, the urban community for instance?

10 A. Personnel refers to emergency services personnel.

Q. So we shouldn't take that as a reference to the non-emergency service people east of the Murrumbidgee?

15 A. By this stage I understood we had most of that country pretty much locked off by road closures and land closures.

Q. Did you indicate or give any indication to the media unit of, at that point, when you expected there might be a risk to assets east of the Murrumbidgee?

A. Sorry?

25 Q. You said there was presently --

A. You haven't put a time frame on that.

Q. I am asking you to put a time frame on it. Did you say to them, "Look, there is no immediate risk but as the day progressed this might change"? Did you go on to elaborate in any way to give them any sort of time frame as to when that might change?

35 A. Rather than give a time frame, I believe I told them to keep in contact, and we will continue to monitor the dynamics and let them know as soon as it does change.

Q. Did you expect, having provided that information, that the media unit might go and start preparing some kind of release or other warning to the urban community about the risk?

A. It was my understanding that's what they did.

45 Q. Did you discuss what form that should take, how the message should be articulated?

A. That wasn't my job, no.

Q. I understand you said that wasn't your job. I was really after did you or did you not?

A. I said no.

5 Q. Sorry I didn't hear that part of your answer. Can I ask you to look at this document [ESB.AFP.0110.0693]. This is a message form it is headed up "to OPS from planning" it is timed at 0900 hours on the 18th. I understand it is signed
10 off by Hilton Taylor. Are you familiar with this document?

A. I became aware of this document after the fact.

15 Q. So you didn't see this on the day, on the 18th?

A. I don't recall seeing it.

Q. None of the initials there are yours?

20 A. I believe we've got Hilton Taylor, Bob Wilcox and another one I don't recognise.

Q. I think Mr Graham has indicated that that's his. He is certainly noted further up on the
25 document. Who was Mr Wilcox?

A. He was a New South Wales Rural Fire Service officer.

Q. Mr Taylor in that document in paragraph 2 has
30 predicted that:

"This fire - that's the McIntyre's fire referring to fire in the Uriarra - under the influence of west north-westerly fire weather
35 has the potential to impact on rural lessees, the Canberra rural/urban interface from Hawker to Weston Creek from around 1500 this afternoon."

40 Was that a view you shared at 9 o'clock on the 18th of January?

A. No.

Q. Did you have a view at about that time about
45 when there might be an impact on the area, the rural urban interface from Hawker to Weston Creek?

A. In terms of Weston Creek, I wouldn't have a

different view to what I had the evening before.
In terms of an impact on Hawker, Hawker was a bit
problematic but I wouldn't have put it under
immediate threat on that day at all.

5

Q. Does that mean, to understand that, the fire
wasn't going to impact on Hawker that day, in your
view?

A. If you look at the material we had prepared as
10 the outlook, it doesn't put Hawker.

Q. So that was still your view at 9 o'clock on
the 18th of January?

A. Yes.
15

Q. As it turned out, Mr McRae, I should ask you
this, because of my unfamiliarity, you are drawing
a distinction, are you, between what is referred
to there as Western Creek and Weston Creek?

A. There is no Western Creek in the ACT; I assume
20 he means Weston Creek.

Q. On that assumption, as it turned out, he was
within 5 or 10 minutes of the actual time of
25 impact, wasn't he?

A. That 1500 prediction was close to when
something impacted, but I don't believe what he
was forecasting was what impacted.

Q. I appreciate that, Mr McRae. But he seems to
be saying some impact from around 1500; is that
30 how you read that?

A. He does seem to be saying that, yes.

Q. That was a very accurate prediction, as it
turned out?

A. It was a prediction of impact that was close
to the time, but it wasn't within the
specifications that I required from the planning
40 section.

Q. In what way?

A. We had prepared a prediction of the evolution
of the fire scenario for the 18th of January based
45 on McArthur type predictions, based on fine fuels,
fine fuel driven fires burning on the surface.
With the weather that was predicted, we came with

a single agreed stance which we presented to operations. Those were the requirements that I had from my planning unit.

5 Q. You don't know, I take it from that, what tools Mr Taylor was using to make that prediction?
A. No, I do not know.

10 Q. The minutes of the planning meeting at 0930 on the morning of the 18th is [ESB.AFP.0010.0266]. At 0267, the second page, under "planning considerations" you there refer to:

15 "There is significant potential for long distance spotting today."

Then under the heading "current areas of concern", which appears in the second half of the page, there is a reference to:

20

A potential run from McIntyre's fire impacting on Weston Creek to Greenway and potentially west and south Belconnen resulting from a more westerly wind;

25

A potential run from Tidbinbilla impacting on the Bullen Range and southern parts of Tuggeranong;

30

A potential threat from the Stockyard Fire to the west of the Murrumbidgee River to Williamsdale."

35 Focusing on the first of those, that is a potential that you identified as at 9.30 on Saturday morning?

A. Yes.

40 Q. Did you have in your mind at that time any time frame as to when that impact might occur?

A. Sorry, there's more than one thing in there, so if you permit me some detail.

Q. Yes.

45 A. To do the second half first, our planning was based on a north-west wind. As you pointed out earlier, there was at least one product that came

from the Bureau of Meteorology that discussed westerly wind, although that was quickly replaced to a return to a forecast for a north-westerly. So keeping in mind there had been mention of a
5 westerly wind, we mentioned this potential for the Belconnen impact, although that wasn't a key in our thinking.

10 As we monitored the day, had a westerly wind resulted in contrast to the forecast we were currently working on at that time, then we would have needed to have put Belconnen into our immediate focus. That's why that was in there.

15 In the first part, a potential run from McIntyre's fire impacting on Weston Creek to Greenway, the purpose of that - it is not necessarily in disagreement with our forecast here - the goal in the planning meeting was to allow the Fire Brigade
20 and the Ambulance Service to effectively co-ordinate their operations with the operations of the Bushfire Service. They needed to know which parts of the urban interface they should be putting their resources into to carry out their
25 legislative obligations. I wasn't going to tell them, "No, there's no need to do anything." So for them to know where to go, they had to go from Weston Creek down to Greenway, which if you look at the map on the stand is where the prediction is
30 pointing at.

Q. That is useful, Mr McRae, but doesn't actually answer my question which was: did you have in your
35 mind a time frame as to when that impact might occur? And just focus for the moment on the Weston Creek/Greenway part of it.

A. Okay, sorry, I perhaps didn't finish what I should have said there. For the fire brigade, the impact they should be ready for was immediate.
40 Their goal was to know when they should be deploying units in the urban interface. The planning meeting was saying, "This is where you should go and this is where you should go now." That is not necessarily deviating from the advice
45 going to the Bushfire Service which was, "As you are chasing the fire across the paddock, this is the sort of script that we will be following."

In terms of the bushfire side of things, that dot point is perhaps exaggerating what is in our preferred projections, therefore I wasn't implying there would be an impact on it from Weston Creek to Greenway that afternoon. I would still stick with the notion of a forecast that puts the fire on Narrabundah Hill at - I believe it was 2000 hours I said.

10 Q. Did you, however, see that there may be a potential for impact on the interface from Weston Creek to Greenway at some point over the course of the next day or so; is that potential there?

15 A. The potential was there. As I mentioned before, there is always the possibility of spot fires starting ahead of the projected fire front. And that's the goal of the fire brigade to be in place to head off spot fires while they are small events and --

20

Q. Sorry if --

25 A. Sorry, I hadn't finished. Also I would still stick to what I had said before that, from the starting point that was reached at the conclusion of events on Saturday, the fire could evolve most likely on the Monday into new runs which still had the potential to impact on the urban area.

30 Q. Having identified at the planning meeting, as I understand your evidence, for the benefit of particularly the urban fire brigade a potential run impacting from Weston Creek to Greenway why, Mr McRae, wasn't it at that point immediately appropriate to issue some kind of warning to the residents of those areas of the potential for that impact?

35 A. My assessment on the balance was that that wasn't needed yet. As I say, I was viewing it as a risk assessment which permits a range of different risk treatments. In my view, the risk here was that the most prudent risk treatment would be to have resources available from within the urban interface to immediately tackle spot fires to prevent them becoming a problem. But with that in place, my view was that suitably addressed the immediate risk and that the next steps to be taken weren't required yet.

Q. As I understand what you are saying, Mr McRae, you saw sufficient need to alert the fire brigade to the possibility of fire impacting in that area, that they be alerted to it, and put resources into that area, but you didn't see it as necessary at that point to inform the community in that area of that risk; does that fairly summarise your evidence?

5
A. That sounds a summary of what I said, yes.
10

Q. Mr McRae, why isn't there an opportunity now, with that part of the urban interface identified, to go out to community and say, "There is this risk"?

15
MR LAKATOS: I object. This has been asked and answered with respect. One may not like the answer, but it has been asked on many occasions, with respect.

20
MR WOODWARD: I think we have reached a different time frame, as I understood it.

25
THE CORONER: It is different. It is now on the morning of Saturday.

Q. You can answer the question if you would please, Mr McRae.

30
A. Yes, your Worship. In real terms I can't give you any more than I said in the previous answer that, viewing it as a risk treatment, the level of risk was sufficient for me to feel that having fire brigade crews, if not ambulance crews, deployed appropriately on the basis of what was the areas of concern would be sufficient to manage the then identified risk. If the risk escalated, I would do what I've said previously, assess whether the increase in the risk would necessarily lead to triggers for more risk treatment actions being taken and that those would involve the community directly.

40
MR WOODWARD: Q. Did you at the time see any downside, Mr McRae, in issuing that kind of general warning?

A. As I said before, if you are issuing warnings to the public, there are a recognised list of

issues that need to be taken into account to make
sure you engage the community adequately and
correctly and that the people involved in those
were aware of those, and those were the downsides.
5 And I didn't get involved in that because the
other people would be doing that.

Q. But you hadn't activated the trigger yet, had
you Mr McRae? You hadn't said to the media unit,
10 "Look, it's time now to issue that warning at
least to the people in the urban area between
Weston Creek and Greenway"?

A. I believe that's what I have said, yes.

15 Q. When did you activate that trigger during that
morning? Did you activate it during the morning I
am sorry, I should have asked.

A. I will say the same thing I said before.
Eventually the events escalated so rapidly that
20 the process that we had, in my view, reasonably
put in place was overrun.

Q. Did you have an expectation that morning,
Mr McRae, that some warning would go out during
25 the morning to identify a possibility of impact in
those areas based on what had been said at the
planning meeting?

A. Not in the morning.

30 Q. When did you have an expectation that that
would occur?

A. My expectation of the need to activate the
trigger to fully engage parts of the urban
community was that that would not occur on
35 Saturday.

Q. Did that position change as the day
progressed?

A. As I said, at one point we were overrun, in
40 which case certainly the position changed. But by
that time things were acting so quickly it was not
possible to do what we had planned.

Q. To put it another way, it was too late?

45 A. Too late?

Q. In other words, by the time you saw the need

to scale up the level of warning in the manner you described, the fire was effectively already impacting on the urban interface?

5 A. The fire had changed its nature, and this new type of fire spread so quickly that we did not have an opportunity to do it, let alone do it in time.

10 Q. When were you conscious of that change you have just described, Mr McRae? At what point during the morning or day were you conscious of that change?

15 A. Basically when it was about to impact on Weston Creek.

Q. So a little before 3 o'clock in the afternoon?

A. That would be correct.

20 Q. Up to that point, as I understand your evidence, you hadn't identified or recognised the need to scale up the warning to the community beyond that that had already been provided?

A. That would be correct, yes.

25 Q. Are you familiar with the media update that went out at 12 noon on the Saturday, Mr McRae?

A. I have seen it at times after the fire. I wasn't familiar with it at the time.

30 Q. Do you recall being asked about it at the time?

A. No, I don't. Sorry, I'm assuming we are talking about the same document.

35 Q. I will bring it up on the screen. It is [ESB.AFP.0014.0375]. The beginning section under "fire status" talks about the northern fire:

40 "A spot fire from the McIntyre's Hut fire in NSW, crossed the ACT/NSW border last night. The fire has entered the north-west corner of Uriarra pine plantation."

45 There is then a reference to the middle fire and reference to rural residents being contacted:

"No residents have been evacuated at this

time. However, recovery contingencies are being made in the event of serious threat."

And then Stockyard:

5

"... potential threat to property in Williamsdale and Royalla."

10 There is then a general warning about people staying away from fire areas to the west and south, and over the page at the top of the page there is what I understand to be standard language about how to respond to fire approaching. So is that the one we were talking about?

15 A. Yes.

Q. Mr McRae, would you agree that that document doesn't anywhere indicate that there is a potential for the fire, particularly the northern fire, to impact on the urban areas of Canberra at any time?

A. Sorry, could you repeat the question?

25 Q. Would you agree that this document doesn't indicate or include any kind of warning to the effect that the fire and particularly the northern fire could impact on the area of Weston Creek to Greenway or otherwise on the urban area of Canberra?

30 A. It doesn't have any explicit material like that, no.

35 Q. You may have already - and by all means refer to your previous answers, is the reason for that, Mr McRae, because as you understand it at that stage you hadn't activated the trigger that you have spoken of?

40 A. This material is consistent with the outcome of the morning planning and the absence of a trigger from me, yes.

Q. Sorry, you said "is consistent"?

45 A. Well, the approach we took in our planning that morning, this is generally consistent with it. It is consistent with waiting for the trigger to be activated. But it hadn't been activated so the material wasn't in there, yes.

MR WOODWARD: Your Worship, I think that concludes the matters that I wanted to ask Mr McRae about, subject only to the maps which I just simply wanted to ask him to identify. I think he has
5 already identified the one on the top as being the one that was discussed, and there are three others that I wanted to ask him about which may take longer than a few minutes. I am content to do that after the luncheon adjournment or now?

10

THE CORONER: We might take the luncheon adjournment. We will resume at 2 o'clock.

LUNCHEON ADJOURNMENT

[1.00pm]

15

RESUMED

[2.05pm]

MR WOODWARD: Q. I just wanted to ask you, if you could, to identify these maps and certain things
20 that have been marked on them. I think earlier in your evidence you referred to this map as being part of a process of identifying the unattended fire spread of the fires, which then became the subject of discussion at the planning meeting at
25 1800 on the 17th of January; is that correct?

A. Yes.

Q. Was that map, to your recollection, completed before that meeting?

30

A. Yes.

Q. Was it then on display for the purposes of the meeting?

35

A. My recollection is that it was put up on the side wall of the elongated room we were using for the meetings, yes.

Q. Was it the case that you or someone from your unit then spoke to what the map was showing during
40 the course of the meeting?

A. Yes.

Q. Approach the map if it assists, with your
45 Worship's consent: dealing with the unattended fire spread pattern for McIntyre's Hut fire, the last of those outer rings, is that showing the possibility of the fire reaching Narrabundah Hill

at 2000 hours on the 18th of January?

A. You said I may approach the --

Q. Yes.

5

THE CORONER: Yes, you may Mr McRae, certainly.

THE WITNESS: Yes, 2000 hours.

10 MR WOODWARD: Q. As I understand it, Mr McRae, the rings, again looking at the McIntyre's fire, that degree of spread is accommodating the possibility of a westerly flow through to a north-westerly flow; is that correct?

15 A. I need clarification on that question. Could you repeat it please - degree of spread?

Q. Just for the moment looking at the outer ring, if you like, the top part of that appears to be suggesting the possibility of an impact on West Belconnen and then at the bottom end of that ring obviously at a point that is much more south-east of where the fire is, as I understand it, what that is intended to indicate, Mr McRae, is a range of possible areas of impact, depending on how westerly the wind flow is moving through to a more north-westerly wind flow?

20
25
30 A. The key content is the wedge shaped sectors. As I mentioned before, there was some consideration of what would happen if we did get a more westerly wind. There was also some - how do you put it? - artistic flourish in the pen work which continue those circular segments beyond where they were needed.

35

Q. The two lines moving out in a generally south-east direction and crossing over those semi-circular lines, that is the wedge shape you were referring to; is that correct?

40 A. That's correct, yes.

Q. That is indicating the most likely unattended fire spread pattern within those two lines?

A. Yes, that's correct.

45

Q. Was there any further work done on that map after the meeting on the night of the 17th,

Mr McRae?

A. There are evidently some annotations put on it. I don't believe it was reworked in the sense of altering the content of it.

5

Q. Are you able to identify whose writing that is on the map?

A. Look, again I'm not very good at recognising different people's handwriting. It wasn't mine.

10 I would suspect it was Mr Taylor or Mr Lhuede's handwriting. But I can't be sure.

Q. The annotation on the left "compiled 1600 on 17/05/03", does that accord with your recollection as to about when that map might have been compiled?

15

A. It does. I need to state one thing about these maps. There is a base map which was produced at an earlier time and that was treated somewhat like a purchased map. It was just a blank map which was later grabbed and annotated. That time stamp refers to the annotations, not the base map.

20

25 Q. The annotations were compiled and written onto that map at about 4pm on the 17th of January?

A. That's consistent with my recollections of it, yes.

30 Q. The next map I want to ask you about. If I can ask Ms Drew to flip over to that. The document number for this map is [ESB.AFP.0110.1070]. Do you recognise that map, Mr McRae?

35 A. May I approach it?

THE CORONER: Yes.

THE WITNESS: I'm not sure that I do recognise it. There were a fair number of maps in use. It is possible I saw it when it was not completed in my recollection.

40

MR WOODWARD: Q. As a matter of the practice of your unit, Mr McRae, are you able to indicate or explain what the highlighting would show as it appears on this map?

45

A. This map has three different themes on it. The heavy green lines in the western area are indicating potential containment line options on and around the Brindabella Ranges for McIntyre's, Bendora and the Stockyard combined fires.

The oblique hatched areas are indicating, it looks to me to be an assessment of the state of play about the end of the fire runs on the night of the 17th.

The orange highlighting is an indication of assets immediately threatened by the position of those fires.

Q. The final of those three features, is that commonly the way in which assets under threat are identified by the use of a highlighter of that kind?

A. Not like that. However, I should point out, this is the first time we had ever been doing this work on such a scale.

Q. You did say the cross-hatched areas would appear to you to be the position of the fires - that is, the fire boundaries as at some time towards the end of Friday; is that correct?

A. It's an assessment of where they were. I don't know what information sources were used so I can't comment on its precision or accuracy.

Q. Would it be broadly consistent with what you understood to be the fire boundaries as at the end of the 17th of January?

A. Only broadly.

Q. The next one is [ESB.AFP.0110.1034]. Do you recognise that map?

A. Yes.

Q. When was that prepared?

A. I have a difficulty with this map. I guess discussion I've had with counsel for the ACT post the fire has in a sense confounded my original recollection of it. But I will try and separate the two. It would appear to me to be a map generated in the afternoon of the 17th and I would

assess the handwriting to be that of Nic Gellie.

5 However, there are a number of generations of annotation on the map, and I can't comment on which were done at what time. There is also a general confusion on the indicated dates at the projected times, which makes it difficult for me to interpret the map.

10 Q. Are you able to say whether you had firstly any involvement in making the annotations on the map?

A. I don't believe I did.

15 Q. Do you recall whether, and if so when, you saw it during the period say 17 to 19 January 2003?

A. My feeling is that, as part of the process on the afternoon of the 17th within the planning section, this is one of the efforts that was made at predicting where the fire would be going, which was one of the ones brought into the pool for group discussion to determine what would be our agreed predictions to take to the planning meeting. This one was not the agreed.

25

Q. Just to take perhaps one example of that, Mr McRae. There is a line coming out in a south-westerly direction from the McIntyre's Hut fire which has marked on it - in fact there are two, one appeared to be marked on 1600 on 19 January. As I understand what you are saying, that was one of the predictions that was being considered in the lead-up to the planning meeting on the 17th; is that your best memory of it?

35

MR CRADDOCK: Before that is answered, could I ask for clarification. I can't actually see on mine anything going to the south-west.

40 THE CORONER: Perhaps if you just indicate on the map.

MR WOODWARD: I am referring to this area there and this one up here.

45

MR CRADDOCK: To the south-east?

MR WOODWARD: Sorry, to the south-east.

MR CRADDOCK: Thank you.

5 THE WITNESS: It is difficult at this point in
time for me to comment on that map. As I said,
there appears to be a mislabelling of the dates.
My recollections of the discussions at the time is
we felt Mr Gellie had put too much westerly
10 influence in the wind, and the group as a whole
felt that the more north-westerly wind scenario in
the previous graphic was the preferred.

MR WOODWARD: Q. Your best recollection is that,
15 as I understand it, the primary author of most of
the annotations was Mr Gellie?

A. That's based on my prior familiarity in
working with Mr Gellie in the Blue Mountains, I
feel that is his handwriting but that is as far as
20 I can go.

Q. The final one I want to ask you about is
[ESB.AFP.0110.1036]. Do you recognise that map?

A. Yes, I believe I do recognise it.
25

Q. Were you the author of any of the annotations
on the map?

A. I believe I was.

30 Q. Which ones?

A. Perhaps if my own clarity of thinking I review
the annotations on there and then highlight the
ones that answer your question.

35 Okay, we have a base map with - if I may just
point out, there is some extra hatched lines here
(indicating) which are indicating the next key
containment line options in the southern part of
the Brindabellas. That is part of the printed
40 base material.

Then in the centre there is some blue markings
with some orange markings and black annotations.
I can't comment on the who or the when on those.
45

There is some orange markings around the
McIntyre's Hut fire. Again I can't comment on the

origin of those. Around the city there are some orange markings with some blue as well, and I believe I was responsible for the orange and of course there is the black annotation in the margin.

Now in terms of the orange, my recollection of that is that fairly late on the night of the 18th of January some hours after the first impact on the urban edge, I was trying to come to grips with the question of - with obviously significant fire burning around a number of the suburbs - which suburbs should we be making sure should go on the media alert products which were being routinely produced and forwarded to the media.

Q. Are you able to be a little bit more specific perhaps by saying that it would have been no earlier than a particular time on the afternoon or evening of the 18th that you made those highlights?

A. It was well after sunset and before I was asked to give a briefing to the emergency management executive.

Q. Sunset at that time was about when, Mr McRae? Was it about --

A. I can't recall.

Q. After 8pm, that sort of time?

A. Yeah. So the fire had obviously caused significant impact in the Weston Creek area and the Kambah area, and it was moving through into the Mt Taylor and Oakey Hill - Canberra Nature Park areas - and taking with it direct threat to additional suburbs.

The nature and spread of the fire, as I have said before, was nothing like the scenario that we had been planning for; so we were struggling to work out which suburbs were in line to be impacted by the event as it continued its path of destruction.

So we were looking at what was ahead of what we knew to be happening but also factoring in the wind change, which is why there are annotations around Belconnen, annotations around O'Connor and

Lyneham, and annotations as far out as Narrabundah. All of these suburbs at the time were added to the list of suburbs that were going out to the alerts to the community.

5

Q. What was the direction of that wind change again as predicted, Mr McRae?

A. I don't recall the specifics. If I remember, there was some information coming through from New South Wales that indicated that it was doing other than had been forecast, which led us to believe perhaps a more southerly influence than we would have imagined had the fire not been generating its own weather. With a southerly push that would have put that margin of Belconnen under threat. It turned out not to eventuate.

MR WOODWARD: Thank you, Mr McRae. I have nothing further.

20

THE CORONER: Mr Archer, do you have any questions?

MR ARCHER: Yes.

25

<CROSS-EXAMINATION BY MR ARCHER

MR ARCHER: Q. I am acting for the Australian Federal Police. I only have a couple of questions for you.

30

The questioning before the lunch adjournment took you to a planning meeting that occurred on the evening at 1800 hours on the 17th of January. Do you recall that questioning before lunch?

A. Sorry, I think I must have run ahead of you. If you could repeat that.

Q. I want to take you to a planning meeting that occurred on the 17th of January at 1800 hours. You were asked some questions about it just before lunch today.

A. That's correct, yes.

Q. So far as that questioning was concerned, you were asked a number of questions by my learned friend Mr Woodward about what your assumptions were about what was going to present itself the

45

next day. You were asked what was your assumption about the fire at Narrabundah Hill. You answered that you did not assume that there would be an impact on the urban edge - or damage to the urban edge is what you were actually asked. Do you recall that question and do you recall that answer?

A. Yes.

10 Q. At that meeting, was that the impression that you intended to convey when you were contributing to the discussion that was taking place?

A. I believe that was the intention, yes.

15 Q. So far as the meeting was concerned, is it correct to say that the preponderance of the discussion was about impacts upon rural areas and rural communities the next day being the real risk and the real issue for the next day?

20 A. I don't have a clear recollection to answer that but I think it was, yes.

Q. As the planner, as it were, the impression - and you talked about you wanting to draw a line through what was going on in those meetings so people were getting a clear and consistent message - you wanted them to go away with the impression that what was really at issue for the 18th were the non-urban areas; that is, the rural areas within the ACT?

30 A. Yes.

Q. At the planning meeting the next morning, again there was some discussion of a projected rate of unattended spread of the fire. Do you recall that discussion?

35 A. Some of it, yes.

Q. I think by that time the projection had come back a couple of hours to about 1800 hours; is that right? Is that your recollection of things so far as reaching Narrabundah Hill was concerned?

A. There was a broader range of views on how things would evolve on the morning of the 18th. But my recollection is that I didn't feel the need to change the line that planning was putting out as, shall we call it, the preferred option,

although that is not a choice I would use normally
but --

5 Q. What do you say in relation to what you wanted
the attendees at the meeting on the Saturday
morning to take away so far as the risk to the
urban edge was concerned?

10 A. There were two messages, as I explained before
lunch in talking about the minutes of the planning
meeting, that for the bushfire side there was the
way their operations would be evolving. But in
terms of emergency agencies operating within the
city, it would be prudent for them to recognise
15 that there were places where they should be
predeploying their resources. I guess AFP was a
bit different because we were using them already
in rural areas for road blocks. That was in the
same general pattern of things.

20 Q. Now, the type of fire, the impact, if I can
put it that way - is "impact" a word that you are
comfortable with - that you envisaged as a risk
that afternoon?

25 A. I have become comfortable with "impact".

Q. So what that looked like was a series of
smaller runs towards the urban area, not what we
saw coming out of the forest of Duffy at 3 o'clock
that afternoon. Is that what you had in your
30 mind's eye during that planning meeting that
morning?

A. In general terms, yes.

35 Q. To that extent, and to the extent that you
tried to convey that impression, you tried to
convey that's what the fire might look like or
what the risk was?

40 A. I can't recall the exact words but, if I was
describing the fires, I would have been talking
about the option I said I was preferring rather
than what I said actually happened on the day.

45 Q. Could I have brought up the statement of
Superintendent Prince which is
[AUS.AFP.0070.0002]. While that is coming up, do
you recall having a conversation that morning
probably after the planning meeting - before the

planning meeting, with Superintendent Prince?

A. I recall the conversation with Mr Prince. I don't recall which side of the planning meeting it was on, but yes.

5

Q. Paragraph 26 on page 6 of that document reads:

10 "Before I attended this meeting, I spoke to Mr Rick McRae, the planning officer for the Emergency Services Bureau. His expertise is in fire weather behaviour. He told me he was concerned that the fire would not recognise the urban interface. I took this to mean that the fire could travel out of the forest and bush and into the suburbs.

15

20 The factors that led Mr McRae to this conclusion were the wind speed and direction, the drought factor, and the fire intensity. He also highlighted that the pine forests were very dry in the 2001 fires and they had had another 12 months of curing in the drought conditions. I was already concerned about the fire situation but the information from Mr McRae made me feel extremely

25

30 Do you recall having a conversation with Superintendent Prince to that effect?

A. Yes, I do.

Q. Does he accurately record what you said?

35

A. I believe he does.

40 Q. Could I then draw your attention to the next paragraph, particularly the last sentence. What he is referring to there is a meeting subsequently held with members of the AFP at the Winchester Centre at about half past 11 where he paints a bit of a picture as to what might be expected later that day.

45

A. Where was that, I'm sorry?

Q. The last sentence of paragraph 27. Do you see that?

A. Yes, I do.

Q. I will read it out:

5 "I did advise this meeting that in my opinion
once the fire had reached Stromlo Forest it
would take about 5 to 10 minutes to reach the
top of Mt Stromlo and about another 30
minutes to an hour to reach Eucumbene Drive."

10

In the conversation you had with Superintendent
Prince before he went to the Winchester Centre,
did you discuss with him fire movements in those
terms?

15 A. No, I didn't.

Q. There is a reference there to Mr Nic Gellie.
We haven't heard from Mr Gellie as yet. Were they
projections that you would have agreed with that
20 morning?

A. Not necessarily.

Q. Why not?

A. Well, as we saw in the maps, Mr Gellie was
25 producing forecasts that were to some extent at
variance with the agreed forecast, and we saw the
same in the fax I was shown from Alan Wade of
ACTEW earlier. It would appear that Mr Gellie had
a conversation with Mr Prince and was passing an
30 alternate view of how the fires might evolve.

Q. But they were not views that you would have
shared?

A. No - sorry, no, in terms of my role as a
35 planning officer.

Q. What does that mean? Would you have agreed
with him or would you have disagreed with him?

A. I would not have agreed with his forecasts.
40 The reason I put that qualifier on was if I had
taken the time to sit down with Mr Gellie and get
an understanding of his modelling, probably I
would have said his modelling was correct but
maybe his inputs were incorrect. It's technical
45 aspects of modelling. You can disagree with
models in different ways.

From the point of view as the planning officer,
I had clearly taken the stance there would be an
agreed position on how the fires would evolve.
That would be the basis for planning for
5 operations and for liaising with other agencies,
in fact as was going on here, and that stance was
being, in a sense, short-circuited.

Q. So to that extent Mr Gellie might have been
10 going outside the brief, as it were, in relation
to what should have been said to outside agencies
in relation to what they could have expected that
day?

A. I wasn't there and don't know what happened.
15 But that is how it appears to me.

MR ARCHER: Yes, thank you.

MR LAKATOS: I have no questions of Mr McRae.
20

THE CORONER: Yes, Mr Pike.

MR PIKE: I don't believe I have any. Might I
reserve my rights until my other two colleagues
25 here have concluded. I think it is unlikely that
I will. Thank you.

THE CORONER: Yes, Mr Whybrow.

30 **<CROSS-EXAMINATION BY MR WHYBROW**

MR WHYBROW: Mr McRae, I appear for Mr Castle.

Q. You were asked over the course of the time you
spent in the witness box a number of questions
35 about your planning, thoughts and processes and
tasks in relation to the McIntyre's Hut fire. Do
you recall generally some of that line of
questioning?

A. I do.
40

Q. Is it the case that, at least by Wednesday,
the 15th, all of the ACT resources were
concentrated on the ACT fires and that the New
South Wales fire, the McIntyre's Hut fire, was
45 being fought by the New South Wales Rural Fire
Service?

A. Yes.

Q. At that time had you had any previous experience of the New South Wales Rural Fire Service in terms of some knowledge of their operations, staffing, in particular in planning areas?
5

A. Some experience.

Q. Was it your expectation that there would have been some officer within the New South Wales Rural Fire Service in effect duplicating your role for the ACT fires on the McIntyre's Hut fire?
10

A. Yes.

Q. Were there, indeed, liaison officers in place as between Queanbeyan and Canberra so information could flow between the two services as to the nature and the extent of the two fires from time to time?
15

A. Yes.

20

Q. Can you recall who those officers were?

A. No, I cannot.

Q. Does the name Roger Good ring a bell?

25 A. Roger Good, yes.

Q. Was he a person from New South Wales Rural Fire Service who was liaising within ESB?

30 A. Sorry, a bit of clarification. New South Wales Rural Fire Service - but Roger is with New South Wales National Parks and Wildlife Service.

Q. Your expectation was there would be somebody doing some planning function in relation to the McIntyre's Hut fire?
35

A. Yes.

Q. Just so we have an idea from Wednesday onwards as to the extent of what was going on within emergency services, could you outline to her Worship how much of your time was being taken up in the planning functions for the ACT fires?
40

A. Well, from which day, sorry?

45 Q. From the Wednesday onwards, 16, 17, 18?

A. All of my time.

Q. Have you any view as to the extent of the resources that you had available to you to properly fulfil your duties in relation to the ACT fires during that period?

5 A. Sorry, could you repeat that question so I can get it correctly.

Q. Looking back at that time and the duties you were fulfilling later that week, have you any view
10 as to the level of resources you had; were they adequate for what you had to do?

A. They were not adequate in terms of the facility or in terms of the trained people I could have made available to work with me.

15

Q. Were you able to do all of the things that you wanted to do in relation to the ongoing planning of the ACT fires?

A. We were able to do the core work. Certainly
20 with more people and more resources, we could have done more but we did the best that we could.

Q. Did you have any slack that would have enabled you to perform the sorts of planning that
25 Mr Woodward has suggested that may have been done on McIntyre's Hut?

A. No, we had no slack.

Q. I think it has already been said that your
30 expectation was that there would be somebody within New South Wales performing that planning role on that fire?

A. Yes.

Q. You were shown some New South Wales Rural Fire Service media releases. Was it your expectation that information on the McIntyre's Hut fire would come to you via media release?

A. No.

40

Q. How was it that you expected to be updated as to what was happening in that New South Wales fire?

A. Through the liaison officers or to some extent
45 directly through operations.

Q. Did that occur in relation to that fire from

time to time?

A. Yes.

5 Q. At any stage were you advised by anybody from
within the planning section of New South Wales
Rural Fire Service that their forecasts were for
that fire to interface on the Canberra urban
region?

10 A. Could you put a time window on that?

Q. Up until Friday night, had you received any
information from anybody within the New South
Wales Rural Fire Service or indeed New South Wales
15 Parks and Wildlife Service that they had forecasts
that that fire would break its containment lines
and would impact on Canberra?

A. We had no information to that effect until our
liaison officer passed word that there had been
the break-out.
20

Q. When was that?

A. That was late on the Friday.

Q. Were you advised that their forecasts were
25 that Canberra city would be directly impacted as a
result of that?

A. To my understanding, we were told about the
threat to Uriarra pine plantation.

30 Q. Do you recall any information coming from New
South Wales of forecasts of that fire impacting on
the Canberra urban environment before Saturday
morning?

35 A. I'd say the only material that came my way
that had any relevance to that was through
Commissioner Koperberg when he visited some of
that material came along.

Q. When was that?

40 A. I don't recall the day.

Q. In terms of anyone from planning section doing
the sorts of tasks that you were doing in
Canberra, did you ever receive any of those
45 forecasts or prognostications from anyone there?

A. Not to my recollection.

Q. Can I ask you a few questions about your work during late in the week. Were you able to form an impression as to generally the level of work being conducted by officers within emergency services
5 later in that week?

A. It was an extraordinary commitment that they put in place.

Q. Did you perceive anybody not pulling their weight or not trying to do the best they could?
10

A. No.

Q. From the 8th to the 18th, did you form any impressions about the effort put in by yourself and other members of emergency services in trying to combat these fires?
15

A. Sorry, could you repeat that, please.

Q. Through the period of the firefight from 8 January through to the 18th, did you form the view at any stage that people were not trying their best to deal with these fires?
20

A. At no time did I form an impression other than everyone was trying well beyond their best.
25

Q. Were you in court when I asked Mr Graham some questions about the accommodation in the Emergency Services Bureau, physically the layout and things of that nature?
30

A. I believe I was.

Q. Have you any views to add to her Worship in relation to the suitability of that building or whether it in any way made your tasks more difficult than they otherwise would have been?
35

A. The building is a converted primary school and it's totally unsuitable for the function we were trying to put it to. The layout of the rooms, the relationships of the rooms, the access requirements are all very unsuitable. In fact what stands out in my mind on the afternoon of the 18th, we lost power. I was trying to do my work with a head torch.
40

Q. Mr McRae, in paragraph 102 of your statement on this issue - I think you were talking about Thursday the 16th - you indicate that you
45

restructured the physical layout of the planning unit --

A. Excuse me, there were two 102s, which page please?

5

Q. Page 24. Why was it that you took steps of restructuring the physical layout of the planning unit at that stage?

A. One of the outstanding issues with the way we used the building for the Service Management Team was we had to put operations in our communications centre, what we called COMCEN for short, because they were the link to the field incident management. That room is so small that, if there is more than one person doing planning work, we get kicked out and put into a room that at that stage was normally the ambulance training room. That's a separation of the order of 20 metres with a security door in the middle.

20

It became obvious that making information flow from one room to the other was a top priority. So it was important to make planning reach out to where the information was as far as possible to facilitate moving the information. That even meant going into the hallway adjacent to COMCEN and putting maps on the brick wall there above the photocopier almost to make sure the mapping was up to date with the information coming into operations.

30

Q. Just jumping back, sorry for doing this: I asked you from Wednesday onwards, all the ACT resources as far as you were aware were already committed to the ACT fires and I think you indicated that you accepted that that was the case?

35

A. Mmm.

Q. You were asked some questions before lunch by Mr Woodward about what plans were in place to deal with McIntyre's Hut fire should it break containment lines. Was it your understanding that New South Wales Rural Fire Service units continued to be actively dealing with that fire?

45

A. Yes.

Q. Was it also your understanding that, should that fire break those containment lines, that those units would not, withstanding the existence of a border, continue to follow that fire, if
5 necessary, into the ACT?

A. That was my understanding, and I believe they did.

Q. Does it follow then if there was to be any
10 further resourcing of that fire by the ACT on, for example, the Friday evening, that would have necessitated taking units away from active firefighting on Bendora and Stockyard?

A. Indeed. That's where ACT residences were
15 directly threatened at that time.

Q. In relation to the rural areas of the ACT that were threatened by the ACT fires and the rural areas of the ACT that were threatened by
20 McIntyre's Hut, to which were the greater number of threats?

A. The greater number of threats to the south, that's not to say there were not threats to the north but greater to the south.
25

Q. In terms of the number of properties and leaseholders?

A. Mmm.

Q. You referred earlier today to the fact that there were two sets of special weather fire forecasts issued by the Bureau of Meteorology in relation firstly to the McIntyre's Hut fire and secondly to the Bendora ACT fires?
30

A. Yes.
35

Q. Were you provided by the Bureau of Meteorology with the weather forecasts that were prepared for New South Wales for McIntyre's Hut?

A. I believe we got all of those, yes.
40

Q. Could document [ESB.AFP.0012.0326] be brought up. Hopefully this is the Dr Doom email, Mr McRae. You recall you were asked some
45 questions today on that matter, in particular Mr Woodward asked you questions about your comments, according to Mr Mills, of fires going up

to three rows back.

A. Yes.

Q. I take you to the second last paragraph there
5 that starts:

"I do sincerely hope that everyone at ESB is standing proud for a job well done."

10 Further on in that there is reference to the Dr Doom:

"... when you had your Dr Doom hat on) and you said to us, when the fire (big one) hits
15 Aranda one day we will probably pull it up about two or three streets in (to the suburb)."

Do you see that email refers to Aranda?

20 A. Mmm-hmm.

Q. Was Aranda, in terms of your training, the suburb that you generally used as the example for bushfire impact on the urban area of Canberra?

25 A. It's one of the key places we tend to pick on.

Q. Why is that?

A. With Aranda bushlands, Black Mountain and even Aranda spine being localities with the native
30 vegetation still on them, the stringy bark scribbly gum woodland, some of the householders on the interface there have chosen to maintain native bushland right around their houses. There is some development areas there that most firefighters in
35 the ACT are well familiar with because of the potential for impact there. We just treat that as an example of a poorly laid out interface.

Q. Have you got any comments for her Worship comparing that interface with the interface that actually struck Duffy on 18 January?

A. If we review different styles of interface, the best ones are the ones with divided carriageway freeways but, without having that, the
45 preferred layout for an urban interface is a straight-edged sealed road between the broadacre fuels and housing and preferably some managed

buffer zone around that, usually in the ACT along an easement line. That's precisely what is in place along the northern edge of Duffy.

5 Q. Can I have brought up [DPP.DPP.0003.0521], which is a photograph of that interface, Mr McRae. Is that a pictorial representation of the interface you just gave evidence of - concealed
10 houses and fuel?

A. Yes. Yes.

Q. In your mind, is that a significantly different type of interface to that around most of
15 the Aranda bushland where it interfaces with the urban area?

A. It is significantly different.

Q. When it came to your planning on Saturday and
20 Friday, you spoke of an expectation or at least a likely run of some of these fires leading to fingers approaching the urban area. In relation to that interface, what was your expectation of the ability of firefighters, whether they be urban
25 or Bushfire Service, being able to protect property in that sort of interface?

A. In this setting here, in relation to our understanding of normal fire behaviour, if a fire is approaching from the right-hand side of the
30 picture in the pine plantation it has a generally downhill run. It is not clear from that photograph - this is looking up a fairly steep hill to the west, towards Narrabundah Hill. The fire would have a generally downhill run through
35 there. There would certainly be very active and very intense fire in the pines. But the power line easement between the pines on the right and, for instance, the rock wall adjacent to the roadway here would be wide enough in general terms
40 for the flames to be well out of the way in terms of the street trees and the houses on the left-hand side of the road.

THE CORONER: That rock wall doesn't extend all
45 the way along Eucumbene Drive though, does it?

A. Oh, no, it doesn't. It is not part of the equation. I was just using it as a reference

point, your Worship.

MR WHYBROW: Q. At transcript reference 3397 you gave evidence, as I noted, that it was not your
5 assessment on the evening of the 17th of January that the fire behaviour that you based your forecasts on would cause damage at the urban interface on the following afternoon or evening. Do you recall essentially giving that answer to
10 Mr Woodward in one of his questions?

A. I might get you to repeat that one.

Q. I will actually bring up the transcript. It is page 3397 line 11. You said:
15

"It was not my assessment that the fire behaviour we based our forecast on would cause damage at the urban interface on the
20 afternoon or evening of the 18th of January."

I suggest that was in relation to your thinking on Friday evening?
20

A. Yes.

Q. Is it fair to say if that was your thinking you didn't express anything different to that, certainly to Mr Castle, in relation to your expectations the following day or afternoon?
25

A. I don't believe I did.

Q. At the meeting held that evening, on the 17th, there was reference to liaison to occur with New South Wales re McIntyre's Hut and planning strategies in place there. I can bring up the
30 minutes, if necessary. Do you recall there was some reference to the need for liaison with New South Wales about strategies for McIntyre's Hut?
35

A. In general terms, yes.

Q. At that stage, that is Friday night, I understand you said after lunch or perhaps earlier that the risk of an interface at Canberra by McIntyre's Hut was not something that was on your radar screen?
40

A. Mmm-hmm.

Q. Did liaison to your knowledge occur as noted
45

in those minutes on the Friday night and Saturday morning about strategies and planning for McIntyre's Hut?

A. For McIntyre's Hut, yes.

5

Q. Were you advised of anything that was to the contrary of your then opinion that that fire would not cause damage to the urban interface on Saturday afternoon or Saturday evening?

10 A. Not to my recollection, no.

MR WHYBROW: They are my questions, thank you your Worship?

15 THE CORONER: Thank you, Mr Whybrow. Mr Walker, do you have any questions?

MR PHILIP WALKER: I do. Do you wish me to start now given that it is 3 o'clock.

20

THE CORONER: We might take a short break.

SHORT ADJOURNMENT [3.00pm]

25

RESUMED [3.10pm]

<CROSS-EXAMINATION BY MR PHILIP WALKER

30 MR PHILIP WALKER: Q. Mr McRae, just a few questions in the earlier part of the development of these fires. You indicated, if I recall, some acceptance or at least no dissent from a decision that crews not remain on the Bendora fire
35 overnight on the 8th; is that a correct assessment of your evidence?

A. Yes.

40 Q. When you were questioned on that subject, did you actually know how long the crew that Odile Arman took out to that fire had been on duty for that day?

A. I didn't have direct knowledge, no.

45 Q. If the evidence turns out to be when Odile Arman is called that her crew had been on since 7.30 that morning, does that add any additional

information to your decision as to whether that was correct or not correct to keep those crews on overnight?

5 A. That information would only tend to reinforce my support for the decision.

10 Q. From your knowledge of the way the ACT Rural Fire Service operates, would it have been reasonably practicable to obtain fresh crews to send to that fire on the afternoon of the 8th, crews that had not worked at all?

A. At what time, sorry?

15 Q. In the afternoon of the 8th.

A. You could have considered getting fresh crews, but they wouldn't have been able to turn up immediately.

20 Q. So it would have taken a longer time to actually get people there if they had been fresh?

A. It could have taken some considerable length of time, yes.

25 Q. So we had the choice of crews who could be working up to 24 hours straight or trying to find crews who hadn't worked at all, scouring the territory in order to find them; is that right?

A. You could have that choice.

30 Q. You gave some evidence about what I would describe as an unusual weather phenomenon on the night of the 8th onto the morning of the 9th, do you recall that evidence, in the mountain area to the west?

35 A. You would be referring to the inversion?

40 Q. Yes. I must say I didn't entirely understand that. Could you indicate what it was and what impact, if any, you understand that it may have had on the Bendora fire on the night of the 8th to the 9th?

45 A. I might just start by saying that it was present not just on that night but probably most nights through until the arrival of the north-westerly air flow. But the evidence that is available to me indicates that rather than with increasing elevation getting lower temperatures

and moister air above, I would estimate, maybe
1500 metres but plus or minus some significant
value because we had no data points there, the
trend in temperature and relative humidity was
5 reversed with increasing elevation and also there
seemed to be - what would you call it? -
a discontinuity in wind behaviour above that point
as well.

10 Q. Taking the temperature in layman's terms,
unlike the usual situation where it gets colder as
you go higher, this time it got warmer as you went
higher; is that what you are saying?

15 A. That was what the limited data from the
weather station was indicating was happening
there.

Q. How common is that sort of phenomenon in that
area?

20 A. We know it happens. I don't have a history of
data because we don't have a weather station in
that area. It's in the training material we give
people to watch out for these things. But we
don't have an ability to say to them, "Yes, there
25 is one up there at this point in time if you go up
there."

Q. It is not the usual event but it does happen
from time to time; is that fair?

30 A. That would be a fair statement, yes.

Q. Your problem is that you don't have the means
of working out when it has happened; is that
right?

35 A. We are looking at fixing that, but that was
certainly the case then.

Q. At the time?

40 A. Yes.

Q. What consequence did that have on the night
8th to 9th of January 2003; are you able to say?

45 A. In real time the behaviour that the fire crews
were seeing would have been perhaps not what they
expected from what they had experienced through
the day in the lower country. In retrospect,
there was data that came up to indicate more about

that.

Q. Do I understand that it would follow from that answer that the kind of activity of the fire
5 overnight would not be the kind of activity that you would ordinarily expect?

A. I would agree with that.

Q. To make that a bit more explicit, the fire may
10 expand more rapidly than you would expect?

A. I'm not saying we were getting anything like extreme fire behaviour overnight. Unlike the lowland where the fire danger dropped off basically to nil overnight, it persisted at
15 moderate if not high fire danger ratings overnight.

Q. Actually, do I recall seeing a document where the Mt Morgan fire 90 per cent self-extinguished
20 overnight?

A. That would appear to be from my reconnaissance flight on the morning of the 9th where Mt Morgan, unlike the other fires, had tended to self-extinguish. My feeling would be that perhaps
25 it had experienced rainfall from a thunderstorm belt that came through a few days before the fires were ignited.

Q. I was going to ask what accounted for the
30 difference but that seemed to be the answer.

A. Mmm.

Q. At paragraph 47 of your statement you deal with overnight direct attack. I take that to be
35 on the night of the 9th of January and on the Bendora fire. Is that right? Is that what you are referring to?

A. I believe that's the case, yes.

40 MR PHILIP WALKER: Your Worship, I learned the protocol yesterday and we are in the process for following it with some of these things. I have a map here that I want to place in Mr McRae's hands. I have a number of other copies. I have provided
45 a copy to the gentleman who looks after these things.

THE CORONER: Do you propose to tender that map?

MR PHILIP WALKER: Well, we will see how we go with it because it is not a map actually. It has
5 some markings on it, but they are not Mr McRae's markings. We will see how we go.

Q. Just take a moment, Mr McRae, to familiarise yourself with that map if you are able to do that.
10 I have a larger map which is the original, if you feel you need it.

A. Pending your explanation of the dots, it is sufficient for me to interpret the map as it is presented.
15

Q. Do you recognise the dot just slightly to the right of the centre as the approximate location of the Bendora fire on the 9th of January?

A. Sorry, could you repeat that, please.
20

Q. You will see there are a series of rings, just to the right of the centre of the document you will see a single dot inside the smallest ring on the page?

A. Yes. That would be next to the word "vanish"?
25

Q. Yes. Do you recognise that as the approximate point of the Bendora fire on the 9th?

A. That would be the location of the fire on the
30 8th.

Q. The 8th, I see. Do you recognise the larger rings to the right of that banding, the words "Cotter River" and then the rings to the left spanning the words "Warks Road" to be intended
35 containment lines of the Bendora fire?

A. Yes, I would agree with that.

Q. To the north you will see some words
40 "Tatternal's Landing", the dots to the north of that are also a containment line of the Bendora fire; is that right?

A. I believe that to be correct, yes.

Q. I just want to go back to the smaller ring
45 which runs south of Warks Road, roughly triangular shaped and surrounds the Bendora fire on the 8th,

as you said. Would those lines, to your understanding, approximate the rake hoe line that was endeavoured to put around the fire on the 9th?

5 A. It would approximate the area of the fire prior to my flight on the 9th. And so on the basis of there being rake hoe work prior to that flight, yes.

10 Q. As I understand the way the situation developed at Bendora, a decision was taken on the 9th to move from direct to indirect attack on that fire. Is that correct?

A. Yes.

15 Q. The indirect work actually really only commenced on the 10th; is that right?

A. Yes.

20 Q. That work was with a view to constructing containment lines in the manner which we have described on this map; is that right?

A. With different lines coming into play at different dates, yes.

25 Q. Perhaps to make that clear, can you indicate from these lines which lines came into play at which dates to your knowledge?

30 A. It might be a bit difficult for me to be precise on dates. But the Wombat Road marked as the - oh, dear, how do we say this? - Wombat Road is basically from the ignition point generally running in a south-west direction down towards generally where it says Franklin Creek.

35 Q. Is that the word "Wombat" just below what we call the rake hoe line on the 9th?

40 A. Yes, now generally that is going to be containment, because that is where the fire virtually self-extinguished on its downhill run on the first night. And that was the --

Q. That is in the south-east corner?

45 A. Yes. That was the clear advantage that they had. I guess then the question becomes where to expand that to form containment lines. So to the north along Warks Road and then in the west - I am just trying to read the names of the roads here -

it is Chalet Road that goes past Bendora Hut would be your next choice.

5 I know they had some decisions to make about how to link Warks Road - Chalet Road becomes Moonlight Hollow Road in its northward extension with that creek line being an issue that the people in the field had to investigate a way to get around. There were different approaches used at different times in linking Chalet Road and Wombat Road in the south.

15 But in general terms the initial thoughts on containment, to my recollection, were centred on the area to the west of that initial fire extent. I noticed that road going through the middle of that is labelled Warks Road, but it is called by field crews Bendora Break.

20 Q. So the initial line was Wombat Road, the line to the west that you mentioned - Chalet; is that right?

25 A. It is Chalet Road immediately to the west of the fire and becomes Moonlight Hollow Road to the north-west.

Q. The Flat Rock Spur road was a secondary containment line; is that right?

30 A. My recollection is a couple of days into the event, the fire ended up crossing Wombat Road near its eastward most extent and then made a run to the south-west generally along Bendora creek in an up-stream direction, which meant that Wombat Road was no longer suitable as a containment line. At that point they had to fall back to the Bendora Road to the east on the Cotter River, and to link that up they needed to use Flat Rock Spur, which was a dormant trail and needed considerable earthmoving plant effort to make it suitable for a containment line.

45 Q. Coming back to what you said about there being no purpose in direct attack on the night of the 9th, is it correct to understand your point being the fire within that triangular band on the 9th - Wombat Road being used as one containment line and the south-east corner - at least partially having

self-extinguished; is that right?

A. Yes.

5 Q. The containment lines thereafter are to the west, north and north-west and south-west, that area within that band, the band in which the words "Warks Road" are right in the middle, that is all ultimately to be burnt as part of the containment of this fire; is that right?

10 A. That's correct.

15 Q. So your point, as I understand it, is if a decision is now made to burn out that area in which Warks Road is found in the middle, there is no point whatsoever in wasting crews' effort and energy overnight on the 9th to fight fire when all that area is going to be burnt in any event; is that what your point is?

20 A. Yes.

MR PHILIP WALKER: I tender that map. I can prove the origin.

25 THE CORONER: Who created it, Mr Walker?

MR PHILIP WALKER: Mr Lucas-Smith has put the dots on the map, and I can get him to verify it later on. In my submission, there has been enough indication from the witness that the dots, in his view, accurately represent the containment lines to make it of some serviceable use.

30 THE CORONER: The map drafted by Mr Lucas-Smith will be exhibit 0038.

35 **EXHIBIT #38 - MAP OF BENDORA CONTAINMENT LINES
DRAFTED BY MR LUCAS-SMITH, TENDERED AND ADMITTED
WITHOUT OBJECTION**

40 MR PHILIP WALKER: I suggest the title of Bendora containment lines, just for the purpose of the record.

45 MR WOODWARD: I certainly have no objection to the exhibit. Could I ask my learned friend to clarify. I assume this is something that has been done by Mr Lucas-Smith recently.

MR PHILIP WALKER: Yes.

THE CORONER: If I can ask a question: the area
that you said was intended to burn out, if you
5 could see this also, Mr McRae, is that this whole
area that says "Cotter River" and all the lines
around the Cotter River, is that the area?

THE WITNESS: I understood it to be the left of
10 that on the piece of paper.

THE CORONER: Which area do you mean?

MR PHILIP WALKER: I have been describing it by
15 the words "Warks Road" approximately in the centre
of it. It is actually to the immediate left of
the small triangular piece. I think the witness's
evidence was you see Wombat Road to the south of
that triangular area. That was forming, I gather,
20 his containment line at that point.

THE CORONER: Q. Do you agree, Mr McRae, that
that's what you meant as well? You understood
Mr Walker to mean that?

25 A. Yes, your Worship, that is my understanding.

MR PHILIP WALKER: Q. To some extent those
containment lines were off formed areas such as
roads and so forth, weren't they?

30 A. Sorry, could you repeat that, please.

Q. Some of the containment lines shown on that
map are off formed areas such as roads. Wombat
Road being the obvious example.

35 A. Yes.

Q. Therefore, that dictates the larger shape of
the containment line; correct?

A. Yes, it does.

40

Q. One would ordinarily endeavour to work off
formed roads for containment or fire trails rather
than cut completely virgin containment lines; is
that correct?

45 A. Definitely, yes.

Q. I have described some of them as roads but

some of them are in fact not much more than tracks; is that right?

A. You can get confusion about the terms but a formed roadway in various states of maintenance,
5 call it what you want, but, yes.

Q. Can we bring up [ESB.AFP.0110.0756]. Have you got this document on your screen, Mr McRae? It is the incident objective and strategies for Bendora,
10 9 January, time prepared 2100 hours.

A. Yes.

Q. Could I suggest to you that what that document was recording was a strategy that direct attack
15 would continue on the 10th on Bendora to retard its expansion to a minimum area, but that the overall strategy at that time recorded in that document was to move to indirect attack; is that what the document is recording the strategy to be
20 for the 10th of January?

A. I'm inclined to agree with you but could I see a little bit further down the screen? That's enough, thanks.

25 Q. Noting in particular lines to be built using D6 dozer and light units, that's a form of indirect attack; isn't it?

A. It is.

30 Q. Is my interpretation of the decisions which this document purports to record correct - that the approach on the 10th was there would be direct attack to keep the fire to a minimum area but at the same time there would be indirect attack on
35 the fire in the manner recorded?

A. I'm just having a think here. That isn't in accord with the way I recall the document when I was asked about it by Mr Woodward.

40 Q. I understand that. With respect, I am just suggesting that your recollection may not have been correct and that the proposition I am putting to you now may in fact be the accurate one.

A. I would have to say my previous recollection
45 wasn't completely correct.

Q. You don't have to accept it, because I say it,

Mr McRae. This is your --

A. You pointed out words on the screen which indicate the words I had written were putting down strategies for direct attack, even though I had
5 identified objectives which were based on - sorry I am getting confused. The words I am seeing on the screen here are strategies focusing on indirect attack even though they were linked into an objective which was based on direct attack.

10

Q. With the benefit of having gone over that, is that your understanding of what the document was recording was to be done on the 10th?

A. Well, the recollection that I brought into
15 court with me on this document was that it was an attempt to identify where things would be on the basis of direct attack, and I guess you pointed out an inconsistency in the document.

20 Q. Yes. I think you said it was recording almost historically what had been done or - I withdraw that --

25 THE CORONER: Would have been abandoned, I think.

MR PHILIP WALKER: Q. That is right. A strategy which might have been used but had not been followed - something like that?

A. That was my prior recollection of this
30 document.

Q. I gather you changed that now in light of further examination of it?

A. Could I see the whole document before I answer
35 that, please. I would feel that the way I've written this: the general controlled strategies listed in four dot points were focusing on direct attack, with the comment on lines to be built using the heavy plant was part of the parallel
40 switch to indirect attack which we have spoken about previously in my evidence with Mr Woodward.

Q. Was the form of direct attack on this fire on the 10th of January predominantly one of water
45 bombing by aircraft?

A. That's getting down to the tactical level, which I didn't cover with this --

Q. That you're not necessarily familiar with?

A. Mmm.

5 Q. You were asked some questions about the
planning in relation to the McIntyre's Hut fire
and you said that there was a bulldozer line being
constructed by ACT Forests; do you recall that?

A. Yes.

10 Q. What else could be done to endeavour to
protect the forest, Uriarra forest from McIntyre's
Hut?

A. I'm not sure there were other options
available.

15

Q. If fire ultimately does get into that forest
one isn't going to put people in the forest in the
way of the fire; is that correct?

20 A. Certainly if we are talking about the day-time
weather conditions forecast in the period in which
we were concerned about the fire getting in there,
it would be a dangerous thing to be doing. There
may, however, be windows of opportunity in
25 night-time to think about doing that. It would
need to be considered very carefully.

30 Q. You were asked by Mr Woodward about these
bulldozer lines being put in by ACT Forests. You
were then asked the question, "Well, what if they
fail? What was the next fallback?" Do I
understand the upshot of the answers you have just
given that, as far as Uriarra forest was
concerned, if the bulldozer lines failed the
options were in fact extremely limited?

35 A. In general terms, it was the caviat of perhaps
if the fire had entered at the beginning of
night-time and conditions had abated, there may a
window of opportunity for attacking it.

40 Q. But in the circumstances that were faced on
Saturday the 18th of January, if the bulldozer
lines were breached again, I suggest they were
extremely limited or nonexistent once fire got
into Uriarra forest; is that right?

45 A. Are you referring to the day-time?

Q. Yes.

A. I agree with you.

Q. You were asked questions about what were your plans if the bulldozer lines were breached. At
5 least as far as that forest was going, there were no plans to be had if that bulldozer line was breached; is that right?

A. Within the plantation?

10 Q. Yes.

A. Yes.

Q. Once that occurred on Saturday the 18th, I think you said the ACT had moved to a situation
15 of property protection on the 18th; is that right?

A. Yes.

Q. To try and use ACT personnel to deal with McIntyre's Hut on Saturday the 18th, where might
20 they have been used once that fire got into the plantation? I'm not saying they could have been; I am just asking the theoretical question. Where might they have been used?

A. Are you requiring me to speak about whether
25 fire actually did get into the plantation or is it hypothetical?

Q. Once it got into the plantation, once you became aware of that, where might ACT personnel
30 have been used?

A. The focus would be on the grassland areas downwind.

Q. Again when you were asked this about what were
35 your plans if fire had got into the forest, were there any ACT personnel available to go to the grasslands at that stage; to your knowledge?

A. Sorry, my recollection was that all available
40 resources were tasked to the incident controller. It was up to the incident controller to prioritise where he would deploy his resources.

Q. Mr Lucas-Smith makes the following comment in
45 his evidence at page 1198 of the transcript:

"I was kind of caught between a rock and a hard place of do I pull resources out of the

5 south to send to the north and have more rural properties burn down on the expectation that that fire will threaten more property in the north in the rural area of the northern part of the ACT. I chose not to do that."

Would you agree that was the sort of circumstances that the - in fact I will read on:

10 "My first concern was to those properties immediately under threat. I think I would still make exactly the same decision today."

15 Firstly, do you agree that that was the circumstances facing Mr Lucas-Smith on Saturday, the 18th of January?

A. Yes.

20 Q. You said you would expect New South Wales people to endeavour to follow the fire into the ACT and do what they could. Would that include endeavouring to head off the fire in these grassland areas?

25 A. I would expect them to continue chasing a fire, even if crossed the border.

30 Q. Given the difficulties we have just expressed about dealing with it in the forest area and your statement that the area you might try and contain it would be in the grassland, I take it you would assume that New South Wales experienced rural firefighters, if they were going to try and stop the fire, that's what they would do?

35 A. That's what I would assume they would do, yes.

40 Q. Whether they did or they didn't, the ACT was faced with the choice of take the crews away from the rural properties that you know are under threat and watch them burn, send them up to the grasslands or work on the assumption - that you, I gather, were working on - that the fire would not get to the rural area and try and save properties immediately under threat; is that the situation?

45 A. Yes.

Q. I did actually say that the fire would not get to the rural area. I meant to say that the

McIntyre's Hut would not get to the urban area.
So perhaps I better put that question again: The
ACT was faced with the choice of taking crews away
from rural properties that it knew was under
5 threat and watch them burn and send them up to the
grasslands, or work on the assumption that I
gather that you were working on that the fire
would not get to the urban area and try and save
properties that were immediately under threat.
10 With that correction, do you still say that was
the situation that was faced?

A. I'm trying to make sure I understand your
whole claim there. If I am reading you correctly
then yes, I agree.
15

Q. Take your time if you wish, Mr McRae, or I
will repeat it, if you wish.

A. I think I would prefer that you repeat it.

20 Q. The choice was between taking people away from
rural properties under threat and watch them burn
or to work on the assumption I gather you had been
working on that the McIntyre's Hut would not make
the urban area and stay and save the properties
25 that it knew were under threat. That was the
situation that was faced?

A. If phrased that way, yes, yes.

30 Q. In paragraph 123 of your statement on page 28,
you say you received the reports at 1pm that the
eastern flank of McIntyre's Hut had flared up and
was moving into grasslands?

35 THE CORONER: This is on 18 January?

MR PHILIP WALKER: Yes, your Worship.

Q. At that point was the front of that fire ahead
or behind of your expectations?

40 A. I don't have a full recollection of the
details of the expectation to answer that. My
impression, however, would be that it was
generally going to expectations but I would have
to refer to the details.
45

Q. Could I have the planning meeting minutes on
the 17th, [ESB.AFP.0110.0865]. I am after the

second page. Could you just read the first paragraph under the heading "planning" on the second page there, Mr McRae.

A. Mmm-hmm.

5

Q. I read to you from your statement at paragraph 123:

10 "At approximately 1pm I received reports that the eastern flank of McIntyre's Hut had flared up and was moving into grasslands."

I asked you the question was the front of that fire in front of or behind your expectations.

15 Does that help you at all?

A. That would appear to suggest that it was slightly behind expectations.

20 MR PHILIP WALKER: Your Worship, I have a number of maps and Mr McRae was the author of these in this instance. I have some colour ones and black and white ones. They are not on the system, but there is a number that has been allocated to them.

25 Q. What is the document that you have just been provided with, Mr McRae?

30 A. It is a series of regional maps that indicate the daily progression of the fires across the landscape from the day of ignitions through to, in the daily sense, the 18th and then jumping to the end of the month.

Q. You prepared these maps?

A. Yes, I did.

35

Q. When did you prepare them?

A. Significantly after the fire.

40 MR PHILIP WALKER: Your Worship, the number for these documents, I wish them to be exhibited, that I am told will be allocated for the record is [ESB.DPP.0013.0001] through to 0014.

45 Q. What I want to do, we might ultimately come back a little on these. If we go to the 17th, could you just point out the area on this map where you say you were receiving reports at

1 o'clock that the eastern flank of McIntyre's Hut had reached? Use the map of the 17th.

A. At 1 o'clock on the 18th, did you say?

5 Q. It is probably a little bit easier to see if we use the 17th. We can go over to the 18th in a moment. It might be just clearer on the 17th.

A. Okay. In the map on the 17th, if I just refer to the content of the map first, the bluish
10 coloured area within the ACT that is labelled with "Uriarra pines", immediately above that there is a roughly square red hatched area or stippled area, which is what detailed analysis of line scans
15 made its two small initial runs on the night of the 17th. So those would be the starting point for any activity on the 18th, which I take it you're wanting to refer to now.

20 Q. Yes.

A. So, when those fires started spreading again on the 18th, they would have been spreading generally down the road line that is straddled by the red stippled area towards the south-east,
25 which is Two Sticks Road.

Q. I take it that the 1 o'clock report you said you received in your statement has the fire somewhere about the Uriarra Settlement mark on
30 that map; is that right?

A. The Uriarra area is actually a fairly broad area, which includes Uriarra pines, Uriarra Settlement and even to the north-east Uriarra Crossing - in fact with Uriarra Creek going
35 between Uriarra Settlement and the Crossing. So it is hard to know exactly where that report was referring to, with hindsight.

Q. Is it a fair assessment to say that by
40 1 o'clock on the 18th that fire had travelled far less than it in fact travelled in two hours after 1 o'clock?

A. Well, on the basis of that report, at
45 1 o'clock it has spread something in the order of three kilometres from its overnight starting point to where we would be getting this report, yes. And then in the next two hours, if it is in Weston

Creek, on this basis it has accelerated quite remarkably.

Q. What distance is that?

5 A. It would appear to be in the order of 12 kilometres.

Q. In two hours. What's your analysis of why it accelerated in that fashion? What happened?

10 A. My analysis of the evolution of events indicates some fairly significant things were going on. The analysis is based on line scans provided by New South Wales Rural Fire Service on weather radar provided by the Bureau of
15 Meteorology and on satellite images from the US that are available on the Internet.

In the evidence available to me, the fires went from being surface fires burning generally in fine
20 fuels to what I believe would be called a plume driven fire. A plume driven fire is then going to respond to totally different drivers to what a surface fire would be responding to.

25 Q. Tell us what they are. I would like your explanation because I don't know that you have really been asked. What caused that apparent explosion, this fire on the 18th, in your understanding?

30 A. Sorry, I believe there were two separate questions in there.

Q. Well, in your understanding, what caused that fire to make that rapid movement from 1 o'clock
35 onwards?

A. I believe the most telling evidence that I have seen was a Powerpoint presentation made available to this inquiry by the Commonwealth Bureau of Meteorology which showed reconstruction
40 of weather radar data as a time series. That was, to my recollection, generally a black background with some orientation material and a series of fields of dots of different densities indicating returns to the radar from the smoke plumes.

45 When that is combined with other information, it suggests to me that we had fires burning as they

would be expected to. But then a trough, an upper
area of low pressure passed overhead, and the
trough being indicated in other material by a line
of clouds and by general symbology in the pressure
5 maps that the meteorologists provided.

As this thing passed overhead, the instability in
the atmosphere that was already present was
amplified and the fires became basically a
10 three-dimensional beast where the instability in
the atmosphere in the vertical sense became as
much a part of the behaviour of the fire as a
two-dimensional manifestation on the ground. Once
the --

15

Q. Just pausing there, did you have any knowledge
of this beforehand?

A. I had been monitoring research reports on
plume fires before this fire event because they
20 had --

Q. I don't mean generally. I mean did you have
any knowledge that this was going to happen on
this day?

25 A. No, no. The tools available to us weren't
sufficient to identify that this would happen.

MR CRADDOCK: I hesitate to interrupt. I did ask
my friend whether he would note the time. We have
30 gone past 4 o'clock. It does seem we might be
going a little while longer. I wonder now whether
I should cancel my flight out of town. If I need
to do that, may I have a moment to make a call and
find myself another aeroplane.

35

THE CORONER: I think what we might do is adjourn.
That might be the best. You are not going to
finish in the next 5 minutes, I presume,
Mr Walker.

40

MR PHILIP WALKER: There is probably a little
more. In fact, my friend did remark on that, and
I reacted quite sharply for which I apologise. I
do have some more to go on with. Perhaps it might
45 be --

THE CORONER: What time is your flight,

Mr Craddock?

MR CRADDOCK: 5 o'clock.

5 MR PHILIP WALKER: I might just ask two questions
and finish off on this sort of area.

Q. Mr McRae, looking at the map of the 18th and
that massive area of fire, I take it you simply
10 had absolutely no expectation that that sort of
thing would occur at all?

A. No expectation of that at all is correct.

MR PHILIP WALKER: I will leave it there until the
15 next occasion.

MR WOODWARD: I don't know whether it is worth it.
But for the sake of the witness, and I appreciate
I take responsibility for the time it has taken,
20 it seems to me if it is possible for Mr Craddock
to defer his flight and finish this evidence this
evening, it will make a much less stressful
weekend for him. I have only two minutes.

25 MR CRADDOCK: I am quite prepared to do that.

THE CORONER: How long are you going to be,
Mr Craddock?

30 MR CRADDOCK: I won't be any length of time. May I
be excused to make a call?

THE CORONER: You are excused.

35 MR CRADDOCK: May I invite the Court to continue
in my absence.

THE CORONER: Thank you.

40 MR WOODWARD: While I am on my feet, this won't
affect Mr Craddock but can I just indicate a real
concern about this document that is now being
produced. I don't know how much further my
learned friend is intending to take this. If it
45 is only required for the purposes of pinpointing a
location on the map, then it would seem to me that
that could easily be done on any number of other

maps.

The difficulty with this particular document, your
Worship, is it comprises several other pages and a
5 detail fire spread analysis for the whole history
of these fires, which may or may not be consistent
with the work done by Mr Cheney. But nothing has
been done, as I understand it, in a sense to put
Mr McRae in a position where he is able to then
10 verify everything that has been said in these
maps.

If there is any suggestion that they might later
be relied on in contradiction, for instance, of
15 Mr Cheney's work, then I would strongly object to
their tender unless time is to be taken to
properly verify them and the fire spread that is
shown on them.

20 THE CORONER: What is the basis on which they are
being tendered?

MR PHILIP WALKER: I have every intention in the
world to rely on these maps for all that they are
25 worth.

THE CORONER: Then what you are going to have to
do is spend a lot more than 5 minutes with
Mr McRae.

30 MR PHILIP WALKER: I understand that.

THE CORONER: Because you do appreciate - and I do
not know whether they are or they are not and I
35 presume nor does Mr Woodward at this stage nor
Mr Cheney - that if there is some discrepancy
between these maps and what has been tendered in
evidence already by Mr Cheney as being the spread
of the fire, then there will need to be some
40 further clarification and questioning of Mr McRae
as to how he arrived on these, because you can't
just tender them without that explanation if they
are contrary. Do you know whether they are? Have
you made any comparison yourself, Mr Walker?

45 MR PHILIP WALKER: I have not made a comparison
with Mr Cheney's maps but I will do that. But at

the end of the day, from my point of view, I will ask Mr McRae how he arrived at the work that he did so that you understand the background behind what these maps depict. Frankly, if they are
5 consistent or they are not consistent with what Mr Cheney says, well that evidence goes in just like Mr Cheney's does. I don't understand Mr Cheney to be regarded as holy writ.

10 MR LAKATOS: I am sorry, would your Worship allow me to excuse myself? I am sorry to interrupt.

MR PIKE: Might I also?

15 THE CORONER: I presume you have no further questions of the witness.

MR PIKE: I confirm that to be the case.

20 THE CORONER: You are excused.

MR PIKE: Thank you very much.

MR WOODWARD: As your Worship knows, Mr Cheney's
25 report that accompanied his maps went into laborious detail entirely attributed to statements and various other material as to how he arrived at the various fire boundaries that he had identified. It would take, in my submission,
30 hours to put Mr McRae in a position to provide evidence, if it is the case that it contradicts Mr Cheney's evidence.

I note that the counsel for the ACT government
35 hasn't sought to rely on Mr McRae at all as an expert in either support of or in contradiction of the evidence of Mr Cheney. This is a very unexpected and, in my submission, extraordinary development for counsel for Mr Lucas-Smith to be
40 apparently now wanting to establish that Mr McRae is in a position to provide this inquest with expert evidence of a post-fire analysis in relation to the spread of these fires.

45 If that is to occur, it is something that must necessarily take many hours, if it is to be elevated to the sort of level that would require

it to be elevated for the purposes of offering an alternative view to that offered by Mr Cheney.

5 THE CORONER: If indeed that is the position with these maps. That may or may not be.

MR WOODWARD: I apprehend from what my friend said, that is what is proposed. Clearly if that is what is about to happen, we are not going to do
10 it tonight.

MR PHILIP WALKER: That doubtless will take some more time. I am not really sure about hours. In any event, could I suggest that the way this be
15 dealt with is this: that the documents be taken as an exhibit before the proceedings and I will undertake to ask Mr McRae the questions as to how he obtained the data and how he produced the maps that he has produced.

20 I dare say following the approach that my learned friend followed with Mr McRae when he asked him about some views about community knowledge. If Mr McRae isn't shown to have the requisite
25 qualifications, then the maps won't be worth anything. But apparently that wouldn't prevent their tender in the first instance.

THE CORONER: I don't understand on what basis you
30 propose to turn these. If it is because it is a challenge or a different version to the evidence that has been given by Mr Cheney in relation to the spread of the fires, that is a totally different issue. That is an issue that will take
35 some considerable time to resolve, if that is your intention.

If that is not your intention, on that basis I would not accept these as an exhibit now. They
40 can be marked for identification. They would not be exhibited until such time as you did go down that path.

Is that your intention, to tender these as in some way challenging the analysis that has been made by
45 Mr Cheney?

MR PHILIP WALKER: I haven't been able to sit down with Mr McRae and go through piece by piece as against Mr Cheney's work. He is not my client. He has spent the large part of the last three or
5 four days in the witness box. I understand this to be Mr McRae's record of what he understands was the progress of the fires day by day from his own work.

10 He can explain how he made the records he did and at what time they were taken and so forth. That amounts to what this man understands the spread of the fires to be. If there are some obvious differences to Mr Cheney, then we might point that
15 out.

The matter really becomes one firstly of qualifications. I was simply following the line that my learned friend took when he began in chief
20 where he sought the opinion in first and said he would follow up with the qualifications later. I was proposing to do the same thing.

THE CORONER: I still want to know: what do you
25 propose to make of these maps, Mr Walker? What are you seeking to obtain from Mr McRae in relation to these maps?

MR PHILIP WALKER: They are, as I understand them,
30 the very best and clearest indication of the spread of the fire.

THE CORONER: According to Mr McRae.

35 MR PHILIP WALKER: According to Mr McRae, that's right - of course.

THE CORONER: Well, there is a difference,
40 Mr Walker.

MR PHILIP WALKER: I appreciate that,
your Worship, I am not arguing with what you say. Of course it is Mr McRae's work, with respect,
45 according to Mr McRae.

THE CORONER: I will not accept them as an exhibit at this stage until such time as counsel assisting

has an opportunity to compare what Mr McRae is saying - well, I will wait until I hear how far you intend to question Mr McRae and what information you obtain from Mr McRae on how these maps were prepared and what use you are going to make of these maps.

MR PHILIP WALKER: Very well, your Worship. It is perhaps therefore better that we not embark on that course, because I am going to endeavour to speak to Mr McRae and see whether he indicates differences between his work and Mr Cheney's work, because it might expedite the process rather than going through them blindly.

THE CORONER: Yes. In fairness to Mr McRae, he may not have had an opportunity to compare his maps with the information that was provided by Mr Cheney. Mr McRae should be given that opportunity as well.

Q. Have you done that, Mr McRae, have you had a look at the presentation on the progression of the fire as Mr Cheney has estimated from the 8th to the 18th?

A. I have seen a fairly detailed Powerpoint presentation. If that is the material, I haven't had enough time to complete the comparison.

THE CORONER: I understand. So perhaps we won't take these maps any further at this stage, Mr Walker.

MR PHILIP WALKER: I am in your Worship's hands. Perhaps on the next occasion - it will be on the system in any event.

THE CORONER: I am not going to accept them as an exhibit at this stage.

MR PHILIP WALKER: I see.

THE CORONER: Unless you want to ask some general questions about the map and the spread of the fire, then you can do so. But I am not going to accept them for the purposes for which you indicated. That is to be used for all purposes,

and that is as a potential challenge to the information that Mr Cheney has given on the spread of the fires.

5 Until such time as Mr McRae has had an opportunity to consider what Mr Cheney has found, and for you to perhaps consider whether or not there is a difference between them, and what you tend to make of that difference.

10

MR PHILIP WALKER: Yes. Your Worship, I can deal with it that way.

15 THE CORONER: I think the object is to try to give Mr McRae a relaxing weekend by finishing. But if indeed you do find that you do wish to pursue this matter or Mr Craddock wishes to pursue this matter, upon the basis that it is a challenge to the information provided by Mr Cheney, then it may be that Mr McRae may need to be recalled at a later date after everybody, including Mr Cheney and Mr McRae, has had an opportunity to consider both sets of data. That's about all I can suggest. I don't know whether that is --

25

MR WOODWARD: I can foreshadow that if that is the approach, I would need time to take instructions from Mr Cheney about the extent to which he differs from Mr McRae's analysis and then embark on a process of examining those differences to try and identify any difficulties arising from those.

30

MR PHILIP WALKER: Your Worship, I am in your hands. I am not really sure why, subject to the man being qualified to produce maps, the potential for conflict between people, both of whom have different degrees of expertise, would warrant the rejection of the tender.

35

40 THE CORONER: No, that is not the issue. The issue is: if you wish this to be put in in contest or to dispute the evidence that Mr Cheney has given, it took many hours of questioning of Mr Cheney to establish the basis of his projections. And I am saying that, for these maps to stand in the same position as Mr Cheney's maps, if that is what you intend, you will need to go

45

through the same procedure with Mr McRae. I do not believe that you could do that with one or two questions, Mr Walker.

5 MR PHILIP WALKER: Yes, your Worship.

THE CORONER: That is all I am saying. If that is what you intend, then Mr McRae will need to be asking a number of questions that will take more
10 than just the short time that we have this evening.

MR PHILIP WALKER: Very well, if that is the case, there is probably no point in taking the matter
15 any further at this time.

THE CORONER: That doesn't prevent you asking any further questions on other issues. It depends on what you intend to make or, more importantly, what
20 use you want me to make of these maps. If you do want me to look at them in contrast, if there is a difference between these maps and what Mr Cheney has said, then it is a much longer process that will need to be embarked upon.

25 MR PHILIP WALKER: I understand that and I intend to make some inquiries of Mr McRae to ascertain whether there is such a difference. If there is no difference, then the issue might be a very
30 simple one. If there is --

THE CORONER: It might have to follow a different course.

35 MR PHILIP WALKER: It probably makes more sense, rather than waste everybody's time now, that I do that after Mr McRae leaves the box.

THE CORONER: If you do intend to use these maps -
40 if there is a difference and if you do intend to challenge the evidence given by Mr Cheney, then if you could give notice to counsel assisting and we will see what happens after that. Because Mr McRae will need to be recalled if that does
45 happen.

MR PHILIP WALKER: Yes. I don't know if I can

take it any further at this point in time,
your Worship.

5 THE CORONER: Are there any other questions you
wish to ask?

10 MR PHILIP WALKER: They are sort of in the same
line of country. It is probably better that I
take on your Worship's indication on that matter
and deal with it.

THE CORONER: Thank you. So no further questions
at this stage?

15 MR PHILIP WALKER: Subject to further
cross-examination at a time of convenience to all
concerned.

20 THE CORONER: Thank you. Yes, Mr Pike has left.
Mr Craddock, it is over to you.

MR CRADDOCK: I have no questions, thank you.

25 MR WOODWARD: I have two very short matters.

<RE-EXAMINATION BY MR WOODWARD

30 MR WOODWARD: Q. Mr McRae, you were asked by
Mr Whybrow about what has now become known as the
Dr Doom email. When I asked you about that very
issue at transcript page 3133. Having referred to
the email and its reference to Aranda, I asked you
the question:

35 "Q. Was that view that you apparently
expressed at that training program limited to
a fire in the Aranda bushland, or did you put
it more widely than that - or have you put it
more widely than that?

40 "A. Well, I have used that as a rule of thumb
for all of Canberra's interface for how far
bushfire impacts would be expected to occur.
That's consistent with national research."

Is that still your evidence, Mr McRae?

45 A. Yes, it is.

Q. The final matter, Mr McRae, I hesitate to

perhaps add to the confusion but the document that you were asked about earlier [ESB.AFP.0110.07756] - that is the Bendora incident objectives and strategies document for the night of 9 January 2003 - you were asked some questions about whether lines to be built using D6 dozer tankers and light units was indicative of indirect attack. If that section of the document could be brought up. You will see there a reference in the third bullet point to "establishing line along east and then north edges". Perhaps I should ask this preliminary question: it is the case, isn't it, that you can undertake direct attack with a bulldozer as a matter of bushfire fighting practice?

A. In fact it is.

Q. And in fact it is quite a common practice, providing the intensity of the fire is not too great, to actually run a bulldozer directly down the edge of a running fire.

A. If the conditions are suitable, you can do that, yes.

Q. And is it possible that the reference to establishing a line along the east and north edges could be a reference to such a form of attack?

A. It is possible, yes.

Q. Could the reference in the final part of that document "lines to be built" be a reference to the lines that are referred to in that third bullet?

A. Could I see that "lines to be built"?

Q. Yes.

A. It is possible that that is what is referred to. As I say, the recollection I brought in to court with me on this document is obviously not quite right. I can see two ways of reconciling it: one is what you are suggesting; the other is what was suggested earlier. I don't have a recollection that allows me to say which one is correct.

MR WOODWARD: Thank you. That was all, your Worship.

THE CORONER: I am reluctant to excuse you. But I think at this stage, Mr McRae, I will, subject to the need to perhaps recall you to clarify issues in relation to these maps. Is that a fair
5 comment, Mr Walker?

MR PHILIP WALKER: Your Worship, so long as if I want him back, I can get him back, I don't particularly mind one way or the other.
10

THE CORONER: At this stage I will excuse you. Thank you, Mr McRae. As I say, if there is a need for you to come back, then it may be that you will have to. But you are free to leave. Thank you.
15 I don't know if you have a coloured copy for Mr Cheney.

MR WOODWARD: I was going to say if we could finish up with a coloured copy, that would assist.
20

THE CORONER: I will hand down this coloured copy. No objection, Mr Walker?

MR PHILIP WALKER: No objection.
25

THE CORONER: The other issue is Mr McRae's curriculum vitae. Do you intend to tender it?

MR WOODWARD: I put it in the too-hard basket. It was a document that was incomplete. I would be reluctant without giving Mr McRae the opportunity to make the amendments. If that could be done informally.
30

MR CRADDOCK: That could be done informally. The only issue was there were a couple of letters and things which you might look at and say, "What on earth does that mean?" I was simply going to have it set out in full so you actually understand the document. That is very easy to do informally.
35
40

THE CORONER: I would appreciate a copy of that, if that could be arranged.

MR WOODWARD: We can tender that formally. Perhaps if Mr McRae doesn't mind, it can be done in Mr McRae's absence once that document has been
45

done.

THE CORONER: We will tender it in your absence,
presumably after you have had an opportunity to
5 vet it, Mr McRae.

THE WITNESS: Yes.

MR WOODWARD: The position for next week at this
10 stage would appear to be that Mr Keady will be
recalled to give evidence first up on Monday. It
is expected that he will conclude probably during
the morning, and he will then be followed by
Mr Ingram, who I expect will then need to be
15 interrupted by the evidence of Mr Stanhope. He is
to begin to give his evidence from 10am on
Tuesday. After he is concluded, which is probably
during that day, Mr Ingram will be recalled.

20 His evidence will then be concluded and we will
then be moving into the fire controllers - exactly
who that is I think is generally known, but I
don't have a list with me. I should indicate we
will be looking more generally at the witness list
25 this evening to ensure that we can give parties as
much notice of any changes.

THE CORONER: Thank you, Mr Woodward.

30 MR WOODWARD: As your Worship pleases.

<WITNESS EXCUSED

THE CORONER: We will adjourn until 10 o'clock on
35 Monday.

**MATTER ADJOURNED AT 4.30PM UNTIL MONDAY,
19 APRIL 2004.**

40

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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 36

Monday, 19 April 2004

<TIMOTHY BERNARD KEADY, RECALLED, RESWORN

5 <EXAMINATION-IN-CHIEF BY MR LASRY CONTINUING

MR LASRY: Q. Mr Keady, I think you were last here on 4 March, some time ago, and I think at the point where your evidence stopped, we had dealt
10 with the planning meeting on the afternoon of the 14th of January 2003. I don't want to go back to that. I do want to go back in the chronology for a moment and go to one other matter before we keep going.

15 In paragraph 16 of your statement, which is the last paragraph of your statement - [ESB.AFP.0111.0303] - you say in relation to the fires, looking back on it, that there is much to
20 reflect on. You refer to the implementation by the government of the recommendations of the McLeod report and express the view that, with certain changes which are going to occur, the emergency services will be better able to cope
25 with a future event of similar magnitude; you probably recall that sort of wording in your statement, do you?

A. Yes.

30 Q. And one of those new things that was going to improve the capacity of the ESB was going to be a new dispatch system. That refers, doesn't it, to a computer-aided dispatch system or CAD system?

A. Yes, it does.

35 Q. And has a new dispatch system been installed at the ESB?

A. It is in the process of being installed. I can't tell you exactly what it is up to at the
40 moment. It should be close to being completed. I am no longer involved, as you understand.

Q. Are you familiar with broadly what a computer-aided dispatch system is?

45 A. Broadly, yes.

Q. Give us your broad understanding of what it

does?

A. It provides a computerised capacity to receive/record calls, to provide dispatches with incident information about the locations of resources and the availability of other resources,
5 broadly. I might add there are much more sophisticated attachments about which I am not really able to go into.

10 Q. The condition of the computer-aided dispatch system of the ESB had been the subject of discussion for some period of time, hadn't it - some years in fact?

A. It had, yes.

15

Q. Are you familiar with a gentleman by the name of Olaf Moon?

A. He was, I think head of Intac for a time.

20 Q. Do you recall having any discussion with him as far back as 1999, or between '99 and 2001, about the inadequacy of the ESB CAD system, computer-aided dispatch system?

A. I can't recall it, but I may have.

25

Q. Were you aware of the fact that he was concerned, both in his capacity as something of a computer expert working for the ACT government and also as a person with some training in bushfires,
30 particularly in forestry, that there was a shortcoming with the ESB CAD system?

A. No, not particularly. And I wasn't aware that he had any expertise in firefighting.

35 Q. Is it right to say that the CAD system, which was operational over those years and including the January 2003 bushfires, had a capacity to, as it were, organise or dispatch or cater for about 12 vehicles?

40 A. Well, it had a limited capacity. The number of vehicles, I don't know.

Q. You didn't know how many?

45 A. No. I did know then but I don't know now. I would have seen various briefs on it, because we had committed to replacing it prior to 2000.

Q. Prior to 2000?

A. Yes. The project was interrupted by the need to undergo year 2000 rectification. Because the existing system which wasn't going to be replaced
5 by the end of 2000 needed, like most other systems, to be reviewed and rectified so that we didn't run into the year 2000 bug which affected the progress of the project.

10 Q. Just as far as dates are concerned, when was it determined that the computer-aided dispatch system for ESB would actually be replaced? I take it that comes at a point when money is allocated for it?

15 A. It was a project that was intended to take some years. It wasn't something which one buys off the shelf and installs fairly quickly. There was a pathway established like most significant
20 projects of that kind. Several years there would have been a feasibility stage which would have been funded. That would have led to a decision about the nature of the project that might be committed to. There would have been a procurement stage where one goes to tender, and those kinds of
25 things. That's why the time frame was so limited.

Q. Certainly it hadn't been done by January 2003?

A. No, it hadn't.

30 Q. Is it correct to say that the replacement project was put in train because it was recognised that the computer-aided dispatch system that existed at ESB was an inadequate system?

A. Yes.

35

Q. Was it a consideration in making the decision to replace that system that a situation may arise where, because of the magnitude of the disaster, a large number of vehicles may need to be managed by
40 the computer-aided dispatch system; was that a factor in the decision by the government?

A. Well, I think the decision was prompted more by the acceptance within ESB that the existing operating system was first of all outdated, had
45 been overtaken by developments elsewhere and had a number of deficiencies. That would have been one of them.

Q. It was operating during the 2001 fires?

A. Yes.

5 Q. Did anyone make an assessment of its capacity to cope with the volume of traffic and the volume of individual emergency service units that it had to cope with during those fires?

10 A. I can't recall specifically. I assume it would have had some attention in the debrief that followed that event. There was a commitment at that point anyway to a new system. We weren't doing it from the point of view of making a decision about a replacement. That decision had already been made.

15

Q. I get the impression from the evidence you have given about this so far that, although you were aware of it and involved in it to an extent, you weren't centrally involved in the project or in the analysis of the manner in which this system would be replaced; am I right about that?

20 A. My involvement was at an executive level. It was a highly technical in both - for example, in relation to the choice of a new system, there were trips overseas to see the system in operation overseas by those capable of assessing these things. That wasn't where my skill lay.

30 Q. To come back to the chronology, if we could, and to come to the 15th of January. I just want to ask you briefly about some of the events on that day. By 15 January, which was the Wednesday before the 18th of January, would you say that you were at ESB on pretty much a full-time basis; most of each day?

35 A. Part of each day. I don't know if I was there all day because I was still doing things out of the office. But, yes, I was visiting it quite regularly anyway.

40

Q. It appears at 8 o'clock on the morning of the 15th, 8am, an attempt to fly over the fires was made by Mr Lucas-Smith with the Chief Minister, Mr Stanhope, and Superintendent Mandy Newton. Did you participate in that activity?

45 A. No, I didn't.

Q. Were you at the planning meeting at 9.30am on the morning of the 15th; are you able to recall?

A. No. I can't recall.

5 Q. Had a decision been made by the 15th, by that time on the 15th, that cabinet would be briefed on the fires?

A. I can't recall when we decided to brief cabinet. It would have been earlier in the week.

10

Q. The briefing was the next morning, the 16th. Is it likely that by the morning of the 15th of January, the decision to brief cabinet had already been made?

15 A. It would have been, I assume, yes.

Q. Just while we are on the making of that decision, was that a decision made as a result of a request from the government or from the Minister or was it a suggestion by someone at ESB?

A. I think it was probably my suggestion.

Q. Your suggestion?

A. Yeah.

25

Q. Why did you think that was a good idea?

A. Well, because of the nature of the event, the magnitude of it and the expenditure that we were investing in the event.

30

Q. The nature of the event simply being that it was a significant bushfire?

A. A very significant bushfire. At that stage it had been going for well over a week. It was a source of speculation, concern. There had been a lot of concern, for example, about the catchment areas of the ACT; there was concern about power transmission lines. It was a very expensive thing to be involved in.

40

Q. And, for that matter, some concern about the urban area?

A. Well, ultimately. I think at that stage it was still quite remote.

45

Q. Still quite remote?

A. Mmm.

Q. As far as you were aware?

A. Yes.

Q. Of course the potential threat to the urban
5 area was something which was referred to in the
cabinet briefing, didn't it?

A. It had that potential, yes, yes.

Q. To come back to the 15th, the minutes of the
10 planning meeting [ESB.AFP.0110.0142], if that
could be brought up on the screen, please, and in
particular at 0144. While that is coming up,
perhaps I will refer you to some aspects of these
minutes to see if it refreshes your memory. It
15 appears that Marika Harvey was present at this
meeting. If you go down to "media":

"Marika Harvey reported that there had been a
20 lot of public interest in the smoke haze as a
result of the fires, but that national
interest in the fires had dropped off. The
ACT Chief Minister is still receiving calls
relating to the helicopter pilot rescue.

25 Steve Amos is taking some members of the
media to Namadgi National Park for some
photos and footage vision."

Pausing there. Mr Amos is who, are you aware?

30 A. No, I don't know.

Q. It continues:

"Mr Castle stated that some positive aspects
35 should now be made public. Cecilia Burke
stated that the following positive aspects
would be made public - Pryor's Hut and the
arboretum have been saved. Fire has burnt
through the area containing the civil
40 aviation air communications structure at Mt
Ginini, but the structure is safe and the
area west of Ginini Flat, housing the
corroboree frogs is safe."

45 Do you remember that discussion; does that ring a
bell with you?

A. I don't remember the discussion. I do

remember a concern about corroboree frogs at some point because they were an endangered species and their habitat was under threat. I can't source that particular discussion, no.

5

Q. So far you are unable to say whether or not you were at that meeting?

A. I'm afraid so. No.

10 Q. Later that day, in fact later that morning Mr Lucas-Smith had a conversation with Mr Koperberg, the New South Wales Rural Fire Service Commissioner, over at Yarrawluma. Following that conversation Mr Koperberg gave a
15 media interview. Just dealing with both of those things, do you recall being aware of Mr Lucas-Smith going to Yarrawluma to see Mr Koperberg? Do you recall being aware of that happening?

20 A. Yes. Yes, I do.

Q. Before he went?

A. My only recollection is that it was intended he was going to meet him over there or he was
25 travelling over there. I don't know if that was something that had been planned well in advance. I think it was something he was going over --

Q. It certainly wasn't planned well in advance. I don't think there is any suggestion that it was?

30 A. No, I am simply saying that, for the purpose of my recollection, it was something that said to me, I think, as he was leaving.

Q. Did you become aware of the fact that, after that meeting had occurred, probably some time around lunchtime in the middle of the day, that Mr Koperberg gave an interview to the ABC and possibly other media about the situation in the
40 area generally?

A. If this was the interview where he was said to have said something was different to the local perception about the course of the fires --

45 Q. It is [DPP.DPP.0003.0508]. While that is coming up, Mr Keady, I will read you the relevant section. The media put some open-ended question

to Mr Koperberg, which said:

5 "Media: This must a high priority for you to come down here. What has been your reaction?

10 Koperberg: This is probably the worst threat to this part of the state in many, many decades. The Brindabella complex of fires are certainly a potential threat to some very valuable asset not the least being some mature pine forest on the border of Canberra and indeed the ACT itself."

15 Then he went on to talk about what was happening further to the south. A bit later on in that same quote, he referred to the likelihood that the weather was going to deteriorate again at the weekend and that deterioration would be quite severe. Do you recall either seeing that
20 interview, which I suspect is unlikely, or being informed of it?

25 MR JOHNSON: I am going to object on this basis that I think what this transcript is - at exhibit 31 - is the whole of the interview that Mr Koperberg had with the ABC journalist, which I think was transcribed by my instructing solicitor after obtaining a copy of the tape. It would seem on the evidence that only fragments of this were
30 broadcast. It may not make any difference in the end. It would not be correct to suggest that this interview was broadcast in its entirety in the form in which it appears in exhibit 31.

35 MR LASRY: My learned friend is right, your Worship.

40 I will read the passage from a different document which was transcribed by WordWave, which is [DPP.DPP.0004.0005]. This extract comes from 'Stateline' and the particular passage is actually the passage that I read, which I suspect has been edited, so it read:

45 "This is probably the worst threat to this part of the state in many, many decades. The Brindabella complex of fires are certainly a

potential threat to some very valuable asset,
not the least being some mature pine forests
on the border of Canberra and, indeed, the
ACT itself. The weather is going to
5 deteriorate again at the weekend, and
possibly quite severely. The job is still
ahead of us."

The fact is that is a compilation by the usual
10 form of editing of a longer answer Mr Koperberg
gave. That was the message. Did you become aware
of it?

A. Look, I think I must have. I can't recall it
particularly, no. And I'm aware that other people
15 recall discussing with me and, if they recall it,
I assume it occurred.

Q. You come to this issue now a bit late in the
piece because you will be aware of the evidence,
20 no doubt, that has been led about this. In
essence it comes to this: when Mr Lucas-Smith gave
his evidence he was asked about this particular
passage and in effect said this was inconsistent
with the impression he had been given during the
25 conversation with Mr Koperberg, and that the
matter having been raised it was proposed that,
because of that inconsistency, at some point you
would ring Mr Koperberg and discuss the matter
with him. The idea of selecting you for that job
30 was that you knew Mr Koperberg personally in any
event?

A. Yes.

Q. Mr Koperberg's evidence to her Worship has
35 been, first of all, he has been candid enough to
say that he and you have had a discussion about
this conversation. He doesn't believe the
conversation took place; that is, you didn't make
the phone call. He believes that is what your
40 belief is as well; is that right?

A. That's correct. In fact --

Q. It wasn't a phone call as far as you know?

A. I don't think I had any contact at all over
45 this period with Mr Koperberg until he arrived at
Curtin I think on the 18th.

Q. Is it right to say that you know Mr Koperberg pretty well. You have known him for some time?

A. Yes.

5 Q. Is it a professional relationship or also a friendship as well?

A. It was a friendship that grew out of a professional relationship that I once had with him.

10

Q. On the 15th of January, did anyone take up with you the problem that at least it appeared that Mr Koperberg had said one thing to Mr Lucas-Smith and something different to the media? Was that something that was raised with you on the 15th by anyone?

15

A. Well, I can't recall it. But apparently it was.

20

Q. It follows, I take it, that you can't remember whether you were asked to do anything about it and, whatever you were asked, obviously you can't now remember?

A. No. True.

25

Q. When it was brought to your attention that Mr Koperberg was describing the threat to this part of New South Wales as the worst in many, many decades, did that cause you some concern that that was his opinion?

30

A. Well, I don't recall seeing the media interview but the general scenario was that there was fire right through this area of not just the ACT but New South Wales. So as a general statement, I mean it would have made sense at the time because of the impact to New South Wales as well.

35

Q. There is no point in asking you about whether you were concerned, if you can't remember hearing it and remember being concerned. Anything I ask you about this, I take it, would be in effect reconstruction on your part, would it?

40

A. Yes, to be frank, because I am aware of some evidence being given here.

45

Q. Do you have any recollection at all of

attending the 4pm planning meeting on the 15th of January; that is, that afternoon after this interview had taken place?

A. No.

5

Q. And you haven't looked at any documents to indicate that you have or you haven't?

A. Not recently. And I don't have, and nor have I had, sequential collection of all of these documents.

10

Q. I think the evidence tends to suggest that you did attend it. I will perhaps take you first of all to the reason for that. I wonder if we could have document [ESB.AFP.0110.0159] please. These are handwritten notes, which I am sure you might have seen. I forget who wrote these but I think it is acknowledged they are the handwritten record. If we can go across to page 0164, please. Down the bottom under the heading "media", you see a handwritten note to the effect - I am not sure what the DEF" is an abbreviation for but it says:

15

20

25

30

"DEF - defence - media wants shots of defence personnel. Dozers in south north-west winds equals danger. Seahawks potential Uriarra heliport. WIN - which is the television channel - wants Bulls Head shift change at 7am - or pm, I am not sure - will continue to get new footage requests. TK prefer now - potential Friday on."

Now I don't know whether that helps your recollection, but TK is probably you?

35

A. Yeah, I would say it would be, yes.

Q. It sounds as though you are taking part in some discussion about when it would be preferable to get particular media vision, probably from WIN Television?

40

A. Yes.

Q. I don't want to ask you in detail about that. At this meeting, is it likely that you had some authority to make decisions; or is this more likely to be a comment or suggestion on your part as the meeting progressed?

45

5 A. Yes, occasionally when I was attending these meetings, I asked questions and made observations. I wasn't controlling, chairing or directing the meeting. I can't recall that particular comment, but it must have been some observation or something that arose out of discussion. I see from the short note that you have displayed there that I had apparently nothing else to say of significance.

10

Q. I think that is probably right. When these meetings started, were you there at the start and did you remain for all of the meeting?

15 A. I think typically if I was at a meeting, I would have been there for its duration, yes.

20 Q. If we can just go back to page 0161 and go to the end of the page. I don't want to rehearse that in great detail because we have had it in significant detail through a number of witnesses already. Do you see a subheading which is described as "planning"?

A. Yes.

25 Q. And some notes which say:

30 "Worst fire of careers. Monday worst fire weather of careers. 1:20-year fire. 1:40-year - I think that is intended to refer to weather - FWF on Monday, FDI - fire danger index - 110-140 on Monday, need to be as ready as possible."

35 And so on. Those entries reflect comments by Mr McRae, a planning officer at ESB. Are you familiar with who Mr McRae was?

A. Yes, yes.

40 Q. Seeing that note, do you recall hearing him saying words to that effect?

A. No, I don't. I had a general awareness and it may have been as a consequence of this meeting that Monday was predicted to be a particularly worrisome day.

45

Q. You don't recall him saying in summary that these fires are the worst of people's careers, it

is a 1:20-year fire event and 1:40-year weather event; it doesn't ring a bell?

A. No, it doesn't.

5 Q. Are you sure you were there?

A. I can't recall the meeting particularly, no.

Q. Those sorts of comments by someone who should know would normally be expected to have some
10 impact on people who were meeting for the purpose of planning a response to these fires, surely; would you agree with that as a general proposition?

A. Yes.

15

Q. But it doesn't appear as though they have had much impact on you, certainly not sufficient for you to recall them?

A. I wasn't planning a response to the fires.

20

Q. No, indeed. You were there as a senior government executive?

A. Yes.

25 Q. You had a significant interest in what was happening?

A. Yes.

Q. By this stage on 15 January, Mr Keady, weren't
30 you at least under way with a document to brief cabinet with the following morning or at least aware that a cabinet briefing would take place?

A. Well, the reason the cabinet briefing was
35 occurring was because we were already aware that we had a very serious fire situation on our hands. It was certainly the worst that had occurred in my time in Canberra and it seemed as bad as or worse than anyone else could recall. To the extent that the suggestion has been made here that the
40 situation is very serious and likely to get worse, I think we were already aware of that.

Q. I am not seeming to dispute that with you; I
45 am testing the proposition that, when you are confronted with the note of what was said at that meeting, you just have no recollection of it being said?

A. No.

Q. It is likely, isn't it, that the information that was provided at this meeting was regarded by you as information which was relevant to the cabinet briefing the next morning; even if you don't recall it being said --

A. To the extent it represented the then assessment of the fire situation and its potential to develop into something else, yes.

Q. Let me come then to the cabinet briefing itself, which was at 9.30 on the 16th of January. Have you looked at any documents, notes or any other documents for the purpose of refreshing your memory about this particular briefing?

A. I've read the cabinet briefing note itself some little while ago, yes.

Q. You are aware that there were people who were taking notes of what was being said?

A. Yes.

Q. Have you read those notes?

A. I have seen reference to them here at this inquest but I haven't had access to them that I can recall - or perhaps I have but it would have been some time ago now.

Q. What I propose to do as best I can is to put to you what I think the evidence is as it comes to and see if it accords with your recollection, then I will ask you some questions as we go along.

First of all, as I understand it, this briefing was held at about 9.30am on the morning of Thursday the 16th; does that sound right to you?

A. Yes.

Q. As I think you said a little while ago, you thought the briefing was your idea initially?

A. I can't recall the exact sequence of events. I think I probably proposed to the then head of Chief Minister's Department, Robert Tonkin, that given the events that had occurred to that time, it would be appropriate to give cabinet a direct brief on what had occurred at that time and what was known about what was likely to follow.

Q. Just for the purpose of refreshing your memory as to the appearance of the document, I will show you the briefing paper at least on the screen [DPP.DPP.0003.0078]. We have had a bit of
5 evidence about this paper, Mr Keady, and Mr Lucas-Smith's impression was that it was prepared by you and Mr Castle. I think his evidence was that he didn't take part in it. Were you both involved in the preparation of the
10 document?

A. Look, the best of my recollection is that I asked for the document to be prepared. I would have left it, I think, to Mike Castle to prepare it. We would have had some discussion about the
15 broad content. The detailed content I would have left to Michael and whoever might have assisted him to compile it.

Q. The evidence of Kate Keane, the person who
20 typed the document, tends to support that, I suspect. She says that she typed it and Mr Castle dictated it but she doesn't recall anyone else being involved in it and doesn't recall you being involved. But that is an appropriate thing for
25 Mr Castle to be doing, to be preparing a document like this?

A. Yes.

Q. Do you recall whether he did in fact provide
30 it in draft form to you for comment?

A. No, I don't think so. I don't know there would have been time anyway.

Q. I will perhaps come back to the briefing
35 paper. But I will just refer to two passages which have been previously referred to: one on page 0079 of the document under the heading "New South Wales fires". You will see, Mr Keady, the third dot point there says:

40

"McIntyre's fire to the north-west has secure containment lines to the south and east following back-burning operations. However, with stronger winds from the north-west there
45 is always the potential for spotting over the containment lines which has potential serious impact to ACT Forests pines and subsequently

the urban area."

A. Yes.

Q. Also a bit lower down that page under the
5 heading "assets under potential threat", there are
a number of assets dot pointed including reference
to the urban edge.

A. Yes.

10 Q. So I don't suggest by any means the only
factor but a factor which was being raised by this
briefing paper was the potential for the fires to
have an effect on the ACT suburban area, wasn't
it?

15 A. Yes, ultimately.

Q. It is described here as a potential serious
impact?

20 A. Well, I mean the purpose of this document and
the discussion that followed was to provide
cabinet with an assessment not only of what was
occurring but --

Q. What the possibilities were --

25 A. -- a range of possibilities beyond that and
that was a possibility at the time, yes.

Q. And a potential serious possibility, if I
could borrow the terminology of the briefing
30 paper, was that the ACT forest pines and the urban
area might be affected?

A. Yes.

Q. That doesn't in any way misstate your state of
35 mind, does it?

A. No.

Q. You recognised that as a potential serious
possibility?

40 A. Yes.

Q. As far as the briefing session itself was
concerned, the evidence - at least Mr Castle's
list which I think is supported by some video
45 which we have of it and which I think is probably
unnecessary to show you at this stage - indicates
that Mr Tonkin was present. He was the chief

executive of the Chief Minister's Department?

A. And also secretary to cabinet.

Q. Sorry, that is Mr Tonkin?

5 A. Mr Tonkin.

Q. He holds both of those positions?

A. It's an ex officio role that he plays.

10 Q. Mr Mark Kwiatkowski, he was the cabinet secretary?

A. Yes.

Q. Mr Ted Quinlan, who was the Treasurer?

15 A. Yes, and Deputy Chief Minister.

Q. Yourself, Mr Stanhope, Mr Corbell, the Minister for Health, and Mr Wood, the Minister for Police and Emergency Services. Evidence from the various documents seems to indicate that the meeting commenced by Mr Wood, I think according to Mr Kwiatkowski's note, effectively indicating that this briefing was occurring by invitation and agreement. What he was describing was that the government had invited people from ESB to come along and cabinet had agreed. That's the essence of the note, I suspect?

25 A. It wasn't for to us dictate to cabinet.

30 Q. No, indeed. Shortly after the opening comments by Mr Wood, the briefing paper itself was then tabled; do you recall that happening?

A. Not particularly. That would have been. If I can just put that in context: Minister Wood was the responsible portfolio minister. I think he had come in off leave for this discussion. He would have introduced the briefing and no doubt in accordance with normal protocols had the document circulated.

40

Q. So the document would have been circulated at that point or at some time prior to the meeting, I'm sorry?

A. I think it was circulated at that time.

45

Q. They had to read it and listen at the same time?

A. Yes.

Q. Mr Castle then provided an overview, according to the handwritten notes, suggesting that the
5 fires had commenced as a result of a storm cell and lightning strikes and in particular noted that the following Monday, the 20th, would be an extreme situation; they are the words that have been recorded in Mr Kwiatkowski's notes. Do you
10 recall that being said?

A. No, not particularly. The style of the meeting was that I think Mike Castle gave a general overview and then handed the meeting over to Mr Lucas-Smith, who gave the more detailed
15 exposition.

Q. I follow that but I am just concentrating on Mr Castle for the moment. Mr Castle's overview - and I will just read you the note:
20

"Mike Castle tabled the briefing, provided overview of weather report in particular noting Monday extreme situation."

25 That is consistent with what you can recall of what was being said, I take it?

A. Yes.

Q. It would appear from notes taken by Claire
30 Wall who was also present - Claire Wall is who?

A. An officer of the Chief Minister's Department who I think assists in maintaining cabinet reports.

35 Q. Mr Castle also suggested that Monday would be a 1:40-year weather event and that the current fire event was a 1:20-year event?

A. Yes.

40 Q. And that - I suppose you have to take my word for it - sounds consistent with what had been said the previous day at the planning meeting?

A. Yes.

45 Q. I think on the video of the meeting Mr Castle is also heard to say words to the effect:

"We are describing this fire event as 1:20 years because it's probably equalling or surpassing 1983."

5 And Mr Wood then responds:

"Better than the fires a year ago. That was a pretty bad day."

10 Do you recall an exchange like that?

A. No, not particularly.

Q. Mr Lucas-Smith then began and he provided an overview of the fires, the spread, the method of
15 containment and referred to some detail in relation to the fires themselves; is that your recollection?

A. Yes.

20 Q. He referred to the previous day's discussions with New South Wales, according to the note?

A. Yes. I think he did.

Q. Said that New South Wales had provided 200
25 firefighters under cross-jurisdictional arrangements?

A. I can't recall.

Q. What I would like you to do, Mr Keady, is
30 perhaps listen to what I put to you and, if you disagree with something I have said or suddenly have a recollection of it, please let me know.

A. Yes.

Q. Mr Lucas-Smith also referred to some estimate
35 of 23,000 to 24,000 hectares and noted that it was mostly the Corin catchment which was affected. At about that point it appears from the notes that the Chief Minister asked a question. The question
40 he asked was:

"How close is McIntyre's to the ... forest?"

45 Do you recall the Chief Minister intervening to ask that question?

A. No.

Q. The answer he was given was between one and two kilometres. There was some discussion, it appears from the note, that the problem was spotting; that was described as a main problem and could occur over several kilometres. Do you have

5
A. No.

Q. There was some discussion about infrastructure and the MacGregor substation?

10
A. I can't recall the detail. There was a discussion about the potential impact on transmission lines and the MacGregor power station, yes.

15

Q. I will refer to the particular passage in relation to this next part because it is apparently you speaking. The document I am referring to is exhibit 29. I failed to note the number that the document now has. It is the notes taken by Mr Kwiatkowski. I can read the passage in any event. I will read the next step to you, Mr Keady, your name is written "Tim Keady chief executive JACS" and what is attributed to you is the following: "Other important potential effects urban periphery" and then it looks like "ANS urban firefighters - or - urban fighter." It is hard to tell whether it is singular or plural. Do you recall what you were there referring to?

20
25
30
A. No, I am sorry, I can't.

Q. You can't help us with what "other important potential effect in urban periphery", what those words might mean?

35
A. Other than what they apparently mean, no.

Q. What is written looks like a summary. You wouldn't have simply sat there and said, "Other important potential effects urban periphery," because no-one would have understood what you were saying. You were obviously describing something or making a comment about something which affected the urban periphery?

40
45
A. Look, I understand. I could have been asked a question or a question may have asked about what the potential was and what the response may have been if that potential had been realised, but I

don't recall.

Q. I don't suppose you remember what you said?

A. No. I don't know.

5

Q. There was then some discussion about arsonists. There seemed to be some concern in the cabinet about arsonists and in particular in the area of the Uriarra Road and Black Mountain. I think what the notes are doing is describing those areas as being targets for arsonists. Do you remember some discussion?

10

A. Not the detail. But throughout the period it would have been mentioned to cabinet that the arson activity was a major concern, was a major fear and it was a kind of impact that could occur anywhere any time.

15

Q. It was then stated - I am not altogether sure by whom - the last previous name that is recorded is yours. That doesn't necessarily mean that what follows is out of your mouth, but somebody then said:

20

25

"Principal threat to major structure and urban is McIntyre. Bendora, Tidbinbilla tracking station threats. May need to be very quick decision made. Depending on where to deploy resources."

30

Now, the words that particularly I'm interested in are the words "principal threat to major structure and urban is McIntyre". Do you recall who made that statement?

35

A. No, I don't.

Q. Mr Tonkin also made a note of this meeting. His note is [ESB.DPP.0001.0104] if we could have that, please. Just go down a little bit. There is not much more to it than what is on the screen at the moment. That appears to be Mr Tonkin's note. You see there are some part that is "redacted" the unredacted parts including reference to the Uriarra forest being at 70 per cent risk. Do you recall that being said?

40

45

A. No, I can't.

Q. Mr Kwiatkowski then records some discussion about when a declaration of emergency or state of emergency would be made. That was obviously a matter for discussion during the cabinet meeting -
5 when and by what means?

A. Yes, it was discussed. But, again, I don't remember the detail.

Q. But it is clear, isn't it, that from your
10 general recollection, assuming at least you have a general recollection, that what was being discussed at that meeting was of sufficient gravity to require a discussion amongst members of the cabinet and those briefing cabinet about the
15 realistic possibility that a state of emergency would need to be declared?

A. Yes. Part of that discussion included the possibility of the ACT's power supply being lost as well.

20

Q. Yes, I understand that. Mr Castle has given evidence, particularly at page 1864 of the transcript, that he at least was equating the declaration of a state of emergency with an impact
25 by the fires on the suburban area. Do you remember that being discussed or referred to during the course of the briefing?

A. Well, I am sure we discussed the possibility of fires impacting on the urban area - yeah.

30

Q. After the discussion about arsonists which arose, it is suggested in these notes that you then led a discussion about sustainability issues. The note simply says "Tim Keady - sustainability
35 issues". Do you recall what you said in relation to sustainability issues?

A. I think, as best as I can recollect it, it was a concern that I had about the limited number of people that we had available to direct the
40 firefighting effort. The length of time it had been running, the length of time it was likely to run and how we were going to maintain the effort.

Q. How we were going to?

45 A. How we were going to maintain the effort.

Q. Was shortage in people or money or --

A. It wasn't money. Whatever was going to be required, it would be made available. It was more the people.

5 Q. Which people are you particularly referring to?

A. Those in executive positions or decision-making positions.

10 Q. There weren't enough of them?

A. No.

15 Q. Were you given information or was that being sent to you by Mr Lucas-Smith, Mr Castle or any of those senior people at ESB?

A. I think it is part of my observation. Those individuals, for example, were a part of my concern.

20 Q. What was the response? What was the answer to getting more people?

25 A. Well, if we could. There was no inhibition that prevented us from getting people wherever they were available. The kinds of skills we needed weren't really available to us. We were talking about people capable of directing a firefighting effort, a 24-hour a day operation.

30 Q. Was there a discussion about the availability of people like that from other states - New South Wales, Victoria, South Australia, Queensland?

35 A. I don't know if we went into it in those kind of details in cabinet. But I think I had indicated, because I made my own inquiries, the difficulty of trying to find people particularly given the fire situation which was affecting other states.

40 Q. Did anyone, either you or anyone else, put forward a potential solution or line of inquiry as to how this problem might be solved?

A. No, I didn't have a solution other than make inquiries of other states to see if we could get from them personnel with the appropriate skills.

45

Q. Did anyone else offer opinions as to how shortage of personnel might be solved?

A. Not that I can recall. I think they would be looking for advice.

5 Q. Did anyone - Mr Lucas-Smith or Mr Castle, for example - describe what the consequence of this lack of people qualified in executive positions or in command positions was, what was happening, what was going wrong as a result of this shortage?

10 A. I don't think things were going wrong. It was a question of whether they could maintain the pace given the need to maintain 24-hour operations. We had been going for over a week at that stage, and it wasn't clear how much longer we had to go. So exhaustion was the issue.

15

Q. Was the problem solved?

20 A. No. We were able to find people at various levels from the military and elsewhere who became available to us. But when it came to the Chief Fire Control Officer and people who were acting in his role when he wasn't there, no, we didn't.

25 Q. It appeared Mr Lucas-Smith certainly agreed with you because he said under "extreme situations he would need more resources", according to the notes and said, "New South Wales resources would assist". But as it is quoted in Mr Kwiatkowski's notes, "Logistics are problematic"; do you recall that being said?

30 A. Not particularly, no.

Q. Part of the discussion was about cost?

A. Yes.

35 Q. A million dollars had been spent up to that point; that is in the week between the 8 and 16th?

A. Yes.

40 Q. There was some kind of disaster threshold of \$4.78 million, which I think was being suggested by whoever was doing the provision of information here, that the cost would go beyond the \$4.78 million disaster threshold?

45 A. Yes. There is a threshold for financial assistance from the Commonwealth, which differs from jurisdiction to jurisdiction. That would have been a reference to our ability to recoup

some of our expenditures.

5 Q. It appears that the next thing that happened was that the Minister for Police raised a question about the capacity of the State Emergency Service and whether they could provide assistance around the urban areas. Are you able to recall whether that was said?

10 A. No.

15 Q. In Ms Wall's notes she noted that if defence aid the civil community, then it doesn't cost the ACT. That seemed to be a factor. Is that right that if the Commonwealth Department of Defence provide aid to the civil community, then the ACT government doesn't have to pay for it?

20 A. I think that is the arrangement with the military. They might charge for consumables but not for the time of the personnel.

25 Q. Her notes suggest that the Australian Defence Force Academy could be used for, as she notes it, "ambulance if necessary"?

30 A. I don't recall.

35 Q. If that note is correct, then the need for ambulance was at least being discussed at that stage?

40 A. Well --

45 Q. The potential need for ambulance --

A. It was probably more a discussion about what was available in Canberra by way of assistance at short notice.

50 Q. She also noted that somebody said that the fires were, as she noted it, currently in a long chain. And we can ask her about what that meant --

55 A. I think that was the fact that lightning strikes extended from the north of Canberra down to Victoria.

60 Q. Mr Castle then provided an overview in relation to the Emergency Management Act under which the chief police officer became the emergency controller if a declaration was made.

Then after that discussion, a number of decisions were made. Informally Ted was to become the Acting Minister for Police and Emergency Services - that is Mr Quinlan obviously?

5 A. Yes.

Q. There was an issue as to whether that was appropriate. The note says "need to make sure it is appropriate". A cabinet minute was formulated which became the basis of the minute which finally became prepared, which you no doubt have seen?

10 A. The cabinet minute?

Q. Yes. You have not seen that?

15 A. I am not sure that I have.

Q. It is [DPP.DPP.0003.0084]. You will see it is headed "cabinet minute" and each decision gets a number.

20 A. It is a standard document generated after a cabinet meeting.

Q. It says:

25 "The Cabinet:

(a) noted the briefing tabled by The Minister for Police and Emergency Services and further information provided by officials from the Emergency Services Bureau regarding the current fire situation and forecast weather report;

(b) noted the advice on costs incurred to date;

(c) noted that a public information system has been put in place and will be activated as required by ESB in consultation with the Department of Urban Services."

Pausing there, I don't think the notes particularly refer to any discussion about that, but that refers to the arrangements with Canberra Connect, doesn't it?

45 A. I think so, yes.

Q. And (d) states:

5 "Noted that if the situation deteriorates:
(i) under the Emergency Management Act, the
Chief Minister can declare a state of
emergency at which time:

10 (a) the chief police officer is transferred
into the position of controller; and.

15 (b) the chief executive of the Department of
Justice and Community Safety becomes
responsible for coordinating support within
the administration."

15 That is you?

A. Yes.

20 Q. And finally:

(ii) that it may be necessary for cabinet to
be recalled to decide, or if necessary the
Chief Minister may decide alone, whether to
withdraw, abandon or protect specific
25 property or assets."

A. Mmm.

30 Q. So you by virtue of this minute take on
responsibility of co-ordinating support within the
administration?

A. Yeah.

35 Q. Which I take it is effectively a formalisation
of what you had been doing to that point anyway?

A. Not really. At that stage my activity was
more informal. ESB was managing the fire
suppression effort. This was anticipating an
entirely different set of circumstances.

40 Q. The co-ordinating support within the
administration, was that dependent upon the
declaration of a state of emergency?

A. I think that's what that note was
anticipating, yes.

45

Q. Now, this isn't in the cabinet minute but the
notes record after those dot points are summarised

the chances of a declaration having been made were between 40 and 60 per cent. Do you recall any discussion about a percentage chance of the need for a declaration of a state of emergency?

5 A. No, I don't.

Q. It was also noted in Claire Wall's notes, I think, that the suburbs at greatest risk were Dunlop and Weston Creek. Now I'm not from
10 Canberra but as I understand it Dunlop is basically the far north-west tip of the suburban area; am I right about that?

A. Yes, I think so. Yes.

15 Q. If you looked at a map of the entire area of the Canberra suburbs, Weston Creek would be - that's the area generally which includes Duffy of course where the fires did hit - somewhere like a mid point if you were travelling from Dunlop down
20 the western boundary; would that right?

A. The big point I suppose if one looks at the whole --

Q. Looking at the whole suburban area?

25 A. The western periphery, yes.

Q. Just looking at a map, it seems to me that the distance from Dunlop to Weston Creek is in the order of 10 to 15 kilometres if you just put a
30 straight line on the map?

A. Probably.

Q. Does that sound right to you, too?

35 A. Yes.

Q. They were described according to notes as the suburbs of greatest risk. Do you recall that being referred to?

40 A. No, I don't particularly. I suppose depending on what kind of scenario one was working to, they were the areas that - no, I don't.

Q. That is essentially the information, as I understand the evidence at the moment, that tells
45 us what happened in that cabinet briefing. Is there anything that I have asked you about so far that you can recall is incorrect or was not said?

A. I can't recall anything that was incorrect. I think in the broad that would account for the meeting.

5 Q. There doesn't seem to be in any of that material any reference to a discussion about a warning to the Canberra community apart from, in fairness to the proposition, that part of the cabinet minute which refers to a public
10 information system being put in place. But apart from item (c) in the minute, as best as I can tell, there is no evidence to indicate that warnings to the Canberra public were discussed; do you agree that that was something that wasn't
15 discussed?

A. Well, given the state of my recollection, I'm not going to contest the comment, but the reference to Canberra Connect I think was in the context of a discussion about how to keep the
20 community informed.

Q. You are not going to be able to tell us any of the details of that discussion?

A. No, I can't recall.
25

Q. It appears that the minute taker Kwiatkowski, Wall and Tonkin haven't referred to it, so do you allow for the possibility in those circumstances that there in fact was no discussion?

30 A. Well, it is reflected as a decision.

Q. Yes, that's right.

A. So the decision normally reflects the outcome of a meeting, which in turn would reflect
35 something that was discussed there.

Q. Can you recall any minister or the Chief Minister asking for information about the probability of the impact on the suburbs?

40 A. No, I can't.

Q. Can you recall any minister or the Chief Minister asking for some assessment of what the nature of the impact on the suburbs might have
45 been or might be?

A. No, I can't.

Q. Can I jump forward to the following day and indeed to the following evening, Mr Keady, and to a planning meeting which occurred on 17 January at 6pm. It is [ESB.AFP.0110.0865]. While that is coming up, rather than leave you in the dark, as it were, I want to tell you something else about the evidence to perhaps assist your recollection. Mr Castle has some phone records of his. Perhaps the first thing I should say is this meeting, as you can see, is on Friday the 17th of January at 6pm. Just noting that time and date, can you recall whether you were at that meeting?

A. No, I can't.

Q. It would appear that at 10 past 7, you and Mr Keady spoke on the phone, according to Mr Castle's phone records. It seems he rang you at home and a conversation, I am not sure necessarily it was with you, went on for some minute and a half. You spoke again that night, much later, at 9 minutes to 10. Sorry, I said you spoke - he rang your home and a conversation which lasted for some 7 minutes transpired.

There are two possibilities: one is that you were at the meeting, and the phone calls were for some purpose not related to that meeting necessarily; another possibility is you weren't at the meeting and you were brought up to date with what was going on. Does that help your recollection at all?

A. It doesn't. No, I don't particularly recall the phone call. I have a vague recollection of receiving a phone call. There were other events occurring. I assume the phone calls were in the context of keeping informed of those events.

Q. I am sure that is right. At that planning meeting on the 17th, predictions were being made about, at this stage, when the fire would have an impact on the suburban area. If you go across to the second page of this document under "planning", it says:

"Mr Rick McRae stated that we need to assess the risks of the new situation, given the weather and the fire behaviour conditions.

5 Rick provided an overview of unattended fire
behaviour for various periods until tomorrow
afternoon. There is the potential for the
fire to reach Uriarra by midday tomorrow -
that is Saturday obviously - 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.

10 There is a significant threat to the pine
plantation as a result of the McIntyre's
fire."

15 Q. Does that help you to recall whether you were
there or whether you were not?

A. No, I don't.

Q. Do you recall those predictions?

20 A. Not specifically, no.

Q. Do you recall being aware of those predictions
on the 17th of January or being informed of them
at some stage by somebody, whether Mr Castle or
somebody else?

25 A. Well, not particularly. I have a recollection
of the deteriorating situation particularly in the
rural areas where fire had moved from Bendora into
populated areas - sorry, the other major event I
30 think was the evacuation of Bulls Head staging
area, which was a particular concern.

Q. A planning meeting was held at 9.30 on
Saturday morning. Are you able to say whether you
35 went to that meeting?

A. I can't recall it but I think I would have
been.

Q. I will perhaps show you the minutes to see
40 whether that helps your recollection
[ESB.AFP.0010.0266]. Perhaps if we could go
across to page 0267 and looking through what is
recorded under "planning considerations":

45 "There is significant potential for long
distance spotting today. Watchouts much be
read and implemented and safety procedures

followed."

It goes on:

5 "Current areas of concern include:

A potential run from McIntyre's fire
impacting on Weston Creek to Greenway and
potential west and south Belconnen resulting
10 from a more westerly wind."

And so on. Does that assist your recollection as
to whether you were there and took part in that
discussion?

15 A. It doesn't help me with any specific
recollection. My only recollection is that, with
a deteriorating fire situation, that recollection
would be consistent with that.

20 Q. It would be, but you can't recall whether you
were at this meeting or not?

A. No. As I said, I think I would have been.

Q. In some handwritten notes that go with that
25 [ESB.AFP.0010.0278], at 0280 in the course of that
discussion it has been noted there have been "high
levels of exposure, potential from run from
McIntyre south-east Weston Creek to Greenway, more
westerly, west Belconnen and south Belconnen" and
30 so on. Do you recall any discussion along those
sorts of lines at that meeting?

A. No, I don't.

Q. Having shown you the minutes and referred
35 briefly to the notes, you are not simply able to
say whether you were there or not?

A. No.

Q. Were you at the midday media briefing?

40 A. I don't think I was. Do you mean did I attend
it? No, I don't think I did.

Q. You didn't attend it?

A. No. I don't think I did. I don't have a
45 particular recollection of it. I think I would
have been probably in Mike Castle's office where I
attempted to stage myself at those times.

Q. He did the talking, to start with. I think at about midday on the 18th of January - the document is [DPP.DPP.0004.0047]. Have you looked at a transcript of what was said that day?

5 A. No.

Q. Have you watched the video of it?

A. No.

10 Q. Did you play any part in what was going to be said?

A. No.

15 Q. Did you discuss, for example, with Mr Castle what he would say?

A. I don't recall any discussion of that kind.

Q. Do you recall him rehearsing with you - I am not suggesting --

20 A. He may have told me what he was intending to say, but I didn't dictate to him --

Q. No, I am not suggesting that you were dictating - we dealt with that issue on the last occasion. I am simply seeking to find out whether you can recall whether, for example, he either asked you for advice about what should be said; whether you made any suggestions; whether there was any discussion at all as to what should be said, bearing in mind that this was a live media conference in which the public would get some information as to what was happening with these fires?

30 A. I have no recollection, no.

35 Q. Did you have any views as to what should be said in that media briefing itself?

40 A. I can only form a retrospective view. I don't know what my view was at the time. My general stance would have been it was simply to convey whatever information was available to be conveyed. There was no reason to do otherwise.

45 Q. By midday on 18 January, was it your view, can you recall, that people on the western edge of the suburbs of Canberra were entitled to be told that there was a significant chance that they would be

directly affected by this fire?

A. With the benefit of hindsight --

5 Q. No, that's not what I asked you. I asked you whether you can recall holding that view at the time?

A. I can't recall holding that view at the time.

10 Q. I take it, with the benefit of hindsight, your view would be yes?

A. Yes.

15 Q. Mr Castle opened the media conference with the words - apart from good morning and so on:

"Yesterday, fanned by strong winds from the north-west, the three fires now do pose some difficulty for the ACT."

20 It was a bit more than "some difficulty", wasn't it, without the benefit of hindsight?

25 A. I can't recall exactly what we knew about the fire situation. The information flow into Curtin tended to be erratic but, yes, certainly looking back on it, it was a serious situation and perhaps that comment understates it slightly.

30 Q. You would accept, I take it, that overall the information which went out on the 18th and indeed on the day or so prior to it effectively - without suggesting whether it was deliberate or not - the effect of it was to significantly understate the level of risk, as far as you can see now?

35 A. It wasn't deliberately understating, I think the --

Q. But that was the effect, I suggest.

40 A. It didn't anticipate or tell the public, I guess - well, it certainly didn't anticipate what was going to happen. Looking back on it, Friday may have been the time to provide people with some indication that the situation was getting serious to the point of being unpredictable. It would not have been possible on Friday to have anticipated
45 in a way that would have led to specific warnings to the public what actually occurred. That was not - certainly in my own mind - not even

conceived of as a possibility until after the event when we realised it could happen.

5 Q. Was there any reason why on the 16th of January after the cabinet meeting, for example, the people in the suburbs of Canberra could not have been told that there was a potential serious impact for the urban area as a result of the New South Wales fires?

10 A. Is there any reason why not?

Q. Yes.

15 A. There is no reason why not. I guess the more relevant issue is any reason why. I think at that stage the level of risk didn't appear sufficiently high enough.

20 Q. What is the disadvantage in telling people on the western edge of Canberra, giving them the same information about the potential serious impact that was given to the ACT cabinet?

25 A. Well, there is no disadvantage. The question might arise about what it was we could say to them. Particularly given that the inevitable demand would be for more specific information, times, likely impact and that kind of thing, which I don't think anybody at that stage would have been in a position to provide.

30 Q. It would have enabled people to begin preparation, wouldn't it?

A. Possibly.

35 Q. It would have enabled people, for example, who at that weekend had the intention as is often the case here, to travel to the coast to think twice about leaving their house?

40 A. I think anybody associated with that event had been able to anticipate what happened on Saturday, they might have been issuing all kinds of warnings well in advance --

45 Q. Mr Keady, you are not understanding my question. I am not suggesting for a moment that you, for example, or anyone else back on Thursday the 16th would have been able to anticipate exactly what happened, the magnitude of it when

and where. I am not suggesting that for a moment. If ESB are telling the ACT cabinet on Thursday the 16th that as far as the New South Wales fires are concerned there is a potential serious impact for the urban area, what is the disadvantage in letting people know that that potential exists?

5
A. I think the kind of impact cabinet was being told of was a worse case scenario. It wasn't really at that stage within the realm of immediate expectation. It was a discussion which was intended to canvass it widely, the possibility. There is a difference in terms of people's mindset at the time between possibilities and probabilities. It wasn't at that stage a probability.

10
Q. Does it have to be a probability before people can be informed that it's a potential serious risk?

20
A. I think any answer to that has to be conditioned by our understanding of what occurred on the 18th. I think at this point it is impossible to speculate about what may or may not have occurred in the time leading up to that, without having that event in mind.

25
Q. Let me ask the question in a slightly different way: If ESB thought it was appropriate to raise with the cabinet a potential serious impact to the ACT -- I will add the pines in because that is the way it appears in the briefing paper - ACT forest pines and then subsequently the urban area and that the urban area is listed as an asset under potential threat. If that was information fit to be heard by the cabinet, why wasn't it fit to be heard by the people in the suburbs themselves?

30
A. Well, you are putting --

40
Q. At that stage. Never mind what happened on the 18th.

A. What it appears you are putting to me that some deliberate decision was made --

45
Q. No, no. I am just asking: one of the things I am trying to find out is why that information wasn't conveyed. It wasn't. I am wondering

whether you can help us on that.

A. I can't give you a reason for something that wasn't in people's contemplation at the time.

5 MR LASRY: I have no further questions of the witness.

THE CORONER: We might take the morning adjournment.

10

SHORT ADJOURNMENT

[11.20am]

RESUMED

[11.42am]

15 THE CORONER: Have you finished your examination, Mr Lasry?

MR LASRY: I have finished, thank you, your Worship. I have no further questions.

20

<CROSS-EXAMINATION BY MR ARCHER

MR ARCHER: Q. I am the representative for the Australian Federal Police.

25

Going to 18 January, do you recall a meeting that occurred at Curtin at about quarter to one, probably in the office of Mike Castle that involved Sergeant Steve Kirby?

30 A. Not particularly, no.

Q. First of all, do you recall that meeting happening?

35 A. I've seen references to it, but, no I, I can't recall.

Q. You made reference in your evidence at some time that the information flow into Curtin tended to be erratic. I think at that point you referred to days prior to the 18th or perhaps earlier in the morning of the 18th. Was it doubly so on the afternoon of the 18th that the information coming into Curtin - it was difficult to make sense of the information coming into Curtin during the afternoon?

40

45 A. Yes. The difficulty was trying to predict - find out exactly where the fire front was and

which areas were under threat. That had been a problem that had occurred over a period.

5 Q. So far as the movement of the fire into Duffy amongst those back at Curtin, only had a sort of a sketchy view of what was going on in the ground in the hour or two immediately after that?

10 A. Speaking for myself, yes.

MR ARCHER: Thank you.

15 THE CORONER: Thank you, Mr Archer. Mr Pike, do you have any questions of Mr Keady?

MR PIKE: No, thank you, your Worship.

THE CORONER: Yes, Mr Whybrow.

20 **<CROSS-EXAMINATION BY MR WHYBROW**

MR WHYBROW: Mr Keady, I represent Mr Castle.

25 Q. You were asked a number of questions about the cabinet meeting on the 16th of January and you indicated generally a poor recollection of the events that occurred in that meeting.

A. Yes.

30 Q. But you made reference to transmission lines and substation I believe on a couple of occasions in your recollections. Do you recall generally making some comments about those issues, the transmission lines and the power to Canberra?

35 A. Yes.

40 Q. In the context of the discussion of the possibility of a need for a declaration of a state of emergency, are you able to say what part that subject took in those discussions?

45 A. Well, it was general context or background. There was just a discussion about the fire effects. At that time one of the concerns was for the transmission lines into Canberra. The transmission lines had an area that was cleared which intended to prevent direct fire attack on them. There was a technical discussion about the

problem of thick smoke and what that can do to
cause power arcs, and this kind of phenomenon and
I think that was speculated about as something
which might cause interruption or cessation of
5 power supply, and of course there was the
MacGregor power station itself. That was part of
the infrastructure issues that was raised in the
course of the meeting.

10 Q. Is it your recollection that, at least on that
subject, that would be in the context of such
power disruption could lead to the possibility of
a state of emergency needing to be declared?

15 A. Yes. Had a significant pure outage occurred
or some damage caused to either the lines or the
power station, that would have had a very severe
and immediate community impact.

MR LASRY: I am sorry to interrupt, I do so
20 perhaps not so much by way of objection but by way
of clarification. This witness has spent a
significant amount of time telling me that he has
very little in the way of recollection, despite
being attempted to be prompted by notes and other
25 resources in relation to this briefing. If he is
now answering questions of counsel on behalf of
Mr Castle from a direct recollection and can
recall the actual portion of the discussion to
which he is being referred, then I would ask that
30 that be made clear so I can understand whether he
is recalling a particular conversation which is,
in a sense, an island in a sea of lack of
recollection or whether it is in a sense a
reconstruction or some level of speculation.

35 I think it is important in the context of this
man's evidence that that can be made as clear as
it can be.

40 THE CORONER: Q. Mr Keady, do you recollect this
discussion at the cabinet meeting or are you now
reconstructing it based on information that has
come to be subsequently?

45 A. Well, it is perhaps a bit eccentric but a
couple of things that stand out from that
meeting - they are the islands that counsel
assisting has mentioned - is I remember some

discussion about corroboree frogs as one of those things that stuck in my mind when it was mentioned. The other thing I recall about the power lines was the discussion - prompted by
5 somebody about the possibility of thick smoke causing power arcs or something of the kind. It was just one of those things that stuck in my mind. I can't take it beyond that.

10 I mentioned before something about the MacGregor power station as being a concern. I don't think it is so much a matter of reconstructing. It is just for some reason those two things, because of their unusual nature, stuck in my mind.

15 MR WHYBROW: I indicated at start of my questions one of the things Mr Keady did mentioned - and in fairness to him so this issue could have been avoided I should have taken him to the transcript
20 at 3496 where a question was asked about briefing cabinet about the realistic possibility of a state of emergency would need to be declared and at the top of page 3497, he said:

25 "Yes, part of that discussion included the possibility of the ACT's power supply being lost as well."

30 So I understood that was something that there may have been a recollection of.

Q. I think the question I asked, Mr Keady, was along the lines of: if there was such disruption to those particular power lines or that particular
35 substation that would potentially result in serious impact to the urban area of Canberra?

A. It would be on the Canberra community, yes.

40 MR WHYBROW: No further questions. Thank you.

<CROSS-EXAMINATION BY MR PHILIP WALKER

Q. You recall being asked earlier on some questions about an interview that Mr Koperberg
45 gave about the threat that the fires represented to New South Wales and, for that matter, to the ACT. Do you recall those questions before we

broke?

A. Yes.

Q. Do you have any recollection of either
5 Mr Lucas-Smith or for that matter any person
asking you to make contact with Mr Koperberg in
respect of the comments which he made in the media
in that regard?

A. No, I don't. I've seen references to that but
10 I don't recall, no.

Q. I think you said earlier on in your evidence,
when it was put to you there was a difference in
what Mr Koperberg said and what Mr Lucas-Smith
15 said at this meeting with Mr Koperberg, I think
you gave an answer that that difference was
"apparently raised" I think you said. Do you
recall an answer to that effect?

A. I think what I was referring to was that I was
20 aware that this had been mentioned in this
inquest.

Q. It wasn't a recollection of something that
occurred at the time?

A. It wasn't a specific recollection of mine. It
25 was just acknowledging that I was aware the issue
had been raised by others.

Q. One final question: in the various times that
30 you had been to the Emergency Services Bureau, did
you see anybody who, in your view, was doing
anything less than giving 100 per cent effort and
attention to combating these fires?

A. No, quite the contrary. It was, I think,
35 extraordinarily wearing on everybody, particularly
those who were there, you know, undertaking
permanent duty. This event went for nearly a
month. People working extraordinarily long hours.
That's why I was concerned in the week leading up
40 to the 18th about the ability of some of those
people, and particularly those who had significant
command and control duties, to last the distance.

Q. You have had experience with the New South
45 Wales Rural Fire Service and now the ACT Bushfire
Service. I am just wondering if you could give
her Worship some idea of the differences in their

capability.

A. Well, in comparison, your Worship, the ACT's fire service is tiny. We are talking normally around - apart from the volunteer group - a
5 permanent staff of four or five. I don't know what the permanent staffing structure of New South Wales service would be, but its volunteer base is in the tens of thousands. We are talking of a volunteer base I think somewhere in the vicinity
10 of 70,000-90,000 people, a very sophisticated headquarters and permanent staffing structure in place to support it, and a resource base which in comparative terms orders of magnitude greater than anything the ACT would have.

15 Despite that, New South Wales occasionally can find itself in situations where it requires assistance. Indeed that happened in 1994 where its own resources at that time were insufficient
20 to cope with the range of threats that were then occurring.

An example I have used in respect of the ACT is that, to some degree, the ACT - given its size and
25 resources it has - is almost comparable to one of the largest shires in New South Wales. So when very, very large events occur it is unable, I expect if one takes January the 18th as a touchstone, would always be unable to cope with
30 something of that size and that duration with its own resources.

MR PHILIP WALKER: Thank you, your Worship.

35 THE CORONER: Mr Craddock, do you have any questions?

MR CRADDOCK: No, thank you.

40 THE CORONER: Mr Johnson?

MR JOHNSON: No, thank you, I have no questions.

THE CORONER: Any re-examination?

45

MR LASRY: Yes.

<RE-EXAMINATION BY MR LASRY

MR LASRY: Q. As a senior bureaucrat or public
servant, someone involved in government
5 administration, do you see that in this case and
now very much with the benefit of hindsight that a
significant problem in dealing with these fires
was effectively the border between the ACT and New
South Wales; that is, there was either some level
10 of lack of coordination between the ACT on the one
hand and New South Wales on the other, or that in
some real way the border created an obstruction to
a smooth response to these fires?

A. In terms of the on-the-ground command and
15 control, it would be better to ask somebody who
was directly involved. But I think the border can
be an issue. I think it probably was on this
occasion. We had two jurisdictions managing fires
which were of direct relevance or significance to
20 the ACT.

It would have been desirable but for the border to
have had the whole range of fires managed by a
single authority I think, because that would have
25 ensured a flow of information, a degree of
coordination, use of resources, those kinds of
things that is harder to achieve when one has to
negotiate across the border.

30 Despite that, that is not a criticism either,
because the amount of goodwill that has always
existed and the degree of actual co-operation has
been very, very high. But borders do have their
consequences.

35 Q. Yes, goodwill is one thing, but Mr McRae, for
example in the course of his evidence last week
said on several occasions: "We were managing the
fires in the ACT and we assumed New South Wales
40 were managing the fires in New South Wales," so
the effort which was an effort in relation to
fires, which were obviously in all other ways a
collective of fires threatening Canberra, it was
segmented by jurisdictional border, that's a
45 disadvantage surely, looking at it from the point
of view of a government administrator?

A. In an event of this magnitude, yes,

particularly where you have got the potential for fires to move across borders. Indeed, the fires in the ACT moved into New South Wales at one point.

5

MR LASRY: Thank you. I have no further questions.

THE CORONER: Mr Keady, you are excused.

10

<WITNESS EXCUSED

MR LASRY: Ms Cronan will take the next witness.

15

MS CRONAN: I call David Trevor Ingram.

<DAVID TREVOR INGRAM, SWORN

<EXAMINATION-IN-CHIEF BY MS CRONAN

20

MR WHYBROW: Would your Worship excuse me please.

THE CORONER: Yes, Mr Whybrow.

25

MS CRONAN: Q. Please tell the Court your full name?

A. David Trevor Ingram.

Q. Your current occupation?

30

A. Logistics co-ordinator with the ACT Bushfire and Emergency Services.

Q. You made a statement in relation to the bushfires in January 2003?

35

A. That's correct.

Q. That is dated 9 October 2003?

A. I take it as that.

40

Q. If the witness could be shown [ESB.AFP.0111.0291]. While that is coming up, have you had an opportunity recently to go through the statement that you have signed?

A. Yes, I did.

45

Q. Is there anything in that statement that you would like to correct?

A. No.

Q. Could you outline firstly what formal qualifications you have?

5 A. Various qualifications starting with my firefighting qualifications. I have a Dip Ed in adult education. Attended numerous courses in logistics management. I have assisted in major operations with logistics in for instance, the
10 Thredbo landslide, Canberra Hospital implosion, Canberra 2001 fires. I assisted with the logistics with the Olympic Games in Canberra in 2000. A good background in logistics and numerous qualifications - probably too many to mention what
15 I've done over the previous years.

Q. What is your professional experience?

A. My background? I joined the Public Service in
20 1980 and was in various positions throughout the Public Service as mainly doing procurement. In 1995 I joined the ACT Emergency Services Bureau.

Q. That was as their logistics officer?

A. No, originally as the operational support
25 officer, then I changed in 1997 to the logistics coordinator for both bushfire and emergency services.

Q. You have remained there till --

30 A. I am still there now.

Q. -- this day. What did your role as logistics officer entail in general?

A. In January?
35

Q. In general since 1997?

A. In general, it is my job to make sure that we have the equipment out there at the brigades ready to go operationally, to make sure our resources
40 are available at stores, such as overalls, boots other firefighting consumables. We have a cache of equipment over at Belconnen store, which I maintain to make sure we have consumables ready for any incident, for both Bushfire and Emergency
45 Services.

That basically is my job, to make sure that the

volunteer side of the service has the best possible equipment to deal with any combat or any incident we have got.

5 Q. In Paragraph 6 of page 1 of your statement you say:

10 "Within the Bushfire and Emergency Services, each depot has been allocated a certain number and configuration of vehicles as determined by the Chief Fire Control Officer, being Mr Peter Lucas-Smith."

15 Can I just take you through what our understanding is of the vehicle resources that are available as at January 2003.

A. The ACT resources?

Q. The ACT resources.

20 A. Okay.

Q. As at January 2003?

A. As when we were ready to start as of 8 January?

25

Q. As of the 8th.

30 A. The ACT currently had at that time 22 heavy tankers and 24 light units which were a smaller version of it, 14 command type vehicles which was just a Hilux ute, one communications vehicle, six troop carriers, numerous trailers, a mobile repeater trailer, helicopter support trailer, six catering trailers, six rescue trailers, one boat.

35 Q. In relation to the tankers and the light units, were they distributed among a number of brigades?

A. They are distributed between our departmental and volunteer brigades.

40

Q. That involved Guise Creek, which is a volunteer brigade?

A. Correct.

45 Q. Jerrabomberra?

A. Correct.

Q. Which is also a volunteer brigade. The Rivers, Molonglo, Tidbinbilla and Southern, volunteer brigades?

A. Volunteer brigades.

5

Q. Hall, Gungahlin, further volunteer brigades, and also you had some units distributed amongst ACT Forests brigades?

A. Correct, and Parks.

10

Q. And the ACT Fire Brigade had their own light units and tankers which they cross crewed as well?

A. They have also got some of our tankers, yes.

15

Q. Do you recall, sir, in the pre-season preparation for the 2002-2003 fire season whether or not there was any discussion to your knowledge amongst senior people of ESB about the impact that the drought might have on fuel loads that season, fire behaviour and any difficulty suppressing the fires?

20

A. At pre-season workshops, Mr McRae always gives a brief overview of what is expected for the fire season. There he will give estimations of what he thinks the fuel loading will be, types of fire behaviour we could be expecting.

25

Q. Do you recall anything significant about the briefings you received in the pre-season workshop to that fire season?

30

A. Only we could be expecting a fairly dry spell and hot weather.

Q. As a result of any discussions you did have, were you asked to do any additional pre-season planning in relation to resources or logistics over and above that normally carried out by you?

35

A. Prior to every bushfire season, as a logistics officer we do a fair bit of pre-planning. We make sure all the equipment in our store is fully stocked and ready to go. We also contact suppliers such as heavy plant movement and equipment contractors to see what is available. To see if they are still the right contact numbers for those people. We also have got a helicopter on contract and also touch base with other suppliers to see what is available.

40

45

Q. That's your normal pre-season planning, is it?

A. We also do a lot of checking of equipment. All the fire tankers go through a pre-season service to make sure they are operational for the fire season. They are carried out by our Kambah workshop. All the equipment out of the helicopter trailer is taken out and made sure it is operational. All the portable dams are taken out and checked for leaks. So a fair bit of planning goes into the logistics side of it.

Q. I appreciate that. What I am trying to find out is whether or not any additional planning was done for this particular fire season over and above that that you normally had?

A. No. We go through a normal check list that we would use and then that was no different to any other fire season.

Q. Could I ask you to have a look at [AUS.AFP.0036.0001].

THE CORONER: There might be some technical difficulty at the moment with the equipment. It has been reported and it is being worked on. There might be some news coming through the door. If you have a hard copy of the document perhaps available, if that is convenient.

MS CRONAN: I have only one copy, your Worship. Perhaps if the witness could be shown this document.

Q. Do you recognise that MOU?

A. It's an MOU between the ACT Bushfire and Emergency Services and the land management agencies.

Q. So that's the ACT government land management agencies; is that correct?

A. That's correct.

Q. And particularly --

A. Forestry Parks and Canberra urban parks and places.

Q. If I take you to 0005 at paragraph 6, does

that MOU outline a requirement for the level of crewing that the government land managers commit to for the tankers and light units that are supplied to them?

5 A. That looks correct.

Q. As you have the only copy of the document, could you tell her Worship what that level of commitment is?

10 A. It says:

"ACT Parks and Conservation - 3 tankers and 3 light units supplied by the ACT Bushfire Service over two shifts (total of 30 personnel including 6 tanker drivers); Canberra Urban Parks and Places - 1 tanker and two light units supplied by ACT Bushfire Service over two shift (a total of 14 personnel including 2 tanker drivers); ACT Forests - two tankers and two light units over two shifts, a total of 20 personnel including 4 tanker drivers."

Q. If you could go over to page 0009, could you outline for her Worship firstly what is meant by the term "standby arrangement"?

25 A. Standby arrangement depends on our readiness for the day. Depending on what the readiness for the day is, depends on how long the crews would be available from when they start to when they finish.

Q. Is there an arrangement whereby a certain number of people are committed to being on standby and available for immediate response to a fire?

35 A. That's correct. Depending on the readiness of the Parks crews or Forestry crews will, according to this agreement, staff their vehicles in accordance with it.

40

Q. These people are literally at the end of a radio ready to respond to the fire throughout their standby period?

45 A. It could be a radio; it could be a pager.

Q. Could you tell her Worship from that document what the standby arrangements were in relation to

the government land managers agencies for an orange day?

5 A. ACT Forests would have two light units, two tankers and three deputy captains; Environment ACT would have three light units and three tankers and three deputy captains; and Urban Parks would have two light units and one tanker.

10 Q. Now, did you have a similar memorandum of understanding with the volunteer brigades?

A. No.

15 Q. What were the standby arrangements? Are they called standby arrangements or standup arrangements?

A. Standup. They call them standup, standby.

20 Q. In that document it is referred to as standby but it is generally referred to as standup?

A. It depends. It is either. It depends who you talk to.

25 Q. What were the standup arrangements for the volunteers?

A. For the volunteers at that time there were none. We would obviously ring volunteers and let them know what the readiness is for the day. Generally a pager message goes out in the morning with the readiness for that day. If possible, because they work, if they have got time off they may attend their stations and stand the vehicle up.

35 Q. Just generally if the fire ignites on say an orange day, how do you get in touch with the volunteer brigades?

A. Okay. The volunteers have a pager system; we can also contact them by mobile phone.

40 Q. If you contact them by either pager or mobile phone, what is their availability? Do you have an arrangement whereby a certain number are available?

45 A. With volunteers each station will have a standby crew - they have different arrangements for different brigades. We don't decide what it is. For example, they would have a standby crew

and they will have to carry the pagers for that particular week. If we set the pagers off, that crew have to make themselves available to be able to go to that vehicle to be able to respond.

5

Q. What vehicle are they crewing, a tanker or a light unit or both?

A. It depends what we have requested when they get there.

10

Q. Sorry?

A. It depends what we ask for when they get there. We may ask them to take a tanker; we may ask them to take a light unit.

15

Q. How many crew members are on standby on each brigade, to you know, say on an orange day?

A. As I said before, there is no particular number. It is as required. Sometimes they will stand themselves up at the station and say, "We are available if you need us." Other times they are volunteers, they are doing their day to day work.

25 Q. I am trying to get an understanding. So, for example, if we use southern brigade as an example. Would you have one person allocated with a pager that you could contact on any given day?

A. For southern brigade, we would contact their captain, then he would notify the people who he has got on his standby crew to turn up to the station to take the vehicle out.

35 Q. Did you have any formal memorandums of understanding with any interstate agencies whereby you could access their resources, if needed, as at January 2003?

A. Not that I'm aware of. That's not my level. I don't deal in that level.

40

Q. What was the standard practice or procedure that you had to go through in order to access interstate resources if required in the ACT?

A. Generally that would be made through the Chief Fire Control Officer, Peter Lucas-Smith. He would contact the interstate agency and generally find a contact person in that agency, logistically it

might be for me to contact - to obtain resources from them.

Q. So he would make the request --

5 A. Yes, there would be some conversation prior to me --

Q. He would just inform you, and you would conduct any work needed to be done logistically to support other agency resources?

10 A. Correct.

Q. Since 1997, whilst you were performing the role of logistics officer, had that procedure worked adequately as far as you were aware?

15 A. Yes, it seemed to work well in the 2001 fires without any difficulty, and it seemed to work okay in the 2003 fire.

Q. Now, you have been through a list of resources that ESB had or had access to in terms of vehicles - I take it ESB did not own or lease any dozers as at the start of the fire season 2002-03?

20 A. That's correct.

25

Q. How did you normally before that season access bulldozers?

A. As I said at the start, we contact suppliers prior to the season started to see what machinery they have available and check on contact numbers. Generally we would make a phone call to one of the contractors to see if we could get a piece of machinery as required.

30 Q. Did you have a list at the start of the fire season of --

A. There is a contact list that goes in our call-out list.

35 Q. At the start of this particular season, did you have a list of people with dozers available in the ACT?

A. Some of the suppliers are in the ACT. The majority are either just on the outskirts of New South Wales.

40

Q. How many suppliers had you identified as

potentially having available dozers in the ACT?

A. I wouldn't know unless I saw the contact list.

Q. Got no idea?

5 A. Two or three perhaps.

Q. Did you have any arrangements with Forests to access dozers that they might have under their control in the fire season?

10 A. As part of the MOU, that is an agreement we have with ACT Forests.

Q. How does that agreement operate?

15 A. Generally any machinery they have got available if requested, as I understand the MOU, is made available to the ACT.

Q. How had that worked in fire seasons prior to 2002-2003?

20 A. I believe they worked fine. They worked well in 2001. They had machinery working at the time and were able to move it quickly to where we needed it.

25 Q. Does that request go through you to Forests or how does it operate?

30 A. Generally it would go through the operational staff, I believe, who are after machinery, and it would filter down to logistics to make sure it happened.

Q. So someone like Mr Graham would make the request of Mr Bartlett, and then you would be apprised of it; is that how it worked?

35 A. Yeah, that's my impression of how it worked.

Q. And you say you had a helicopter on contract. Was any provision made prior to the fire season to access potential sources of additional helicopters if required?

40 A. Yes. We have also got a list of both fixed wing and rotary wing aircraft that we could try and source if we had a fire.

45 Q. Where were those sources situated?

A. Sorry?

Q. Where were those sources situated? Were they in Canberra or were they in New South Wales?

A. Generally all over the place, right down as far as Melbourne.

5

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

A. I don't recall being part of it.

10 Q. Do you recall going to an exercise at Stromlo Forests unit where there was a desktop workshop about how ESB would respond to a fire in the Namadgi, say, in the Stockyard Spur area?

A. I didn't attend a desktop exercise.

15

Q. One other thing in relation to resources: did you have a stock of retardant available?

A. Yeah, we always keep a stock of retardant.

20 Q. Was that able to be used in the national park?

A. It can be used anywhere, wherever they determine it is going to be used. Obviously if there is a water catchment area, consideration has to be given.

25

Q. What kind of consideration has to be given to using that in the water catchment area?

A. The environmental impact it may have on the water supply.

30

Q. Do you know if retardant was used aerially in the catchment area during January 2003?

A. I wasn't present at the fires. I don't know whether they used any.

35

Q. Did you supply any to be used?

A. I supplied lots of retardant. I don't know where it was actually used.

40 Q. As the logistics officer, you participated with Mr Graham, Mr McRae and Mr Lucas-Smith in what was known as the SMT in Curtin; is that correct?

A. That's correct.

45

Q. What was your understanding of how the SMT normally interacted with the incident controller

on the fire ground?

5 A. The Service Management Team, as I see it, is a support to the Incident Management Team on the field. The Incident Management Team on the field would be making decisions on how to fight the fire. That information would be coming back to the Service Management Team. The Service Management Team was there to supply additional information to them such as weather, assistance with logistics and resources, if required, and that type of information.

15 Q. And who normally made the decision about how many resources would be deployed to a fire on any particular shift?

20 A. Generally - the incident controller on the ground is obviously there and can see what is going on and determines in consultation with the operations and planning Service Management Team the requirements for that particular day, and that is passed on to logistics for action.

Q. Who actually makes the decision?

25 A. It is made on the ground by the incident controller, and he will obviously talk to the operations and planning, the Service Management Team and they will come up with an agreed amount of resources which is, as I said before, resourced by logistics.

30

Q. If there is a dispute between the incident controller and the SMT on the amount of resources necessary for the following shift, where does the decision rest?

35 A. I'm not sure. I've never known --

Q. Have you never known that to happen?

40 A. I have never known that. They have usually come to some agreement, and that is what is resourced.

Q. If we could go to your statement, which is [ESB.AFP.0111.0291]. On page 0292, paragraph 7 states:

45

"On 8 January 2003, I was working at ESB in my normal capacity as the logistics officer

when at about 1510 hours I was asked by Tony
Graham" --

To go up in the helicopter and conduct aerial
5 observations. Before you left to do the aerial
observations, did you participate in any
discussions with Mr Graham and/or Mr McRae about
what resources would be deployed to respond to the
fires that had been reported?

10 A. No. My job was to get out to the Weston
police complex.

Q. So you took no role at all in --

A. No.
15

Q. -- contacting units to respond to those fires?

A. No. My job was to go to Weston police complex
and do aerial observation.

20 Q. Do you know who on that afternoon contacted
the units that responded to those fires?

A. It would have probably been through our
operations manager, Tony Graham, through our
communications area.

25 Q. Would he have also made the decision about how
many units were responded to those fires?

A. Yes, he probably would have.

30 Q. Are you familiar with ACT Bushfire Service
standard operating procedure number 7?

A. Sorry, I need its title.

Q. Weight of response?

35 A. Weight of response, yes.

Q. You were aware then that the number of tankers
to be responded to an incident on the initial
response for an orange day is three tankers?

40 A. Three tankers.

Q. And the number of light units, in addition to
the three tankers, is two light units?

A. That's correct.

45 Q. Was it the case that normally on an orange day
you would respond those five vehicles, three

tankers and two light units, to a fire as it was reported out in the forest?

A. Yes, we may also look at sending a remote area firefighting team in lieu of one of those
5 vehicles.

Q. In your experience before January 2003, is that what you invariably did when a fire was reported?
10

MR PIKE: I object. I am not quite sure if the question is "invariably follow the standard operating procedure number 7" or "invariably sent a RAFT team in lieu of one of the others", there
15 is a bit of uncertainty of the question.

MS CRONAN: I will clarify it.

Q. Prior to January 2003, was it your experience that the initial response invariably followed standard operating procedure number 7 by sending three tankers and two light units with the possible exception that you may send a RAFT team instead of a tanker?
20

A. That's correct.
25

Q. But you responded that level of resources.

A. That's an automatic response.

Q. To your knowledge, given the state of readiness that was in place on the 8th of January, were there sufficient resources on standby to have responded with that standard response to Bendora, Stockyard and Gingera fires, hypothetically?
30

A. Hypothetically, I would if I had Parks units and Forestry units and some volunteer units have stood up, we might have been able to meet that automatic response.
35

Q. Do you know why that level of response was not responded?
40

A. No.

Q. What discussions did you have, if any, with Mr Graham about the fires before you left for your aerial observations on 'Firebird 7'
45

A. None really at all. I was requested to go. I

knew what I had to do. I had done it before. I had already heard the traffic on the radio. Alerted of several lightning strikes. I knew we had several lightning strikes, so I made my way to
5 the Weston police complex.

Q. You said you had done it before. Have you had any actual training in aerial observations?

A. In 1996 I completed a week course in aerial
10 observations. In 1997 I completed an aircraft officer's course. This year in 2003 completed an aircrewman's course.

Q. I think your statement says in paragraph 8 you
15 first flew over the Stockyard Spur fire and at 1557 you observed it to be about 50 square metres in circumference. Can you tell the Court, please, what you mean by the phrase "50 square metres in circumference" and what were you actually looking
20 at?

A. Obviously we saw the smoke. We flew over the top of the fire. The pilot gave me a grid reference as being that grid reference and trying to look down under the tree canopy that has
25 already formed, trying to see the amount of fire that is actual alight, the actual ground that is already alight, I suppose.

Q. So can you recall now approximately what shape
30 that fire was on the ground?

A. No. Looking down through the trees it is very hard to see an exact shape. They don't just burn in squares. They are erratic. You have got pieces missing. You just have to make a judgment
35 from what you can see from the air.

Q. You then flew over to the Bendora fire. You were instructed to go back to commence water bombing operations on the Stockyard Spur fire; is
40 that correct?

A. That's correct.

Q. When you first went to the Bendora fire - you haven't mentioned it in your statement, but did
45 you get some idea of the size of the fire when you first saw it?

A. I would have probably put something over the

radio but I can't remember what that is.

Q. I couldn't find anything in there. You have got no recollection about that now?

5 A. No, sorry.

Q. When you returned to the Stockyard Spur fire that afternoon at 1646, you saw that it was now 70 square metres in circumference?

10 A. That's again just an estimate.

Q. With flame height of 1.5 metres. I think you report at 1655 that the Bendora fire was about 100 square metres?

15

THE CORONER: Paragraph 11, is that where you are up to, Ms Cronan?

MS CRONAN: Paragraph 11.

20

THE WITNESS: That's correct.

MS CRONAN: Q. Do you have a recollection now of what you actually were looking at when you made that report?

25

A. Obviously we were trying to see where the fire had got to and where it had burnt already.

Looking from an aircraft probably anywhere between 500 and 1,000 feet through a tree canopy with smoke already on the ground can only give you an estimate. We can only try and give you an estimate. Most of the sizes I would confer with the pilot. He obviously has a lot more flying hours than what I have got. We came up with that size.

30

35

Q. If we go to page 0294 at paragraph 16, you have recorded there that:

40

"The Bendora fire was now 100 metres by 50 metres. The understorey had not reached the trees. The flame height still at about 1 to 1.5 metres."

45

Is that correct?

A. Is that paragraph 16?

Q. Yes.

A. That is correct.

Q. I am trying to get an idea of exactly how big
5 the Bendora fire was on that night. You report it
later on - at 1931 you report it as 500 square
metres.

A. Yes.

10 Q. Do you recall making a report over the radio?

A. That was an error on my behalf. It should
have been 5,000 square metres. 100 by 50 is 5,000
not 500.

15 Q. If we go back to paragraph 16, at 1711 you say
it is 100 by 50 metres, flame height, and that is
5,000 square metres; is that right?

A. That's correct.

20 Q. When you say it is 500 square metres later on
to Mr Graham, that was an error?

A. Yeah. We tried to plot the fire from the air.
We provided some grid references where we thought
the extremity of the fire had got to, looking down
25 through the canopy and the smoke. Knowing the
fire was already 100 by 50, instead of saying
5,000, I said 500.

Q. Are you aware at 1758 'SouthCare 1' reported
30 the fire to Parks 1, Ms Arman, as having a fire
front of 750 metres?

A. I've since been aware of that. I wasn't aware
at the time.

35 Q. At 1853 'SouthCare 1' reported the Bendora
fire to be between 500 and 750 metres square. Are
you aware of that now?

A. I'm aware of that now.

40 Q. Do you think it is possible, sir, that what
you meant in your report to Mr Graham at 1931 was
500 metres square?

A. No. The fire was not much bigger than what I
previously saw it.

45

THE CORONER: Q. I am sorry I can't hear you.

A. The fire was not much bigger than when I

previously saw it from the air, looking down through the smoke. As I said, looking down through a canopy and smoke it is very difficult to see sometimes exactly where the fire is.

5

MS CRONAN: Q. So you have a clear recollection now, do you, of looking at the fire from what you could see of it and that was 5,000 square metres when you spoke to Mr Graham at 1931?

10 A. That's correct. It was about the size of a football field which is 100 by 50.

Q. What code?

A. Rugby league, rugby union.

15

Q. You had a clear vision of that?

A. No. Looking at any fire from the air, obviously you are in turbulence and you are bouncing around because you are over the top of a fire. You are trying to look through a tree canopy. Have got smoke on the ground and sitting on the ground. You can just do the best you can while you are up there, and that's what I tried to do.

25

Q. You would definitely disagree with "SouthCare 1's" estimate?

A. If you look at 'SouthCare 1's'' estimates, it was between 500 and 750 square metres, if it was 750 squares that put the fire at just over 50, 54, 56 hectares.

30

Q. Sorry?

A. If the fire was 750 metres by 750 metres, that would have put the fire somewhere in the range of 55-56 hectares.

35

Q. And you definitely weren't looking at a fire of that magnitude?

A. No. No.

40

Q. I think Ms Arman in her statement estimates the fire to be about 300 by 400 metres, which is 120,000 metres square or 12 hectares, and her estimate is based on the fact that it took her an hour to walk around the fire perimeter. Would you be able to comment on her estimate at that point

45

in time?

THE CORONER: What time is this though, 8 o'clock at night?

5

MS CRONAN: Yes.

Q. She had just finished an hour's walk around the fire.

10 A. Looking at it from the air, it is very steep terrain in that area. There is a lot of vegetation on the ground. It would be fairly hard going to walk around the fire, especially getting on to dusk. You'd obviously have a better idea
15 from the ground if you could walk around it. If you could see all the fire, probably even better. Obviously if you are looking at a fire on a flat piece of ground, it very easy to judge the size. If you are walking around on an incline partially
20 in the dark, trying to judge the size of the fire, you can only do another estimate.

Q. If you could try and pin it down for us by reference to physical locations. Are you quite
25 sure that, when you looked at the fire at 1731, this is the Bendora fire, that it was still west of Wombat Road?

A. From what I can recall it was still west of Wombat Road.

30

Q. It was travelling uphill?

A. Yeah, I believe so, very slowly. As I said, it's very hard to see. With the flame height at that height, you can hardly see the flame.

35

Q. If I could just jump back again: At 1602 you describe it as "100 metres down from a ridge line burning mainly on the ground." When you last saw the Bendora fire at 1931 that night, had it moved
40 significantly up the ridge line or up towards the top of the ridge line?

A. I don't remember whether it has or not. We tried to get some grid references from the GPS. I think they were provided just before we gave the
45 size of the fire. It's the best we could do to try and get some idea of where it had got to.

Q. Just staying with the Bendora fire but jumping ahead now to the 9th, firstly before we go there, could you have a look at [ESB.AFP.0110.0715].

5 MR PIKE: Given the fact that we can't see it on our computers, I wonder if that could be described by its title.

MS CRONAN: Q. Is this document a photocopy of your handwritten notes made on the evening of the 8th of January noting your aerial observations?

10 A. That's correct.

Q. It says "assume 8th of January after 9.30", when did you actually make these notes?

15 A. They were made during the flight.

Q. During the flight. As you were observing things?

20 A. Yes.

Q. Your first note is Stockyard Fire was 70 square metres at 1645. Your first said it was 70 square metres and your last sit rep was 100 by 75 square metres. What does that entry mean 100 x 75 square metres?

A. It's just a different way of writing the size of the fire. It was 100 metres long by 75.

30 Q. So it was 7,500 square metres?

A. 7,500 square metres.

Q. Which was three-quarters of a hectare?

35 A. Correct.

Q. You said for the Bendora fire your sitrep was 100 square metres?

A. That's correct.

40 Q. That is 10 metres by 10 metres in size?

A. Correct.

Q. That's the last note you have on your notes for Stockyard; is that right?

45 A. Sorry for?

Q. Sorry, for Bendora.

A. Yeah it must be. The stuff was done on the radio.

Q. And you say also at the bottom of that page
5 that Mt Gingera was 25 square metres at 7.30?

A. That's correct.

Q. If you could be shown [ESB.AFP.0110.0712].
Are these your handwritten notes for your aerial
10 observations on the morning of the 9th?

A. Yeah, that would be correct.

Q. When did you make these notes?

A. During the flight.
15

Q. Your first observation I think is the Bendora
fire, and you've made a note there that at 10 to 7
in the morning it is 750 square metres. Clearly,
sir, that number or that figure is not correct?

A. That's all the fire I could see at the time.
An early morning flight is probably not a good
time to go flying. We have to fly on visual
flight rules, being the smoke is down - when you
have got cloud and smoke, you can only see what we
25 can see through certain parts of the cloud. To the
best of my knowledge, that was all I can see.
That's why we tried to provide all the grid
references because we got into smoke and had to
come back out again. Get back in and out of smoke
30 several times and cloud to try and see the fire.
That happened all that morning.

Q. But you reported that fire back to ESB over
the radio that morning; is that right?

A. That's correct.
35

Q. You reported it to ESB headquarters at Curtin
as being 750 square metres?

A. That's all I could see, so that's all I could
40 call it. That's why I provided the grid
references. Obviously the fire was a lot larger.
If you can't see where the fire is, you can only
call what you can see.

Q. Did you qualify your information to Curtin
that morning?

A. No, I didn't, not over the radio. That's why
45

we tried to provide, as I said, the grid references, to try and help.

5 Q. You will agree with me, will you, the note that you have got in your --

A. 750 square metres was all I could see of the fire at the time.

10 Q. But the impression that would give anybody who read that, wouldn't it --

A. That's all the size --

Q. -- would be that that is the size of the fire?

15 A. That's correct.

Q. What you said over the radio that morning would indicate that was the size of the fire - I can take you to the transcript?

20 A. Yes, I said that over the radio, would give the impression. Knowing the fire was larger the night before, as I said, that's all I could do. It is very difficult when you are in that kind of condition to see the fire. I did the best I could.

25 Q. Your note just below that for the Stockyard fire is 500 square metres at 7 o'clock?

30 A. That's correct. It's the same again. You can only call what you can see. That's why we provided the grid references to try and support the extremities of the fire.

35 Q. You will agree with me now that, if you reported Stockyard the night before at 5 minutes past 7 as 100 metres by 75 metres flame height which is 7,500 square metres, this report of the Stockyard fire being 500 square metres is incorrect?

40 A. As I said, when I flew before that's all I could see. When we were in cloud - we can't fly in cloud or smoke; we are running on visual flight rules. Trying to get in and out through the cloud and smoke, it is very difficult to give an exact size of the fire at that particular time of the morning. I called 500 square metres as being all
45 I could see. The only way we could provide the grid references was getting out of the smoke and

getting to the edge of the fire, or what we thought was the fire underneath it.

5 Q. Well, how were you determining your grid references?

A. Through the pilot and the GPS system. We try to look down through the cloud and the smoke, pick a spot on the fire, come in quickly he would call the grid reference out and I would write it down.

10

Q. You only reported a grid reference if you actually saw flame?

15 A. No. What we tried to do was try and get some extremities of the fire. That was by working our way around, looking down the trees, slowly picking our way through the cloud until we thought what we saw was the black area underneath and we would say "that's a grid reference", and that's what we provided back.

20

Q. So you didn't actually see flame at the grid references you identified?

25 A. In some areas we saw flame, as I said, where I was able to give 500 squares metres or what I thought to be 500 square metres. We moved around through the cloud and we would come up across a spot where you might see a little bit burning. We were trying to find the extremities of the fires. Using the GPS and that's what we came up with as the extremities of the fire. At that time of the morning, it is a difficult time to fly.

30

35 Q. Can you recall looking at Bendora fire on the morning of the 9th? Have you got a visual picture in your mind now of what you saw?

A. Not now.

40 Q. Do you know from your recollection or your preparation for coming to give evidence whether or not the fire had passed over to the eastern side of Wombat Road when you did your aerial observations on the morning of the 9th or was it still burning on the western side?

45 A. It's hard to recall. I believe it still may have been on the western side.

Q. I might go back to the evening of the 8th when

you finished your aerial observations. On page 0296, paragraph 32 right at the bottom, you say:

5 "At 1946 we advised that we were returning to Canberra Airport for fuel and at 1947 we were advised that our services were no longer required and that we could stand down for the evening."

10

Over the page at paragraph 33 you say:

15 "At 2024 hours we returned to Weston police complex after refuelling at Canberra airport. I was later advised via telephone by Tony Graham that I would be required to conduct an early aerial reconnaissance the following day."

20 Q. Did you return to ESB that evening?

A. Not that evening.

25 Q. Did you have any conversation with Mr Graham about resourcing the three fires that you had observed for either a night-time shift on the 8th or a day shift starting on the 9th?

A. No, I didn't.

30 Q. Do you know how the level of resources that were deployed - I will say on the 9th because there were none of the evening of the 8th - on the morning of the 9th were determined?

35 A. No. I presume they were from conversations between the incident controller and the Service Management Team that were available in Curtin.

Q. Were you aware if anybody attended, for example, the Gingera fire on the afternoon of the 8th or evening of the 8th?

40 A. Resourcing on the 8th, I'm not aware of. I was just doing aerial observing.

45 Q. Were you able to determine from your aerial observations of Mount Gingera what level of resources should be deployed to fight that fire either overnight or the next day.

A. I didn't really give it much thought. As I

said, I was doing aerial observing at the time and resourcing wasn't my problem.

5 Q. Well, what's the purpose of doing those aerial observations after initial ignition?

A. The job is when the lightning came through to get grid references straight away of all the fires. I think there were nine altogether that were reported on the evening of the 8th. To find
10 out where those fires are and get information back so they can decide what resourcing can be done on the ground or what resources are going to be sent.

15 Q. Is it part of your role also to look at the type of terrain that fires were on and determine what type of resources would be needed in order to get into those difficult terrains and fight the fires?

A. I think you will see in some of the things I
20 stated if there was vehicular access close to the fire or if there wasn't vehicular access. If I had given the grid references, back in Curtin they are able to look on a map and determine the kind of location the fires are in.

25 Q. Did you, as part of your aerial observation duties, make a note of looking at the terrain of the fires and deciding whether or not they would be suitable for a RAFT team or a rake hoe team or
30 a bulldozer or --

A. No, not from the air.

35 Q. Would you at that point have had the necessary level of expertise to decide or determine whether or not, say the Mt Gingera fire, could be adequately fought by a rake hoe team or would require a bulldozer or whatever it would take?

A. Do I have the expertise?

40 Q. Had you had the necessary level of experience fighting fires yourself?

A. I've been to several fires. I have fought several fires. Looking at the fire from the air is one thing; being on the ground is a different
45 thing. You can fly over and it will look fairly level, when you are flying over it. Looking down at the ground it can still be fairly steep. To

determine that, you would have to get someone on the scene to make a call.

5 Q. All you were able to do on the afternoon and evening of the 8th was to say where the fires were and what size they were?

10 A. That's right. We weren't able to hang around too long. We were at altitudes. The air was very thin. We were still on the edge of a storm. We were being knocked around a fair bit in the air at times. So actually hanging around in one spot for a long time is not a really a good idea.

15 Q. You had no input into the service management decision to deploy resources on the 9th?

A. Sorry, on the 9th or the 8th?

20 Q. You had no input into the decision as to what resources to deploy to the fire on the 9th?

A. On the 9th?

Q. Yes.

A. Yes, I arranged the resources for the 9th.

25 Q. I thought you said you didn't go back to the ESB --

30 A. No, sorry, we were talking about the 8th before. Sorry, are we talking about the 8th or the 9th? On the evening of the 8th I went home straight from Weston. After I did my early morning flight on the 9th, I then went back to Curtin.

35 Q. You didn't arrange the morning crews that went to the fires on the morning of the 9th?

A. No.

40 Q. So you commenced duty on the 9th and reported directly to the Weston police complex and you commenced aerial observations. We have looked at your handwritten notes of those observations. I don't know if we went through your note of Gintera, that is at 10 past 7 on the morning of the 9th you estimated it was 300 square metres; is that correct?

45 A. I believe that is correct. I can't see it. I recall it is correct.

Q. If we go to paragraph 37 at the bottom of the page, you say:

5 "At 0713 we reported on the Mt Gingera fire providing grid references of its boundaries ... This fire had burnt an area of approximately 300 square metres in size and was working its way slowly up the ridge line."

10

That figure of 300 square metres; is that correct? Is that what area the fire had in fact burnt or is that a similar figure to the Stockyard and Bendora fires?

15 A. It's another one where that is all we could see at the time. When you are caught between the cloud and the smoke and on visual flight rules, you can't stay around in the area. Early morning flights are sometimes not the best for doing
20 aerial observing.

Q. So where your statement says in paragraph 37:

25 "This fire had burnt an area of approximately 300 square metres in size."

Should we read that as saying "from my observations I could only see 300 square metres of flame"?

30 A. That would probably a better wording of it.

Q. And "I really don't know what size the fire is"?

35 A. That's correct.

Q. We can read that into all of the paragraphs --

40 A. On that page. That's why we tried to provide grid references to support what we couldn't see visually.

Q. I suppose we should have a look at your statement in relation to the 8th. You haven't included in your statement the reporting of the Bendora fire at 1931 on the 8th as being

45 500 square metres. But where that is reported in the radio transcripts for ESB, can you now say that that figure was wrong and that we should read

that to be --

A. 5,000.

Q. -- 5,000?

5 A. That's correct.

Q. That's not a similar mistake as in that's all you could see; it's just a mistake?

10 A. I know the fire was 100 by 50 and it had been a long day and I made a mistake, an error, when I said "500".

Q. If we could go back to paragraph 35. You said there:

15

"At 0654 I reported that the Bendora fire was now 750 square metres in size."

20 Is that a mistake in being one decimal point out or should it say "all I could see was 750 square metres"?

A. This I got off the transcript and wrote down what I had said on the transcript.

25 THE CORONER: Q. What transcript?

A. Sorry, off the voice message recorder transcript.

MS CRONAN: Q. The ESB radio channel transcript?

30 A. That's correct. That's what it said there and that's what I put in my statement.

Q. You accept now that that can't be right, because it was 5,000 square metres at least on the night before?

35

A. That's correct. That's why I said we provided grid references to try and help back at the other end to see what was happening.

40 Q. Can you tell her Worship at all from your own recollection what that figure should read?

A. Is this on the 9th?

Q. Yes.

45 A. As I said, it was very hard --

THE CORONER: Q. You don't know, do you. That's

all you could see.

A. That's all I could see.

Q. When you are saying now - you are not
5 suggesting it shrunk from 5,000 to that?

A. No, no.

Q. That's all you could see - 750?

A. That's all I could see.

10

MS CRONAN: Q. How sure were you about the grid
references that you provided in this paragraph?

A. Not really sure at all. As I said, if you
15 can't see the ground and you are flying in visual
flight rules, you can't fly in smoke and you can't
fly in cloud. So we tried to get to what we
thought was the edge of the fire all the way
around, where it got to its extremities, and call
in some grid references off the GPS. For a GPS to
20 be able to work, you really have to stay in one
area for a bit of time to get the GPS to settle.
As I said at that time of the morning we couldn't
stay in one spot, so there might be some
inaccuracies in the grid references. At the time
25 it was the best we could do.

Q. If I was suggest to you, sir, the grid
references you have shown here indicate, from what
I have been able to ascertain, that Wombat Road
30 would be in the middle of the fire that you have
called in through those grid references - would
you agree that that wasn't the situation on the
morning of the 9th that Wombat Road wasn't in the
middle of the fire?

A. I couldn't see Wombat Road. You couldn't see
35 the ground. It is very hard to determine where
the fire is at any one time.

Q. I will check it over luncheon adjournment, but
40 the grid references that you have provided on the
map that I have available when I looked at it
indicated that that was an area of something like
45 hectares can't contain it within those grid
references. Is that the kind of area that you can
recall?

A. I honestly couldn't see the ground at that
time to give the information accurately. I think

you will see later on when we reported on the McIntyre's fire that I was asked to estimate the size of the fire and I couldn't do it.

5 Q. Can you recall what you used visually, what you were seeing on the Bendora fire that morning in order to pick those grid references?

A. Okay. We flew around generally in an anticlockwise direction because that gives me the best visibility on my side of the helicopter. Then we would nip in and out of cloud and smoke and try and look down through the canopy. Try and select an area that looked like it had or hadn't burnt and try and fly over it. As we flew over it, I would call the mark and the pilot would give me a grid reference.

Q. So as an outline of the actual boundary of the fire at that particular point in time, would you say that these grid references are not terribly reliable?

A. I'd say they are not terribly reliable. They are the best I could do at the time.

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

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

30

LUNCHEON ADJOURNMENT [1.03pm]

RESUMED [2.05pm]

35 MS CRONAN: Q. Would you agree with me that the size of the fire is a significant factor to be taken into account when deciding what level of resources to deploy to fight the fire?

A. Yes. Correct.

40

Q. If I could show you, please, [ESB.DPP.0002.0001]. At page 55 if you could go to the bottom of the page at 19:30:16. Do you see there comms asking you and 'Firebird 7' on the night of the 8th at that time to estimate the size of the fire for them?

45 A. Whereabouts, sorry?

Q. Just at the bottom of the page there,
"Firebird 7 this is comms. Could you estimate the
size of that fire" referring to the Bendora fire.
Do you recall them making that request to you?

5 A. That's what is on the radio transcript.

Q. If you go over to page 56 at the top, do you
see your response there at 19:31:02 you said,
"Yeah, estimated at this stage about 500 square
10 metres"?

A. That's what is said on the radio. As I said
before, it should have been 5,000 square metres.

Q. Have you got any explanation as to why you
15 said "500"?

MR PIKE: I object. This is quite absurd. The
question has been asked now four times and he has
given his explanation - on my counting four times.
20 I don't know if my friend hasn't been listening
but I have heard it.

MS CRONAN: Maybe I haven't heard it. My
understanding at this stage is it was a mistake.
25 I haven't any answer possible explanations as to
why that mistake was made.

MR PIKE: He said immediately before lunch, "It
was a long day. I simply made a mistake."
30

THE CORONER: Q. That's what you said, is it not,
Mr Ingram?

A. That's correct.

Q. You admit readily that was a mistake on your
part and that's what you said, as Mr Pike says,
before lunch?

A. Yes.

Q. It had been a long day?

A. That's correct. It had been a long day.

MS CRONAN: Q. If you go further to the 9th of
January, before lunch you gave evidence that you
45 had a lot of problems estimating the size of the
fire on the morning of the 9th when you did your
aerial observations; is that correct?

A. That's correct.

Q. If I could show you the notes that were taken
by Mr McRae on his aerial observations that
5 morning, which is [AFP.AFP.0003.0384]. You will
see at 0385 that in relation to the Bendora fire
he has estimated it - I think at 10.45 the
evidence was - at 20 hectares and growing. Can
you comment from what you saw in the air that
10 morning, and say if you can't, about whether or
not that might have been an accurate estimate of
the size of the Bendora fire?

A. It's very hard. As I said before, we couldn't
actually see all of the fire. We provided grid
15 references back to the communications area. If
Mr McRae said it was 20 hectares, then I would
agree with his statement it was 20 hectares.

Q. After your aerial observations you returned to
20 Curtin. What time did you return approximately?

A. It probably would have been around 9.15, 9.30.

Q. Was the morning planning meeting conducted by
the SMT at Curtin that morning?

25 A. I don't think so. What time planning meeting?
I attended one later in the day.

Q. Later on during the fires there was a
practice, wasn't there, for a morning planning
30 meeting at around 9.30 and an afternoon planning
meeting at 4 o'clock?

A. I don't recall being at the one in the
morning. I could be wrong.

35 Q. On the 9th?

A. On the 9th.

Q. So what duties did you perform when you
returned on the 9th?

40 A. On the 9th, I went back into my logistics
officer's role. First of all, I rang the
commander of our headquarters brigade and notified
him that we might need some people to come in and
assist with some duties in Curtin. He provided me
45 with one person for later on that day.

Q. To assist you in logistics?

A. To assist anyone. They provide assistance as runners, set up the operations room and all sorts of things. They are generally there to assist with the incident.

5

Q. What else did you do there that morning?

A. I think I may have got my support officer to go and check to make sure our stores were ready to go with the equipment as required. I made some
10 phone calls, as I recall, to try and get some additional aircraft.

Q. Who did you contact for that additional aircraft?

A. I rang our contractor who we have already got to see if he had anything available. I rang our
15 previous contractor to see if he had anything available. I rang the Department of Sustainable Energy, DSE - or DNRE as they used to be called -
20 and they hadn't got any spare aircraft as well.

Q. Sorry?

A. They hadn't any aircraft available.

25 Q. Did you do that off your own bat or did somebody ask you to try and resource additional aircraft?

A. No, I had already tried. In my statement it says that we knew other aircraft were coming in on
30 the 8th and we could hear them talking on the ground-to-air radio and we tried getting the aircraft that afternoon on the 8th, but it had already been assigned to another fire. So I had already started ringing around trying to find
35 another aircraft, as I was the logistics officer, to see if anything was available.

Q. You were unsuccessful?

A. I was unsuccessful.

40

Q. Did you have any discussions with any of the other members of the Service Management Team as to how the fires would be fought on the morning of the 9th?

A. When I arrived back at Curtin there were 3 or
45 4 people back in the communications area. When I went in, they already had my grid references from

previous and they looked like they were in a meeting, so I went back and started doing some logistics work.

5 Q. Did you have a planning meeting that afternoon, the SMT?

A. We probably would have. We generally would have. I thought we had one every morning, around 11 o'clockish.

10

Q. Who did you meet with at 11 o'clock?

A. Mr Lucas-Smith, Mr Graham and Mr McRae, I think. I can't recall if there was anybody else there.

15

Q. Where did that meeting take place?

A. At Curtin.

20 Q. What was discussed at the meeting? Did you take any notes of what was discussed at the meeting.

A. No, I didn't.

25 Q. Do you have any recollection now of what was discussed?

A. No. Not accurately.

30 Q. Do you recall whether or not anybody asked about sourcing bulldozers at that point in time?

A. I believe I was asked some time in the afternoon, which could have been after that meeting we had, and I tasked Mr Nelson, who is one of my volunteers who had come in to help - he has worked in logistics with me before - to see if he could source any bulldozers for us.

35

Q. Do you know what attempts he made to obtain bulldozers on that day?

40 A. Yeah. He tried and tried, as far as I am aware. He contacted ACT Forests - I believe Peter Buetel in Forests - to see what resources they had.

Q. What was the result of that inquiry?

45 A. They didn't have anything available at the time, as I believe he told me.

Q. Did you have any conversation with Tony Bartlett that morning or afternoon?

A. Not that I can remember.

5 Q. Do you know who was the duty co-ordinator that day?

A. On the 9th?

Q. On the 9th?

10 A. Tony Graham.

Q. Were you aware that Mr Bartlett has said in his statement at paragraph 33 that he advised the duty coordinator, "We could source bulldozers if required and we'd also made that offer through Neil Cooper to the NSW Incident Management Team". Were you aware that that offer was made?

15 A. Not at the time. I have been advised since that he made that offer but I didn't know at the time.
20

Q. I think Mr Graham was asked about that, and he believed that the offer may have been made to you but not to him. Do you say that that offer was not made to you that morning?

25 A. I don't recall that offer being made to me.

Q. Did you have any discussions with Mr Graham about sourcing bulldozers?

30 A. Only that I recall I was asked to try and get hold of some.

Q. Did Mr Nelson have any success in sourcing bulldozers?

35 A. I believe through ACT Forests and speaking with Mr Buetel, they arranged for one to arrive on the 10th in the morning. I have since found out that two of the other bulldozers that were available at the time were actually broken down, and they were waiting for replacements to turn up.
40

Q. That was the Forests' bulldozers?

A. That's correct.

45 Q. You managed to get a D6 in on the evening of the 9th?

A. That's correct, and it started work on the

morning of the 10th.

Q. Apart from the planning meeting that you had
at 11 o'clock, did you have another planning
5 meeting later in that day?

A. We probably would have, but I don't really
remember it.

Q. How was the decision made in relation to what
10 resources, if any, should be put on any of the
three fires on the night of the 9th?

MR PIKE: It should perhaps be put on the basis if
this witness has any knowledge of that because he
15 has already told us that is not his role.

MS CRONAN: Q. If I ask you any question that you
don't have any knowledge of, you can say you don't
have any knowledge. If you have a recollection
20 you are not sure of, make that clear as well -
okay?

A. I don't recall. I really don't on that one.

Q. You have no recollection about --
25 A. No. There may have been some discussion, but
I don't know.

Q. But you didn't make that decision, I take it?
A. No.

30 Q. Were you told by anybody at ESB that day that
the fire at McIntyre's Hut was a potential threat
to the ACT, particularly the pine forests?

A. I don't recall that. Logistics is a cell away
35 from planning and operations and we don't get
involved with that part of the information flow.
We're a resource provider. If we are asked to
provide a resource, we provide it. We don't get
involved with the decisions made with operations
40 and planning. So I mightn't even have been aware
of it at all.

Q. But if a threat like that would have been
pending, that would have ongoing implications for
45 logistics in relation to your scaling up for the
provision of resources; wouldn't it?

A. If it had been the case I would have probably

been told that additional resources would be required. But I don't recall being asked for those resources.

5 Q. Could you have a look at [AFP.AFP.0003.0390]. If we could go to the bottom of that document. Do you recall if you were asked at any stage throughout the morning or the afternoon of the 9th to try and source additional RAFT team members?

10 A. Sorry, what date was this one on again?

Q. On the 9th.

A. I would have organised those crews for the evening of the 9th on request from whatever came through on this form. There were no crews on the 15 9th. Could we go to the top of the form on the date of this one, please?

Q. Sure. This is at 1745 on the afternoon of the 20 9th.

A. It looks from that like there were no crews required on that night in that form. That was made at 1745.

25 Q. This document appears to be the result of discussions between yourself, Mr McRae, Mr Graham; is that correct?

A. That's what it says, yes.

30 Q. Now, if you had been asked to source additional RAFT team members on the day of the 9th, was there any problem with you obtaining such resources?

35 A. I believe if I was asked, I could have got those resources, if required.

Q. Is it the case then that you weren't asked to?

A. I don't recall being asked. Generally if I'm asked, I will get the resources I'm asked to get. 40

Q. If we could go to the bottom of that document. I take it from your last answer that there were replacement crews available for the RAFT team that was working on Stockyard. So where it says: 45

"Crews withdrawing, too fatigued to continue. Water bombing continued. Active fire left

unattended."

5 The decision to leave the active fire unattended was not made as a result of the fact that there were no replacement fire crews available; is that right?

10 MR PIKE: I object. We do not know who has reached this conclusion. Perhaps the witness should be asked first whether he has any knowledge of it; otherwise he is being asked to speculate as to what was in the person's mind.

15 MS CRONAN: I will rephrase it.

Q. Do you know if the decision to leave the fire unattended and not replace the fatigued crew was made on the basis that there were no replacement crews available?

20 A. There would have been - if crews were required, I could have found crews for that fire.

Q. Can you recall what was the basis for the decision to leave the fire unattended on that day?

25 A. I don't know. As I said, that's not a logistics function. That's an operations and planning function in conjunction with the incident controller on the ground.

30 Q. Can I ask you, sir: in practice, how do these documents come into existence? Is it the case that you all sit around the table and work out objectives and work out whether or not you have got the resources for them and decide on a control objective as part of your meeting; or how is the process actually worked?

35 A. As you see on the top of the form, it just indicates who is in the management team. This document was signed off by Mr Graham, and he would have made the decision on that - that is his writing on the bottom - in conjunction with the incident controller on the ground and perhaps talking with the planning section.

40 Q. So you don't actually have a meeting where you have a scrum and get together and make a joint decision as a team?

A. No.

Q. Are you actually shown this document?

5 A. If it has a logistics component that needs action, I would see the document. If not, I won't see it.

10 Q. If we could go to [ESB.AFP.0110.0726]. Do you see at the top of the document, sir, it is a situation report apparently - it refers to the Incident Management Team - it is in relation to Bendora fire 1800 on the 9/1. Down the bottom it says:

15 "Crews withdrawing, fire broken containment lines. Active fire. Left unattended."

20 Can I ask you similarly with this fire if you know whether or not the decision to withdraw the crews from that fire and leave it unattended was on the basis that there were no replacement crews available?

25 A. Could we just have a look at the top - I think it is the Bendora fire again?

Q. Yes, that is.

A. Were we talking about Bendora before?

30 Q. No, the previous one was the Stockyard?

A. Sorry - Bendora is the same as before. Crews would have been available - I could have got crews if needed.

35 Q. Do you know on what basis the decision was made to leave the fire unattended on the evening of the 9th?

A. No, I don't.

40 Q. Is it the case with this situation form, sir, whilst your name appears on it as part of the Incident Management Team that decision would not necessarily have been made with you as being part of a collective group making that decision?

45 A. That's correct.

Q. Can you recall whether or not you were part of the group that made that decision?

A. No, I can't even make out the signature on the bottom of it.

Q. I think it is Peter Galvin; is that right?

5 A. It could be Peter Galvin.

Q. Do you know if you have ever seen this document or if you saw it on the 9th?

A. No. I have not seen it before.

10

Q. If I could show you [ESB.AFP.0110.0757]. If I could just go back. The two documents that I have just shown you relate, in my understanding, to leaving the fires unattended on the evening of the 9th. Were you part of that decision-making process on the afternoon of the 9th to determine what level of resources to deploy to the three fires on the morning of the 10th?

15

A. Yes, I got the resources for the morning of the 10th.

20

Q. Were you actually physically participating in the decision of what level of resources should be deployed?

25

A. The decisions are made between the incident controller on the ground from the day before with our planning unit and operations unit, and I'm asked to resource whatever they require for that following day. I just make it happen.

30

Q. Perhaps if you could scroll down to the bottom of the document so you can see the full document. You will see that this is a planning document that was prepared by Mr McRae, the planning officer.

35

Do you recall having any discussion at all with Mr McRae about a decision to leave the Stockyard Spur fire unattended until resources could be freed from the Bendora fire?

A. No, I don't.

40

Q. If resources had been required to attack both the Bendora fire and the Stockyard fire on the 10th, I take it from the previous answers that you would have been in a position to make those resources available?

45

A. I've done my best to get the resources to that fire.

Q. What request was made of you by operations and planning on the evening or afternoon of the 9th for the morning shift of the 10th of January?

5 A. A resource list came through to me asking what resources would be required for the following day. I made the necessary phone calls and got those crews to the staging area as required.

10 Q. Did you attend any meetings with the operational and planning people at all that afternoon?

A. I may have.

15 Q. You can't recall?

A. No.

20 Q. Could you have a look at [DUS.DPP.0001.0008] and go to the paragraph about two-thirds of the way down headed "resource deployment P & CS". I am showing you a minute by Mr Nick Lhuede, fire management officer for Parks and Conservation. Do you know Mr Lhuede?

A. Mr Lhuede, yes.

25 Q. This is a minute dated 9 January 2003. He notes at that stage there was limited deployment of Parks and Conservation crews with ESB recognising the potentially large resource requirement for McIntyre's Hut fire. Did you have
30 any discussions with anybody on the day of the 9th about keeping crews back in reserve as being potentially needed to fight McIntyre's Hut fire?

35 A. No. Because that would be - I would normally go straight to our Parks brigade for resources. They know the area rather than our volunteer brigade who have to bring people in. So I don't know where that came from.

40 Q. Did you have any discussions with Mr McRae and Mr Graham about deciding on containment lines for the Bendora fire on the afternoon of the 9th?

A. Not that I can remember. As I said, that's a planning and operational thing, not a logistics thing.

45

Q. I show you Mr McRae's statement. It is [ESB.AFP.0110.0481] and if we could go to 0490.

Mr McRae said at the start of paragraph 44:

5 "In order to identify containment lines which
were likely to be achievable or feasible for
the purposes of containing the fires,
information was also required from operations
and logistics who provided input on what was
required to put those containment lines in
10 place and what prospects there were of
obtaining equipment necessary to complete
that work."

Do you recall any discussions along those lines on
the afternoon of the 9th?

15 A. There may have been.

Q. Do you recall discussing - he further says in
paragraph 45:

20 "The outcome of discussions with Tony Graham
and Dave Ingram, as the operations officer
and logistics officer respectively, was that
there were a number of options for containing
the Bendora fire, there being various fire
25 access trails through the area, but that the
Stockyard Spur and Gingera fire had no
existing containment lines except the
Mt Franklin Road."

30 Do you recall any discussions about trying to find
containment lines for Stockyard and Gingera?

A. No.

35 Q. It goes on to say:

"We therefore agreed on a set of containment
lines for Bendora based on fire access
trails."

40 I gather you have no recollection of that
discussion either?

A. (Witness shook head)

45 Q. Is it the case that those discussions may have
happened and you now can't recall them?

A. They may have happened.

Q. As I understand your evidence this afternoon, you weren't actually involved in planning and operation of the meetings; you just got the requests; is that right?

5 A. Yes, I got requests for logistical equipment and needs like that. I attended the meetings. My focus at the meetings was more on the logistics side of it. I don't recall the meeting. I could have been there.

10

Q. Do you recall whether or not you attended meetings, particularly in the early stages of the fire effort, where you had to say to people, "That's not realistic, I can't provide the resources"?

15

A. Not in the early stages.

Q. You are talking in the early stages up to the 12th, 13th?

20

A. That's correct.

Q. Do you recall seeing an incident action plan for the day shift commencing daybreak 10 January?

25

A. No.

Q. So you received the requests and you contacted the relevant crew members. How are they contacted physically; how did you contact them?

30

A. Okay, generally with the Parks brigade, we use their liaison officer.

Q. An agency representative?

35

A. Yes, agency rep, to ask what crews are available and what can we use, and they provide those. If we can't get the resources from there, we will start looking at our volunteer workforce for additional resources.

Q. Do you recall now who you contacted on the evening of the 9th?

40

A. No, I don't remember who.

Q. When you contact the agency representative, do they give you specific vehicle numbers and names of crew members?

45

A. What we do, generally there is a pager number we set off and they call us back. We tell them

what resources we require, and they get back to us and say, "Yes, we can provide X resources," whatever they can provide. What we generally do then is complete what is known as a T-card with
5 the vehicle name on the top and the crew members who are going to be in that vehicle underneath it.

Q. How are the crew members contacted and told what they need to be told?

10 A. That is left to the agency rep for that agency.

Q. So the agency rep - tell me if you don't know: is your understanding they would simply contact
15 the crew member and say, "Go to Bulls Head tomorrow"?

A. They would say, "Go to the depot at that time and go to fire X," and they would generally get back to me and say, "This is the resource that we
20 have got available and this is who is on".

Q. How is the incident controller of a particular fire allocated?

A. That is generally allocated through
25 operations. It could be a Parks person; it could be a Forestry person; it could be a volunteer.

Q. Is that decision made after you have been told by the agency rep who is available?

30 A. Yeah, the agency rep may even tell us what officers they have available for that particular shift or that time.

Q. After you have got that information, you
35 discuss that with Mr Graham and he makes the decision about who is the IC?

A. That's correct.

Q. Do you know how the IC is then briefed on what
40 needs to be done the following shift?

A. What was happening in the early stages from what I can recall is the incident controller was coming into Curtin and receiving a briefing prior to going out to the fire ground.
45

Q. If they didn't come into Curtin prior to going to the fire ground?

A. I'm not sure. It may have been done over the telephone.

5 Q. If crews were going to meet at Bulls Head at 6am on the morning of the 10th, there wouldn't be anybody from the SMT at Curtin before they left for Bulls Head; would there?

A. No. The incident controller could have been briefed the night before even.

10

Q. You are not currently aware how that is organised?

A. No. Not at the time I wasn't.

15

Q. Do you know now how they were briefed just simply coming in?

A. I don't know. Some did come in during the morning to receive a briefing prior to going out to the night shift.

20

Q. I take it with your pre-season fire planning that they should have whatever they need to fight the fires already in their units; is that correct?

A. That's correct.

25

Q. Does that include maps?

A. Maps have been issued to the officers and sets of maps have also been issued to the brigades.

30

Q. What kind of maps did people have available to them to take out to the fire ground?

A. Okay. The brigades can have as many 1:100,000 maps as they can put in their vehicles, which are the large-scale maps of the ACT. Sets of 1:25,000 maps were issued to the officers prior to the fire season, and sets were issued to the brigades as well. I'm not sure exactly how many. I think it was two per brigade.

35

40

Q. When you say sets, if there are three 1:25,000 maps --

A. There would be up to possibly - the latest set I think has 16 individual maps.

45

Q. To cover all of the areas in the ACT?

A. That's correct.

Q. So each vehicle should have a set of those and each brigade - sorry each officer and each brigade --

5 A. Each officer generally was issued with a set of maps, and each brigade was issued I think two sets per brigade. That is both bushfire and emergency services. They were generally left in the command vehicle, which is the one the officer would respond --

10

Q. As the fire progressed, were any requests made for maps from ESB that actually contained the strategies and proposed containment lines marked out on the maps?

15 A. Detailed maps like that would be obtained through planning. Logistics' job was only to get the clean-skinned copy of the map.

20 Q. You had done that at the start of the fire season?

A. We had done that at the start of the fire season and continued it all the way through the fire.

25 Q. You had requests for clean maps throughout the fire?

A. That's right.

Q. And you met those requests as they arose?

30 A. As we could. Yeah. We were very short in the ACT. The current map system was going out of date because there was a new map series coming in. So not many shops were stocking the older version.

35 Q. So if maps were damaged on the fire ground, you had a very limited resupply source at that stage?

40 A. At that stage - no, we had a large supply of 1:100,000 maps; we had a limited supply of 1:25,000 maps.

Q. Just before moving on I ask you to comment on another document which is [ESB.AFP.0108.0076] and if we could go to 0080. Do you know a Mr Hilton Taylor?

45 A. Yes.

Q. He arrived to work at ESB some time during the afternoon of the 9th; do you recall that?

A. I don't recall when he turned up. I know he turned up.

5

Q. If you could have a look at what he said about his observations at paragraph 19:

10 "For example, in the normal ICS structure, the planning unit has four main subunits being the situation unit, the media and information unit, the resources unit and the management support unit. The general idea is that the planning unit, through those four
15 subunits, work out what is required or what is to be done in those four general categories. The logistics unit has the task of getting what is required and the operations unit has the task of putting it
20 all into effect."

Would you agree that that is how in fact the SMT was operating at about that time?

A. Correct.

25

Q. It goes on to say:

30 "During the January 2003 fires the resources function was not operating from within the planning unit. The logistics unit handled both the planning function of what resources were required and the logistics function of what resources were already deployed, what was available to replace those resources,
35 what else was required and where to get it. This doesn't just mean resources directly required to fight the fire. It includes all the back up resources such as food, fuel, mechanics, firstaid and transport. However
40 this combining of the planning and logistics resources functions seemed to work reasonably well. I think the logistics officer, Dave Ingram, handled it all pretty well."

45 Do you agree with what Mr Taylor is saying about the logistics function being put in a position where it needed to plan what resources it had to

source?

A. No, it was not actually working that way. I think he has it wrong. The logistics unit is required to obtain all of the resources for the fire. We were doing that from the information we provided from planning and operations. So that part he has incorrect.

The deployment of the unit - once we obtained the unit we notify operations that unit is available and the deployment is left to the responsibility of the operations section not the logistics section. It is our job to get that piece of equipment, notify it them once it is there. Once they have got it, that is their responsibility. I think he has got it around the wrong way.

Q. So it is described how you described it earlier?

A. Yeah.

Q. You never took it upon yourself to simply source units to replace what you already had on the fire ground. You always got a request from planning and operations?

A. No. What actually happens is once we have got units out on the fire ground, the logistics job doesn't stop. We continue ringing around trying to obtain resources. We may have another shift to take over from the previous shift. So we need to know what resources we are going to have available should that request come through. So it is continually ringing around making sure resources are available.

But the actual allocation of them - once planning and operations have decided we wanted more units, we could go to our T-card and say, "These units are available now; these units are available for night shift."

Q. So your function would be to continually ring around so that you were in a position to replace whatever you had there --

A. That's correct.

Q. And then if operations or planning requested

more, you would ring around and obtain those resources as well?

A. That's right.

5 Q. I understand. Then on 10 January, if we go back to your statement at paragraph 42, you say:

10 "I continued in the logistics role overseeing each unit within the logistics unit. During the day a staging area was established at Bulls Head carpark."

Did you attend any planning meetings on the 10th of January which you can now recall?

15 A. I may have attended more in the morning. That would have been to discuss setting up this staging area.

20 Q. That is as far as your recollection takes you on the day of the 10th?

A. That's it. What would have happened someone would have said, "The staging area is required to be set up." I have gone away and made it happen.

25 Q. If we go through to the 11th of January, which is page 0299, you continued again as logistics officer overseeing each section. Do you recall specifically that you attended any planning meetings with other members of the SMT on the morning of the 11th or the afternoon of the 11th?

30 A. I would have, yes.

Q. Sorry?

35 A. I probably would have attended the meeting.

Q. But you have no recollection now about those meetings?

A. No.

40 Q. Could you have a look at [ESB.AFP.0110.0686]. You will see that is a message from the planning office to David Jamieson at 6 o'clock on the 11th. At the bottom of the document, it says in relation to Stockyard fire:

45 "Some heavy plant will be diverted from Bendora to Stockyard on the 12th."

Do you recall any discussions that you may have had on the 11th with planning officer Mr McRae or Mr Taylor about diverting heavy plant from Bendora to Stockyard the next day?

5 A. That's not a logistics role, the diversion of heavy plant. It is just my job to get the plant.

Q. Were you still having problems obtaining heavy plant on the 11th?

10 A. Mr Peter Buetel from ACT Forests was assisting with getting plant for us because of his expertise in that area. We were still struggling to get plant.

15 Q. We have got a statement from Mr Buetel outlining his efforts and successes and what he was able to achieve in terms of getting heavy plant. Can we take it then that we can rely on his statement as being fairly comprehensive?

20 A. I'd say you would have an accurate record.

MR PIKE: Before the witness answers --

MS CRONAN: Perhaps I can rephrase the question.

25

Q. Was it the case that the task of getting bulldozers and other heavy plant was left largely to Mr Peter Buetel, so his statement would then contain the information that we need to know about where that was sourced from; or did you have other people working on it as well?

30

A. Mr Nelson, as I said previously, was trying to get heavy plant and he was talking to Mr Buetel. Mr Buetel's record would probably be the most accurate because he obtained most of the plant during the fires.

35

Q. I need to perhaps check with Mr Nelson for a complete record of what was happening with the heavy plant as well as Mr Buetel; is that right?

40

A. That would be right.

Q. On the 12th you continued as the logistics officer. Do you recall if you went to any planning meetings on the 12th?

45

A. I would have, yes.

Q. Do you have any recollection now about what was discussed at those planning meetings?

A. No.

5 Q. If I can take you then to the 14th. If we can just go back to the 13th. Were you aware on the 13th there was a request for Commonwealth physical assistance being made by Mr Castle, the executive director?

10 A. Yes, I remember that.

Q. Sorry?

A. I remember that.

15 Q. Did you work with him on that request?

A. I didn't actually write the request. I spoke to him regarding the request to see if additional resources could be made available to us.

20 Q. You made the request for Mr Castle to go to the Commonwealth for some helicopters and bulldozers?

A. That's right.

25 Q. Did you see the request when it was made?

A. I saw a copy of it as it came through after it had been sent out.

Q. Perhaps if you could have a look at
30 [ESB.AFP.0007.0025]. When you asked Mr Castle to make the request for the four helicopters and four bulldozers, I take it that that was because either operations or planning had requested those resources from you and you were unable to provide
35 them?

A. That's correct.

Q. Do you know where they would plan to be deployed when they were obtained?

40 A. No.

Q. Were you told that?

A. No.

45 Q. Was it your understanding they were to be deployed in relation to fighting the three ACT fires?

A. I believe that's why we requested them.

Q. Do you recall seeing in the request:

5 "Another large fire just outside of the ACT
border to the north-west is also causing
serious concern with a further fire in New
South Wales just to the south-west of the
ACT".

10

Do you recall seeing that sentence in the
situation paragraph when the request went out?

A. I would have read it when I saw the document.

15

Q. Down the bottom of the page it says:

"This fire - referring to the McIntyre's Hut
fire - is very large and with a wind change
and no containment poses a substantial threat
20 to the ACT."

20

Do you recall seeing that sentence when it was
sent out?

A. After it was sent out, I got a copy of it. I
25 would have read through it and seen that.

30

Q. Was there any discussion that you can recall
in the ESB at Curtin about what kind of a threat
the McIntyre's Hut fire posed to the ACT that you
can now recall around that time of the 13th?

A. No.

35

Q. Do you recall if there was any discussion by
anybody with you, at a planning meeting or
otherwise, about planning to treat all the fires
in the ACT, the three fires, as one fire complex;
do you recall anybody talking about that?

A. I believe it was discussed at some time.

40

Q. Is your recollection that that discussion
occurred around about the 13th?

A. My memory is not that good. It could have
been. I can't say for certain.

45

MS CRONAN: Is that a convenient time,
your Worship? I am about to move to the 14th.

THE CORONER: We will just take a short break.

SHORT ADJOURNMENT

[2.58pm]

5 **RESUMED**

[3.10pm]

MS CRONAN: Q. If we could go to the morning of the 14th of January. If I could show you a document - it is [ESB.AFP.0110.0782] at 83. I am showing you the planning meeting minutes for the 14th of January at 9.30. Just have a look at that document, please. Do you recall, sir, if you were at that planning meeting?

10 A. I was at the meeting.

15

Q. What recollection do you have about what was discussed at the meeting?

A. There was generally the fire operations, like what is happening with each fire, what planning section was doing at the time and what, as logistics, I was doing.

20

Q. Do you recall who else was at that meeting?

A. The meeting was getting larger and larger, and I didn't know all the people at the meeting.

25

Q. But the other members of the SMT were there?

A. The SMT were there.

Q. You see at the bottom of the page and over the page there is a discussion about the McIntyre's Hut fire and a concern for it spotting over and joining with the Bendora fire. Do you recall those discussions?

30 A. It may have happened. It's a planning thing not a logistics thing.

35

Q. So you weren't concerned with --

A. No, my main focus in the meeting was to concentrate on logistic items not operational planning. I don't have the expertise in that area.

40

Q. If you could go over the page to the planning issues, it talks about the need to have --

45

A. It says:

5 "Resources will need to be prioritised for direct attack and construction of containment lines. It was agreed that aerial reconnaissance and maps was required as soon as possible to assist to determine the appropriate fallback positions".

Q. Was that a discussion you were involved in?

10 A. No. It is operational planning.

Q. Were you going to be bothered at all about obtaining resources that are needed there for aerial operations and mapping?

15 A. We had available resources at the time, so I didn't see it as a need. We had helicopters working at the time.

Q. I am talking to you about 0784. If we could go up to the section that under "planning issues" it says:

20 "Resources will need to be prioritised for a direct attack and construction of containment lines."
25

Does that indicate there was a shortfall in resources and that there was a need to prioritise?

30 A. No, I don't believe it does. It just says "resources need to be prioritised," it doesn't say we had lack of resources.

Q. "It was agreed that aerial reconnaissance and mapping was required ASAP". I take it from that there was further need for aerial reconnaissance over and above what was in existence?

35 A. From reading that, it looks like they may have required additional mapping of the area and it could have been taking a helicopter that was off line already doing water bombing to do a reconnaissance flight.
40

Q. That didn't concern you, having to do anything after that meeting?

45 A. No.

Q. Did you also attend the afternoon planning meeting that day?

A. I did.

Q. If I could show you [ESB.AFP.0110.0775]. If we could go firstly to 0776, do you see at the top of the page there is a discussion point about the McIntyre's Hut fire. Do you recall McIntyre's Hut fire being discussed generally at these meetings?

A. It would have got a mention, I'm sure.

Q. There is a whole section in the morning planning meeting minutes and in the afternoon planning meeting minutes for the 14th; do you agree with that?

A. The McIntyre's fire would have been discussed. It would have got a mention.

Q. Was it generally discussed in the morning and afternoon planning meetings up to the 14th?

A. I don't remember.

Q. Do you recall who it was who briefed the meetings on what was happening with the McIntyre's Hut fire?

A. At the planning meetings?

Q. Yes.

A. I can't say for certain. It may have been a liaison officer that was assigned to New South Wales to provide that information to us. I couldn't be 100 per cent correct on that.

Q. If we go to 0778 and down to the section headed "media", you will see it says:

"Peter Lucas-Smith stated that Phil Cheney, (fire behaviour expert) has conducted an interview with WIN TV. Mr Cheney stated that any strong westerly gusts of wind could turn the fire towards urban areas. There are currently no westerly winds forecast. There was a discussion regarding appropriate media response. Tim Keady suggested that while the westerly wind direction would make operations difficult, we are currently implementing measures to control this possibility."

Do you recall a discussion about Mr Cheney giving

an interview with WIN TV?

A. I remember it was there. It was mentioned that Mr Cheney was going to do a media release.

5 Q. Did you know at that point who Mr Cheney was?

A. I'm aware of Mr Cheney.

Q. Did you know at that point of time who Mr Cheney was?

10 A. Yes, I did. I had known Mr Cheney for some time.

Q. Did it concern you then to hear that he had said that any strong westerly gusts of wind could turn the fire towards urban areas?

A. Could you repeat the question, sorry?

Q. Did it concern you then when you heard at the meeting that he had said that any strong westerly gust of wind could turn the fire towards urban areas?

A. No, it didn't.

Q. That didn't concern you at all?

25 A. No.

Q. Did anybody else at the meeting appear to be concerned that Mr Cheney had made that prediction?

A. I don't know.

30

Q. Do you recall what anybody else said about that?

A. No. No. I don't recall what anybody said.

35 Q. Do you recall earlier in the planning meeting being briefed in relation to the weather that:

40 "Long-term weather outlook details the temperature for Saturday at 35 degrees, with temperatures for Sunday, Monday and Tuesday being hot with stronger north-westerly winds." Do you recall the weather predictions being for stronger north-westerly winds?

45 A. In the planning meeting?

Q. Yes.

A. Is that recorded in the minutes?

Q. If I could go back to page 0776 and down to the weather section. You see there it says:

5

"The inversion level today made fire behaviour hard to predict."

It goes on to talk about "Sunday, Monday, Tuesday being hot with stronger north-westerly winds".

10

A. Yes, I remember the weather being discussed.

Q. Given that weather prediction for a north-westerly wind on hot days, did you take that into account when you heard that Mr Cheney had predicted that it would come into the urban areas with any strong westerly gusts of winds?

15

A. No, I didn't because this is more of an operational planning type need to know. My concern there would be more the temperatures coming in to make sure I have got enough water for the people out on the ground. I put my logistics slant on the planning meetings and take information from that.

20

Q. If the fires turned towards the urban areas and came towards the urban interface of Canberra, would that not have logistical consequences for you? You would need to organise for that; wouldn't you?

25

A. I would have to organise logistically, but that didn't say that was going to happen at that time. It was saying the winds were going to change and the temperature was going to be up there in the 35s.

30

Q. I think you have earlier given evidence that you had no logistical problems up until, say, the 12th or the 13th where somebody made a request for resources for a shift and you were unable to fulfil it. Did you have difficulties with fulfilling requests for resources later in the fire event?

35

A. Not once the New South Wales firefighters turned up - we asked for them on the 15th and they arrived on the 16th and had some out firefighting on the evening of the 16th. Up until then we had

40

45

managed to fight the fires with the resources we had. They had been going for such a long time from the 8th up until that time they were just getting physically exhausted.

5

Q. So on the 14th and 15th and the day shift of the 16th you were able to provide the resources that were requested from you from operations and planning?

10 A. I believe we met the requirement that they asked for but we were struggling to get shifts to continue on afterwards.

Q. If we go to [ESB.AFP.0110.0142]. I am showing you now, sir, the planning meeting minutes for the morning of the 15th of January. You were at this meeting, were you, sir?

A. That's correct.

20 Q. See the objectives for fires is to:

"Keep the fires west of the Cotter River; protect the environmentally sensitive, heritage and valued assets; work in a unified way with New South Wales section 44 coordinator; and ensure the safety and welfare of all people involved."

30 Do you recall those objectives being established at that meeting?

A. That was what was read out. That was what they were working to.

35 Q. And the strategies to achieve those objectives that were decided at that meeting was:

"Use direct attack to slow the growth of the fire wherever possible; establish containment lines in preparation for indirect attack; with priority given to south and east edge of the containment lines to reduce the impact of north and west winds."

45 Is it the case there, sir, that was the meeting where for the first time all three fires in the ACT appeared to have been treated as a single fire complex?

A. Could you repeat the question again?

Q. It appears from those minutes that the three
fires in the ACT - planning was under way to treat
5 them as a single fire complex; do you recall if
that was the case?

A. It says the work was under way with the New
South Wales section 44, so liaison with New South
Wales was still going ahead. At that stage I
10 don't believe it was - I don't recall any talk of
making it one fire complex.

Q. Do you recall the Bureau of Meteorology
attending especially to provide a weather
15 forecast?

A. Mr Mason?

Q. Mr Mason.

A. Yes.
20

Q. I will not take you to it, but in the
logistics section at the end of that meeting, the
comment is that "catering in the field has been
working well. No complaints received." I take it
25 from that there were no logistics issues to be
dealt with on the morning of the 15th?

MR PIKE: Your Worship, I rise to object only
because that comment simply comes under the
30 accommodation/catering section. It's a bit of a
leap saying that because there are no complaints
about catering therefore there are no problems
with logistics. There might be. It doesn't
follow from that statement.

35

MS CRONAN: I will rephrase the question.

Q. Were there any logistics issues that you
recall being discussed at that meeting that don't
40 appear in the minutes?

A. No, I think the minutes covered it fairly
well. Logistics was going fairly well. I had a
small group of dedicated people doing a really
good job.
45

Q. Again there was a discussion during that
meeting of the McIntyre's Hut fire. Do you recall

that occurring?

A. No, I don't.

Q. If we could go to 0142 and if you could have a
5 look at the bottom of that page. It says there:

"Roger Good reported that there is a concern
about spot fires in the north-west area of
the fire."

10

Do you recall Mr Good attending at the meeting and
giving a briefing on McIntyre's Hut fire?

A. I don't know Mr Good personally. He may have
been there; he may not have been. As I said,
15 there were a lot of people I didn't know at the
meeting.

Q. Reading that does it jog your memory at all
about what was said at that meeting about the
20 McIntyre's Hut fire?

A. No, I don't remember all that being discussed.
It would have been because it is in the minutes,
but I don't recall.

Q. There was another request that day, wasn't
there, for Commonwealth assistance? If I could
ask you to have a look at [ESB.AFP.0110.0117].
Were you involved in the making of this request?

A. What was it? Can we continue on a bit so that
30 I can see what we were requesting?

Q. Yes. This particular request was simply for
an extension of the resources that had been
provided in response to the request on the 14th.
35 Were you involved in that request?

A. I would have asked if it could have been
sustained because we had no other resources to
fall back on if it was taken off us.

Q. You were given a copy of the request?

A. After it had gone out, I received a copy of
it.

Q. Do you recall seeing the situation report:
45

"The weather forecast for the weekend and
early next week predicts temperatures in the

high 30s with strong winds gusting to over 60 kilometres per hour from the north-west, causing concern for the ACT urban environment."

5

Do you recall reading that on the 15th?

A. I may have read it, but my concern was the part down the bottom to make sure that the resources were going to be maintained.

10

Q. Did you have any discussion with Mr Castle when this request was being prepared about what the concern was for the ACT urban environment?

15 A. No. I left the request - once I requested it, I left that to Mr Castle to go through the channels with Emergency Management Australia to get the resources.

20 Q. Once you saw this request form, did you discuss that concern for the ACT urban environment with anybody at ESB on the 15th?

A. No, I didn't.

25 Q. Were you aware that Mr Lucas-Smith was meeting with Mr Koperberg at Queanbeyan on that day?

A. No, I wasn't.

30 Q. Did he have any conversation with you about getting interstate firefighting resources, as opposed to Commonwealth helicopters and tankers, on the morning of the 15th?

35 A. Not on the morning of the 15th. I received a request on the afternoon of the 15th to see if we had to contact an officer in New South Wales Rural Fire Service to see if we could get some task forces to come to the ACT.

40 Q. So when did he speak to you on the afternoon of the 15th?

A. I think the request went through at about 1700 hours on the evening of the 15th for resources for the 16th and onwards.

45 Q. How did that request come through to you?

A. The request for the resources?

Q. Yes. Did he speak to you or --

A. Just verbally. He said, "I've got a contact number in New South Wales Rural Fire Service. Speak to this gentleman - I think it was Alan Brinkworth - and say that we are after four task forces," and make it happen virtually. That's what happened.

Q. Did he tell you he had spoken to Mr Koperberg earlier that day?

10 A. I don't recall. I take it that a conversation may have taken place to ask for those resources from one officer to another officer.

Q. Okay, so what did you do in response to that request from Mr Lucas-Smith?

A. I rang Mr Alan Brinkworth, asked what resources he may have. He said he couldn't tell me at that time. He sent me a set of forms through that had to be completed, which we then completed and sent back to New South Wales. He faxed the forms through. We faxed them back to New South Wales. I believe I also later on that night sent a fax thanking him for his assistance because he said some resources would be coming. I also told him where the crews would be accommodated and also said we were having communication difficulties and gave him a contact number to talk to for his resources coming down so we could get some communications sorted out prior to him arriving.

Q. Did you tell him that Mr Lucas-Smith had said you wanted four task forces?

A. That's correct.

Q. When you spoke to Mr Brinkworth?

A. I think it was Mr Brinkworth, yes.

Q. Was he aware that Mr Koperberg had agreed to that allocation?

A. I don't know. It seemed to take some time before he actually came back to say he had the resources. I don't know whether he was checking that or he was having difficulty getting resources himself.

Q. You then proceeded to look after the logistics

involved in getting ready for the arrival of those task forces?

5 A. That's correct. It took a fair bit of time, because ACT doesn't have a large accommodation base and they needed to get 200 people in one hotel. It took a lot of ringing around and a lot of work to actually make that happen.

10 Q. There were other logistical requirements that needed to be met as well, just food --

A. Additional food, additional water, which we already had on hand.

15 Q. Did you have time then to go to the afternoon planning meeting on the 15th of January?

A. What time was that meeting?

Q. At 4 o'clock.

20 A. I probably was - I can't recall being at it. I may have gone. I was probably tied up trying to organise.

25 Q. Perhaps if I could ask you to have a look at the minutes [ESB.AFP.0020.0368]. If I could show you the last page first at 0371. That deals with logistics, and it might remind you if you were present. You can see there is a report that the logistics cell is arranging accommodation for the 200-plus New South Wales Rural Fire Service

30 volunteers?

A. Yes. That would be my report, so I was present.

35 Q. Does that remind you whether or not you were present at that meeting?

A. Yes, I would have been present at that meeting.

40 Q. Can you recall if Mr Lucas-Smith reported to the meeting anything about discussions he had with Mr Koperberg that day?

A. I don't remember.

45 Q. You don't remember him talking about Mr Koperberg?

A. No. There's lots of stuff discussed at those meetings. I don't recall.

Q. If we could go back to 0369. At the top it says:

5 "Mr Lucas-Smith stated that the fire growth to the west will be limited, however the fires may grow rapidly to the east over the next few days."

Do you recall Mr Lucas-Smith stating that?

10 A. I would have seen it, if it was in the minutes.

Q. You don't recall any discussions about where those fires might go if they grew to the east?

15 A. No.

Q. Further down, in the bottom paragraph it says:

20 "The Stockyard fire will have its own Incident Management Team, through the New South Wales Rural Fire Service, with Arthur Sayer as the incident controller."

25 Is that your understanding of how the New South Wales people were going to fit into the system?

A. That's probably correct, the incident controller would be Arthur Sayer. He would probably be working in unified command with the New South Wales crews.

30

Q. Then it goes on to say that:

"The Bendora fire will be managed from the ESB, until such time as the fires join."

35

Do you recall a discussion about the Bendora fire joining with what was then referred to as the Stockyard fire at that meeting?

40 A. I don't recall it but I believe that's what it means, the Bendora fire - until the Stockyard fire and the Gingera fire join up.

45 Q. In terms of managing the fires, was it pretty much taken as inevitable at that stage that the Bendora and Stockyard fires would join, to your recollection?

A. I don't recall. I really don't. I don't

remember.

Q. Do you recall hearing a report on the McIntyre's Hut fire where it says:

5

"Heavy plant and resources were having difficulty holding the fire and they are also having trouble holding the fire on the north-east side of Doctor's Flat Road."

10

Do you recall the briefing on the McIntyre's Hut fire?

A. No, I don't.

15

Q. Do you recall Mr McRae addressing the meeting on planning issues?

A. He would have. There were several people talking from the planning section. It depends who it was at the time.

20

Q. Do you understand what a fire danger index is?

A. Yes.

25

Q. Do you recall him forecasting the fire danger index to be within the range of 110 to 140 at that meeting?

A. I don't remember him saying that. He may have. Is it documented in the minutes?

30

Q. Yes. If we could scroll down to the bottom of that page. Do you recall him saying that "Monday would present potentially the worst fire weather forecast seen in a long time"?

35

A. I recall Monday as being the day that was mentioned was going to be the most threat.

Q. Do you recall him saying that these would be the worst fires of your careers?

40

A. I don't remember those words.

Q. You don't remember him saying that? Do you recall him saying that you needed "to be as ready as possible for those extraordinary conditions"?

45

A. No, I don't.

Q. He'd been predicting things such as the worst fires of your careers and extraordinary

conditions, that would have some implications for you logistically in terms of your resources and planning; wouldn't it?

5 A. Not really because we were well prepared for what was going to happen with resources. We've got plenty of stocks of all the stuff that we needed. We've got crews coming in from New South Wales. I thought the logistics section was well planned, well ahead of schedule for that type of
10 thing.

Q. So is it the case that you didn't particularly pay attention to any of the planning issues at any of these meetings?

15 A. That's correct. I focused more on what is needed logistically.

Q. If we could go to 0370. It says:

20 "There was discussion over the proposed containment lines and fallback positions. Please refer to the attached incident action plan for fire situation analysis information."
25

Do you recall seeing an incident action plan at that meeting?

A. No, I don't this is still on the 16th or the 15th, sorry?
30

Q. This is on the 15th?

A. No.

Q. What's your understanding of whose responsibility it was to prepare a formal written incident action plan?
35

A. Incident action plans generally should be prepared in the field by the people on the ground. That then gets sent in to the Service Management Team; and they discuss issues, tactics and
40 strategies and both agree and sign off on it. Sometimes incident action plans can be prepared by the Service Management Team.

45 Q. Logistically, what is required to enable an incident controller in the field to create a formal incident action plan?

5 A. Obviously they need a map that they can document where the fire is. They've all previously been provided with ICS forms that they should have with them. The ICS resource kits have all been provided to all the officers and should be in their vehicles. Those kits contain a folder with all the relevant ICS forms in, along with T-cards so that they can track all the resources they have got on the fire they are looking after.

10

Q. So they can create that in the field and send it back to ESB; is that your understanding?

15 A. If it can't be sent back electronically, they can request that someone comes and collects it and transports it back. They can use a runner in a vehicle to pick it up, if it can't be sent electronically.

20 Q. Do you know if this was occurring?

A. I don't know if it was or not. I didn't have requests to pick any of them up, so the information must have been coming back. Sometimes the incident action plan is passed over from one incident controller to the next.

25

Q. In order to create an incident action plan with some degree of forward planning, the incident controller would need to be advised of what logistics or resources were available for at least the next shift; is that correct?

30

A. He wouldn't need to know what was available. All he would need to do is request what is needed and it is up to logistics to get the resources that are needed to meet that request. He didn't have to worry about whether it was available or not.

35

Q. Your chain of communication was not with the incident controller on the field but with the SMT and operations people; is that right?

40

A. Sorry, could you repeat that?

Q. Did you have any chain of direct communication with the incident controllers in the field?

45

A. No, I hadn't. I had it with logistics by mobile phone.

Q. Were you aware on the afternoon of the 15th of January that Mr Koperberg had given a radio interview about the McIntyre's Hut fire?

A. No, I wasn't.

5

Q. You didn't hear any talk around the ESB about that?

A. No. I became aware of it afterwards.

10 Q. When did you become aware of that?

A. After I saw the media release that was in one of the trays.

Q. When was that?

15 A. I don't know the exact day. There was a New South Wales letterhead up the top of it.

THE CORONER: Q. What, before the 18th of January?

20 A. There were several releases coming from New South Wales. I'm not quite sure --

Q. This particular one by Mr Koperberg, you said you saw it in a tray. When did you see it?

25 A. I don't recall the day I saw it. Mr Koperberg made several releases and spoke to the media on several occasions. I'm not sure which one you are actually referring to.

30 MS CRONAN: Q. If I could show you [ESB.AFP.0008.0336]. Do have a read through that document and tell her Worship if that is the document you recall seeing in the tray.

35 Have you read that?

A. It may have been the document - it is so long ago. I can't remember with any accuracy whether it is, but it looks like it could be the document.

40 Q. When did you see that? It is headed the 15th?

A. I believe it may have been on about the 16th some time, probably around lunchtime. I can't say with any accuracy. It was whenever it turned up in the logistics intray.

45

Q. You will see, sir, in the top paragraph that is on the screen the last sentence reads:

"This is likely to blow these fires and a third, currently burning in New South Wales in the Brindabella National Park/Goodradigbee River area, back towards the city."

5

Do you recall reading that sentence?

A. No. As I said before, I don't recall that part of it. I mean, I read the document, obviously, but I only took note that the resources were arriving and where they were coming from.

10

Q. When do you tell this court you first became aware that there was a potential for any of the fires to impact on the urban edge of Canberra?

A. When did I believe that was going to happen?

15

Q. When did you become aware that there was a potential for any of them to do that?

A. I believe on the morning of the 18th.

20

Q. So you read this document on the 16th and, having read it, you say you were not aware that there was any potential for the fires to impact on the urban edge of Canberra?

A. Not on what I had seen from previous meetings we had attended. There was no talk that this fire was going to impact at all on the ACT, not on the suburbs anyway.

25

Q. You had been present, hadn't you, sir, when it was raised at the meeting that Mr Cheney, the fire behaviourist, had warned that gusty westerly winds could bring the fires back towards the city?

A. It was could bring the fires back towards the city, I think --

35

Q. That's what I am asking you, sir: when did you first become aware that there was a potential for these fires to impact - any of the fires - on the urban edge of Canberra?

40

A. I still don't believe that the fires were going to impact on the ACT until the morning of the 18th.

Q. When you heard that Mr Cheney was predicting an impact under westerly winds --

45

MR PIKE: I object to that question and he was raising it as a possibility; he said "could".

MS CRONAN: I will go back --

5

THE CORONER: To the original report.

MS CRONAN: Q. If we could have a look at [ESB.AFP.0110.0048] if we could go to 0058. I am showing you some handwritten notes from a minute taker of the afternoon planning meeting on the 14th of January. The note there of what was said is this:

15 "WIN Phil Cheney, fire behaviour expert interview told on strong winds from west into Canberra city."

Do you recall the meeting being told that Mr Cheney had done or was about to do an interview and that he was saying that strong winds from the west would bring fire into Canberra city?

MR PIKE: I object. The witness has already been cross-examined about this aspect when attention was drawn to the minutes of the planning meeting held at 1600 hours on the 14th. Those minutes which were in final form - so I take it that it had been approved by those who do that - are quite specific. Under "media" on the fourth page:

35 "Mr Cheney stated that any strong westerly gusts of wind could turn the fire towards urban areas."

This handwritten reference doesn't say "will"; it doesn't say "could"; it is silent as to the issue. My friend has inserted the word which does not appear there.

40

In my submission, if the witness is to be cross-examined about this issue, it should be firstly about the document which is the approved final minutes of the meeting; and, secondly, if there is to be a citation from the handwritten note, I certainly don't object to that per se but it shouldn't be with the introductory words which

don't appear there.

MS CRONAN: All I am doing at this stage is asking
this witness if he remembers the words as they are
5 written down in the handwritten notes. I will try
not to insert extra words.

Q. I will rephrase that question: do you recall
these words being mentioned at the meeting:
10

"Phil Cheney, fire behaviour expert interview
told any strong winds from west into Canberra
city."

15 Do you recall those words being used in the
meeting?

A. No, I don't. I'm sorry.

THE CORONER: Q. But you do recall something
20 being said about that because you, of all people,
recall very specifically that the interview was to
happen. I mean that's what you said. You
understood that Mr Cheney hadn't given the
interview. Some minutes say or some people I
25 think recollect that they are not sure that he had
given or was about to give an interview, but you,
Mr Ingram, very specifically remember that
Mr Cheney was to give an interview.

A. Mr Cheney was to give an interview.
30

Q. So you do remember something about that.

A. I do remember something but not the exact
words of what was going to be said during the
interview.
35

THE CORONER: Try your best to see what you can
remember, if you would, please.

MS CRONAN: Q. Do you recall those words or words
40 like that being used at that meeting?

A. Words like that could have been used at the
meeting.

Q. Well, what words do you now recall hearing on
45 this topic?

A. Probably the bit that is there that says,
"strong winds from the west into Canberra city" -

I can't be exact. That's the best I can do.

5 Q. On hearing that, did you realise that there was in fact a potential for any of the fires to at some stage in the future under a westerly wind impact on the urban edge of Canberra?

10 A. I don't believe - from even that it wasn't enough for me to convince me personally that the fires were still going to impact on the ACT.

15 Q. You said earlier that you had known Mr Cheney for a long time?

A. Not a long time. I had known him over some time in his work.

20 Q. You were aware, were you not, from the weather forecast earlier in that meeting that north-westerly winds were forecast?

A. That's correct.

25 Q. So what factored into your belief that there was no potential for an impact in --

MR PIKE: I object. I think the witness is being, with respect, verbaled. I didn't ever hear him say that he had come to a belief that there was no potential --

30 THE CORONER: That was the gist of the evidence, Mr Pike.

MR PIKE: With respect --

35 THE CORONER: Mr Ingram said that he didn't really believe or didn't really consider that there would be any impact on Canberra until about the 18th.

THE WITNESS: That's correct.

40 MR PIKE: The reply was:

45 "I don't believe - from even that it wasn't enough for me to convince me personally that the fires were still going to impact on the ACT."

That's a far cry from saying that he has dismissed

the concept of --

THE CORONER: Let him say that. I am sorry, I overrule your objection, Mr Pike.

5

MR PIKE: In fairness then, can I ask this: if my friend is now suggesting that he had a belief that there was no potential for impact, perhaps that could be put to him, in fairness.

10

MS CRONAN: Q. At the end of the planning meeting on the afternoon of the 14th of January, having heard the weather report and having heard what Mr Cheney was proposing to say, did you have a belief that there was no potential for the fires to impact on Canberra city at the end of that meeting?

15

A. At the end of that meeting, my belief was there was no impact on the ACT.

20

Q. Given what you have heard, what factored into your belief that there was no potential for the fires to impact on the ACT. Why did you believe that, despite having heard that Mr Cheney thought otherwise?

25

A. Because the reports coming from the planning meeting were that these fires were nowhere near the ACT at that time, as I read through the minutes of what was discussed at those planning meetings. I attended them and I read the minutes, and the fires seemed to be nowhere near the ACT at that particular time.

30

Q. So you were listening to what the planning people said about where the fires were, and that led you to believe they had no potential to impact on the ACT?

35

A. That's what I read through - attending the meetings and being there, I saw maps of where the fire presently was. I believed there was still no impact on the ACT from where those fires were.

40

Q. Was that a belief that you formed yourself just from looking at maps; or was it a belief that you formed on the basis of what the planning and operation people were telling you?

45

A. Mainly my own belief just looking at the map.

The fire didn't seem to be coming towards the ACT. They were still able to contain the fire from what I understood with the resources we provided. At that time, my own belief was it was still quite a way from the ACT and not going to cause a threat.

5
Q. You looked at the map - you saw that the McIntyre's Hut fire was situated to the north-west of the ACT, the Canberra city?

10 A. That's correct.

Q. And looking at its situation, obviously you would realise that under a north-westerly wind it would travel towards the ACT, towards Canberra?

15 A. That's correct.

Q. Are you saying it was simply the distance?

A. The distance on there was - I didn't believe the fire would travel that far. It was still a long way away from the ACT and the suburbs.

20
Q. And did anything else factor into your belief, apart from you looking at the map and seeing where the fires were, was there anything else that factored into your belief that Mr Cheney must have been incorrect and that there was no potential for fires to impact on Canberra city?

A. Mr Cheney is an expert in his field, and I've read a lot of his work. There was also a lot of people in that room with a lot more fire experience than what I have got. We were saying the fire was not going to come in at that time. And I drew the conclusion and it is still my belief, as I said before.

35
Q. Who was saying the fire was not going to come in at that time?

A. From the planning meetings, from my own impressions from the map I was looking at - people were saying the fire was still well away from the ACT.

40
Q. At the planning meeting on the afternoon of the 14th, can you recall who was saying that the fires were not going to come in to the ACT at that time - into Canberra at that time.

A. No, I'm sorry, I can't.

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

THE CORONER: Yes.

5

Q. So you remember that it was said but you can't
remember who said it; is that what you're saying?

A. That's correct, your Worship.

10 Q. You are now remembering that you might have
gone to some of these planning meetings, because I
thought your position was that you weren't really
sure, Mr Ingram, whether you had gone to all of
15 them or some of them or just received the minutes
from them. So do you now think that you might
have gone to most of the planning meetings?

A. Looking at the minutes from the meetings, I
believe that I may have attended the majority of
those, looking at the reports that were coming
20 from the logistics side of it.

THE CORONER: We will adjourn to tomorrow morning
at 10 o'clock. I think we have Mr Stanhope then.
Your evidence mightn't be required until perhaps a
25 little bit later in the morning, Mr Ingram.

**MATTER ADJOURNED AT 4.05PM UNTIL TUESDAY,
20 April 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 37

Tuesday, 20 April 2004

MR LASRY: I call Mr Stanhope.

5 <JONATHAN DONALD STANHOPE, AFFIRMED

<EXAMINATION-IN-CHIEF BY MR LASRY

MR LASRY: Q. Mr Stanhope, would you tell her
10 Worship your full name, please?

A. My full name is Jonathan Donald Stanhope.

Q. You are the Chief Minister of the Australian
Capital Territory?

15 A. I am.

Q. You have occupied that position I think, am I
right in saying, since November of 2001?

A. That's correct.

20

Q. Although I think the election at which your
party was successful was October 2001; am I right
about that?

A. That's correct.

25

Q. Importantly for this inquest, you were the
Chief Minister at the time of the bushfires in
January 2003?

A. That's correct.

30

Q. In relation to that matter in particular you
have made two statements, one on the 14th of
October 2003, which is [ESB.AFP.0111.0284], and a
supplementary statement which you made more
35 recently on 12 March 2004, which is
[GSO.GSO.0004.0103].

Just in relation to the first statement, obviously
you made that statement at somebody's request.

40 Who was it who actually requested you to make that
first statement in October; can you recall?

A. My memory is that the request was made to me
by Mr Tim Keady.

45 Q. By Mr Keady. Right. He told you, no doubt,
that was a document that would become part of the
material at this inquest?

A. Yes.

Q. Did you draft the document yourself or did
5 someone else participate in the making of the
statement?

A. Somebody else participated in making the
statement.

Q. Who was that?

10 A. A departmental officer.

Q. Can you remember who it was?

A. I believe the first draft may have been
provided by Mr Bayliss, after a conversation with
15 me. That is my belief, but I might be
contradicted on that.

Q. For the purpose of signing this document, did
20 you look at any materials for the purpose of
refreshing your memory so you would be able to
include as many facts as you can recall? Perhaps
before you answer that, can I give you an example
of what I mean: You refer, for example, in that
first statement to the cabinet briefing on
25 16 January. In order to complete paragraph 4 of
the statement, did you look at any documents or
any contemporary record about briefing in order to
complete this statement?

A. I think paragraph 4 is the paragraph that was
30 prepared on my behalf. I can't at this stage
recall whether or not I then went to the cabinet
decision. But I took that to be a summary of the
cabinet decision that was given.

Q. Perhaps in relation to that statement I should
35 ask you, as is the ordinary process in these
hearings as to whether the statement of 14 October
is true and correct as far as you are concerned?

A. I haven't read the statement for some little
40 while but, yes, I believe it to be true and
correct.

Q. Now, the supplementary statement which came in
45 March of this year, I think I know how that
started because I think the original suggestion
that a further statement might be made might have
come from me. Was a request conveyed to you by

Mr Bayliss or someone else that a further statement would be desirable?

A. Yes, it was.

5 Q. Again, in the preparation of that document, did you have some assistance from someone? Did someone draft it for you or does it represent your drafting?

10 A. The original of the document was drafted once again I believe by Mr Bayliss, but I am prepared to be corrected on that. I then did edit the original draft that was provided to me.

15 Q. Are you satisfied that that statement is also true and correct?

A. Yes, I am.

20 Q. Just dealing briefly with the next topic I want to ask you about, Mr Stanhope, for how long have you been in the ACT parliament?

A. As of today for just over six years.

25 Q. So you weren't in the parliament in the mid-1990s - for example, at the time of the 1995 election?

A. No. I was elected in 1998.

30 Q. The answer to this may be obvious from that, but we heard some evidence at the very outset of this inquest about an issue which arose I think during the election of 1995 in relation to a report by Mr McBeth concerning fuel management, which ended I think after that election with Mr Humphreys, who was then the relevant minister, releasing that report and taking steps to
35 reimburse Mr McBeth for his work and things of that kind. You had no participation in that at all; I take it?

40 A. That's correct. I did not. I was not aware of the McBeth report's existence.

Q. Did you become aware of it as a result of this inquest?

45 A. Yes, I did. Or it may be that I became aware of it as a result of questioning in the assembly following the fire. But I became aware of it as a result of the 2003 fire.

Q. As at the 2001 fires, you had been the Chief Minister for all of the month effectively; is that right?

A. That's correct.

5

Q. No doubt there was a minister in your government who was the responsible minister, I assume the Minister for Police and Emergency Services, but you were the Chief Minister during those fires?

10

A. That is correct. I was the Chief Minister and Ted Quinlan was the Minister for Emergency Services.

15

Q. As a result of those fires - I don't want to go into this in any detail - are you aware of particular problems which arose during those fires or significant improvements which might have been made since those fires in relation to bushfire response or fuel management? Did you have any part in that kind of area after the December 2001 fires?

20

A. I had no personal part in any of the responses to the 2001 fires.

25

Q. On the 13th of November 2002, the Legislative Assembly passed a resolution in relation to the 2001 fires. Your Worship, the document in which this is contained is [ESB.AFP.0110.0834]. I wonder if it might be brought up on the screen, please. On the screen in front of you, you should see a resolution passed on the 13th of November 2002.

30

35

I will summarise some of the paragraphs because the first three paragraphs primarily relate to the 2001 fires: referring to the loss of property and extensive loss of bushland in those fires; noting the excellent work of the ACT Rural Fire Service and Emergency Services; and noting in paragraph 3 that those fires were caused by human intervention.

40

Paragraph (4) of the resolution:

45

"Notes that the fast approaching summer - which is the 2002-2003 summer - contains

bushfire conditions that are anticipated to eclipse those of 2001-2002 with severe weather conditions likely to exacerbate a desperately dry situation."

5

Resolution (5):

10 "Notes the importance of government's current fire safety education programs in ACT schools and also programs aimed at arson offenders in the ACT".

In relation to paragraph (4), I am conscious of the restrictions on questioning members of parliament about what occurred in parliament under one of the principles of parliamentary immunity. I wonder whether there was information before the assembly leading to that resolution. In other words, had documents been produced, was information provided to some or a number of members of the assembly which led to that resolution being passed; as far as you can recall? A. I have no recollection of any documents being provided to individual members of the assembly as a result of the motion. I have no memory of that.

Q. In the lead-up to the 2002-2003 summer, are you conscious of there being any particular briefings which you were aware of to the government in relation to the way in which the weather looked like it would develop for the 2002-2003 summer; or, for example, the level of fuel or the dryness of the fuel and therefore a heightened risk of fire? Did you have any understanding of that before January 2003?

A. I was, of course, very aware that we were in the midst of a very dry period and we were suffering drought conditions. Indeed, a formal drought had been declared at that stage. I can't say as Chief Minister or as a minister in a number of other portfolios that it was ever brought to my specific attention or that it ever entered my consciousness in a real way that there were particular issues in relation to fuel loads or particular issues in relation to the climatic conditions which were particularly relevant in relation to our exposure to fire.

Q. So at the start of the 2002-2003 fire season, whilst aware of the matters that you have just referred to, you weren't conscious that that particular season was basically as bad as it could have got so far as weather and fuel loads?

5 A. No. It is fair to say, if this goes to your question, that I did not have a heightened level of concern or alarm. I didn't. I can't, of course, speak for my ministers.

10

Q. When these fires started, as I understand from your statements, you were away I presume on leave?

A. That's correct.

15 Q. Certainly --

A. Oh --

Q. Talking the period between 8 and --

20 A. I was on leave. I wasn't away. I was on leave.

Q. Does that mean on 8 January, for example, or 9 January simply because you could see what was happening, you were aware that the fires had started?

25 A. Yes. I would have to check - I was in Tasmania and I think I may have returned to Canberra on the 8th. I would have to check the date of my return. If I can discount your question certainly as it goes to the 8th, 30 certainly by the 9th I was aware of the fire and I was aware of the smoke.

Q. Mr Quinlan was the acting Chief Minister, as I understand it?

35 A. That's correct.

Q. On the Sunday, with you due to return to work on Monday the 13th, you were informed according to your statement by Mr Friedewald that he had arranged for you to be briefed about the fires on your return on the 13th?

A. That's correct.

45 Q. Was there a reason given to you for that? In other words, was it considered that the situation was sufficiently serious to require you to be

briefed or was there some other reason for it?

5 A. In fact, how the briefing was arranged was as
a result of a call by myself to Mr Friedewald on
the Sunday inquiring of him, as I was about to
return to work, what issues there were that had
occurred in my period of leave that he might wish
to bring to my attention in preparation for my
return to work on the Monday. One of the issues
that we discussed, as a result of that call of
10 mine to him, was of course the fact that there was
a fire burning within the ACT, which led to a
discussion between he and I as a result of which
he arranged a briefing for me.

15 Q. The briefing occurred, I think everyone agrees
and no doubt you do, on the Monday the 13th. It
was a briefing which occurred in advance of the
helicopter trip, which in turn led to your
involvement in the rescue at the Bendora Dam; is
20 that right?

A. That's correct.

Q. The briefing was at the ESB headquarters?

25 A. It was.

Q. How long did it last for, approximately? How
long were you talking or someone else was talking?

A. Well, from this distance I would guess 30 to
45 minutes.

30 Q. And mainly were you briefed by Mr Lucas-Smith?
A. Yes, that's correct.

35 Q. And also Mr Castle? Was he present at the
briefing?

A. I do remember meeting Mr Castle at the
Emergency Services Bureau that morning, but the
briefing was essentially conducted by
Mr Lucas-Smith.

40 Q. Do you have any memory of what you were told?
A. I have a broad memory of the nature of the
briefing, yes. Do you wish me to go to some of
that?

45 Q. I want to perhaps take you first of all to
what you say in your statement about it and then I

will perhaps ask you some questions about that. In paragraph 5 of your supplementary statement, you describe that briefing by saying you attended with Mr Wood, who was the Police and Emergency Services Minister. Mr Keady, Mr Castle and Mr Lucas-Smith were present. There may have been others:

10 "That was, I believe, the first occasion I had met Mr Lucas-Smith.

15 I have no recollection of any specific statement made at the briefing. I can only recall the briefing in general terms. I recall Mr Lucas-Smith gave a general briefing about the work that was going on, involvement of the New South Wales Rural Fire Service, the construction of containment lines, the use of back-burning, the use of bulldozers and the general effort that was being conducted to contain the fires."

Does that reflect the extent of your recollection?

25 A. Yes. I do recall Mr Lucas-Smith standing before a map of the ACT, a map of the fires and discussing during that briefing that range of issues.

30 Q. Were you told by Mr Lucas-Smith during that discussion that in fact the ESB were of the view as at Sunday the 12th of January that they were underresourced and that Mr Lucas-Smith had been attempting to contact Mr Koperberg with a view to obtaining more resources?

35 A. I don't remember a statement as specific as that. I do know there was a discussion around involving the New South Wales Rural Fire Service and the fact that there was co-operation between the services in relation to the fires.

40 Q. I am more interested in whether or not you were informed - see Mr Lucas-Smith has told us that on Sunday the 12th of January he tried to contact Mr Koperberg because he wanted to obtain more resources. Indeed in his evidence, particularly at transcript page 964, he said he was desperate to obtain more resources. That is

the day before this briefing. Was that raised with you in the course of any discussion? In other words, for example, were you, as Chief Minister, perhaps asked to intervene at a political level to see if you could hurry up resources from New South Wales or something of that kind?

5
A. I had to say that I don't recall Mr Lucas-Smith speaking to me in terms that he expressed a level of concern about the level of resourcing but I can't say that he didn't. I cannot recall that he did. I think perhaps I would have remembered if he had.

10
15 Certainly no request was made of me to become involved in any way in an operational sense or in a political sense in relation to the conduct of the attempts of fighting the fire.

20 Q. I should make it clear to you, Mr Stanhope, I am not suggesting that Mr Lucas-Smith has given evidence that he told you that. He has given evidence about his attempt to contact Mr Koperberg on the Sunday. I am interested to know whether he
25 raised it with you.

You say in your statement you came away from that briefing confident about the work that was being conducted and believing that the operations to bring the fires under control were being conducted in a professional manner. I take it that means that you came away with an impression that things were, as it were, going according to plan or at least there was an air of professionalism as far as you could see about what was happening?

30
35 A. That's absolutely correct.

Q. You make the point in particular that no concern was expressed at this meeting that you can recall about the fires reaching Canberra?

40 A. That's correct.

Q. Had you raised that as an issue?

45 A. No. I hadn't.

Q. Had it occurred to you that that could happen?

A. At that stage, no, I hadn't.

Q. By the 13th of January?

A. No, it hadn't.

5 Q. Had it ever occurred to you or had anyone ever suggested to you or has it ever up to the 13th of January crossed your mind that bad bushfires to the west of the Canberra area could in fact have an effect on Canberra suburbs?

A. No, it hadn't.

10

Q. On 15 January, two days later, you say, as you do in paragraph 9 of your supplementary statement, that you participated in an aerial reconnaissance by helicopter of the bushfires, but there was a difficulty about smoke and visibility and therefore flying was dangerous. That is self-explanatory, but were you given any further updates or briefings in relation to the situation as at the 15th of January?

15
20 A. I attended on that morning, the attempted aerial reconnaissance with Mr Peter Lucas-Smith. I do recall discussing with Mr Lucas-Smith aspects of the fire. I have to say of the conversations or briefings that I received - the one on the 13th, this on the 15th and the cabinet briefing - this is the area of my involvement in relation to the fire or discussions with members of the Emergency Services Bureau that I have least recollection of.

30

I remember during that attempt to view the fire a discussion with Mr Lucas-Smith around ongoing work in relation to the construction of the containment lines and fallback containment lines. One area that I know we did discuss were steps that were being taken by the Emergency Services Bureau to build or construct additional containment lines as a fallback position. I do remember Mr Lucas-Smith discussing with me successes that had been achieved in relation to ongoing back-burning efforts. I do distinctly remember a discussion to that effect.

45 Apart from that, I have no specific recollection of the conversation. But as I mentioned a moment ago, the context of the discussion I had on the Monday briefing is that I was left again

essentially with a feeling that efforts to contain the fire were proceeding, were in place, that resources were being applied and the fire was being dealt with appropriately and professionally.

5

Q. It is being suggested correctly that I should get Mr Stanhope's subsequent statement on the screen - it is [GSO.GSO.0004.0103] - it may not be able to be done.

10

I take it on the 15th of January, Mr Stanhope, there was nothing said to you about the possibility of these fires having an effect on the Canberra suburbs. That wasn't something that was raised with you?

15

A. I have no memory of that being raised with me.

Q. The following day a briefing was arranged for your cabinet. I think Mr Keady has given evidence effectively that this briefing was his idea and perhaps his idea in conjunction with Mr Tonkin. Is your recollection consistent with that?

20

A. Yes. Well, it is essentially consistent. I imagine that their request and a request would have been made of me for the briefing to take place, and that request would have been made of me by Mr Wood, the Minister. But I accept the suggestion that there be a briefing would have been put to Mr Wood by his chief executive, Mr Keady.

25

30

Q. Bearing in mind that you had had a briefing yourself from Mr Lucas-Smith and Mr Castle on the 13th and had some further discussions on the 15th, why was it necessary for cabinet to be briefed on the 16th?

35

A. I have no recollection of the reasons that Mr Wood may have put to me and certainly I'm not aware of any discussion or the content of any discussion that Mr Keady may have had with Mr Wood in which he raised with him the desirability of a cabinet briefing.

40

But I would surmise that Mr Wood would have put it to me that it was appropriate that the full cabinet be given a status report.

45

Q. Is it a fair conclusion to draw from the fact of the cabinet briefing that you and members of your government were beginning to recognise that this situation was getting very serious?

5 A. I don't believe that the state of my concern and the concern of any of my colleagues on Thursday was materially different than the level of concern or alarm that we would have felt or held on Monday.

10

Q. No change in your feeling about these fires between the 13th and the 16th, as far as you were concerned?

15 A. No material change in the content of the level of alarm that we may have individually felt or an increase in any concern we may have had about the steps that had been taken to combat the fire.

20 Q. By the 16th of January the fires had been burning for eight days. They were not under control. They may have been contained in the sense that they were burning within containment lines but they were certainly not under control. You were aware of that; I take it?

25 A. I have seen some discussion around the use of the descriptions the fire was contained but not controlled. I am prepared to confess to you now that I don't know the difference between the two descriptions.

30

35 Q. You are not a firefighter. As other witnesses have said - I don't suggest you should necessarily know - the evidence makes it clear that a fire is entitled to be described as contained when it is still burning within a containment line which might be quite broad. But containment doesn't necessarily mean control. I think that was demonstrated by what happened on the 18th of January. In all events your position as at 40 16 January is that you didn't have a heightened awareness of the seriousness of the fires or the risk of the fires, is that the position, as at the cabinet briefing?

45 A. That is correct.

Q. I take it that was changed by the cabinet briefing; was it?

A. No, it wasn't.

Q. It wasn't changed?

A. No.

5

Q. Let's just go to the briefing. Before we actually go to other material in relation to it, I should perhaps refer you to your statement concerning the briefing. I may have to read parts
10 of this, since we can't get it onto the screen. You have got both your statements with you in the witness box?

A. I do.

15 Q. In paragraph 10 of your supplementary statement you say that Mr Keady, Mr Castle and Mr Lucas-Smith attended - that is the briefing on the 16th - at the request of the Minister, Mr Wood. The purpose - I am paraphrasing
20 obviously - was to brief you and other members of the cabinet about the fires.

In paragraph 11 you say:

25 "Again, I have no specific recollection of anything in particular that was said, that is, of words that were used. I have only a general recollection of the briefing. I did not take any notes of the briefing."
30

30

In paragraph 12 you say:

"Mr Lucas-Smith made it clear to us that the fires presented a serious situation. He
35 explained what was being done to contain the fires, and that firefighting operations were occurring on a 24-hour basis. He presented a range of theoretical possibilities about development of the fires, but I do not recall
40 the details. He explained at the time that the fires were, at that time, west of constructed and proposed containment lines and that firefighters were hoping to keep the fires within those lines. Cabinet was
45 involved of the New South Wales and other assistance that had been sought and of the disposition of firefighting resources. We

were informed that Monday was seen to be a
'bad day' in terms of fire danger. We were
briefed upon how the legislation governing
the declaration of a state of emergency
5 operated, and in particular the consequential
appointment of the Chief Police Officer as
the Territory Controller. My memory is that
the issue of a state of emergency arose out
of a discussion about the possibility of
10 damage to the electricity infrastructure,
more notably the implications for power
supply to Canberra if the fire caused
'arcing' to the power lines crossing the
mountains.

15
At the commencement of the meeting, everyone
was provided with a four-page briefing about
the fires together with two additional
papers, one of which was a map identifying
20 the fire area and the other was a schedule of
costings to date. Matters listed on the
briefing paper were referred to from time to
time in the course of the meeting.

25
There was general comment about the
possibility of the fires reaching urban
Canberra. In that context, it was mentioned
that the western-most suburb Weston Creek and
Dunlop would as a result of their location be
30 the suburb towards which the fires might
travel in the event that they did spread.

The possibility of the fires reaching urban
Canberra was not discussed in a manner that
35 conveyed to cabinet any understanding that
the fires were a direct threat or that it was
envisaged or anticipated that houses within
the urban area were then at risk. Comments
were more to inform us of current
40 firefighting efforts, and that if the fire
conditions deteriorated and the fires were
not contained, government might need to be
involved in consequential decisions.

45
It was apparent from the briefing that the
fires presented a serious situation, but I
did not gain any sense of anxiety that the

fires presented any immediate threat to Canberra or that there was a considered view within the Emergency Services Bureau that the fires would not be contained."

5

You then go on to refer to the appointment of Mr Quinlan to act in place of Mr Wood, who was going on leave on the 17th of January. So that accurately states, as best as you can recall, your state of mind in relation to the briefing, Mr Stanhope; does it?

10

A. Yes, it does.

Q. Do you say that material describes the fact that, among other things, between the 13th and the 16th and as a result of that cabinet briefing your source of anticipation or concern about these fires was not heightened; that is your position?

15

A. That is correct.

20

Q. The people present at the briefing apart from yourself were Mr Castle, Mr Tonkin - I went through these yesterday with Mr Keady - Mr Mark Kwiatkowski, Mr Quinlan, Mr Corbell, Mr Wood and a lady called Claire Wall, who was also taking notes. That's your recollection?

25

A. That's correct.

Q. There is some video that was taken of the meeting which shows everybody present and either listening or talking. You can look at that, if you need to. When the meeting started, the evidence that we have suggests the first thing that happened was that the Minister for Police and Emergency Services made an opening comment about the briefing occurring by invitation and agreement, in effect - he made some opening remark. Is that consistent with your recollection that he actually opened the meeting?

30

35

A. Yes, that is consistent with the cabinet practice. I have to say, I don't remember in this particular instance, but the cabinet practice in relation to briefings from officers always is that the relevant minister has carriage of the matter, introduces the briefing and essentially conducts that particular part of any cabinet meeting. That is the practice employed in my cabinet.

40

45

Q. Then shortly after that introduction the briefing paper was tabled. I wonder if we could have this on the screen [DPP.DPP.0003.0078]. I don't want to go through this point by point with you, Mr Stanhope. I know it is sometimes a bit difficult when you are looking at a document on screen rather than holding a copy of it, but does that just looking at what you can see so far on the screen look as though that is the document that you were given? There is plenty of evidence that it is?

A. Yes, it does.

Q. The document recites under a number of headings details about the fire history, the weather, the current fire situation. If you go over to page 2 or page 0079 under the heading "New South Wales fires" you see those three dot points indicate that:

"Both the ACT fires have crossed into New South Wales;

Mt Morgan fire to the south west has been contained by New South Wales;

McIntyre's fire to the north-west has secure containment lines to the south and east following back-burning operations. However, with stronger winds from the north-west there is always the potential for spotting over the containment lines which has the potential serious impact to ACT Forests pines and subsequently the urban area."

Do you remember reading that in the course of the briefing?

A. I don't specifically remember reading it. I most certainly assume that I did.

Q. That's describing a potential serious impact. I don't suggest to you that it describes an imminent serious impact - it may be important to make that distinction - but it does describe a potential serious impact to the forest pines which primarily include the Uriarra pine forest and subsequently the urban area. That would have

concerned you when you would have read it; I take it?

5 A. Certainly it was a concerning fire. It was a serious fire and it was being treated seriously by the Emergency Services Bureau. I had a level of concern in relation to the fire from my initial briefing on Monday the 13th. At no stage did I regard the fire as anything other than serious.

10 At the briefing on the 13th of January, the proximity of certainly the McIntyre's Hut fire to Uriarra Forest was of course also an issue. To that extent, the statement that is made in the briefing note and the dot point to which you just referred is consistent with advice I think that
15 had been available to me and almost certainly the Minister for Emergency Services, and I think generally available to the community, was that a fire was not particularly distant from the Uriarra
20 Forest, that it was a serious fire and that there was a potential for the fire to impact on ACT Forests pines. And, as a theoretical possibility were it not contained in the Goodradigbee Valley, were it not contained by the subsequent or the
25 fallback containment lines that existed or were being prepared, if the back-burning were not successful, if the fire wasn't subsequently halted at the large area of urban - rural grassland west of the Murrumbidgee, that yes, there was a
30 theoretical possibility that the fire would advance to the urban edge.

35 Q. Mr Stanhope, this doesn't say that the potential serious impact to the urban area is a theoretical possibility; does it? That is your word. That is not the word --

A. That is not the word that is used in the document.

40 Q. That is not the word that was in the briefing paper that was being presented to you by the Emergency Services Bureau. It is described there as a potential serious impact.

45 A. Yes. Following the sentence which reads "McIntyre's Hut fire to the north-west has secure containment lines to the south --

Q. I understand that. Well --

MR JOHNSON: Could he have time to answer the question, please.

5

MR LASRY: I cut you off, I am sorry, Mr Stanhope.
A. I don't wish to be argumentative. I simply make the point that there was a context. The context in relation to the briefing to cabinet on
10 Thursday was a context for me that had been set by previous briefings on Monday, a context reinforced by discussion with Mr Lucas-Smith on Wednesday, and a briefing on Thursday that was essentially
15 consistent with the nature of conversations that I had - that yes, the fire is serious, there are some potentially serious impacts from this fire if a range of circumstances result.

If the fire does escape the initial containment
20 lines, if the fallback containment lines don't hold, if the hope that existed that the large expanse of rural grassland west of the Murrumbidgee was not sufficient to contain a fire that yes, the fire might impact on the urban edge.

25

And, you know, we can say, "Well, these aren't theoretical possibilities." The briefing using the word "potential serious impact" following a sentence which explains to cabinet that at that
30 point the fire, particularly McIntyre's Hut fire, was still in New South Wales; it was still in the Goodradigbee River; it had not crossed the border; and it was contained behind secure containment lines. Now there is a context there. In the
35 context and the nature of briefings I had received, that particular statement did not cause me any greater alarm on Thursday than the fact that, as of the Monday, I acknowledged that the fire was serious.

40

Q. Is this the first document or information that was provided to you that raised the question of a potential serious impact on the urban area? Is this the first time that had been raised with you
45 in this briefing paper of Thursday the 16th?

A. This is certainly the first written brief that I'm aware of. I don't believe that I saw any

other written information in relation to the fire prior to this document.

5 Q. Until Thursday the 16th, had anyone said to you "Chief Minister, there is a potential serious impact from these fires on the ACT Forests pines and subsequently the urban area"? Was it raised with you by anyone as a possibility?

10 A. The prospect of the fire actually gaining entrance to the forest had been raised with me as a real possibility. I have no memory of any suggestion being made to me as - well, I will say two things. One, that there was a theoretical possibility that --

15

Q. Who raised that with you?

20 A. I would imagine Mr Lucas-Smith in briefings raised the fact that the fire might under some scenarios reach the urban edge. I have no distinct memory of that. I have no reason to believe that he didn't.

Q. Do you have any memory at all of it?

25 A. Of that being raised?

Q. Yes.

30 A. I know now from having refreshed my memory by notes taken at the cabinet meeting that the issue was raised. I have no reason to believe it wasn't raised.

35 Q. We may be at cross-purposes. The point I am trying to put to you, Mr Stanhope, is this: on the evidence as I understand that you have given so far, what appears in that third dot point under "New South Wales fires" would appear to be, from your evidence, the first time that anyone has raised with you - in this case as a member of the ACT cabinet - that there was a potential serious impact on the ACT Forests pines and subsequently the urban area; am I right or wrong about that?

40 A. I believe the possibility of the McIntyre's Hut fire reaching the Uriarra Forest under certain circumstances was raised with me. I believe that was raised with me on Monday by Mr Lucas-Smith. I have no memory of anyone raising with me specifically the prospect of the fire reaching the

suburbs of Canberra. I do believe, however, that it is important that when we talk about the urban area is a distinction drawn in the language used between the suburbs and that area of land immediately before the start of the suburbs.

Q. The rural area?

A. No. The interface. I think there is a distinction in language that is used between houses and the urban edge.

Q. What's the asset of the urban edge that would be under potential threat? Is there an asset at the urban edge or it is simply open land, as far as you understand the definition of "urban edge"?

A. There are a range of assets at the urban edge that one might refer to as assets that aren't part of suburban Canberra - or that there were at least preceding the fire. There were assets such as Mt Stromlo forest; there were assets such as the Stromlo Observatory that are not part of the suburbs.

Q. Dealing with that phrase, just go down to the section "assets under potential threat" and you will see a number of assets under potential threat are there dot pointed. I won't read them all out, but the one I wanted to draw your attention to was "urban edge". The urban edge is described there as an asset under potential threat. When you read that, what did you understand that to mean?

A. My understanding indeed is that, if I might just provide some context in terms of my understanding, the risk needs to be taken in its entirety in the context of the nature of the briefing. As I understand it, this is a list of every asset between the fire front and --

Q. That's right?

A. -- Canberra. It seems to me, and I think now that it is reasonable to assume that what the Emergency Services Bureau was doing in the preparation of this list was listing the assets, identifying it, that it had identified as requiring potential protection or special protection.

The list, it is relevant to acknowledge that, as I understand it, I might be corrected on this, there are possibly no other assets. It mentions the Cotter Catchment area, the pine plantations, isolated communications infrastructure, Tidbinbilla Nature Reserve, Tidbinbilla tracking station, rural leases, urban edge. As I understand it, it is a complete list of all property or all so-called assets in the face of the fire were it to spread. And certainly it does include in that list, and is a complete list, the urban edge.

Q. This briefing paper was tabled early in the briefing, in fact shortly after it started. The evidence then suggests the next thing that happened was that Mr Castle gave an overview indicating that a number of lightning strikes had started the fire and, among other things, saying the following Monday, which was the 20th of January would be - as it is recorded in Mr Kwiatkowski's notes - an extreme situation. Monday would be a 1:40-year weather event according to the notes of Ms Wall and that the fire was already a 1:20-year event. Do you recall being told that by Mr Castle?

A. Yes, I do recall a discussion about the weather conditions.

Q. The videotape suggests that Mr Castle went on to say that the circumstances were equalling or surpassing the conditions that prevailed in 1983, and Ms Wall has also recorded that it was stated that it was drier than February 1983. Do you remember being told that?

A. I remember the broad discussion in relation to the weather conditions and the fact that the weather conditions were extreme.

Q. Mr Lucas-Smith then apparently provided an overview of the fires dealing with the spread, the method of containment, his discussions with New South Wales on the previous day and that New South Wales had provided 200 firefighters under cross-jurisdictional arrangements. He also referred to an area which I think was the size of part at least of the fire of 23,000 to

24,000 hectares and advised that the Corin catchment was the asset perhaps at that stage most directly affected; do you remember that information being conveyed to you?

5 A. I remember a discussion around the likely impact of the fire on water catchments. I have to say I don't remember words used; I remember a conversation; I remember the subject being discussed.

10

Q. It would appear from the notes that you then asked a question. I say that because Mr Kwiatkowski's notes have CM in brackets, which I have assumed stands for "Chief Minister". The question was:

15

"CM: How close is the McIntyre fire to the nearest forest?

"A. 1 to 2 kilometres."

20

Do you recall asking that question?

A. I don't recall asking that but I have no reason to believe I didn't.

25 Q. There was then, it would seem, a discussion which seems to follow from that that the main problem was spotting and there was a potential for the fire to spot over some number of kilometres - several kilometres is recorded. Then the Minister for Police and Emergency Services moved to the topic of infrastructure and a reference to the MacGregor substation and power lines leaking, I think was the way it was referred to. There was some discussion about the importance of the load not dropping to unacceptable levels. Do you recall that discussion?

30

35

A. Yes, I do.

40 Q. Mr Keady then, who is chief executive of Justice and Community Safety, apparently then made some observations about "other important potential affecting the urban periphery", and some response was made in relation to that which concerned the urban firefighters. Do you have any recollection of what that was about? Do you remember that discussion?

45

A. No, I don't. I don't recall that.

Q. There was then some discussion about arsonists in the area and in particular in the area of Uriarra Road and Black Mountain, and reference to those areas having been targets. Then
5 Mr Kwiatkowski's notes say:

"Principal threat to major infrastructure and urban is McIntyre's. Bendora - Tidbinbilla tracking station threats."

10

Do you remember that being said by somebody?

A. Yes, I remember in the presentation of the briefing that Mr Lucas-Smith gave, he gave an explanation of his understanding of expected - if
15 I might call it - the perhaps anticipated behaviour of the certain fires. In the context of that in the briefing that he gave in explaining what might occur, he explained that the southern fires were a greater threat to the water
20 catchment. And I must say I don't recall a specific mention of Tidbinbilla but I do recall Mr Lucas-Smith explaining that the Bendora and Stockyard fires were potentially of significant threat to the catchment and to the southern area
25 of Namadgi; and that under some scenarios it would be the McIntyre's Hut fire being, as it was, the northern-most fire, that would potentially impact on Uriarra Forest; and if it were to fulfil some of the scenarios or some of the potentials that
30 had been expressed, it was the fire that was in direct line with the city of Canberra.

Q. Did you raise with him what the prospects were of the fire actually having a direct impact on the Canberra suburbs in view of that information?
35

A. If I can ask: do you mean did I ask him what did he think the possibility or the likelihood of that occurring was?

Q. Did ask you a question like: "Look, what are the chances of this fire actually burning into the Canberra suburbs"?
40

A. No, I didn't.

Q. Why not?
45

A. I did, I can say from this distance, as I seek post facto to perhaps explain why I didn't ask any

range of questions, that I had a certain mindset which had developed as a result of the briefing that I received on the Monday, conversations I had on the Wednesday, and the nature and tone of the
5 briefing that cabinet was receiving that this was not at that time a real live possibility, that it was not a possibility of any high expectation.

I had not at that stage developed, if I might call
10 it, a mindset or an understanding of the nature of the fire that left me with any serious sense of alarm. Or if I might even say that it had not occurred to me at that stage that there was not just a real or a strong possibility, but I don't
15 think that it had occurred to me at that stage there was any possibility that the fire would cause damage within the suburbs of Canberra.

I simply had not reached that state of
20 understanding. I did not have that mindset. I had not received advice that led me to believe that this fire would destroy property within the suburbs of Canberra.

25 Q. Mr Stanhope, you had been told by this stage in the conversation that this was a 1:40 year weather event and you have agreed with that; you had been told by this stage in the conversation that the fire event was already a 1:20-year event;
30 you had been told that the weather was drier than 1983; you knew that these fires had now been burning for eight days. People were making references to the principal threat to major infrastructure and urban coming from the
35 McIntyre's Hut fire, and you didn't ask anyone at that meeting what the prospects of that happening were?

A. That's correct.

40 Q. Are you serious? Did you really not - you really didn't ask, despite that information?

MR JOHNSON: Could I object to that: The question has been asked and answered. It's necessary to
45 bear in mind that now, of course, we are looking back. At that time, I don't think it is suggested by Mr Lasry that everyone expected what would

happen on the 18th would happen.

Now, questions have been asked about what was said in that cabinet briefing. The Chief Minister has
5 sought to answer those. He has explained his thought processes. He has recollections. He is explaining his position. To put to him, "Are you serious" is a question dripping with hindsight.

10 In a case called Rosenberg v Percival in 2001, the Chief Justice of the High Court of Australia said that it is necessary in looking at cases not to look at them through the prism of hindsight. I can take the Court to that in due course. It was
15 in the reference of a negligence case. One looks at the events as they stood at the time.

It is fair to say, and the witness has conceded, as at 18 January, as at 16 January the issue was
20 serious. There is no issue about that. There was a briefing about these very fires. But to put to the witness "are you serious" in that type of way is one borne of the state of knowledge now known to Mr Lasry. Quite frankly, it should not be put,
25 in my submission. It should be withdrawn. If it is not withdrawn, it should be disallowed.

This is an inquest into circumstances which occurred with tragic consequences. That is
30 understood, and obviously detailed investigation and inquiry is needed. But a question of that sort to any witness, in my submission, including this witness, should not be allowed and I would object to it.

35 MR LASRY: My question was deliberately designed not to be dripping with hindsight, as my learned friend put it. What I was seeking to put to the Chief Minister was that at the point at which I
40 was taking him to the issue about whether he asked particular questions he had had provided to him a significant level of information. It is clearly implicit in the question that that level of information at the time, not with the benefit of
45 hindsight, should have driven him to ask about the prospects of the fires hitting Canberra.

I asked the question because it is true the witness has said that he didn't ask the question. He has described his level of thinking or his mindset at the time. I was seeking to test it.
5 However, it is apparent that he is serious. Therefore I am content in order to resolve the matter to withdraw the question and deal with it differently.

10 THE CORONER: The way I saw the question, Mr Johnson, is that it was based on information that had been made available to Mr Stanhope. He conceded he had that information.

15 MR JOHNSON: He answered the question. What I objected to was the question "Are you serious? That is a question that should not be put in an inquiry of this sort.

20 MR LASRY: I withdraw it, your Worship.

MR JOHNSON: It has been withdrawn. I will say nothing more.

25 MR LASRY: I will withdraw it.

Q. Mr Stanhope, I mean no offence by asking that question. I simply seek to test your proposition. Your proposition is notwithstanding the
30 information you had received to that point, it had not occurred to you to ask either Mr Lucas-Smith or Mr Castle what the prospects were of the fire actually burning into the Canberra suburbs. That's your evidence; isn't it?

35 A. Yes, that's true. In fact, I think it might be more fully explained that, on the basis of all of the advice that I had received, I had no reason to believe or assume or imagine that the fire would burn into the suburbs of Canberra.
40

Q. Can I just show you something in relation to that. If we could have on the screen please [ESB.DPP.0001.0104]. This document is only a very brief document, Mr Stanhope, it seems to be a
45 typed version of the note of this briefing made by Mr Tonkin. I will read some parts of it. It says:

"Cabinet 16 January 2003. Briefing on fire situation.

5 Background advice on fire history, plus review of weather forecast. One in 40-year weather. Already a one in 20-year fire event."

10 We have discussed those matters. You have agreed that was said. Do you see he has recorded in his note "Uriarra Forest is at 70 per cent risk". That appears to mean - we don't have Mr Tonkin's evidence yet so to some extent it is speculative - Mr Tonkin's impression or what he heard said was
15 there was a 70 per cent chance that the Uriarra Forest would catch fire as a result of these bushfires. Is that consistent with your recollection of what you had been told?

20 A. I have no memory of numbers such as percentages of assessment of risk being used at all. I have to say I can't remember that. As I have indicated, I do have a memory of - as I have said, I recall the discussion in the briefing and the advice that had been made available to me by
25 Mr Lucas-Smith at the briefing I received on Monday, and it was advice that was repeated in the subsequent briefing that there was a risk to the Uriarra Forest. Yes, that had always been made clear, but I certainly don't recall that that had
30 been quantified in that way. Certainly the potential risk to Uriarra had been raised with me at all times.

35 Q. If there was a 70 per cent risk to the Uriarra Forest and in the briefing paper the potential serious impact to ACT Forests pines and subsequently the urban area had been raised, it would be important to understand what the consequences for the suburbs were as a result of a
40 burning into the Uriarra Forest, wouldn't it? That would be something you would want to know?

A. I'm sorry, I don't fully understand your question.

45 Q. I don't know that I fully understand it myself, Mr Stanhope. Perhaps I will withdraw it.

At about the point where there was a discussion about MacGregor substation, Mr Keady is recorded in Mr Kwiatkowski's notes as having raised what are there referred to as "other important
5 potential effects, urban periphery" and then some reference to the urban firefighters. I think I might have already asked you about that. If I have, I don't recall your answer. Do you recall anything along those lines being said?

10

MR JOHNSON: You have already asked it.

THE WITNESS: I don't. I do recall a discussion around the electricity supply.

15

MR LASRY: Q. Then it is noted that there may need to have very quick decision made depending on where to deploy resources. Do you recall any discussion about decisions being made about the
20 deployment of resources and quick decisions having to be made about that?

A. I recall a discussion about the deployment of resources generally. I recall being advised by Mr Lucas-Smith that, following discussions with
25 the New South Wales Rural Fire Service, New South Wales resources would be deployed to the McIntyre's Hut fire. I think up until some stage in the fighting of the fire, there had been a joint effort applied across the range of fires.
30 And I do recall some discussion around arrangements that had been entered into by Mr Lucas-Smith with his New South Wales counterparts, which led to a change in the nature of the firefighting structure and which led to New
35 South Wales accepting full responsibility for containing and fighting and seeking to suppress the McIntyre's fire. The ACT resources would be applied to the other fires.

I recall that discussion. I do recall a
40 discussion around the application of particularly the bulldozers in relation to work that was being undertaken in developing a new series of containment lines. I remember a discussion and an
45 explanation by Mr Lucas-Smith of what was being sought to be achieved by the preparation of a range of new containment lines in terms of - I

don't know whether it was in terms of modelling but certainly in terms of assumptions that were being made by the Emergency Services Bureau into likely fire behaviour. I don't recall a
5 discussion around the specific point you make about the need for decisions to be made, I guess, essentially to withdraw some of those existing resources --

10 Q. It says deploy. I will read it as it is written: "May need to be very quick decision made depending on where to deploy resources". I wondered whether that jogged your memory?

15 A. No, it doesn't. In terms of well "deploy", I assume it means reallocate resources.

I might just say of course that operational matters and decisions are really not decisions that would be taken not only by the cabinet but
20 indeed would not be taken by the Minister.

Q. I was just interested in the information. The next thing that occurs is that there was discussion about the circumstances in which a
25 declaration of emergency might be made. You recall that, no doubt?

30 A. Yes, I recall a discussion around the administrative arrangements. There was a discussion around, I believe - my memory is not entirely reliable - the circumstance in which that might arise.

Q. That declaration is made under the Emergency Management Act; is that right?

35 A. Yes.

Q. Was the basis of the declaration discussed; in other words, on what basis the declaration might be made?

40 A. Yes. I believe Mr Castle referred to the provisions of the legislation.

Q. Under section 20 of the Emergency Management Act it says:

45
" (1) Where the Chief Minister is satisfied that --

(a) an emergency has occurred, is occurring or is likely to occur; and.

5 (b) the emergency is, or would be, of such a scale, or of such a nature --

10 (i) to constitute a significant danger to the health or safety to persons in the Territory, property of the Territory or the environment of the Territory; or.

(ii) as to cause significant disruption of essential services in the Territory;

15 The Chief Minister may, by writing, declare that a state of emergency exists."

Now, that section seems to make available to you two alternative bases on which to make the
20 declaration. One, a significant danger to health or safety to persons in the territory or the environment of a territory; or a significant
25 disruption of essential services. Was that pointed out to you during the briefing or did you already know it?

A. I didn't know that at that stage. As I say, I do recall Mr Castle referring to the bases on which a state of emergency might be referred. Yes, Mr Castle pointed out the list of bases for
30 the declaration for a state of emergency.

Q. Can I ask you this question first of all before we go to that in a bit more detail: was it a significant concern to you that one of the
35 things that you were now being briefed about in this cabinet meeting was the possibility of a declaration of a state of emergency?

A. It wasn't a particular concern to me, no.

40 Q. When was the last declaration of a state of emergency in the ACT prior to this one?

A. I'm not aware that there has been one.

45 Q. Does it follow that you would understand that a declaration of a state of emergency is, of course, a step to be taken in the most perhaps dangerous or extreme set of circumstances? I

don't mean as a matter of law but as a matter of ordinary practice of government?

5 A. Certainly that would be one of the range of circumstances in which a state of emergency might be declared. In the context of the discussion - and the context for all of these discussions is very important. The context of a discussion around a state of emergency, as I recall it, was the possibility of the ACT losing all of its
10 power. And the prospects of the ACT being without power is a circumstance in which one would give serious consideration to the need for a state of emergency to deal with the fact that the territory was powerless.

15

Q. Did anyone tell you about the prospects or the odds of such an event happening - that the ACT's power supply would be shut down by these fires? Did someone give you some estimate as to how
20 likely that was?

A. It was discussed as a serious issue. I'm aware that the handwritten notes refer to a prediction which is not particularly expansive and I don't fully understand and I don't recall it
25 being made. I certainly recall a detailed conversation about the potential - and it was put as a real possibility - that because almost all of the ACT's power is provided to the ACT by the TransGrid line which crosses Namadgi, we
30 potentially faced a circumstance in which we would lose I believe somewhere between 80 and 90 per cent of our total power supply. But I don't think --

35 Q. Those figures were discussed; were they?

A. I don't remember any reference to a percentage amount again. But I remember that the matter was put as a serious issue.

40 Q. So your recollection is that, in the course of this briefing, it was being said that there was a serious prospect that the ACT, as a result of these fires, would lose its power supply?

A. It was put as one possibility, yes, that there
45 was - once again there was an issue in relation to which I had no knowledge or understanding. It was an issue in relation to which I had never been

briefed. The science involved was something that I had no understanding of or about and I have to say even at this stage I still don't fully understand the principle.

5

But it was suggested as a result in some scenarios that if the fire were to burn under the TransGrid line that there was a possibility as a result of particles in the air that there would be an arcing event which could lead to impacts on the substation, which might lead to, as I say, a complete blackout of the city of Canberra.

Q. That was all said in the cabinet briefing?
15 A. There was - yes. Not as indelicately as that, I am sure but --

Q. That level of information was conveyed in the cabinet briefing?
20 A. That position - that scenario was painted.

Q. Who did that?
A. Both Mr Castle and Mr Lucas-Smith, I believe. I most distinctly remember Mr Lucas-Smith raising the issue. I have some memory that Mr Castle may have participated in the discussion. I certainly remember and I believe Mr Lucas-Smith raised the issue.

30 Q. Is it your position that any discussion about a declaration of a state of emergency had nothing to do whatever with the prospect of the fires hitting the suburban area?
A. That's correct. At no stage did I have a belief or an understanding or had I imagined that the fires would burn the suburbs or houses within Canberra.

40 Q. That's not quite the question I asked you. The question I asked you was whether it is right to say that, when the prospect of a state of emergency was being discussed, it was being discussed totally in the context of an effect on Canberra's power supplies and had nothing whatever to do with the prospect that the fires might have an impact on the suburbs?
45 A. That is my belief and recollection.

Q. The discussion then went on to talk about cost. I don't want to deal with it in great detail, but it appeared that one million dollars had been spent during that week and there was
5 apparently a \$4.87 million disaster threshold, which was being predicted would be reached. You, no doubt, recall that obviously cost is a factor?
A. I do recall the discussion around costs.

10 Q. The Minister for Police then seems to have raised a question about the capacity of the State Emergency Service and whether they could provide assistance around the urban areas. Do you recall him raising that?

15 A. No, I don't.

Q. Ms Wall in her notes has also referred to the provision of assistance, similar assistance by the defence department, the Australian Defence Force
20 Academy. On page 2 of her notes it is noted: "If defence aid the civil community, then it doesn't cost the ACT". That's right, isn't it? If the defence of department provide civil aid it doesn't cost --

25 A. Yes, I believe there are a range of arrangements in relation to natural disaster relief. I don't know the detail of those, but yes, I understand the issue.

30 Q. This then goes on to note that the Australian Defence Force Academy could be asked for "ambulance if necessary". Do you remember a discussion about ambulances being provided?

A. Not specifically, no. I do recall, as I say,
35 the general briefing in relation to resources and the liaison and the and the assistance that was being received from sources external to the ACT government. It included the defence forces and included New South Wales and I believe by that
40 stage by Queensland and Victoria. I am not entirely sure whether that is the list that I remember a discussion around non-ACT assistance.

Q. An overview is then provided by Mr Castle of
45 the Emergency Management Act. We have been discussing that. Mr Castle's evidence, as I understand it, that he has already given - I

wonder if we could go to page 1846 of the transcript.

5 MR WHYBROW: I don't object to my friend doing this. Rather than me necessarily having to go through this again at a later stage, that answer that Mr Lasry asked Mr Keady of is in the context of a number of answers. There is potential for ambiguity - well not at all intentionally. There
10 are other answers at 1846 and 1854 on this very issue. It may be if that question is put, which I anticipate is going to be put, out of context, there may be a potential for misleading the witness.

15 THE CORONER: If that happens, Mr Whybrow, we will deal with that problem.

20 MR LASRY: I will check those references and I will come back to them. I will come back to it when I have had a look at it and see whether they are in fact consistent or otherwise.

25 Q. Mr Stanhope, the next thing that seems to happen so far as the notes are concerned is that a record is made of the decisions that are made. In effect as I understand the note, this is on the second page of Mrs Wall's notes. At the top of the page she records:

30 "Press release. Ted will be acting Minister for Police and Emergency Services - that is a reference obviously to Mr Quinlan - Mr Wood was going away need to be sure that
35 appropriate. Note brief. Advice on costs. Public information system activated as required. CM - Chief Minister - can declare a state of emergency. Police minister, Tim Keady to take administrative responsibility."

40 That is a shorthand note of the decisions made by the cabinet as a result of the briefing. I suspect that these conclusions were being reached with Mr Lucas-Smith and Mr Castle and co still
45 present. It seems at the end of that they were thanked for coming to take the time to brief cabinet. The impressions that the notes create is

that a press release or a cabinet minute would be prepared which would contain this information. Certainly a cabinet minute, as you are aware, was prepared. The note goes on to say:

5

"Note, if necessary, cabinet may need to be recalled to provide quick advice on priorities for which assets to save.

10

Do you recall that being discussed?

A. I don't remember the conversation that ensued from which the recommendations were developed. But I do remember in particular Mr Wood, as I indicated before, this was essentially a meeting chaired by Mr Wood. I think it was perhaps Mr Wood that suggested what the meetings inclusions were. I do remember a discussion about the need to keep cabinet involved and the need for cabinet to be recalled if the circumstance changed to a degree where that was felt to be appropriate.

15

20

I don't then recall that added to the decision that it may be necessary, that it was important for cabinet to be kept informed, involved. I don't remember the subsequent discussion about the need for decisions to be made around the protection of particular infrastructure.

25

30

Q. Then appears the note which you have already referred to:

"Now significant. The chances that a state of emergency will have to be declared 40-60 per cent."

35

I think you have already said that the 40-60 per cent or that percentage doesn't have a great deal of meaning to you. Do you recall it being discussed in terms of percentages that a declaration would be required?

40

A. No, I don't. I have no recollection of the discussion around a percentage figure. As I read those notes, I struggled to understand the full meaning of some of the dot points that were made by the notetakers and I have to say that is one particular discussion I don't recall. As I seek to understand it, I don't particularly well

45

understand it in the context of the meeting as I recall the meeting.

5 Q. The next note says:

"Suburbs of greatest risk Dunlop Weston Creek."

10 There was a discussion, wasn't there, about Dunlop and Weston Creek?

15 A. I don't remember a specific discussion around suburbs being at particular risk. I do remember in Mr Lucas-Smith's presentation and certainly it was the presentation that he provided on the Monday and again at the cabinet meeting, that he explained - as I indicated before - potential scenarios. One of which was that in a range of extreme situations if, as I say, this is as Mr Lucas-Smith, from my memory --

20

Q. Sorry is this on the Monday or at the cabinet meeting?

25 A. No, at the cabinet meeting. As I say, the presentation was consistent as between the meetings, was in that range of circumstance - namely the McIntyre's fire breaching its containment line, crossing the fallback containment lines, crossing the rural grasslands west of the Murrumbidgee, crossing the Murrumbidgee and getting to the urban edge that the areas of Canberra that were most exposed to fire, and indeed to any bushfire, were obviously Weston Creek and I believe Dunlop.

35 Q. Dunlop is in the very northern tip of the suburban area; isn't it?

A. Yes. And the most westerly suburb.

40 Q. If you go down the western edge of the Canberra suburban area, the area of Weston Creek is about halfway down - perhaps a little short of halfway down to the southern edge; is that correct?

A. Well, yes, I am prepared to accept that.

45

Q. By my, no doubt, inaccurate measurement if you drew a straight line between Dunlop and Weston

Creek, you would get something of the order of perhaps 10 or more kilometres - so obviously more by road?

A. I would think so.

5

Q. The contemporaneous note says:

"Suburbs of greatest risk Dunlop and Weston Creek."

10

You say in paragraph 15 of your statement:

"The possibilities of the fires reaching urban Canberra was not discussed in a manner that conveyed to cabinet any understanding that the fires were a direct threat or it was envisaged or it was anticipated that houses in the area were at risk."

15

20 Just pausing there, I take it that means that when there was discussion about the possible threat to urban Canberra, it wasn't being suggested that such threat as there was was imminent?

A. That's correct.

25

Q. Yes, but nonetheless?

A. I might just, to expand for the sake of completeness, it was not at any stage I think discussed - not that it wasn't imminent, it wasn't discussed as a real possibility.

30

Q. Well this note says:

"Suburbs of greatest risk Dunlop and Weston Creek?"

35

A. Yes.

Q. That is more than a theoretical possibility?

A. Well, no, it is not. I explained the context for the nature of the briefing. The briefing was that if the McIntyre's Hut fire broke out of the Goodradigbee Valley, which at that stage it hadn't done - cabinet had just been briefed that the fire was still within the Goodradigbee Valley, that it was still behind secure containment lines, that it hadn't broken out of the valley.

40

45

Canberra; that is out of paragraph 14 of your statement. You go on to say:

5 "In this context, it was mentioned that the western most suburbs of Weston Creek and Dunlop would as a result of their location be the suburbs towards which the fires might travel in the event that they did spread."

10 That's your account of what you were told?

A. That's correct.

15 Q. As I have said, Ms Wall has recorded "suburbs of greatest risk Dunlop and Weston Creek". While there is a difference between the two, I don't suggest that her note is not necessarily inconsistent with your statement. But did someone ask, whoever it was who was offering that information, what the chances were of those
20 suburbs being affected by the fires?

A. I don't believe so.

25 Q. If you take a summary of the relevant information concerning the fires from that cabinet briefing then what you knew, I suggest to you, based on the information that we have been through this morning, is that Monday the 20th of January was expected to be an extreme day?

A. Yes.

30

Q. You knew that?

A. That was the basis of the weather advice that was provided to the cabinet by Mr Castle.

35 Q. You also knew, because you had been told in the course of the briefing, that the weather was 1:40-year weather event, right?

A. Yes.

40 Q. You also knew that the fire so far, that is as at the 16th, was a 1:20-year event. You also knew that the weather conditions and the dryness was worse or drier than February of 1983.

A. Yes.

45

Q. It would appear on the note that, in answer to a question from you, you knew that the McIntyre's

fire was within 1 to 2 kilometres of the nearest forest which was probably the western edge of the Uriarra Forest. That would appear from the note also?

5 A. Yes, that's right. And of course that is consistent with the advice I was given on Monday, as well.

Q. According to Mr Tonkin's note, the threat to
10 Uriarra was something of the order of 70 per cent - you don't recall that I think in fairness to you.

A. I don't recall it. I don't recall the
15 percentage threat that was attributed to it by Mr Tonkin in his notes. I do, as I said before, remember that Uriarra was an asset under threat.

Q. If there was any threat - potential,
20 theoretical or whatever else - to the urban area, it was most probably from the McIntyre's fire; you knew that?

A. Yes, I think I had accepted that.

Q. It had been recorded that someone had said
25 that the prospect of a state of emergency was something of the order of 40 to 60 per cent. You are not clear about that, I understand --

A. I don't recall a discussion around the
30 percentage allocation but I certainly recall a discussion around the need for a state of emergency in relation to impact on electricity supplies.

Q. It would appear that Mr Wood in the course of
35 the discussion talked about the need for the SES in the urban area; that would appear from the contemporary note?

A. I'm not quite sure what that means, a
40 reference to the SES in the ACT context.

Q. In one form or another, some level of risk was
45 identified at least in relation to the suburbs of Dunlop and Weston Creek - the level of risk we can argue about - but some level of threat or some level of risk was at least discussed either because they were suburbs towards which the fires might travel if they spread or because they were

the suburbs of greatest risk; that is, putting together your statement and Ms Wall's statement?

A. Yes. But the question you ask adds a dimension in relation to a suggestion of risk.

5 I've previously indicated in my responses to your questions that, in the context of the briefing and in the context of discussion, the cabinet was not advised that houses in suburbs were at risk.

10 Q. I understand that you say that. Was there any discussion that you can recall in the course of this cabinet meeting about the need to, first of all, to inquire on your behalf or on behalf of other members of the ESB members present or to
15 generally discuss the means by which the information about this situation which was put before the cabinet could be put before the public?

A. I am not aware that there was a discussion around how specific information might be provided
20 to the public. Certainly there was a discussion, which I think is reflected in the cabinet notes, in relation to enhancing the avenues providing information to the public through the engagement of Canberra Connect as a subsidiary source of
25 information for residents of Canberra seeking information on the fires.

Q. I will ask for the cabinet minute to be brought up [DPP.DPP.0003.0084]. This is the
30 minute signed by Mr Tonkin, the secretary to the cabinet. It says:

"The Cabinet:

35 (a) noted the briefing tabled by the Minister for Police and Emergency Services, and further information provided by officials from the Emergency Services Bureau, regarding the current fire situation and forecast
40 weather report.

(b) noted the advice on costs incurred to date;

45 (c) noted that a public information system has been put in place and will be activated as required by ESB in consultation with the

Department of Urban Services."

It is not clear to me from any of the notes - you
may have a recollection of it - that
5 notwithstanding the presence of that in the
minute, there was actually any discussion about
the distribution of information to the public. Do
you say there was some discussion?

10 A. No. I don't recall any discussion around the
distribution of specific information to the public
other than the discussion around the engagement of
Canberra Connect as a subsidiary source of
information or subsidiary point of contact for the
provision of information to members of the public.

15 Q. Did anyone ask at the briefing a question
along these lines, "Given that the suburbs of
Dunlop and Weston Creek by virtue of their
position were the most vulnerable to any potential
20 threat, what arrangements were in place to inform
or warn occupants of those areas of the potential
danger?"

A. No. And in the context, as I've indicated of
the nature of the briefings and the level of
25 understanding, the question you ask is based on
certain assumptions that would not have led any
member of cabinet to ask that question. It was
not in my mind - I cannot speak for my cabinet
colleagues - and I don't believe it was in the
30 minds of any of my cabinet colleagues or any
minister that there was that threat to those
suburbs in a real sense.

35 So the question is laden with an assumption that
is not borne out, as I have indicated, by the
context of the circumstance or the level of
understanding that ministers had - I should speak
only for myself - or that I had, and that I
believed that to be the position of my colleagues.

40 Q. I wasn't meaning to load the question with
assumptions. I was simply asking you whether or
not, given that Dunlop and Weston Creek were
identified as suburbs which were at some level of
45 vulnerability ahead of the others, it was
discussed as to whether they should be given some
sort of information. I take it the answer to that

question would be no, that was not discussed.

A. The answer is no.

5 Q. Was any consideration given to the possibility
that the public might be or should be warned that
there was a risk of an 80 per cent breakdown in
the ACT power supply?

A. I don't believe there was any discussion of
that, no.

10

Q. Why not?

A. I can't answer why not. I can surmise that,
in the light of perhaps a range of information
that ministers are provided with about
15 potentialities, the decisions are taken,
assessments are made at the time about the need
for a response at that time.

A scenario was painted by those advising the
20 cabinet of a potential impact on electricity
supply. At that stage it was essentially out of
the hands of anybody. Whether or not that
potentiality might be prevented, we were seeking
to do that. Of course, in the context of what we
25 were seeking to achieve in relation to the fire,
it was the determined intention of everybody
associated in fighting the fire to prevent its
spread.

30 In that context, that was the situation we were
in. That was the mindset; that was the attitude.
It was, of course, still the belief of the
Emergency Services Bureau, a belief transmitted
certainly to myself and I believe to my
35 colleagues, that we were at that stage still doing
everything within our power. And at that stage,
as I have indicated, the view of those advising
the government, as expressed to the government,
was that the danger to a range of assets was not
40 at that point imminent or necessarily a real
possibility.

Q. Mr Stanhope, you had a number of people from
ESB in the cabinet room telling the cabinet that
45 these fires were serious - I won't go through all
the factors; we have discussed them a number of
times - on your evidence serious to the point

where you were being briefed on the possibility of the declaration of a state of emergency --

A. In relation to electricity supply, yes.

5 Q. -- because it was thought that it was possible that something of the order of 80 per cent of Canberra's power supply could fail if the lines arced as a result of a fire. That wasn't fanciful in the way it was presented to you?

10 A. No. It was put to the cabinet as one of the possibilities.

Q. If that was a significant or a real possibility sufficient to justify the cabinet being briefed about the way in which a state of emergency might have been declared, why couldn't the public have been informed that was a possibility so they could prepare for it?

15 A. I can't answer that question - just as a number of questions in relation to decisions that were taken or not taken simply can't be answered at this distance.

Q. I think in fairness to you the fairer question to ask you, because it wasn't your role to be warning the public, you were being briefed. It wasn't your responsibility; I accept that. But nobody asked in relation to the potential interference of the power supply, I take it, in the course of the discussion about the feasibility of warning the public that such an event might occur; that wasn't a subject for discussion in the cabinet meeting?

25 A. I don't believe it was raised by anybody at that time that there was a need to advise the community about potential interruption of the power supply.

Q. Can I come to the 18th and the declaration of the state of emergency. I only want to deal with this very briefly. I wonder if we could have on the screen Mr John Murray's statement, which is [AFP.AFP.0110.0001], and if you could go to the 13th page of it.

40
45 While that is coming up, Mr Stanhope, am I right in saying that there was only one reason why you

agreed to sign the declaration of a state of emergency, as you say in your statement? That was, let me put it to you as you discuss it: it was primarily because you wanted the police to
5 have the power to compulsory evacuate people if necessary?

A. That was the primary reason, yes.

Q. Was there any other reason?

10 A. That was certainly the primary reason.

Q. Were there any others?

A. Yes. I'm getting to that. That was the primary reason. There was a wide-ranging
15 discussion at the meeting that was convened at 2 o'clock. At that time, of course, the situation had become extremely grave. There were issues around the information then being sought to be provided to the community. There was in that
20 discussion around the declaration of a state of emergency, I believe, a discussion around the extent to which the disaster would impact or was impacting on the ACT.

25 Q. If we go to page 13 of Mr Murray's statement. Let me summarise as I understand it. No doubt Mr Archer will correct me if I get this summary wrong.

30 THE CORONER: It appears to be on the screen now, Mr Lasry.

MR LASRY: I think that is the submission and not the statement.

35

Q. Mr Murray in his statement - Mr Murray has not yet been called - describes attending at ESB at 8 minutes to 2 on the 18th. When he got there already present in Mr Castle's office were
40 yourself, Mr Tonkin, Mr Keady, Mr Castle, Mr Lucas-Smith and Mr Bennett. As I understand his evidence there was some disagreement, if you like, or some debate about the declaration, primarily it was because those in charge of the
45 fire, including Mr Lucas-Smith, were in effect saying it was best if people who were prepared and able to stay with their houses did so. Mr Murray

had a view that there was potential for houses to
explode and was worried about that. At one stage,
as this debate was going on, you are quoted by
Mr Murray as saying, "You are the experts. All I
5 want is the advice."

MR JOHNSON: I have the page number. Rather than
having a very long possibly inaccurate summary, it
would be best if the page was brought up. I think
10 it is [AFP.AFP.0110.0022]. Then 0035 appears to
be page 14 of the statement of Mr Murray which
seems to discuss events from about 2pm. That may
be what Mr Lasry is looking for.

15 MR LASRY: That is it, your Worship.

MR JOHNSON: The first page of Mr Murray's
statement of 12 September 2003 is
[AFP.AFP.0110.0022]. It is at 0035.

20 THE CORONER: Thank you.

MR LASRY: Thank you, Mr Johnson.

25 Q. I don't think I have actually misstated it so
far although I have endeavoured to summarise it.
While that is coming up, in what I have put to you
so far, Mr Stanhope, do you have a recollection of
that kind of discussion occurring where there was
30 some debate going on?

A. Yes, I do.

Q. And you were caught in the middle of it in the
sense that you were really waiting for someone to
35 give you advice on a consensus basis?

A. Yes, I was looking for that.

Q. Ultimately you got it?

A. Yes.

40

Q. It was after a discussion about what the best
approach was to be?

A. Yes, that's correct.

45 Q. Part of, as it were, the discussion or
negotiation was that it was important that, if
there was to be a declaration of a state of

emergency, the actual controller needed to be Mr Lucas-Smith because he was after all the controller of the fires?

5 A. That's correct. That is one of the issues that I required some explanation around. It was one of the issues that did concern me about a declaration of a state of emergency.

10 Q. We might be able to dispense with the need to bring this up. That is all - I wanted to confirm that in general terms that account of what happened is correct.

15 Mr Stanhope, I understand that you are primarily a politician and that, in a sense, these fires have a political dimension to them as far as debating the issues in public is concerned and things of that kind. I don't want to get involved in a political debate with you about it. That is
20 something that can be done somewhere else.

On the 20th of January, at least as I understand one thing that you were said to have said at about that point, and I am referring in particular to an
25 extract from the 'Age' - but I think this has had some notoriety so you will probably recognise it - you were in the process of, as it were, defending or supporting those who had responded to the fires and in the course of it said words to the effect,
30 "If you want to blame somebody, blame me." Do you recall saying something along those lines?

A. I do.

35 Q. At the time that you said that, did those words reflect some acknowledgment not necessarily personally on your part but some acknowledgment by you that there were some government shortcomings in response to these fires?

40 A. No.

Q. Well, what did it mean?

A. It meant that, in the aftermath of the fire, there were significant levels of understandable anger within some sections of the ACT community.
45 It was a response to what I regarded as completely unjustifiable slurs on the ACT firefighting service and Emergency Services Bureau in the main

by journalists and the media - and I must say with great respect to the Canberra media - journalists and the media external to the ACT.

5 We were in the midst of a disaster. The disaster was continuing. The city of Canberra was still at threat. I felt the need as the Chief Minister to express my support for emergency services
10 personnel and for firefighters, and I responded perhaps with some heat and at the time with some frustration and even anger to what I regarded as continuing slurs on my officials and attacks on my town. And I stand up for my town and I stand up for my officials.

15 Q. I understand all of that, Mr Stanhope. It is an admirable position for a chief minister to adopt. Why would anyone want to blame you?

20 A. Because I am the head of the government and a politician. And heads of government and politicians are often the focus of blame and anger for a range of reasons - and understandably so. Often unjustifiably so but certainly understandably so.

25 Q. All I am trying to establish is that you weren't, in making that statement, making an acknowledgment that things had gone wrong at the government level in response to the fires that you
30 were then conscious of?

A. Absolutely not.

MR JOHNSON: I think that has been asked and answered.

35 MR LASRY: I am unaware of the rule that says that a question can't be asked more than once.

40 MR JOHNSON: Even in this inquiry, hopefully questions will only be asked once.

THE CORONER: Yes.

45 MR LASRY: Your Worship, with respect, that will depend on the answer.

Q. Mr Stanhope, in the week leading up to the

18th, a point was reached, wasn't it, where you recognised that there was a possibility that was more than theoretical that the fires - whether McIntyre's, Bendora or any other; and either
5 individually or in combination - presented an actual threat to the Canberra suburbs?

A. No.

Q. That never happened?

10 A. No.

Q. Through all what you were told on the Monday, the Wednesday, the Thursday cabinet briefing and on Friday what you could see, it never crossed
15 your mind that there was an actual risk to any suburbs of Canberra?

A. That's correct.

Q. You didn't turn your mind to the possibility?

20 A. I was responding, in terms of my thought process and in terms of my mindset, to the briefings I had received and to the media interviews that officers of the Emergency Services Bureau were giving. I think in terms of the
25 context and in terms of the view that I had and views that ministers had, they were views that were consistent with the views being expressed by those we had employed as professionals to deal with the very circumstance that we were facing.

30

I am not an expert in fires. I have no understanding around bushfires or fire behaviour.

Q. I appreciate that, Mr Stanhope --

35 A. I engaged - and we as a government established an Emergency Services Bureau, established an urban fire service, established a Rural Fire Service and engaged professionals to run and conduct those services for us. I relied on them. They provided
40 me with certain advice. The advice and the view I had during that week was consistent with the views that were being expressed not just publicly by those senior officials but were views that were essentially the views that were put to me in
45 briefings I received on the issue.

It is the truth that at no stage did I in my

imagination believe, nor was it put to me as a real possibility at any stage, that property within the suburbs of Canberra were at a real risk from the fires.

5

Q. I want to suggest to you that, in view of what you were told about the McIntyre's fire in the briefing paper of 16 January:

10 "However with stronger winds from the north-west there is always the potential for spotting over containment lines which has the potential serious impact to ACT Forests pines and subsequently the urban area."

15

The answer that you have just given simply can't be right. It can't be right that you didn't entertain the possibility that these fires, at least as of Thursday, could affect the urban area?

20 I suggest to you that simply can't be correct?

A. It is correct. And it's consistent of course with the views that were expressed by the Emergency Services Bureau and others. That was their view and opinion on the morning of the 16th

25

of January as well.

It was my view, and the last briefing that I received on the fires was on the morning of Thursday the 16th of January. The view, as

30

expressed in briefings on the morning of the 16th of January and I believe the essential belief of those senior officers of Emergency Services Bureau, was precisely that. If it were the view of our senior officials, those experts engaged by

35

us and who briefed us on these issues, then in regard to my complete lack of understanding, knowledge, experience and expertise in relation to fires, I can't see how I could have gained anything other than a view that was the view of my

40

officials and a view which was being conveyed to me by them.

Q. I want to put some evidence to you, Mr Stanhope. Mr Lucas-Smith gave evidence about

45

the briefing paper. I want to take you briefly to some of his evidence at page 1061. I read to him the passage that I have been referring you to in

relation to the potential serious impact and then put the question to him.

5 "Q. So I take it by 16 June at 9.30, or indeed when this briefing was finalised, it was now recognised that there was a potential serious impact to the urban area of the ACT?

10 "A. Well, yes, I suppose that is the simple answer to your question. But it needs to be also put in the context.

"Q. Can I put it to you it is the usual content, which is assuming certain things?

15 "A. Yes.

"Q. I am not suggesting that you were of the view that at this stage --

20 "A. I'm painting a worst case scenario to the best of my ability.

25 "Q. -- it was all over red rover, as it were, but simply that there was now a potential serious impact for the urban area if things went wrong, both in the weather, in a containment line and in a resource set of circumstances?

"A. Yes, that potential existed.

30 "Q. Yes. And obviously I assume the members of the ACT cabinet were very interested in it?

"A. Very interested in it."

35 Now, you can perhaps make for yourself what you will of Mr Lucas-Smith's evidence. But it is clear, I suggest to you, from his point of view what was being put to you as a cabinet was not that it was imminent but certainly there was a serious potential for impact on the urban area of
40 the ACT, and that that was being put to you in the cabinet briefing on the 16th; do you accept that or not?

A. Well, yes. It is in the written brief that was provided to the cabinet, those words.

45 Q. That must mean, mustn't it, that in those circumstances as of that time, you had some

consciousness of the possibility of the suburbs being affected by the fires?

5 A. No, it doesn't mean that at all. I think I have answered that question in a number of emanations over the last couple of hours. It doesn't mean that.

10 I have explained it in terms of the understanding that I had, that I believe my colleagues had. The range of circumstances, the context and perhaps even the level of understanding that I had certainly - I should speak only for myself - about fires which was no understanding. That might be visited on me as a weakness. But it is a fact of life that I'm a politician, I'm a Chief Minister, but there is a whole range of areas in relation to society in relation to which I have absolutely no knowledge or understanding, and fires is one of them.

20 At no stage did I come to an acceptance or an understanding nor do I believe at any stage was I advised in a way or a context that led me to believe that this fire would cause destruction to the suburbs of Canberra. That is a statement of my state of mind and understanding in relation to the fires.

30 MR LASRY: Thank you, Mr Stanhope. I have no further questions, your Worship.

THE CORONER: Thank you, Mr Lasry. Mr Archer, have you got any questions?

35 MR ARCHER: I have no questions.

THE CORONER: Mr Pike, do you have any questions?

40 MR PIKE: Nothing, your Worship.

THE CORONER: Mr Walker?

MR PHILIP WALKER: No questions.

45 THE CORONER: Mr Craddock?

MR CRADDOCK: No questions.

THE CORONER: I notice Mr Whybrow is out.

MS BIRD: Mr Whybrow has no cross-examination.

5 THE CORONER: Mr Johnson?

MR JOHNSON: I have no questions.

THE CORONER: You are free to leave, Mr Stanhope.
10 You are excused.

<WITNESS EXCUSED

THE CORONER: Are you ready to continue,
15 Ms Cronan?

MS CRONAN: Yes. I will recall Mr Ingram.

MR PIKE: If I might be excused for a moment,
20 I will go and get him.

THE CORONER: He is here.

<DAVID TREVOR INGRAM, RECALLED, RESWORN.

25

<EXAMINATION-IN-CHIEF BY MS CRONAN CONTINUING

MS CRONAN: Q. Mr Ingram, when we finished up
yesterday afternoon, I was asking you about your
30 belief that there was no potential for the fires
to impact on the ACT as of the afternoon of the
15th of January and I asked you what was factoring
into your beliefs. You said you didn't believe
the fire would travel that far. It was still a
35 long way from the ACT and the suburbs. You also
said:

"A. Mr Cheney is an expert in the field, and
I've read a lot of his work. There was also
a lot of people in that room with a lot more
40 fire experience than what I have got. We
were saying the fire was not going to come in
at that time. And I drew the conclusion and
it is still my belief, as I said before.

45 "Q. Who was saying the fires were not going
to come in at that time?

"A. From the planning meetings, from my own

impressions from the map I was looking at - people were saying the fire was still well away from the ACT."

5 You couldn't recall when I questioned you yesterday who those people were. Is that still the case, can you now recall?

A. No, just people from the planning group.

10 Q. It wasn't Mr Castle. Do you recall if Mr Castle said anything to you about the fires not coming in on the 15th?

A. No. No, I don't believe he did.

15 Q. At that point in time by the afternoon of the 15th when you attended the planning meeting, had you at that point in time already seen the ACT request for Commonwealth assistance that Mr Castle had drafted and sent off that afternoon?

20 A. Assistance for what, sorry?

Q. To obtain the two defence Seahawk helicopters and the four defence bulldozers?

A. Yes, I believe I've seen that.

25

Q. If the witness could be shown again [ESB.AFP.0110.0117].

30 MR PIKE: To assist the transcriber, I might again remind the witness to speak up and speak slowly.

THE CORONER: Thank you, Mr Pike. If you would, please, Mr Ingram.

35 MS CRONAN: Q. If I could ask you to look at the paragraph that is headed "situation" on the left hand column. And remind you again Mr Castle had said:

40 "The weather forecast for the weekend and early next week predicts temperatures in the high 30s with strong winds gusting over 60 kilometres per hour from the north-west causing concern for the ACT urban
45 environment."

Your evidence is now that you had seen that

document before you went into the planning meeting on the afternoon of the 15th?

A. I thought you said I had seen the document. I don't recall exactly when I had seen the document.

5

Q. But you did see it on the 15th?

A. I had seen the document. When it was written and sent, it was sent through to the logistics area as they normally would be. It's a resource.

10

Q. So you contribute to the compilation of the document, as I understand your evidence, and then it is sent through to you after it finalised and sent?

15 A. This document?

Q. Yes.

A. No. What happens is the request comes through for assistance. It is not done at my level; it is done at Mr Castle's level. He sends the letter and tries to get the extension for additional resources. Once that is done, it is obviously typed up by someone and sent off to whoever it is sent to EMA or defence I am not sure who it is sent off to. It is sent out and comes up in the logistics area to say we have got the resources.

20

Q. When it is sent to EMA, the original is sent to you or a copy is sent to you?

30 A. I believe a copy is sent to the logistics area.

Q. How soon after it is sent does it come to the logistics area?

35 A. Maybe two or three hours. It could be more. I can't say exactly.

Q. So when you saw this document, sir, you would have become aware that, whoever else in the planning meeting was confident that the fires were some distance and would not come into Canberra, Mr Castle had some concern for the urban environment at that point in time?

40 A. That's what Mr Castle has put in there. I still believe what was said at the planning meeting.

45

Q. You attended the planning meeting on the morning of the 16th of January?

A. That's correct.

5 Q. If I could take you to [ESB.AFP.0004.0219] and go down to the section headed "New South Wales fires". Do you recall, sir, if the McIntyre's Hut fire was discussed on the morning of the 16th of January at the planning meeting?

10 A. It looks like there they are discussing part of the New South Wales fire.

Q. Do you have any recollection of your own about whether or not it was discussed?

15 A. No, I don't.

Q. If you could go over to 0220. Do you see the note:

20 "ACT Fire Brigade and the ACT Ambulance Service are to meet to discuss urban contingencies."

Do you recall the discussion at the meeting about urban contingencies being discussed?

25 A. No, I don't. I'm sorry.

Q. Are you aware whether or not from that point in time onwards that the Fire Brigade, as opposed to the Bushfire Service, began gearing up for a potential impact of the fires on the urban edge?

30 A. I don't know whether they were gearing up for impact onto the urban edge. Logistics did receive some extra requests for, I believe it was, some radios and some other firefighting equipment.

Q. Apart from those requests, did you have any knowledge about what the Fire Brigade was planning?

40 A. No, I had no idea. Just they used the logistics area that was set up, same at ambulance did.

Q. Can you recall what urban contingencies were discussed at the planning meeting on the 16th?

45 A. I don't believe I was part of that meeting. It just said ACT Fire Brigade and ACT Ambulance

Service met.

Q. You were present at the planning meeting?

A. At the planning meeting. That looks like it
5 was a separate meeting.

Q. Sorry?

A. It says there "ACT Fire Brigade and ACT
Ambulance Service are to meet to discuss", so it
10 looks like they are going to another meeting not
being discussed at the planning meeting.

Q. What I am asking is if you have any
recollection about why a need was identified at
15 that planning meeting for the Fire Brigade and the
Ambulance Service to meet to discuss urban
contingencies?

A. No, I don't.

20 Q. Can you recall at that meeting whether or not
Rick McRae spoke to the meeting?

A. He may have or someone from the planning
group.

25 Q. Can you recall whether or not any predictions
as to fire behaviour were made that morning?

A. There generally was some indication at the
meeting. I don't know who spoke about it.

30 Q. So you have no current recollection about
that?

A. No.

Q. Were you made aware that morning that cabinet
35 was about to be briefed in relation to, amongst
other things, potential for a serious impact to
the ACT Forests pines and subsequently the urban
area?

A. No, that's not my level. That's way above my
40 level, those kind of discussions.

Q. So nobody told you there was going to be a
briefing of cabinet at all?

A. No.
45

Q. Were you told or did you become aware that
Mr Lucas-Smith on the afternoon of the 16th

briefed a number of people from the urban Fire Brigade and also from the Ambulance Service in relation to where the fires might impact?

5 A. No. There was a meeting at that time, but what they were talking about I'm not aware of. I know he held a meeting. But what he discussed at that meeting - I wasn't present. I don't know.

Q. What were you doing on the 16th?

10 A. Me - I was looking after the logistics area.

Q. That is a separate area from planning and operations?

15 A. That is correct.

Q. Did you have any contact with planning or operations that morning?

20 A. It would have been very brief. Apart from the meeting, we stayed out of each other's areas.

Q. Obviously advising the media is not one of your areas?

A. That's correct.

25 Q. Were you aware of any general reluctance amongst senior people within ESB on that day to let the media or the public know about any risk to the urban areas of Canberra?

30 A. No. As I said, the media is not my area. I stayed right out of it.

Q. Nobody told you anything about that?

A. No.

35 Q. Were you aware that the ambulance brigade were planning for the ACT facing a very real threat to property, were you aware that was occurring on the 16th?

40 A. Sorry, who was that?

Q. The Ambulance Service.

A. Were planning?

45 Q. It is described as a very real threat to property from the fire situation?

A. No, I was not aware of that.

Q. I suppose in the afternoon you continued dealing with logistics?

A. At this time logistics is getting very busy. I would like to point out that at this time we
5 were running days of 15 hours to 18 hours a day and were getting considerably tired with the short amount of people.

Q. This is a day where the New South Wales Rural
10 Fire Service arrived as well?

A. That's correct.

Q. That created, I would imagine, a great deal of work for you?

15 A. It certainly did.

Q. Did you take time that afternoon to attend the planning meeting at ESB at 4 o'clock?

A. On the 16th?
20

Q. Yes.

A. Yes, I probably attended that.

Q. Do you recall when you attended the planning
25 meeting was there any discussion about the McIntyre's Hut fire?

A. There may have been. Again, I would have to see the minutes for the meeting.

30 Q. If you could bring up [ESB.AFP.0010.0168]. If you could scroll down through that so the witness could read it. Does that refresh your memory of what occurred that afternoon?

A. Just a little bit further up they were talking
35 about the New South Wales running short of resources:

40 "New South Wales Rural Fire Service have advised they have insufficient resources to conduct a back-burn in Leura Gap tomorrow. They have provided permission for the ACT to conduct the back-burn" --

45 So obviously some matters were discussed.

Q. You have no recollection --

A. As I said, it is very hard for me because I

don't get caught up with the operations and
planning side of it. My focus is logistics. At
these meetings, my focus remains on logistics.
Looking at that would not trigger anything for me
5 because they are not talking about logistics for
ACT. At this point in time, I have 200
firefighters arriving from New South Wales, and my
concern is to find somewhere for them to stay the
night and to get them out in the field the
10 following day.

Q. I understand, but can you recall if
Mr Lucas-Smith or Mr Castle said anything at that
meeting to advise the people at that meeting about
15 having alerted cabinet about a potential serious
impact on the urban areas of the ACT?

A. I have no recollection of it, I'm sorry.

Q. Did they advise anything at that meeting that
20 they had alerted the Fire Brigade in relation to
potential serious impact on the urban areas of the
ACT?

A. I honestly can't remember.

Q. I know this is a hypothetical question so tell
me if you can't answer it - if they had said
something in that vein to you on that afternoon,
you think you would remember it, wouldn't you?

A. I take it I would. I can remember the stuff
30 on the logistics side of it but, as I said, I
can't remember anything on this.

Q. If you were told that cabinet, the Fire
Brigade and the ambulance officers were now on
35 heightened alert in relation to a potential
serious impact on the urban areas of Canberra,
that would be something that you would have --

A. I would probably have remembered. But, as I
said, I don't remember it.

40

Q. You don't recall having been told anything
like that - I am not suggesting you were told that
at the meeting, I am just asking if you recall
being told that?

A. No.

Q. If we go to the 17th of January, it is on the

Friday. If I could take you to [ESB.AFP.0110.0868]. I take it you recall going to the planning meeting on the morning of the Friday, the 17th of January?

5 A. Yes, I think I did. I may have been a little bit late.

Q. Do you recall any concerns being expressed that morning about the McIntyre's Hut fire?

10 A. The meeting had started, I believe, when I got there. It may have been discussed prior to that. No, I didn't. I was still trying to sort out these 200 people that were arriving.

15 Q. What was being discussed when you arrived?

A. I don't remember - the meeting had already started. I just plonked myself into the back of the room like I would.

20 Q. Do you remember --

A. I don't remember who was talking at the time. I just came in the back of the meeting and sat down.

25 Q. So you have an actual recollection of going into the meeting and sitting down. What do you remember being said whilst you were present?

A. On the 17th?

30 Q. Yes.

A. I remember from the logistics side we were to set up another staging area somewhere down in Orroral Valley. From my understanding from my statement relooking here, there was additional
35 resources coming from the New South Wales Rural Fire Service and New South Wales Fire Brigade.

Q. Do you recall Mr Lucas-Smith raising concerns about the aerial incendiary back-burning
40 operations at McIntyre's fire?

A. No, I don't.

Q. Do you recall him talking about potential for uphill runs with spotovers of potentially
45 10 kilometres with a north-west wind impacting on the ACT?

A. Is it in the minutes?

Q. If we could go to 0870. If you could look at the bottom paragraph on the screen, it says there:

5 "Peter Lucas-Smith raised concerns regarding the aerial incendiary back burn operations at McIntyre's fire. This is potentially for many uphill runs, with spotovers at potentially 10 kilometres, with a north-west wind impacting on the ACT."

10

He asked for a map detailing potential spot distances on that day. Do you have any recollection of that?

15 A. No, I don't. If it is in the minutes, it must have been spoken about.

Q. I think you said on the afternoon of the 15th after the planning meeting you had a look at the map of the ACT and you saw where McIntyre's Hut fire actually was in relation to the ACT?

20 A. That's correct.

Q. And the distance that it was from the ACT. Your evidence was that people at the planning meeting, despite what Mr Cheney may or may not have said to the media, were giving you the impression that it was still some distance away and wouldn't come into the ACT; is that a general summary of what you thought then?

25 A. Yes. That is correct.

Q. If you heard Mr Peter Lucas-Smith saying at the meeting that there was a potential for 10-kilometre spot fires from McIntyre's Hut with a north-west wind impacting on the ACT, you would no longer have that level of comfort that the fires were too far away to impact on the ACT that afternoon; is that correct?

35 A. It says there was a potential for uphill runs and possible potential for 10-kilometre spot fires. So, yes.

Q. Having looked at the map, you knew that the McIntyre's Hut fire was only kilometres from the ACT border; is that correct?

40 A. That's correct.

Q. You would accept that if there was a potential for 10-kilometre spot fires, that fire would be spotting well into the ACT territory?

A. That's correct.

5

Q. Into pine forests?

A. That's correct.

Q. So having been given that information, did you recognise or accept the possibility that McIntyre's Hut fire at least, regardless of the other fires, may potentially impact on the urban areas of Canberra?

A. No. Not at that stage because it still said there was a possibility for it to happen. The winds that are talked about there may or may not happen.

Q. That is what I am asking you, sir. Did you recognise, having been given that information, that an impact on the urban areas of Canberra was a possibility? I am not saying that it is likely or going to happen but that it was a possibility.

A. On reading that, as I said, I don't recall the thing - it was obviously said at the meeting. I still didn't pick much up from what was said there. I understand what you are saying about the spotovers into the ACT but at that stage it is still an operational and planning thing, not a logistics type thing. To me, that's what I focus my thoughts on in the meeting.

Q. Why did you have a look at the map on the afternoon of the 15th of January to see how far away the fires were if you were only focused on logistics?

A. Because at that time in the meeting the map was right in front of me. Sometimes you couldn't see the map from where you were sitting in the room. It was a large room. I just happened to be there and I looked at the map. From what they are saying, it had a possibility to impact onto the ACT - the outskirts of the ACT not the suburban edge.

45

Q. As far as you were concerned, that information had no impact on your thought processes at that

stage?

A. That's correct.

5 Q. At this stage, how were you operating as a member of the SMT with the other members of the SMT? Were you interacting in the same way you described yesterday in terms of just receiving requests and providing resources as a result of that?

10 A. That's correct. The planning area was set up in one area of the bureau. Obviously the building is not the real right shape we need to run operations. Operations run down in our communications area; we had planning run in
15 another area of the building; and logistics currently run in two areas somewhere between those two. Requests came in, and runners were sent with information.

20 Q. If we could have a look at [ESB.AFP.0110.0929] at 0931. If you could have a look at the paragraph adjacent to the heading "situation", do you see that this is another request for Commonwealth physical assistance relating to
25 logistics matter. It is dated on 17 January at 4.30 in the afternoon?

A. Sorry, whereabouts are you?

Q. If you could scroll back up again?

30 A. 17th of January.

Q. This would have crossed your desk within a couple of hours after being sent by Mr Castle; is that correct?

35 A. I can assume it would have been, yes.

Q. If you have a look at the paragraph that reads:

40 "The bushfires that commenced on 8 January continue. The weather forecast for the weekend and early next week predicts temperatures in the high 30s with strong winds gusting to over 60 kilometres per hour
45 from the north-west, causing concern for the ACT urban environment. Fire operations are currently focusing on strengthening control

lines, however there is the potential for
10-kilometre spot fires threatening the
containment lines."

5 Did you read that information when it came across
your desk?

A. No. I may have. I said a lot of information
comes across your desk in logistics. I don't know
10 what time I would have even read it. It may have
been the following morning.

Q. Can you recall reading that on the evening of
the 17th?

A. Can we have a look at what resources it was
15 for?

Q. If we can scroll down the bottom. It is for a
ground-to-air communication capability to assist
co-ordinating the aerial firefighting operations.
20 Do you recall that request going out?

A. Yes. We were having difficulty with the
communicating with the military aircraft, because
our system wasn't compatible.

25 Q. That was of some considerable concern to you
as a matter of logistics; I would take it?

A. It was a concern to operations more than
logistics at the time, because they couldn't
communicate to get the information that they
30 needed.

Q. Was it part of your role to provide the
resources to overcome that problem?

A. It was a request that went through to the
35 military to see if they could overcome the problem
for us.

Q. Did that request go through Mr Castle at your
request?

40 A. I think it was at first initiated by
Mr Castle.

Q. What was your involvement in it?

A. I think it was brought up that we were having
45 difficulty communicating. I believe Mr Castle
took it on to try and get that equipment for us.

Q. These requests for Commonwealth assistance were of some importance to you as part of organising more resources, I take it; is that correct?

5 A. Once we got the confirmation that the helicopter or dozer or something was arriving, it was when it arrived that it became my responsibility.

10 Q. You would need to know when the request went out and when they were approved by the Commonwealth government?

A. They generally, I believe, send an acknowledgment after this to say, "Yes it has been
15 approved," or "no it hasn't". That is at this stage a request going to them to ask for it.

Q. Are you saying it is not important for you as the logistics officer to keep track of the paper
20 trail in relation to the request for Commonwealth assistance?

A. It is my job to keep track of the resources, not the actual paperwork. It would come in as just another one to go on the file for logistics.
25

Q. But if you don't keep track of the requests, how are you to know when resources are approved?

A. As I said, I was overseeing the whole of the logistics area. This is one area within logistics
30 that I tasked someone else to do.

Q. So it is your evidence that you don't recall seeing this on Friday the 17th?

A. I may have seen it; I may not have seen it. I
35 can't say for certain.

Q. Did you attend the planning meeting on the evening of the 17th of January?

A. Again I think I did. It may have been for a
40 very short time.

Q. If the witness could see [ESB.AFP.0110.0865].

MS CRONAN: I might be some time on this
45 particular matter. If that is a convenient time?

THE CORONER: Is that what you wanted, the minutes

of the planning meeting on 17 January?

MS CRONAN: Yes, your Worship.

5 THE CORONER: Given the time, we will take the luncheon adjournment.

LUNCHEON ADJOURNMENT

[12.59pm]

10 **RESUMED**

[2.04pm]

MS CRONAN: Q. Sir, if we could go to page 0867 of that document. If you look at the section in the planning meeting minutes headed "logistics",
15 you will see it says:

"The logistics cell will be focusing on infrastructure for tomorrow and relocating the base camp out of Bulls Head. It -
20 apparently - was suggested that the most favourable time to conduct this would be between midnight and daybreak. Suggested locations for the base camp include North Curtin Oval and Yarralumla Woolshed."

25

Do you recall what information you were given about to need to relocate your base camp out of Bulls Head and to either North Curtin oval or Yarralumla Woolshed. Why were you doing that?

30 A. Because there was some issues with whether the Bulls Head staging area was set up, and I was asked if I could relocate it to a different location. The fire line was obviously coming close to that area and they had some concern with
35 the base camp. I believe later on that the base camp was actually evacuated because we couldn't get in to get all the equipment and supplies out of there in time.

40 Q. You also set up a staging area at Orroral Valley that day, hadn't you?

A. That's correct. That got moved that evening as well. We set it up in the morning and then we moved it again in the afternoon.

45

Q. Why did you need to move that in the afternoon, were you told?

A. No, I wasn't told. I was just told to get that one out of there. The fire was obviously - this is only my impression - the fire was going to threaten that one as well or it would come through that area. I am not exactly sure. I know the crews said when they went to collect that equipment from there, they were actually driving through some of the areas that had been burnt.

10 Q. Were you told prior to that meeting where the fires were actually spreading at that point in time?

A. I know they were trying to contain a fire, from my understanding, somewhere near the Bulls Head staging area and a decision was made, I don't know by who, to evacuate the staging area. So the fires were obviously somewhere near Bulls Head.

20 Q. If you go to the previous page, which is 0866, and have a look at the top paragraph there, do you recall being told at that meeting there was a potential for fire to reach Uriarra by midday tomorrow, the Cotter Pub and Reserve at 1600, and Mt Stromlo and potentially Narrabundah Hill by 25 2000 hours at the meeting?

A. I remember Mr McRae saying that.

30 Q. You had an understanding of where Mt Stromlo and Narrabundah Hill were at that stage and still are probably?

A. Still there. Yes, that's correct.

35 Q. You were aware then that they effectively wedge the two west to north-west perimeters of the suburb of Duffy?

A. That's correct.

40 Q. Did anybody mention the suburb of Duffy to your recollection at that planning meeting when they were talking about the spread of the fire at that point?

A. I don't recall anybody talking about the suburbs. They were talking more of the areas that were mentioned there, the Uriarra. The Cotter pub features - I think a lot of people could identify with.

Q. Did you come to an understanding at that point on the evening of the 17th of January that fire may impact at the edge of the suburb of Duffy some time on the afternoon or evening of the 18th of
5 January?

A. No. In my mind I was still, as I said previously, my mind was that the fire was still far enough out from the suburbs. Only, as I said before, on the 18th was it in my mind that the
10 fires were going to start to come into the suburbs.

Q. You said you are aware of the location of Mt Stromlo and Narrabundah Hill. Did you have any
15 understanding that something may stop the fires from spreading from Mt Stromlo and Narrabundah Hill into the suburb of Duffy?

A. Not that area. The area of Uriarra, there is a fairly --
20

Q. No, no, I am just talking about Mt Stromlo and Narrabundah Hill?

A. Sorry, could you repeat the question?

Q. Did you have some idea in your head that something could stop the fires between the edge of Mt Stromlo and Narrabundah Hill and the suburb of Duffy?
25

A. I know there is a grassland area in between those two which may have been possible to slow the fire down.
30

Q. Do you agree then, given this information from Mr McRae at the planning meeting on the evening of the 17th, that you must have had some
35 understanding that the suburb of Duffy was at risk from fire the following evening?

A. As I said, on the 17th I still didn't believe that the fire was going to impact onto the urban
40 edge. It was only on the 18th --

Q. Can you explain to her Worship if you knew that it was potentially going to reach the two forests surrounding Duffy, how it is that you
45 concluded in your mind, if that is the case, that the fire would not enter the suburb of Duffy?

A. We still had a lot of resources on that fire.

There was still a fair bit of time and distance from where the fire was at that time. Because it said there is a potential to reach Uriarra. I know driving from Uriarra myself to the suburbs
5 there is still a fair way to go, and I drew my conclusion from that.

Q. Would you accept if it had - I am only talking about a potential, not a probability or high
10 likelihood - if it had the potential to reach Uriarra then Mt Stromlo and Narrabundah Hill, you must have accepted that it had the potential to go further into Duffy at that meeting?

A. If it had reached Narrabundah Hill, then it
15 may have had the chance to go in, because from Narrabundah Hill to the suburbs is only a short distance.

You see the area of Narrabundah Hill previously
20 had a hazard reduction burn on there. There was still a large area between Narrabundah Hill to the suburbs.

Q. Did you discuss the potential risk to the
25 suburb of Duffy, given the information you had been given at the meeting, with anybody else on the SMT that evening?

A. No, I didn't. I was fairly tied up that
30 evening, as it says in my minutes. We had to take a staging area down from Orroral Valley. We had to try and get some equipment out of Bull's Head and set a new staging area up on the morning of the 18th.

Q. Were you also present at that part of the
35 meeting when Mr Lucas-Smith said that ACT resources would not be deployed to fight the fire once it is in the pine plantation?

A. That's correct.
40

Q. And that crews would not be placed near the
fire line on the Saturday the 18th?

A. Is that in the minutes?

Q. It is the third paragraph down.
45

A. Sorry, whereabouts on the screen is that one?

Q. If you look at the first paragraph, it is a one-sentence paragraph and it is at the bottom of the next paragraph.

A. Yes, I remember that.

5

Q. You still tell her Worship that you didn't consider that the suburb of Duffy would be at any risk on Saturday the 18th?

A. I read into that more that is a safety concern but not putting resources into fighting a fire in the pine plantation. It is a dangerous place to be fighting a fire. There is no way you would want to be placing resources in a pine plantation then try and protect it.

15

Q. If you don't put crews near the fire line at all, what did you think was going to be protecting the suburb of Duffy from the fire if it reached Narrabundah Hill and Mt Stromlo?

A. From what I believe they were talking about there is the pines at Uriarra. They are still a long way, as I said previously, from Uriarra to the suburbs.

Q. In your statement you talk in paragraph 53, which is at 0301, that you were making arrangements for accommodation for additional replacement crews arriving from New South Wales Rural Fire Service, New South Wales Fire Brigade and Queensland Fire and Rescue Service which were due to arrive on the 18th of January. Can you tell the Court what crews you were expecting to arrive on the 18th of January, from which services?

A. From what I understood, there was a crew change over to the New South Wales Rural Fire Service. They were bringing additional resources down to change over the crews that were already in place. I believe New South Wales may have been placed on standby. I'm not sure how many people were coming. And also Queensland Rural Fire Service, this was an indication I got from Mr Ian Bennett the fire commissioner.

Q. When did he discuss people coming from New South Wales Fire Brigade and Queensland Fire and Rescue Service with you?

A. I don't remember the exact time. It would have been some time during that day, obviously. The exact time I don't know. It may have been in the evening.

5

Q. Did he tell you why he was expecting people from the New South Wales Fire Brigade and Queensland Fire and Rescue Service?

A. No, he didn't. My assumption on that one was, and it is probably incorrect, that I thought he was maybe looking to replace ACT crews. They were fairly tired. Everybody was fairly tired at the time.

15 Q. Are you aware, sir, that Mr Bennett was the ACT Urban Fire Brigade Commissioner?

A. I was at the time.

20 Q. Did he tell you approximately how many people you were to make arrangements to accommodate?

A. At that time I didn't think he had any idea how many people he would be getting. I think it was just to give me a heads up logistics wise that we may need additional accommodation.

25

Q. If we could go to the morning of the 18th of January. What time did you arrive at work that morning?

A. About 4am.

30

Q. Can you tell her Worship who was present at the ESB headquarters when you arrived at work?

A. That morning, there was some of my logistics staff who had been working overnight relocating the staging area. Obviously, there was the people in the communications area. That's about all I can remember.

40 Q. What did you proceed to do when you arrived at work?

A. Find out what had happened with the overnight staging area. There was some concern of getting all the equipment out and being able to set the staging area up by the morning of the 18th that was going to be operational. I inquired as to where they were at, what stages they were at. I myself went down to Curtin Oval to see what had

45

happened overnight.

Q. What time did you return to ESB from Curtin Oval?

5 A. I think I came back about an hour later and then returned back down to Curtin Oval again. There were some things that needed to be done. I had to make phone calls to make it happen.

10 Q. Were you aware that there was an evacuation planning meeting being held at ESB at 8am on Saturday, the 18th?

A. No.

15 Q. I take it you didn't attend that?

A. I didn't attend.

Q. Did you attend the morning planning meeting?

20 A. No, I didn't. I missed it. I came in at the very end of it when they were walking out of the meeting. I was trying to get in.

Q. Did you have any conversations with other members of the SMT on the morning of the 18th of

25 January?

A. Very little. I was just too tied up with logistics.

Q. Were you informed at any stage on the morning

30 of the 18th of January of the possibility that any of the fires may impact on the urban edge of Canberra - or on the suburbs of Canberra I should say?

35 A. No, I don't recall that. As I said, logistics was getting very busy at that time. A lot to think of.

Q. I think you have given evidence previously that you first considered that there was a

40 possibility that the fires may impact on the suburbs of Canberra on the morning of the 18th of January. Can you tell her Worship approximately what time that possibility occurred to you then?

45 A. It was probably just before lunchtime or the time that the helicopter staging area, fuelling area was - they were taking resources out of there and I was asked at the time to start looking for

an alternate place for refuelling of the helicopters. There was helicopters refuelling at the Uriarra forestry depot.

5 Q. Who asked you to take the refuelling area out of there?

A. That decision was made by New South Wales. It was actually New South Wales and we were actually using their fuel they had set up in there. There
10 were a lot of fuel tankers in that area.

Q. What were you told about the risk when you were asked to relocate the refuelling area?

A. It is not that I was asked to relocate. It
15 was the fact that they had moved, and I was starting to look to myself if that area was unsuitable for fuelling, we had to get fuelling done for the helicopters because they have limited time they can stay in the air. So my next thought
20 was where can I set up another fuelling area for the helicopters. That's why we moved the helicopters down to the Curtin area.

Q. It wasn't anything that the other SMT members
25 told you, it was conclusions that you drew?

A. That was my own conclusion.

Q. Were you told at any stage before 3 o'clock on
30 the 18th of January that the fires may impact or any of the fires may impact on the suburbs of Canberra?

A. Not at that time. As I said, Curtin was very
35 busy at that time. There was a lot of people doing a lot of things. As I said, my main concern was focusing on logistics. You could see by the heightened activity that something was going to happen, but I stayed out of the operations side and planning. It's not my area.

40 Q. There was a lot of units fighting the Bendora fire and the Stockyard fire on the evening of the 17th; is that correct?

A. That's correct. Yeah. I don't know exactly
45 how many. But there was units out there.

Q. Were you still fulfilling the role of sourcing the units to be deployed?

A. No. I had appointed someone to that role who continued that role right from about the 10th of January. So someone was doing the supply and sourcing of units. There would have been someone
5 doing that job.

Q. Do you know who was doing that job?

A. Yeah, Mr Nelson.

10 Q. You gave evidence yesterday afternoon regarding issuing extensive quantities of retardants throughout the 10 days - as I understand it from the 8th to 18th of January; is that right?

15 A. That's correct.

Q. Was that retardant or was it A-class foam that you were issuing?

20 A. Sorry, it was foam not retardant. Sorry.

Q. Were you consulted on the availability of resources locally prior to requests being made for Commonwealth assistance by Mr Castle?

25 A. Sorry, could you repeat that?

Q. Did Mr Castle discuss with you the availability of local resources before he made his request for Commonwealth assistance?

30 A. I believe there was no ACT resources available. We tried - people in my area tried and tried to get resources locally. Obviously we would try to use local resources before we go looking for interstate or the military to assist.

35 Q. So the answer to that is yes, Mr Castle did consult you or you consulted him, depending on who identified the need?

A. Yes, that's correct.

40 Q. Did anybody on the SMT or Mr Castle ask you to source Incident Management Team personnel from other jurisdictions throughout the 10 days from the 8th to the 18th of January?

45 A. I believe on the initial request that went to the New South Wales Rural Fire Service, I can't remember the exact form, I think we asked for planning officers, logistics people, operational

5 people - I think they are called "response team
leaders" in New South Wales - to be part of the
task force. It is on the initial form that was
sent to New South Wales and we ticked the boxes
for that assistance.

Q. You did that at the request of Mr Castle?

A. Yeah, it was part of the request, the initial
request.

10

Q. Were there any other occasions where you were
asked to source Incident Management Team personnel
from other jurisdictions?

A. No, not --

15

Q. Up to the 18th?

A. No. Not that I recall.

Q. To what extent did you pursue the availability
20 of fire suppression aircraft throughout Australia
from the 8th of January?

A. I tried to the best of my ability to get
aircraft locally. We tried to see if we could use
some of the aircraft that were presently being
25 used in New South Wales. I made contact with
other fire agencies to see if they could release
aircraft to assist with the ACT.

I tried as best I could to try to get aircraft to
30 come. It was just there was a lot of fires going
on throughout New South Wales and Victoria. There
was a lot of aircraft previously already on
contract. I don't know exactly how many.

Q. So you pursued aircraft being used in New
35 South Wales. Who did you make contact with? Can
you recall?

A. Initially, I don't recall who I did. But
later on, through Queanbeyan, there were
40 helicopters operating on the McIntyre's fire. We
were going to see if we could source some of
those. I believe some of those resources did come
over to assist at times. There was an operational
type person in there. We had an aircraft officer
45 later set up who was liaising directly with New
South Wales to see what resources could be made
available.

Q. You sourced those through the Queanbeyan office of the New South Wales Rural Fire Service?

A. New South Wales.

5 Q. Did you yourself contact or delegate somebody else to contact contractors in New South Wales directly?

A. I didn't do it myself. I may have delegated that job to someone.

10

Q. Did you delegate that to anyone?

A. The task I gave the unit was to see if they could source as many helicopters as possible. I was only at that stage looking for helicopters,
15 not aircraft.

Q. That was as at the 8th of January?

A. From the 8th of January when I started making the calls in the afternoon, we continued trying to get the aircraft from wherever we could during the
20 whole of the incident. Same as plant and equipment.

Q. You said you started making calls on the 8th of January. Who did you call and --

A. Sorry, not the 8th of January. It was on the afternoon of the 9th of January.

Q. Who did you call?

30 A. Personally?

Q. Yes.

A. I rang our contractor that we have presently got which is Heli-Aust. I rang Helicopter
35 Resources, which is one of our previous contractors. I spoke to the former Department of - NRE - that is Department of Natural Resources and Environment - they are DSE now, Department of Sustainable Energy - to their aircraft operations
40 area there to see if they had any helicopters they could release. They gave me a number of two other suppliers - I can't recall who they are - to try. A lot of aircraft was already tied up on contract. If it is on contract, we can't take that aircraft.
45 That's as many as I can remember.

Q. Did you go outside New South Wales at all?

A. I tried to. As I said, NRE is in Victoria, and there aren't a lot of suppliers around the place. A lot of aircraft were tied up because of the amount of fires that were going on. There may
5 have been other suppliers that I didn't know about.

Q. What other agencies did you contact in order to try and obtain aerial suppression capabilities?

10 A. As I said before, that's all I contacted. I'm not sure who other people in the unit contacted.

Q. I thought you contacted other firefighting agencies?

15 A. Oh, only apart from New South Wales.

Q. Just in broad general terms, I know you touched on it in various parts of your evidence, but could you describe for her Worship how you see
20 the extent of your involvement in strategic analysis and decision-making within the Service Management Team throughout a fire event such as occurred on the 8-18th January?

A. The way the Service Management Team is set up, you have an incident controller, an operations
25 officer and a planning officer. They are the key main functions that look after the incident as it is happening. The logistics role is to support those team. If they ask for resources to get
30 those resources. Making decisions on where the fire is going or how the fire is suppressed isn't part of the logistics area. Mine is a supply and demand for goods and services as they require them.

35 Q. Your role sits aside from the operations and planning role --

A. Logistics is a separate area. We are classed as a Service Management Team. Under ICS logistics
40 is a separate area set up. It is a separate unit with functions underneath it.

Q. You have essentially no role in any strategic analysis and decision-making?

45 A. That's correct.

Q. Within the SMT?

A. That's correct.

Q. From the 8th to the 18th of January, were you aware if there were any Incident Management Teams located in the field either on the Bendora, Stockyard or Gingera fires?

A. There was incident controllers going out to the field every day. I know that the staging area of Bulls Head had a logistics officer set up which is part of an ICS structure out in the field.

Q. Can I stop you there: Who was the logistics officer at Bulls Head?

A. It varied. It was emergency services personnel who were there during the incident. They were looking after the staging area which had logistics supplies which they may need through the incident. There was additional foam; there was additional water; there was catering, there was a mechanic, there was a paramedic, ambulance. He was in charge of the area there. There was a logistics person out in the field. As for planning and operational people, I couldn't say to the extent of what was out there.

Q. When did the logistics officer at Bulls Head commence operating from Bulls Head?

A. He would have been there from when it first set up. I think we set up on - I think it was the 10th of January that we set up at Bulls Head. There was a logistics officer there until they left. He was walking around with a blue tabard.

Q. There are a number of people who you trained to be logistics officers?

A. It could have been, yeah, some of the people I have trained or it could have been some of our commanders who are the seniorest people within the emergency services.

Q. Who was responsible for appointing logistics officers from shift to shift?

A. The logistics cell did a lot of their changing over themselves. They made their arrangements. They said, "We can stay here until this time" and then someone else took over the role. They sorted out amongst themselves.

Q. So nobody made the appointments. Whoever was available to go would go?

A. That's correct.

5 Q. I recall you gave your evidence yesterday that you have some qualifications. My recollection is that you said you had some qualifications in relation to making aerial observations?

A. That's correct.

10

Q. How much actual experience have you had in making aerial observations of fires?

A. During a fire season - I've probably only flied four or five times per fire season.

15

Q. When you say "fly", you mean flying specifically to do aerial observations?

A. It might not be to do aerial observations; it might be to do other tasks.

20

Q. Can you try and tell the Court, as specifically as you can, how many times you have actually flown over fires to make the aerial observations?

25 A. From the time I started doing the role?

Q. Yes.

A. It could be 20, 25 times.

30 Q. Since 1997?

A. That's correct.

THE CORONER: Q. That includes January 2003?

35 A. Yes, that would include that as well. As I said, we have contracted aircraft and you can only use it - we don't really - you don't get the opportunity probably as much as you should to keep those skills up to a level.

40 MS CRONAN: Q. I think we have probably covered this by previous evidence: were you involved in any way at Curtin headquarters in the lead-up to the decision to make a declaration of the state of emergency?

45 A. No, that's way above my level.

MS CRONAN: I have nothing further, your Worship.

THE CORONER: Thank you, Ms Cronan.

Mr Archer, do you have any questions?

5 MR ARCHER: No questions.

THE CORONER: Any questions, Mr Lakatos?

MR LAKATOS: No questions.

10

THE CORONER: Any questions, Mr Walker?

MR PHILIP WALKER: I have got a few.

15

<CROSS-EXAMINATION BY MR PHILIP WALKER

MR PHILIP WALKER: Q. Could I get
[ESB.AFP.0110.0058] brought up, please.
Mr Ingram, would you just have a look at the top
20 half a dozen lines of that page again, please.
You saw it yesterday. Yesterday you said words
like that could have been said at the planning
meeting which occurred on the afternoon of the
14th of January. Do you recall saying that?

25

A. That's correct.

Q. Just try and remember those particular words:

"Strong winds from west into CNB city."

30

If we can bring up [ESB.AFP.0110.0775] and go
about four pages in. Mr Ingram, could you go down
to the words under the heading "media" on that
page, and I am particularly directing your
35 attention to the second sentence in that
paragraph. Do you see that starting with the
words "Mr Cheney stated"?

A. I see that, yes.

40

Q. You will note that that says:

"Any strong gusts of winds could turn fires
towards the urban area."

45

Doing the best you can, are you able to say which
of those two forms of words were used at the
planning meeting on the afternoon of the 14th of

January?

A. I'm sorry, not with any accuracy. It's a long time ago.

5 Q. Yesterday I think you said words like the handwritten notes might have been used. Can I take it from your last answer that just as possibly words such as those typed in this statement might have been used? You are not more
10 sure about one than the other?

A. Not really.

Q. Do you recall on the 15th that you took some steps to obtain some additional assistance from
15 New South Wales?

A. That's correct.

Q. And some assistance arrived on the afternoon of Thursday the 16th; is that right?

20 A. Yes, I think that's correct.

Q. I think it was four task forces; is that what you requested?

25 A. That was on the initial request. I believe that was on the form.

Q. Sorry?

30 A. That was on the original form that we sent through to New South Wales.

Q. On the 15th?

A. On the 15th.

35 Q. And that's five tankers and approximately 200 people; is that correct?

40 A. I think each task force was to consist of initially three tankers - what we call three tankers - two light units and support staff for each task force. So that would be 12 tankers, 8 light units plus all the supporting staff that was asked for as well.

Q. Do you recall how many staff?

45 A. As I said just previously, I believe I asked for a planning officer, it may have been for a day and a night shift. I think we asked for an operations officer; we asked for logistics; and a

person that they call a RTO from New South Wales, which is a response team officer, which I think is a person who would come down to head up the task force. That's all I can recall.

5

Q. Mr Ingram, when the New South Wales assistance arrived on Thursday, do you recall whether you got all the assistance you requested at that time?

A. That's on the 16th?

10

Q. Yes, on the 16th. There were some people arriving on the Thursday afternoon; is that right?

A. Some arrived on Thursday afternoon; some arrived on the evening. I believe from --

15

Q. I am not necessarily asking you for exact numbers. I am trying to gauge whether you got all you required on the Thursday.

20

A. I believe the number of resources turned up but probably not the combinations we asked for. They sent a medium tanker, I think, sometimes instead of a large tanker. So the numbers were correct but not with the resources we originally asked for.

25

Q. Did some further assistance arrive at a later time?

A. I think the 17th - sorry, for that particular - from the first request?

30

Q. Yes.

A. One gentleman arrived one evening, because I picked him up from the airport and took him to the accommodation.

35

Q. Do you remember when?

A. No, I don't. I remember picking one up from the airport, and others arriving at a later time.

40

Q. Let me ask the question in a more general way. Did you at any time receive from New South Wales all of the resources which you had requested on the 15th of January; and, if you did, can you tell us by what time you received them? If you are not

45

A. I'm not sure.

Q. You used the word "logistics" a great many times. We all have a general understanding of what that means. I wonder if you would just take a little more time to describe exactly the sorts of things that you had to organise say, for
5 example, to set up Bulls Head? Give us some detail of the magnitude of the task rather than simply talking in terms of logistics, if you wouldn't mind.

10 A. To set up the staging area?

Q. Yes. How many people? How many things? How many water flasks - you name it, Mr Ingram, you tell us to give us some gauge.

15 A. Where would you start? Okay. Initially you have got to organise the transport to get all the equipment from our store in Belconnen to that area. So you have got the transport component.

20 Q. All right. How much was involved in that at Bulls Head? Again, just give us an idea: Are we talking 2 trucks, 10 trucks?

A. No, we had to use the emergency services for that. It would have been two or three trailers with troop carriers carrying the equipment to that
25 area. We have a catering trailer which we had two of operating in the area, which means they have to be towed to that area so we can start providing welfare.

30 There was the two portable toilets that were taken to that area and we had to get additional toilets in. There was organising to get a large refrigerator industrial type out to the area to
35 keep the food fresh while they were out in the area.

Q. Generators?

A. Generators were supplied, lighting, tents, road signs, road blocks. The list goes on and on
40 for a staging area. It is not just --

Q. Fuel?

A. There was all types of fuel.
45

Q. How much fuel?

A. We had to get diesel fuel for the trucks. We

had to get unleaded fuel for the generators; that is drip torch fuel. We had to get oil for both the generators and spare oil for the vehicles. We had to make sure we had plenty of stocks of drinking water, which was taken up there on a regular basis.

Q. How many crews were you servicing from that area over a 24-hour period?

10 A. I couldn't say exactly how many were up there. It was whatever was required for that shift. It was a case of - the crews would go on to the fire ground. We fed crews breakfast in the morning. Lunches were transported up during the day to the staging area and then distributed around the fire ground. Evening meals were prepared for crews coming off the fire ground. During the day there is a lot of running backwards and forwards from the city making sure we have the supplies to keep the staging area in operation.

Q. Crews didn't sleep up there over night as a general rule; is that right?

25 A. That's correct.

Q. Were people being transported backwards and forwards just to go on and off shift?

30 A. Some came up in vehicles, separate vehicles and just changed over on the fire ground. Later on, we tried to put a transport plan, I suppose for want of a better word, in place to try and transport people to and from that area and leave our resources on the fire ground.

35 Q. A bus or something?

A. We tried to use a bus.

Q. It didn't work, I gather, from the way you are saying it?

40 A. No, it wasn't too effective.

Q. What was the problem? Country too rugged?

45 A. The road was fairly rugged. It was the timing of trying to get all the resources in one place at one time to try to move them. It was a timing issue more than anything else.

Q. What sort of times are we looking at to get up there and back for things like trucks, given the road and so forth? If there is a truck down in the city that has to take supplies up to Bulls
5 Head, what length of time are you looking at?

A. Anywhere up to an hour, hour and 10 minutes, probably even longer at times. Depending if they had a trailer on the back, obviously your speed varies with a trailer. It depends whether they
10 were coming from Curtin or from Belconnen over the other side.

Q. You got dozers floated up to that area to the fires as well?

A. I didn't personally. Someone in the logistics
15 area did.

Q. I gather that there was a considerable amount of walking of dozers to get them to the Stockyard
20 fire; is that right?

A. From what I understand.

Q. Do you have some idea of the distance?

A. No, I don't.
25

Q. Well, I think you said you provided a great many maps and you might have used the word "kit" or something of that nature to crews with maps and so forth in it. Do you recall evidence of that
30 kind?

A. From what I can recall, I was asked a question do the units have maps. At that time not each individual unit had a set of maps. Maps were issued to a brigade. So there would be sets of
35 1:25,000 maps issued to each brigade and officers' vehicles should have all carried a set of maps.

Q. What is in the set?

A. A complete set of 14 different maps covering
40 the whole of the ACT.

Q. Anything else in the set?

A. Sorry, that's in the set of maps. Officers have all been issued with ICS resource kits.
45

Q. What are they?

A. A resource kit is a folder that you can open

out and it has the incident control system forms in it, which allows you to fill forms in.

5 Q. I think you told us a little bit about that yesterday.

A. It also has T-cards which allows you to record the resources on the fire and slot it into a little slot on the thing, that's why it is called a T-card, that's it's shape.

10

Q. Just a record of the number of people?

15 A. It is for the officer or the incident controller on the ground to maintain his own record of what resources he has got or he is in charge of.

Q. You mentioned 1:25,000 maps to brigades and I think you may have said 1:175,000 - 1:100,000; is that right?

20 A. 1:100,000 - numerous.

Q. To whom are they issued?

25 A. To the brigades. They are just in bulk. we are continually giving these out.

Q. Had you purchased some prior to the 2002-2003 fire seasons?

A. Yeah, that's correct.

30 Q. Do you have some idea of how many?

A. Probably in the vicinity of 200 or 300 maps.

35 Q. The crews are issued with - I shouldn't say crews; I must be a bit more precise. There is a small what I might call almost mobile weather stations or something of that nature, a small handheld device about the size of a mobile phone that gives things like altitude and temperature and wind speed and things like that; is that right?

40

A. You are referring to a kestrel wind maker?

Q. Yes. Are those things issued?

45 A. Not one probably as sophisticated as you are talking about. There is one that does wind speed and temperature, and I think it does humidity as well.

Q. To whom are those sorts of things issued?

A. They are issued to the brigade to use as they saw fit. I believe most of these were kept within the officers' vehicle or within a kit that he had.

5

Q. So the officer would have some capacity to get local weather conditions, some capacity?

A. Yeah. If he had that with him, yeah.

10 MR PHILIP WALKER: I have nothing further, your Worship.

THE CORONER: Mr Craddock?

15 MR CRADDOCK: No, thank you.

THE CORONER: Mr Pike?

MR PIKE: Very briefly.

20

<CROSS-EXAMINATION BY MR PIKE

MR PIKE: Q. You were asked some questions yesterday, if you can recall, about adequacy and availability of teams in terms of resources in the early stages of the fires being 8th, 9th and 10th. Do you remember that line of questioning yesterday?

25

A. Yes.

30

Q. Now, I think it would be a fair summary of your position in relation to those questions that you had resources available in terms of teams to be sent out if required on those occasions - 8th, 9th, 10th that sort of time?

35

A. Are we talking RAFT teams or resources like tankers?

Q. I am talking about manpower.

40

A. Manpower, correct, yes.

Q. Your attention was taken to a document, we need to have it brought up on the screen, the reference is [ESB.AFP.0110.0757]. That was a handwritten document of Mr McRae's dated 9 January referring to the Stockyard fire, and I think the time it bore was 2100 hours. Your attention in

45

particular was drawn to the passage:

"Left unattended until resources can be freed
from Bendora fire."

5

Do you remember being asked questions about that?

A. Yes.

Q. Is it the case that, on the evening of the
10 9th, resources in terms of manpower teams were
available to you to be deployed if required?

A. From what I understand, there were resources
available that could be deployed.

Q. So if there is some issue about Stockyard on
15 the evening of the 9th not being attended until
resources could be freed, that would not to your
understanding be referring to personnel resources;
there would be other types of resources?

20 A. That is correct. Yes.

Q. You would have been aware of course, at the
time of the early stage of the Stockyard fire,
that access to the Stockyard area was a problem?

25 A. That's correct.

Q. And a question arose in the afternoon of the
9th of forming containment lines both at Bendora
and at Stockyard; is that right?

30 A. It could have been.

Q. What do you recall as being the trigger for
the request for you to organise heavy plant on the
afternoon of the 9th, if you recall anything at
35 all about that?

A. Basically I was just told to see if I could
get some heavy plant and equipment.

Q. If - I will put it to you on the basis of an
40 assumption - it were to be the case that there
were problems having access to the Stockyard area
and there was a desire from those in the
operational and planning points of view to
organise containment lines, that may well have
45 prompted a request for resources in the form of
heavy plant at that stage; could it not?

A. It could have.

Q. At that point, given the fact that you had only been asked for heavy plant on the afternoon of the 9th, that resource was not yet available even at Bendora; that's correct?

5 A. That's correct. It didn't turn up, I believe, until the 10th.

Q. Just taking you to that for the moment. You were asked for the heavy plant resources on the
10 afternoon of the 9th; is that so?

A. That's correct.

Q. You provided it on the morning of the 10th; is that so?

15 A. That's correct.

Q. As the 10th went on, more resources in terms of heavy plant became available to you?

20 A. Yes. Mr Buetel from ACT Forests assisted.

Q. Just finally, Mr Ingram - there are two aspects - you were asked some questions about having a list of suppliers at the start of the bushfire season. When I talk about suppliers, I
25 am talking about suppliers in this case of heavy plant.

A. Generally prior to every fire season, we put a list together of possible suppliers during a fire.

30 Q. Do you update that list every year?

A. Every year prior to the fire season, that is upgraded.

Q. 2003 was no exception to that, I presume?

35 A. It is mainly to check that they are still available and that contact details are still correct.

MR PIKE: Thank you, your Worship.

40

THE CORONER: Q. Mr Ingram, what staff did you have from about the 8th onwards? How many people were working with you to help you?

45 A. I was responsible - it varied. It was mainly volunteers. I was probably the only permanent staff member we had. It varied. I had a core group of possibly 6 to 8 people. As the incident

escalated, we got more people to come in and help - again more volunteers. It was only after about the 18th that we got further assistance from the military. They sent people in to come in and try and assist with some logistical stuff.

Q. After the 18th?

A. After the 18th.

10 Q. Up until the 18th you had mainly volunteers?

A. It was all volunteers.

Q. What, about 6 to 8? Would 8 be about the maximum you had at any one time?

15 A. No, they drifted in during the day. They were coming in to see if they could help. If there was nothing they could do we were saying, "look come back tomorrow", or we would see if we could give them a job.

20

Q. Pretty much from the 8th onwards, you had ever-increasing demands upon you to provide resources and equipment?

A. That's correct.

25

Q. Did you ask any of the other members of the SMT, "Why do you want this? Why do you want this there?"

30 A. No. Logistics with any fire, logistics just builds as a fire goes. You just take it as a - that's what they want that's what they will get. So that's what I did my best to do.

35 MR PIKE: I have nothing further, your Worship.

THE CORONER: Yes, Mr Cronan. Any re-examination?

MS CRONAN: No re-examination.

40 THE CORONER: Thank you, Mr Ingram. You are free to leave if you wish.

<THE WITNESS WITHDREW

45 THE CORONER: We will take the short adjournment.

SHORT ADJOURNMENT

[3.02pm]

RESUMED

[3.10pm]

MR ARCHER: Before my friend starts, the next
block of witnesses that are about to be called
5 canvass sections of evidence that the Australian
Federal Police don't have a significant interest
in. With your leave your Worship, my intention
for the next week or so is to come and go
somewhat.

10 THE CORONER: Yes, certainly.

MR ARCHER: I believe it is the intention of
counsel assisting to call Mr Murray on Friday
15 week, so I will be here for that.

THE CORONER: Please feel free to come and go as
you please. If you are making the same sort of
comment, Mr Craddock --

20 MR CRADDOCK: No, your Worship. I was just rising
to indicate I understand the next witness to be
Mr Dennis Gray. I seek your Worship's leave to
appear for him.

25 You are probably aware that he was the first
incident controller tasked to respond to the
Stockyard Spur fire on 8 January.

30 THE CORONER: Yes. Leave is granted to you,
Mr Craddock, to appear for Mr Gray.

MR CRADDOCK: Thank you, your Worship.

35 THE CORONER: Mr Archer, you can come and go as
you please. I say that to other counsel as well.
Please feel free to come and go as you please.

MS CRONAN: I call Dennis Ivor Gray.

40 **<DENNIS IVOR GRAY, AFFIRMED**

<EXAMINATION-IN-CHIEF BY MS CRONAN

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

A. Dennis Ivor Gray.

Q. And your current occupation?

A. Depot foreman.

5 Q. Mr Gray, you made a statement, which is seven pages long, on 26 August last year; is that correct?

A. Yes. That was with the police, was it?

Q. Sorry?

10 A. That was the one with the police or with the government solicitor?

Q. I think it is with the government solicitor.

A. Yeah.

15

Q. Perhaps if the witness could be shown [ESB.AFP.0108.0230]. Do you recognise this statement?

A. Yes.

20

Q. Is that the one you made to the government solicitor?

A. That's the one - with Jim Venn.

25 Q. You also participated in a taped record of conversation with Constable Mark Travis on 18 November last year?

A. Yes, at the Winchester Centre.

30 Q. Constable Travis and Constable Goldsmith were present with you?

A. Correct.

35 Q. There is no need to bring it up, I am referring to [DPP.DPP.0004.0027]. Sir, have you had access and an opportunity to go through both these documents recently?

A. Yeah. I've got a couple of copies in here.

40 Q. In the taped record of conversation you had with Constable Travis, you said you wanted to change what you said at paragraph 17 of your statement made in August last year. If you could bring up the page 0232 of your statement which is
45 [ESB.AFP.0108.0230]. We can canvass this in more detail later as we go through the statement. If you could have a look at paragraph 17 on this

page. Apart from the contents of paragraph 17, what I am trying to ask you is: is there anything else in the statement that you wish to correct before I ask you questions about the statement?

5 A. No, I didn't believe so.

Q. Sir, your statement and your taped record of information are already in evidence, so we don't need to recanvass the full details of those
10 documents. I simply propose to take you to various parts of those documents to ask you for more details and clarifications.

Do you have a copy of your statement from August
15 with you in court?

A. (points to folder).

Q. It might be easier if you are able to look at the document, but we can go to it page by page on
20 the screen as well. You say at paragraph 5 on page 1 of your statement that you are currently employed by ACT Parks and Conservation as a GS08 depot foreman and you have been working in that capacity for two years as of last August?

25 A. That's correct.

Q. Your responsibilities include the management of the work gang at the Athllon depot in maintenance work within the reserves of the
30 Canberra Nature Park.

You go on at paragraph 7 to say that you have been with the ACT Parks and Conservation Service for 25 years and then that you have 22 years as an active
35 firefighter as a crew member with the last few years as a deputy captain. Your relevant training includes incident control systems, basic modules and seasonal refresher courses, and your fitness level is moderate. Over the period that you have
40 been active in firefighting, was that as a brigade member with the Parks brigade?

A. Yes.

Q. Do you have experience over those 22 years as
45 an incident controller at various fire events?

A. Yes, I have been incident controller on a few fires, yes.

Q. Over what time period have you been an incident controller?

A. Since I was nominated as a deputy captain.

5 Q. That's approximately three years?

A. Correct.

Q. Can you say approximately how many fires you attended as the incident controller as opposed to a crew member?

10 A. No, I couldn't give you a figure on that, no.

Q. Can you say to her Worship, in your experience prior to the 2003 January fires, how did you as the incident controller of the fire on the fire ground normally interact with members of the Service Management Team back at Curtin?

15 A. How did I interact?

20 Q. Yes.

A. Generally via the radio. We never had any problems with them in the past.

Q. In your experience prior to January, who had the decision-making power in relation to how a fire was tackled in terms of firefighting on the ground?

25 A. That will be done with the person on the ground and with the team in at ESB.

30 Q. So in your experience prior to the January, it was a joint decision-making power or joint decision-making effort?

35 A. If the fire was small, it would be left to the incident controller on the ground. As the fire built up, then so would the whole position build up. The management team at ESB would assume some of the responsibility.

40 Q. In 22 years, have you had experience in night-time firefighting?

A. I have been on night-time fires, yes.

45 Q. Can you put an approximate figure on how many fires you've fought during hours of darkness?

A. How many fires I fought in the dark?

Q. That's what I am trying to say.

A. If I said a dozen, it might be in the ballpark. It might only turn out to be 10.

5 Q. Were they in remote areas or in --

A. Some of them were up in the mountain region, yes.

10 Q. Do you need to have any sort of specialist training in order to become a member of a RAFT team?

15 A. Your fitness level is supposed to be arduous, not supposed to be on any medication or just recovering from some operation, that kind of carry on.

Q. So you need an arduous fitness level. Is this a level that is determined by the ACT --

20 A. It is a national standard, not by the ACT.

Q. How many levels are there of fitness?

A. There is basically two. One is the moderate and one is the arduous.

25 Q. If you are moderate, you can do normal firefighting activities; if you are doing remote firefighting, you need arduous?

A. Yes.

30 Q. Your rating as at January 2003 you say was moderate?

A. Correct.

35 Q. On 8 January you were in the mess room at Athllon depot. Were you on stand up or standby that day?

A. Standby, yes.

40 Q. You heard the tower start calling out the lightning strikes at about 1600 hours?

A. Correct.

Q. You say in paragraph 10 of your statement:

45 "At 1618, ESB made a request via radio for me to respond to the Stockyard Spur fire, and so we left at about that time taking a light

unit (Parks 20) and a tanker (Parks 10)."

Can you recall, sir, who contacted you?

5 A. The radio operator. That was done over the radio.

Q. The COMCEN radio operator, what did he tell you? What information did he give you?

10 A. Just fire call. I might not have his words correct but just like "fire call, map reference such and such, Stockyard Spur".

Q. Did he tell you what your role was going to be at the fire?

15 A. Not at that time, no.

Q. Did he tell you what resources you should take with you?

20 A. What resources, you mean like --

Q. How many units you should take.

25 A. Well, I was taking these two units that are based at Athllon and also a Rivers unit responded as well.

Q. Were you told anything by the COMCEN operator about how many units would be responding to the fire?

30 A. Not at that stage. Just those three.

Q. So is that fairly standard practice for you just to be told by COMCEN to go to a fire location?

35 A. Yes.

Q. What kind of vehicle were you driving - the command vehicle?

40 A. No, I was driving the Toyota Hilux with light sirens which we use as a command vehicle.

Q. It had no water on board, I take it?

A. Drinking water only.

45 Q. You took one tanker and one light unit from Parks. When were you told that Rivers 10 was also responding to that fire?

A. That was a radio call when I was along the

road.

Q. Were you expecting more units to be responded to that particular fire?

5 A. Not necessarily so, no, because first of all you have to locate that fire. Units are only any good if you can actually access the fire with the units.

10 Q. But you were aware, weren't you, that it was an orange day, a readiness level of orange?

A. Correct.

15 Q. The standard operating procedure would require, wouldn't it, three tankers and two light units?

A. Well, that is the standard operating procedure. A remote fire is a little bit different than a fire around the town.

20

Q. How is it different in your experience?

A. First of all, you have to locate that fire. As I said previously, tankers are only good if you can access the fire. They are no good if the
25 tanker has got to be left like two miles away.

30 Q. Is it your experience that the standard operating procedure for remote fires in the ACT needs only to be complied with after the fire is located and access points determined?

A. If I understand you correctly there, yes.

Q. So if you have got there and you said, "Well the fire is next to a road"?

35 A. If we can get around it next to a road and we can run hose relays around it, then not a problem.

Q. You would tell them that?

A. Yes.

40

Q. You would have expected they would send the extra tankers?

A. If I required it, because once you are in those areas, you only get one tank of water. You
45 don't get another tank of water unless you drive for it or someone brings it to you.

Q. I think I asked you this: when were you told that you were going to be the incident controller for that fire?

5 A. I believe that was a radio message as I was on the road.

Q. Were you going to be provided with, to your understanding, any planning officers, logistics officers or operations officer?

10 A. Not at that time, no.

Q. What did you understand your role - we have had a great deal of evidence given in this inquiry from the Service Management Team members and other people about the role of an incident controller on the fire ground. What did you understand the role of the incident controller at a remote area fire to be when you went out to it that day?

15 A. My first --
20

Q. What did you think your job was to do?

A. To ascertain the fire. By that, fire size, actual location, what terrain it was actually burning in, whether there was access, whatever information I could find.
25

Q. Did you understand that you had a role as incident controller - I am not suggesting there is any issue with anything you did this afternoon; I am just talking hypothetically and in general - did you understand that it was the role of the incident controller on the fire ground to develop an incident action plan for the fire that he was attending?
30

35 A. You must believe - first of all you have got to get on the fire before you can develop some type of plan. I never actually got on the fire line.

40 Q. That's right. No, I am just talking generally --

A. If I started a fire development plan, I would just be plucking it out of the air. We never actually got on the fire line.
45

Q. But in general as an incident controller who has attended fires previously, did you understand

it to be the role of the incident controller to develop an incident action plan?

A. I can make suggestions, yes.

5 Q. To formally create the document at the fire ground?

A. Well, yes. But like I said, you have actually got to be able to be on site.

10 Q. At paragraph 11 you say it took at least an hour and a half before you reached the carpark at Mt Ginini. You were at location just before 1757. You left Dave Jenson at Mt Ginini and took Meg Doepel to try and locate a road that was marked on
15 a map leading to Stockyard Spur area. Were you familiar with that area?

A. No. The first time in my life I had ever been through there.

20 Q. Okay. You were looking for a track leading along Stockyard Spur; is that right?

A. Correct.

Q. How did you know to look for that track?

25 A. It was marked on the map.

Q. What kind of map did you have with you at that point?

A. I had the 1:50,000 or whatever it is.

30

Q. 25,000?

A. Yeah, that would probably be the one.

Q. It was marked on your map as being a fire
35 trail or an access trail?

A. It just showed the dotted line that there was a track there.

Q. So you kept going along Mt Franklin Road
40 looking for the trail that you had seen on the map. How far did you get to?

A. I went to Pryor's Hut. Once I had gone past Pryor's Hut, I knew I had gone too far.

45 Q. What did you do when you got to Pryor's Hut?

A. Turned around, went back along the track and had a look. On the way there, I noticed some

black tubs on the side of the road. There was some wildlife thing being done by New South Wales university. I actually pulled up at those tubs, and they had a sticker on the side saying what they were. Apparently they had there the entrance to this track. It was not visible to me; it wasn't visible to Meg Doepel either; because we had a look around there. The tussock up there was a foot to 18 inches high. No vehicles had been through there, which is not unusual I suppose since the area is closed to the public. The tree line behind it was just a continuous line of vegetation.

15 Q. So did you draw the conclusion that it had overgrown to the stage where it wasn't a track any more?

A. That was my conclusion.

20 Q. It was the same as the surrounding areas?

A. Yeah, yeah.

Q. You returned to the Mt Ginini carpark and walked down into the Morass Flats area to try and locate an access route to Stockyard Spur?

25

A. Correct.

Q. And you could see the smoke at this stage; I take it?

30 A. When we got down on the Flats area, we could see the smoke, yes.

Q. Were you able to estimate the distance from where you were?

35 A. Not really, no. I spoke to the chopper pilot and one thing and another. It could have been 1K or it could have been 2 - it was probably a bit further.

40 Q. How far did you get into the area before you decided not to go any further?

A. Into Morass Flats?

Q. Yes.

45 A. Down there to where the vegetation got a bit heavier.

Q. You spoke to David Ingram whilst he was in 'Firebird 7'?

A. Yes, he was the observer in the chopper that day.

5

Q. Now the area that you were walking through down to Morass Flats, would you have been able to get a light unit along the route that you were walking?

10 A. There used to be a road down further years ago that used to go to an arboretum that was there. That road has been closed. It goes through a management resource area that is a sphagnum moss bog and corroboree frog habitat. That road has
15 been closed. But if I could have got the truck down through there and it was going to serve me a purpose, I would have used it.

Q. Is it the case you wouldn't have been able to
20 get a light unit through in the condition it was in at that stage?

A. Yes, I could have drove that with a light unit.

25 Q. Down to where you stopped at Morass Flats?

A. That part there, yeah, no worries.

Q. What about further on to where the fire was?

A. I don't know.

30

Q. You spoke to COMCEN at 1914 hours explaining the situation - I am just reading to you from paragraph 13 of your statement - and advised that you didn't think you could reach the fire site
35 that evening. COMCEN then told you that the Chief Fire Control Officer believed that you shouldn't try to reach the fire ground that evening and you should return to your vehicles. Can I ask you why you came to the conclusion that you couldn't reach
40 the fire site that evening?

A. Well, you look at that time, that is quarter past 7. We still had a fair way to go. Exactly how far, I couldn't give you an accurate estimate on that. What we would have found, I don't know.
45 Whether we would have been there and achieved anything, I don't know.

Q. Who were you with at this stage down at Morass Flats?

A. Dave Jenson, and there was one other person there.

5

Q. How many crew did you have with you altogether, with your two tankers and one light unit?

A. Two tankers - a crew of three in each tanker and the light unit is manned by two personnel. So nine including myself.

Q. Were you equipped, if you needed them, with rake hose?

15 A. We had rake hose on the units, yes.

Q. Do you have chain saws on the light units?

A. Not on that particular light unit, but the tanker carries a chainsaw.

20

Q. And were you personally equipped for overnight firefighting in that particular area?

A. I did have a bit of feed with me.

25 Q. Would you have been equipped for an overnight shift. Did you have enough food for, say, 12 hours?

A. We can make anything last for 12 hours.

30 Q. What about the other crew members that you had with you, did you know if they --

A. Yeah, some of them would have had food.

35 Q. So you made the decision that you didn't think you could reach the fire site that evening. You say at paragraph 17 on page 3 of your statement:

40 "I was surprised that we were given instructions to withdraw from the Stockyard Spur area and thought we would be walking in to fight that fire. All the crews had seen the smoke going up and assumed that we were going to be out all night. We all got backpacks with enough food to sustain us for
45 the first 12 hours."

When you spoke to Constable Travis you said that

you wanted to change your assessment made in that paragraph. Is that still the case?

A. That's what I said at the time when I spoke to Constable Travis. When I made that statement
5 there, the one we just read that out of, there was other fires burning. We could have been relocated. Being firefighters, we all felt that if there is a fire burning, we should do something. But that day I know I initiated the
10 call to abandon that night shift. That was my own decision, and now I still believe that.

Q. You still believe that was the correct decision?

15 A. Correct.

Q. Is that because you yourself was not at an arduous fitness level; is that right?

A. I am as fit as anyone but I am only moderate.
20

Q. I know, in terms of firefighting assessment. Do you know if the other members of your crew were moderate or arduous?

A. I know some of them were moderate; some of
25 them were arduous, yes.

Q. Would you have considered that the area, if you decided to attempt to get to the area you would have been travelling through and fighting
30 in, was an area that should be attended by RAFT team members?

A. It had to be a RAFT team.

Q. It would have had to have been a RAFT team?

35 A. Yeah. The moderate level you work off the tanker, you work closely at tanker and you work at whatever unit is there. You can be on the rake hoe team, but that means you don't have to carry everything with you. You can access further water
40 supplies for drinking purpose and tucker. You don't have to carry the lot with you all the time.

Q. If you are moderate, you could be a rake hoe team off the Wombat Road or something?

45 A. You could be on a rake hoe team but not on a RAFT team.

Q. I follow you. So did that factor into your decision to leave the fire ground that night, the level of fitness?

A. That would have been one of them, yes.

5

Q. And your level of equipment?

A. Equipment?

Q. Well, your food that you carried and your bed overnight --

10 A. Oh, yes, that would have been one of them.

Q. Did you have any discussions, either before you left the fire ground or after, with anybody at ESB about what kind of crew were required for either a night shift or the next morning shift for that fire?

15 A. No, I never started any conversation like that. I had faith in David Ingram. He was the officer on that chopper. And Matt, the chopper pilot, he has been around long enough. They would report directly back to the management team there at Curtin, whether by telephone or by radio.

25 Q. We have had some evidence about the role of an incident controller in relation to forward planning to fight fires, including a determination of the level of resources required through the next shift at least. Were you told anything about it being your role to have some input into the level of resources required to fight that particular fire if you are the incident controller?

30 A. I could have made some suggestions, but I did not.

35 Q. Were you asked for any suggestions?

A. No, I did have a radio conversation later on with Brett McNamara, who is one of the team that went in the following day. He asked me what I could tell him. There wasn't much I could tell him. I hadn't been to the fire. He had a better knowledge of the area. In one of his past positions, he was a ranger in that district up there.

40 Q. Can you recall the details of your

conversation with Mr McNamara?

A. If you want to go through the radio log,
I suppose we can go through it. It was only what
could I tell him - not much. Never got on site.
5 That was just about it.

Q. You said if you had been asked you could have
made some suggestions to ESB as to what resources
could be required for the next shift, whether it
10 was overnight or next morning. What suggestions
may you have made if you had been asked?

A. RAFT teams. Maybe get a machine up there to
re-open that road or whatever.

15 Q. You say --

A. You have got to remember that is in a water
catchment area. People don't like to see
bulldozers trampling over their --

20 Q. If we can put aside the question of
conservation issues --

A. We can never put them aside.

Q. We are in an inquiry; we can have a
25 hypothetical.

THE CORONER: It is a bit theoretical, Mr Gray.

MS CRONAN: Q. That night you assessed there to
30 be some value in bringing in heavy plant to open
up the Stockyard Spur trail?

A. There would have been some value, yes.

Q. You say you would have suggested RAFT teams.
35 Are you able to say how many teams - I know you
didn't get to the fire ground - you would have
recommended had you been asked?

MR CRADDOCK: I object. It is speculation upon
40 speculation. He couldn't get to the fire. He
couldn't see how big it was. But there was a
helicopter up there.

MS CRONAN: Q. Perhaps I can ask this: from what
45 you saw of the terrain and the smoke, were you
able to make some sort of assessment about how
many teams you would have taken in had you been

incident controller on the ground the next day?

MR CRADDOCK: I object. That is really the same.

5 MS CRONAN: I am asking him if he is in a
position --

THE WITNESS: I would have been in the position to
request that the chopper come down on the ground
10 and pick me up from Mt Ginini --

MR CRADDOCK: It is a bit too speculative to --

THE CORONER: I think it is a bit too late,
15 Mr Craddock.

MR CRADDOCK: Maybe. It is not going to give you
useful evidence, which is the exercise, after all.

20 MS CRONAN: He is saying he can't give a useful
assessment. We have established that.

Q. Now the following day you worked at the yard
at Athllon depot. Reading from paragraph 19 of
25 your statement, on Friday the 10th of January, you
were sent to Mt Gingera at 5 o'clock. At
11 o'clock, you were redeployed to the Bendora
fire to assist after having a bit of lunch at
Bulls Head. Now, when you were sent to
30 Mt Gingera, were you sent there as the incident
controller of the fire that day on the 10th?
A. No. Hall 1, Tony Greep, was the incident
controller that day.

35 Q. Can you describe to her Worship where the fire
was located and what size it was when you arrived
at 5 o'clock on the morning of the 10th?

A. It would have been after 5 o'clock in the
morning. The 5 o'clock refers to the time I left
40 the Cotter depot. By the time we got up to Mount
Gingera, it would have been closer to - if I say
8 o'clock I wouldn't probably be far off.

Q. Can you describe the location and size of the
45 fire as you saw it?

A. The fire burnt down onto the Franklin Road
probably for a distance of about 250 metres,

something like that I suppose. It hadn't got across the Franklin Road. Ran back up towards the ridge. Probably total size - I know I flew around it that morning in the chopper with Tony Greep.
5 Total size I can't actually recall now.

Q. Who communicated with you that morning or the night before to tell you that you were required on that fire?
10 A. Radio message.

Q. From whom - ESB, COMCEN?
A. ESB, one of the people in there. It might have been a radio message; it could have been a
15 telephone call. I can't recall.

Q. But it was somebody from ESB?
A. Yeah, somebody from ESB.

20 Q. What were you told?
A. Be at Bulls Head to go to Mt Gingera in the morning.

Q. Can you say what resources were on that
25 Mt Gingera fire on the morning of the 10th?
A. There was several tankers there.

Q. Seven tankers?
A. About three or four tankers I think. There
30 was a Forest rake hoe team. There was a team there from Parks, a rake hoe team from the Parks brigade.

Q. What were you tasked to do? What work did do
35 you on the fire that morning?
A. We had a look around with the chopper. We went down. We stationed a couple of units along the - it was a one-way track. You have got to go right down the road before you can turn around to
40 come back. We stationed a couple of units along that track to stop the fire from jumping across the Franklin Road. The Forest rake hoe team was applied on one end of the fire. The Parks brigade went down on the other end of the fire, and we
45 started working from the Franklin Road to pinch it out.

Q. Were you working with the Parks brigade?

A. Yes.

Q. Rake hoe team?

5 A. (witness nods).

Q. How far did you get?

A. Oh, as I said, a couple of hundred metres. It
10 might have been more. What the Forest team done
on their end, I wouldn't like to say.

Q. In terms of the size of the fire, a couple of
hundred metres, was that halfway or nearly there?

A. No, it probably would have been nowhere near
15 halfway.

Q. You were redeployed at that point?

A. Yes. Around about 11 o'clock we had a radio
call came through to leave that fire and leave the
20 Hall units there - and they would stay in a
watching brief to make sure it didn't jump the
road. We were redeployed to the Bendora fire. We
had no idea at that time what to expect, whether
someone had been injured or what the problem was
25 up there. When we got the radio call, we just
packed up and went.

Q. The radio call went to Tony Greep; did it?

A. Yeah, Tony Greep answered the call, Hall 1.
30

Q. Can you tell the Court whilst you were there
what you observed about the fire behaviour that
morning - was it spreading; what was the flame
size?

A. As the day moved on, the flames were over half
a metre, in some places a little bit more, a
metre - that was on the side that I was. What was
happening up on the top end of the fire, we did
have a chopper up there. He was dropping water up
40 on that top corner where it was quite a bit hotter
and working with the Forest team. Because on our
end it was like a backing fire just creeping down
the hill slowly. The Forest team were up on the
other end of the fire.

45

Q. Can you say what rate the fire was spreading
whilst you were observing?

A. I couldn't tell you that. I know Tony Greep was starting to walk around the fire with a GPS thing to ascertain how large the fire was.

5 Q. Now, when you went to redeploy, you had some lunch and then you spoke to Parks 1, Ms Arman; is that right?

A. Correct.

10 Q. You were asked to assist a rake hoe crew working over at Wombat Road?

A. Correct.

Q. What was your objective in relation to that?

15 A. Well apparently there had been a break-out, jumped the track there.

Q. To the east?

20 A. Yeah, it would have been to the east, and they already had a team in there trying to round it up. And we were sent down to give them some assistance.

25 Q. Who did you go with? Was it your whole rake hoe team?

A. Yes. The Parks brigade rake hoe team.

Q. Now, can you describe the fire that had broken across Wombat Road when you saw it?

30 A. Prior to getting to that location we had to cut a tree off the road. A tree had fallen across the road. That took us a few minutes. Then we got then to where the vehicles - there was a ute parked on the side of the road, a dual cab ute
35 that was part of the Parks team there. There was also a Southern brigade rake hoe team there, tanker crew down in there. And my blokes went off down in there. I stayed up on the road as a radio link.

40

Q. You said in your statement - is it the case then that you can't describe the actual fire because you stayed on the road?

45 A. I stayed up on the road. But my boys they told me on the radio it was just impossible to get through that amount of vegetation.

Q. So they kept trying, according to your statement at paragraph 19 --

A. They had three chainsaws down there. At that time there would have been probably a dozen
5 people, 18 people down there.

Q. So the two rake hoe crews?

A. Two rake hoe teams, four blokes off the southern unit.
10

Q. And your rake hoe team, how long did they work at that --

A. They stayed down there for quite a while until, oh, probably 1800, something like that.
15

Q. And they all had rake hose and three chainsaws as well?

A. Correct.

Q. They were unable to get around the spotover?
20

A. No.

Q. I think your shift finished at 2100 hours that day?

A. That's what time we got back to the depot and stood down.
25

Q. If we could move to the 11th of January. You say in paragraph 20 of your statement that you
30 commenced work at 1730 on a back-burn operation off Mt Franklin Road to the east in the vicinity of Moonlight Hollow Road. You worked right through until 9.30 the next morning under the supervision of Neil Cooper. That task wasn't
35 completed but morning crews continued work after you were relieved. You couldn't when you made your statement recall who you were working with at that time.

Q. I take it when you were called up to work on the 11th of January, you were again contacted either by radio or telephone from someone within ESB?

A. Telephone.

Q. What information were you given over the radio or telephone?
45

A. I was told to be there, prepare for a night

shift, stay all night.

Q. Were you in the same vehicle that you referred to at the start of your evidence?

5 A. No. This time I was in a land cruiser which is just an ordinary work vehicle - tray top.

Q. Were you told who to report to?

10 A. I can't recall if it was mentioned it was going to be Neil Cooper up there. But when I got up there, Neil Cooper was the officer in charge.

Q. So the procedure was you were contacted and you reported to the incident controller?

15 A. Yeah. Be there and I would take on my role as the deputy captain, which would probably mean sector leader or whatever was required.

20 Q. Just generally, can you describe to her Worship the work that you performed on Moonlight Hollow Road that night?

A. Apparently earlier that afternoon that was the first time they had done a bit of back-burning up there to actually try and contain this fire.
25 There was a bulldozer up there up on the Franklin Road. Moonlight Hollow Road had been cleared. The back-burning operation already started. We relieved the crew that was done - that afternoon shift or that day shift - and our objective was to
30 carry on with the back-burn.

Q. And complete it through to where?

A. We were just going to keep going around the block.
35

Q. On Monday the 13th of January you started work again at 0600 and worked at Bendora fire until 2100, patrolling back-burn operations along Bendora Break. You were tasked, again I imagine
40 the same way, by contact from ESB and told to report to the --

A. Yeah. Sometimes I was actually contacted on the evening as I was actually leaving the fire. As I was leaving the fire you would make a radio
45 message to COMCEN: "Parks 9 leaving Bendora heading back to the Cotter." You might get a message come through the radio: "Parks 9: report

to such and such" or "you won't be required tomorrow".

5 Q. So patrolling back-burns under Brian Murphy, you think, and you say here that the back-burn operation was not entirely successful on its own, although you managed to stop the Bendora fire jumping the Bendora Break by using heavy plant and a tanker; is that right?

10 A. That's correct. We stopped it that day anyway.

15 Q. You did. I recall quite vividly reading the radio transcripts for this particular job you did. Do you recall now whether or not you had any problems with resources that were available to you to stop the fire jumping Bendora Break on that particular shift?

20 A. I had choppers supporting me that day, and that was the day the chopper went in the dam. When that happened we never had no further chopper support. So I just started using the bulldozer cleaning up the track, and we started back-burning off that track which contained that fire.

25 Q. I take it the loss of the helicopter meant that the fire was coming at you faster than you would have liked on that particular shift?

30 A. The fire was coming upslope towards us, yes.

Q. Do you feel that you had enough resources available to you on that shift to complete the task that you had to complete?

35 A. Well, we held it. And it was still held that night when we left and when we were relieved by the night crews.

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

THE CORONER: Yes. We will adjourn until tomorrow morning at 10 o'clock.

45 **MATTER ADJOURNED AT 4PM UNTIL WEDNESDAY, 21 APRIL 2004.**

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 38

Wednesday, 21 April 2004

<DENNIS IVOR GRAY RE-AFFIRMED

5 <EXAMINATION-IN-CHIEF BY MS CRONAN CONTINUING

MS CRONAN: Q. Mr Gray, before we move on to the
15th and 16th, I would like to take you to the
work you did at Gingera on the 10th of January.
10 You were involved in putting in a containment line
with a rake hoe crew that day?

A. Correct.

Q. The equipment that you had on that day and the
15 type of vegetation you were working with, do you
think you would have been able to complete the
containment line in that vegetation with just a
rake hoe?

A. We were achieving some result there, yes.

20

Q. When you say "some result", was the rake hoe
able to get through that vegetation in the area?

A. We were making some progress. What the
vegetation was like further around I couldn't tell
25 you. I never walked around the fire.

Q. In the area that you were working in, you were
able to get down to bare mineral earth with the
rake hoe?

A. In the area that I was with the team, yes.
30 What the forestry team found on the other side of
the fire, I couldn't say.

Q. You moved to Bendora. You have given some
35 evidence about the difficulty that the team had
with impenetrable vegetation on the spotover on
Wombat Road. Was the terrain in that area such
that you would have been able to get a dozer down
and put the containment line in with a dozer or
40 was it too steep?

A. It is surprising where dozers were going.
That is up to the operator of course. Some dozer
operators, they are a bit more reckless than
others.

45

Q. What is your opinion about whether or not a
dozer with a decent operator would could have got

around that --

A. If that bloke didn't care for his personal safety, he might have done it.

5 Q. You think then, by that answer I take it, that it was too steep?

A. I wouldn't say it was too steep. I never actually walked down there along that break. I had people down there and they relayed to me that
10 it was rough going, a lot of debris on the ground and a lot of vegetation standing.

Q. So you can't say what the incline was in that area then from your own observations?

15 A. All I know is it just fell off Wombat Road and it went down at a very steep grade.

Q. If I could take you to paragraph 24 of your statement, you say on the Thursday the 16th you worked at Bendora again from 0600 to midnight. You were again burning around Bulls Head staging area to the west of Mt Franklin Road. The area that you worked was from just south of the Bulls Head staging area and around the staging area
20 itself, and your objective for the day being to burn right down to Piccadilly Circus. What was your role in that particular strategy?

A. I was co-ordinating the actual people with the grip torches. We had tankers also there. And I
25 was just keeping it going at a nice, steady rate.

Q. You were acting effectively as a sector leader for that area?

A. As a sector leader, yes.
35

Q. How was the work progressing in that area before you were redeployed?

A. We just got back around the back of the staging area when there was a radio call to say
40 the fire had jumped across moonlight - whichever road it was now. It will probably say in here somewhere.

THE CORONER: Paragraph 24.

45

THE WITNESS: Moonlight Hollow Road. Anyway, with that we pulled up the burning, left one tanker

there and went down to have a look to see what we could do. With that we had to commence doing another bit of burning along the Bendora Road to contain the break that was coming up.

5

MS CRONAN: Q. Firstly in relation to the burn you were putting in from Bulls Head to Piccadilly, were you given a time frame to achieve that objective?

10 A. No, not an actual time frame. It was to protect the staging area. Apparently there was a threat coming up from the Brindabella Valley way, and that was to help contain that.

15 Q. I understand that. What I am trying to ascertain is if you hadn't been redeployed, do you think you and the crews you had working under you would have been able to achieve that objective on the shift?

20 A. We may have done. Sometimes we do not, and that's left then to the people that is coming in for the night shift.

Q. You hadn't reached the stage in the --

25 A. No, we were still, whatever the distance is from Piccadilly Circus back to Bulls Head itself, a kilometre, maybe 3 kilometres, we would have been at least two-and-a-half kilometres away from achieving that objective along that road.

30

Q. If I can go over to paragraph 25 on the 17th and 18th, you were sent to Orroral Valley at 0600 hours. Your incident controller that day was Peter Galvin. How were you tasked for that shift, can you tell the Court?

35

A. I believe, I recall it now, I think it was a radio call from the evening before.

Q. That was from COMCEN or --

40

A. Yeah, from the radio operator.

Q. What were you told? What information were you given by the radio operator?

45

A. Be at Orroral Valley staging area at 6 o'clock in the morning, whatever it was.

Q. Were you told to take any other crews with you

or just yourself?

A. No, I just respond by myself.

5 Q. Were you told what you were going to be doing
that day or just to report to the incident
controller?

A. Just report there.

10 Q. So you reported to Peter Galvin. What
instructions were you given?

A. The staging area was in the process of being
set up. There was New South Wales task force
there and arriving. Some Parks units had turned
up there. We had a briefing session there when
15 everybody got there. Peter spoke to all staff.

Q. What were you briefed to do?

A. There was a back-burning going to be done that
morning.
20

Q. Did you then go up in 'SouthCare 1' with the
New South Wales task force leader?

A. I did.

25 Q. What was the purpose of that reconnaissance?

A. A reconnaissance flight to see how the fire
was progressing and see - well, just to make sure
we knew what we were going to do and see what the
weather was doing, see how the fire was burning at
30 that time.

Q. Did Mr Galvin ask you to do that?

A. He didn't personally ask me to do it. But I
was tasked with being the liaison officer with the
35 New South Wales task force and Peter Galvin
actually never came on that chopper flight.

Q. You say in paragraph 25 that you decided that
you couldn't put in the proposed back-burn that
40 morning because of the strong winds?

A. Strong winds.

Q. Can I just ask who made that decision?

A. That would have been a joint decision between
45 myself and the New South Wales task force leader.
The winds were buffering around all over the
place. The chopper pilot had a job to hold the

chopper just even to do GPS, like to measure the fire.

THE CORONER: Q. Which fire are we looking at?

5 A. This is the one that --

Q. The McIntyre fire?

A. No. It was the Stockyard.

10 MS CRONAN: Q. The Stockyard Fire at that stage had joined with the Gingera fire?

A. I believe so.

15 Q. And was called the Stockyard fire. So all the tankers re-assembled at the Orroral Valley staging area and you were asked to abandon that staging area; is that right?

A. That's correct.

20 Q. You say in paragraph 26 at 1500 you received a radio call from COMCEN instructing you to take all Parks units, being Parks 11, 12, 24, and 22, to the Corin ski forest. Can you recall now what actual instructions you were given by COMCEN in
25 relation to the Corin ski forest?

A. Property protection.

Q. Is that the extent of your instructions?

30 A. Yes. It would mean that you were solely there to protect the property, not to chase the fire front.

35 Q. You listed the Parks vehicles you had with you. Were they actually specified during your conversation with COMCEN?

A. Take all Parks units, if I recall the conversation.

40 Q. Was Mr Galvin still the incident controller at that stage?

A. Mr Galvin was at Glendale works depot.

Q. Where were you when you received that instruction?

45 A. Glendale depot.

Q. With Mr Galvin?

A. I probably wasn't standing next to him. I was probably lounging around having a smoke somewhere.

5 Q. I am just confused, sir. Why were you being tasked by COMCEN at that stage and not directly by Mr Galvin, is that normal practice?

A. Well, Mr Galvin would have known what was happening around Glendale depot. He wouldn't have known what was happening over the other side of
10 the hill.

Q. At that stage of the shift, his units were being deployed directly from ESB; is that right?

A. We had been redeployed. It would have been a
15 radio message from COMCEN to abandon Orroral Valley and go to Glendale works depot. From there, there was a radio message telling myself to go to Corin ski forest. That's all I can say.

20 Q. Did you discuss that with Mr Galvin then?

A. He acknowledged that he copied that message.

Q. He knew you were off there?

A. Yes. And I had some equipment that would be
25 picked up from the staging area like a generator and that, that was still on the back of my ute, which I unloaded and left at the works depot and then we proceeded to Corin Forest Road.

30 Q. Were there any other crews there apart from your Parks crews?

A. No.

35 Q. You managed to save the facility there with your Parks crews?

A. We saved the main buildings. There was some damage there apparently done to the actual toboggan runs. The heat twisted all the toboggan runs, which I was lead to believe after, we also
40 lost a ticket office that was at the base of the toboggan run. I believe there was another little shed on the side of the hill was lost.

45 Q. Do you know at that point in time you were assigned specifically under Mr Galvin to the Stockyard fire at that stage on that shift; is that right?

A. That morning?

Q. Yes.

5 A. I was assigned to go to Orroral Valley. I wasn't aware at that time probably that Peter Galvin was the incident controller.

Q. You were aware when you got there?

10 A. When I got there, yes.

Q. Were you told whether or not the fire during that shift - I realise it was an extended shift, you did a double shift - at any time over your double shift were you told that the fire had been
15 divided into sectors?

A. When we had the briefing to conduct the burn-off that morning, it was divided into sectors, yes.

20 Q. Can you recall what the sectors were?

A. No. I did have some paperwork on that. What it was divided into was New South Wales units to look after one end and Parks Units were going to go down with some New South Wales units and
25 conduct the burn-off.

Q. It was sectorised for the back-burning operation?

30 A. For the burn-off, yes.

Q. Do you know if the area was sectorised further after the back-burning operation had been called off?

35 A. No idea.

Q. So far as you were aware, there was deployment being carried out either by the incident controller or COMCEN?

40 A. There would have been no point in having it sectorised, because all crews were pulled out.

Q. Sorry?

45 A. The crews were all pulled out of there. We weren't going to do the back-burn.

Q. I am talking about after the back-burn was abandoned. After the back-burn was abandoned, you

were taking deployment instructions from either your incident controller or from COMCEN; is that as you understood it?

5 A. Yes. When we got back down to Orroral Valley, that's when we were instructed to pack up there and go to Glendale.

10 Q. You were advised by COMCEN at some stage whilst you were looking after the Corin Forest ski facility that relief crews were available but you were too busy fighting the fire to have an exchange of crews at that stage?

15 A. Yes. The fire was more or less on top of us then.

Q. You were eventually relieved by some Gungahlin units at the ski resort?

A. Yes.

20 Q. At that stage COMCEN redeployed you to the Tidbinbilla Nature Reserve. Can you recall what instructions you received from COMCEN in relation to that deployment?

25 A. No, the instructions, I can't recall that. We just went to Tidbinbilla Visitors Centre where they had a staging area set up. Brian Murphy was incident controller there. We had a cup of tea and such and, with that, there was a call to say there were spot fires on the Paddy's River Road.
30 We went down there and we attended to those. That was the Parks units that I brought down from the toboggan run place on Corin Dam Road.

35 Q. So you still had your two tankers and two light units with you?

A. Correct.

Q. Did you find any spot fires?

40 A. We did.

Q. You were relieved finally at 0700 on the 18th; is that right?

A. That's correct.

45 Q. You went home to sleep. I think at paragraph the 29 you say:

"On driving home I could see a vast column of smoke to the north of Mt Coree."

5 This was shortly after 0930 hours on Saturday; is that right?

A. Yes. When I left the Tidbinbilla Nature Reserve, I went into Athllon Drive depot. I fuelled up my truck and got some new batteries for my portable radio. With that, I returned to the
10 Cotter.

Q. So you lived in a house at the Cotter depot?

A. At Casuarina Sands actually next to the Parks and Cons depot.
15

Q. I gather the smoke you could see north of Mt Coree was from the McIntyre's Hut fire?

A. Correct.

20 Q. You had a conversation with your partner when you got home and suggested you would have some problems later in the day. Can you describe what problems you were anticipating at that stage?

A. Well, as the day heated up, I expected there
25 would be some spotting around like the Uriarra area. But I don't think I would have went to bed if I knew it was going to hit me just after lunch kind of thing.

30 Q. You were expecting problems from the McIntyre's Hut fire?

A. By later in the day, like kind of thing, yes.

35 Q. Had you received any warnings either over the radio or from COMCEN about what the McIntyre's Hut fire might do that day when you went do bed?

A. I never heard anything.

40 Q. So you went to bed at about 10.30 and got woken up at about 2 o'clock; is that right?

A. Yes, around about 2 o'clock.

Q. Could you tell us how you were woken and what you did after you were woken that day?

45 A. There was a cottage next to me. There were two young lads living in there. Their mother sent them up to wake me up. Me dogs were barking.

Anyway, I go to the door. The young bloke says,
"Dennis, there's a fire coming." I said, "Okay.
Where is it?" He says, "Have a look." I walked
around the side of the house, across the river was
5 on fire. I said, "Okay, where is your mother?
"Home". I said, "Tell her I will be down in a
minute to have a chat to her". With that I went
back in the house, I got dressed, closed all the
windows in the house. Went outside checked me
10 dogs had water. Pulled out the few hoses around
the house, pulled them out straight so there was
no kinks in them. Went down and spoke with the
woman and asked her what she intended to do. She
intended to stay.

15
Anyway, within a few minutes after that, it was
about 20 minutes later the fire just come
through - well, one of the fire fronts anyway.

20 Q. I think you say that your neighbour didn't
stay in the end. Do you know when she left?

A. When the fire actually came in, she just put
her boys in the car. The boys are like 16 years
of age and above, and "Come on in the car". Took
25 straight up the Cotter Road.

Q. So they drove out as the fire front hit?

A. (witness nods).

30 Q. You were able to save your house?

A. Yes.

Q. How did you manage to save your house?

A. It is not just the day the fire comes. You
35 must do some housekeeping long before the fire
comes. If you keep an untidy backyard and you've
got fuel around, you can't fix it up in 10
minutes.

40 Q. Had you prepared your yard?

A. My yard was fairly clean, yes. I lost the
shed and some fencing and some firewood, of
course. The house was intact.

45 Q. When did you prepare your yard or is that how
normally kept your yard?

A. That's how I live.

Q. I think all the houses around yours were lost?

A. There was no-one else in attendance of those houses neither. When the fire actually came, there was no-one there.

5

Q. So they --

A. With the debris act, they just burnt.

Q. They were burnt through radiant heat from the flames; they were burnt through embers?

10

A. Once one house catches fire, the radiant heat then goes to the next one.

Q. Then some New South Wales task force arrived and you got the ladders and checked the roof of your house?

15

A. Yeah. They come down for a look. They didn't stay long. They just drove down. I took a ladder; I think I inconvenienced them a little bit; and then they left.

20

Q. You raised a couple of issues at the end of your statement that I would like to ask you about. Paragraph 34 you say:

25

"In retrospect, there has been a gradual change over the last seven or eight years in that most remote area firefighting crews have not been used overnight. However, I cannot recall any one incident or any specific policy change to create this situation. It just seems to have evolved with time."

30

With many, many years experience in firefighting, have you had much experience with night-time RAFT firefighting?

35

A. Yes, I have been a crew member.

Q. Can you say roughly what locations you have done the remote area firefighting in?

40

A. Going back to 20 years ago, the Gudgenby fires that burnt out the bottom part of Namadgi, I was involved in quite a few shifts there.

Q. Have you been involved as one of those crews fighting the fires on the first night after ignition?

45

A. Yes. There was a fire we had a few years ago on the Smokers Gap Trail. I was up there.

5 Q. Do you have a view from your experience about fire fires in remote areas overnight - do you have a view about whether it is safe or shouldn't be done or it can be done safely?

10 A. I wouldn't say it shouldn't be done. The hazards are more there. You can't see. Even if you have got torches and you have got flame reflecting the light, you can't see all that well.

Q. You can see?

15 A. You can't - cannot.

Q. You say that this practice just seems to have evolved with time. Can you put a time frame on when it began to evolve?

20 THE CORONER: What evolved?

MS CRONAN: The practice of not fighting at night.

25 THE WITNESS: Not firefighting at night?

MS CRONAN: Q. In remote areas?

A. No, I won't say that, no.

30 Q. Are you aware of any reasons that that practice has developed?

A. Probably fire ground safety I'd say would have to be the most influencing factor.

35 Q. You also raised an issue in relation to the lack of up-to-date maps. What maps were you provided with throughout your firefighting efforts from the 8th to the 18th?

40 A. I had some maps, and quite often I was asked to pass that map on to the next person that was coming in.

Q. You had your own maps?

A. I did have some maps, yes.

45 Q. Were they things you brought yourself or were they provided to you --

A. Provided by the government. You know what it

is like when you have got a map. You fold it up and put it in your pocket. You unfold it and it soon gets pretty dog-eared and ratty after a couple of days.

5

MS CRONAN: Thank you, Mr Gray.

THE CORONER: Q. Mr Gray, I will just ask you before other counsel: you say other people had already left. This is at the Cotter where you lived or in your settlement?

10

A. Yes.

Q. Do you know whether or not there were people there through that afternoon and had left? Apart from your neighbour and her two boys, were there other --

15

A. She informed me there was no-one else there. A couple of other residents had gone to town. One bloke took his daughter to town with the intention of coming back. Another lady who lives there, she had the intention of coming back. She took some personal effects to town to drop off.

20

Apparently I had been told in the morning there some time, I wouldn't have a clue, there was a policeman come through and advise them there was a fire coming. What time that was, I couldn't say.

25

Q. You presume you weren't there at that time?

30

A. I was there but I was asleep.

Q. When you were at Tidbinbilla, did you have any concern about what might happen to the Nature Reserve, that was the day before?

35

A. No.

Q. That evening?

40

A. No. I knew the fire was up the back there. But things had quietened down in the early hours of the morning. There was fresh crews coming in.

THE CORONER: Mr Lakatos, any questions?

45

MR LAKATOS: Yes, there are.

<CROSS-EXAMINATION BY MR LAKATOS

MR LAKATOS: Q. I wonder if you could clarify one matter for me. On 8 January when you initially responded to the Stockyard Spur fire, you told us yesterday that you went there with two light units, they being Parks 20 and a rivers unit?
5 A. Yes.

Q. And also a tanker, Parks 10?
A. Yes. That was Parks 10, Parks 20 and
10 Rivers 10, the tanker.

Q. And you went in a command vehicle, a Toyota Hilux?
A. Correct.
15

Q. You say in your statement, paragraph 10, that in the Rivers units there were five crew - Jenson and Doepel in Parks --
A. No, that would have been the Parks units.
20 What paragraph was that again?

Q. In paragraph 10 you say in the two parks appliances there were in total five persons: Jenson and Doepel in Parks 20 and Bates, Woodbridge and Dumetz in Parks 10; is that so?
25 A. There were five personnel in the Parks units.

Q. How many crew were there in the Rivers 10 unit?
30 A. I couldn't tell you. If it was a single cab tanker it would have been the personnel, 3.

Q. Apart from yourself, was there anybody in the Hilux?
35 A. No. Only when I took the crew member off Parks 20.

Q. So the total complement of personnel was, I guess, 9 persons?
40 A. Correct.

MR LAKATOS: Thank you.

THE CORONER: Yes, Mr Pike, do you have any
45 questions?

MR PIKE: Nothing, your Worship.

THE CORONER: Mr Walker, do you have any questions?

MR PHILIP WALKER: Just a couple.

5

<CROSS-EXAMINATION BY MR PHILIP WALKER

Q. Mr Gray, you mentioned impenetrable undergrowth at the Bendora fire on the 9th, I think it was?

A. 10th.

Q. Did you make any inquiries of Odile Arman as to where she first arrived at the Bendora fire?

15 A. No.

Q. Do you have any idea between the area you regarded as having impenetrable undergrowth and where the first attempt was made to attack the Bendora fire?

20 A. No.

MR PHILIP WALKER: I have nothing further.

25 THE CORONER: Thank you, Mr Walker. Mr Craddock?

MR CRADDOCK: Thank you, your Worship.

<CROSS-EXAMINATION BY MR CRADDOCK

30

MR CRADDOCK: Q. You were asked some questions yesterday afternoon about your trip around the bush looking for the fire. You indicated that you got to a point where you found some tubs and they had some writing that related them to the University of New South Wales; do you remember that?

A. Correct.

40 Q. Is it the case that when you were there you saw the tubs and concluded, "This may be where there is a track," because obviously there has been some human there at some point, but at that time you could not find the track at all?

45 A. There would have been curiosity to actually see what those tubs were there for, you know. We actually stopped at that spot, looked at the tubs.

Therefore, we had to get out of our vehicles to have a look. Out of the vehicle and had a look around there, and there was no sign of a track there. It was just a logical place to have a track. You know, there was burn-off on a bit of flatter ground there. Previous side of the road fell away like that (indicated) and then it levelled out a little bit.

5
10 Q. Is it the case that you attended that same area months later and only then discovered that that's where the track had apparently been?

A. Correct. That's when I went up with the AFP police for the purpose of that video.

15 Q. Going to the video now, you went with an officer from the AFP on a tour of all of the areas where you went on the afternoon of the 8th to show them where you had gone?

20 A. Correct.

Q. You indicated, for example, where those tubs were?

25 A. Correct.

Q. You indicated where you walked into the bush to try and find a way to the direction of the fire; is that right?

30 A. Correct.

Q. You indicated on the video where it was that you saw the smoke from the fire?

35 A. Yes. The first time I spotted the smoke was when I was at that aircraft communications station on Mt Ginini.

Q. You indicated where you saw the helicopter in relation to the smoke?

40 A. Correct.

Q. In fact, to put it by way of summary: you indicated for the benefit of the AFP and the camera all of what you did on the afternoon of the 8th in order to try and locate a way of getting to the fire; is that right?

45 A. I felt that I did, yes.

MR CRADDOCK: Thank you, your Worship. Those are my only questions. But before I resume my seat, I take it your Worship has the benefit of the video?

5 THE CORONER: I have seen the video.

MR CRADDOCK: It does make all of what this witness has to say very much clearer.

10 THE CORONER: Yes, it does. I have seen the video. I presume the video is part of the exhibits in the case.

MS CRONAN: Yes, your Worship.

15

THE CORONER: As it should be, because it certainly is clear.

MR CRADDOCK: As long as your Worship has it.

20

THE CORONER: I do. I have seen it.

MR PHILIP WALKER: Is it possible to get access to the video?

25

THE CORONER: You haven't seen the video. We will make arrangements for you to have a look at that.

MR CRADDOCK: I will give him my copy.

30

THE CORONER: Do you have any re-examination, Ms Cronan?

MS CRONAN: I have no re-examination.

35

THE CORONER: Mr Gray, thank you very much for your evidence. You are free to leave if you wish.

<WITNESS EXCUSED

40

MS CRONAN: I call Brett McNamara.

MR CRADDOCK: Before Mr McNamara takes his seat, I just had an inquiry at the Bar table as to the exhibit number for the video. I have got no idea. I don't have a list of exhibits. Mr McCarthy indicated he is not sure if it has an exhibit

45

number.

THE CORONER: It might not.

5 MR CRADDOCK: I don't know if it needs one. I was just raising the matter.

THE CORONER: If it doesn't have an exhibit number already, we will exhibit it. We will make
10 arrangements to exhibit it. I don't know whether there is --

MS CRONAN: I don't know if it does. We will arrange for it to have one. I can notionally
15 exhibit it.

THE CORONER: The re-enactment by Mr Gray with the AFP of his activities will become 0039.

20 **EXHIBIT #0039 - VIDEO OF MR GRAY'S RE-ENACTMENT OF HIS ACTIVITIES WITH THE AFP TENDERED, ADMITTED WITHOUT OBJECTION.**

<BRETT MYLES MCNAMARA, SWORN

25

<EXAMINATION-IN-CHIEF BY MS CRONAN

MS CRONAN: Q. Please tell the Court your full name with your current occupation?

30 A. My full name is Brett Myles McNamara. I am the district manager within the west district within Environment ACT.

Q. I am going to take you to your statement which
35 you made on the 12th of August 2003, which is [ESB.AFP.0103.0052]. I understand, sir, there are a number of alterations or corrections that you wish to make to your statement.

A. Indeed there is. At the time of making this
40 statement back in August last year, it was based on my best recollection at that point in time. Since then I have had the opportunity to review a number of transcripts since that point in time and, as a result of that, I am aware that there
45 are a number of amendments I would like to make.

Q. Perhaps we should go through the statement and

have those amendments made before we start.

A. In particular paragraph number 34: Our time of arrival at the Stockyard fire on 9 January has now been confirmed by radio transcripts as being
5 at 0900 and not at approximately 1000 hours as appears in my statement. I should also note that all other approximate timings in that particular paragraph need to be somewhat condensed. I arrived at Bulls Head staging area at 0600 hours
10 and was at the Stockyard Fire ground at 0900 hours.

Paragraph 36 the size of the fire: radio transcripts provided by 'Firebird 7' at 1035 hours
15 now put the fire at approximately 8 hectares. In my statement, I think I make reference to it being around about 3 hectares.

Q. That was 'Firebird 7'?

20 A. 'Firebird 7', yeah.

Q. At what time?

A. 1035.

25 Q. That was Mr McRae in 'Firebird 7'?

A. I'm not exactly sure who it was in 'Firebird 7', but, yes.

THE CORONER: Q. So 3 hectares should be
30 8 hectares.

A. Should be 8 hectares. Yes. It was very, very difficult to actually give an accurate indication on the fire ground of the size of the fire. I initially put it at 3 hectares, but as I said,
35 'Firebird 7' put it at 8. So somewhere between 3 and 8 hectares when we arrived at 0900 hours.

MS CRONAN: Q. We might go through and clarify what your best estimate is as well.

40 A. Paragraph 42, I would like to clarify in undertaking the fire suppression activities, we were working on the north-western flank of what we referred to as being the "north-western sector" of the fire, and not the "north-western front" as
45 appears in my statement.

THE CORONER: Q. Which line is that?

A. I think it is about the third line down.

MS CRONAN: Q. That was paragraph 42?

A. 42, yes. Paragraph 44, as a result of
5 reviewing the radio transcripts, I believe it was
1600 hours not 1430 or 1500 that the fire
behaviour changed with an increase in flame height
to over 2 metres and a change in smoke colour,
which indicated to me that there was a significant
10 change in fire behaviour and intensity.

Paragraph 46, again as a result of now reviewing
radio transcripts, I would like to amend the time
that the alarm bells started ringing with me from
15 1430 to now what I believe to be 1600 hours.

Paragraph 77, 78 clarify that the title of the
position that I occupied on that evening should
read as "overnight operations officer".
20

Paragraph 96, I spoke with my learned colleague
Dennis Gray and not Dennis Matthews. The last
amendment I would like to make that Robert Flint's
home is Connewarre not Coonawarra - although
25 Robert might wish his parents did own Coonawarra.
That's all the amendments I've got.

Q. Before we go through your statement, you also
participated in a taped record of conversation
30 with Constables Mark Travers and Ms Dianne Prosser
was present?

A. That's correct, yes.

Q. That was at the Winchester Centre on
35 1 December 2003?

A. That's correct, yes.

Q. Perhaps if it could be brought up at this
stage [DPP.DPP.0004.0030]. Sir, have you had an
40 opportunity recently to go through the transcript
of your taped record of interview with the police?

A. Yes, I have in the last day or so.

Q. Are there any alterations or corrections that
45 you want to make?

A. Not that I'm aware of.

Q. Just before we go to your statement, there was something you mentioned to police at question 75 which is on page 8. This is talking about before the 2002-2003 bushfire season. You were asked:

5

"Was there any thought or comment given to the likelihood of a major fire resulting from the current fuel loads and the drought situation during the 2003 season?"

10

You have raised in answer to that the desktop exercise that was conducted when planning for the 2002-2003 season. You say that around October November you did a desktop exercise. There were a number of people from ESB - question 76 - you recall Tony Graham, Tony Bartlett, Peter Lucas-Smith, Anna Farnham and Maxine Cooper being there?

15

A. Yes.

20

Q. One of the scenarios in that desktop exercise that you participated in was the Namadgi burn scenario where there was a lightning strike in January around the Stockyard Spur area?

25

A. Yes, there was. I can recall that one of the scenarios was based on a fire just above Corin Dam in the close proximity to what is referred to as Stockyard Spur, yes.

30

Q. Did you workshop during that desktop exercise a response to the lightning ignitions?

A. I can recall that there was some discussion around there, yes.

35

Q. On paper, how was the fire responded to?

A. This goes back some time. My recollection about the discussion was based around helicopters water bombing operations with follow-up with crews if and when required. But the principal strategy was a helicopter water bombing.

40

Q. Did you get down to details such as fire size and spread?

A. I think we initially had a fire that had been of two or three hectares and over a number of hours had grown, and then again how the strategy would then evolve and adjust as the fire grew.

45

Q. Was the fire in theory extinguished on the first day?

A. I really can't recall. I don't think we quite got into sort of the overnight scenarios or sort of a campaign type of fire.

Q. So as far as you recall, the planned response in theory was to water bomb it using how many helicopters?

A. I don't think we got down to specifics in terms of numbers of helicopters, but water bombing would be the main strategy given the remoteness of the fire in that part of the world.

Q. What was discussed in relation to sending ground crews as required, can you recall?

A. I can't recall any specific details, no.

Q. If we could go back to your statement. If we could go to the bottom of page 1 to paragraph 4. I will take you through this statement, not perhaps referring to every paragraph but the bulk of them, and ask you for some clarifications as we go through.

You say for nearly five years prior to the 2003 fires you resided with your family at cottage 1, Tidbinbilla Nature Reserve also flown then as Dalsetta Cottage. Your family home, entire contents and your work vehicle was totally destroyed in the afternoon of 18 January; is that right?

A. Unfortunately, yes, that is correct.

Q. Of course, a lot of your notes that you took during your efforts to fight the fires over the 10 days were destroyed?

A. Yes, that is correct. Yes.

Q. We approach your basis of this is your recollection without notes?

A. Exactly, yes.

Q. If I could go to paragraph 8. During your career with the Conservation Commission of the Northern Territory, which I think you started in 1983, you had an active role with fire management

in your capacity as a parks ranger in the Northern Territory?

A. Yes, that's correct.

5 Q. That included working with Aboriginal communities in their traditional use of fire management practices, and it included both management of deliberately light fires, traditional burn-offs during the dry season along
10 with suppression of lightning ignition and other wildfires. You worked as a crew member and later as a crew leader sector boss in those suppression activities. Did you, while working in the Northern Territory, participate in remote area
15 night-time firefighting?

A. Yes, I did in terms of the fire season burn-offs, yes.

Q. The fire season burn-offs?

20 A. The fire season burn-offs in the dry season, yes.

Q. What kind of area were you working in?

25 A. In terms of topography and terrain?

Q. In terms of vegetation and topography.

A. Basically open savanna wood lands. Very, very different to what we have here.

30 Q. It is probably not a comparable experience to go into then. Can you just briefly describe to her Worship did you use the incident control system when you were in the Northern Territory?

35 A. Not to the same extent that it is being used here in the ACT. You need to realise this goes back a number of years. To my mind, I don't think the ICS system was that established when I was working with the Northern Territory Rural Fire Service. Particularly as I said, my main role was
40 as a crew leader.

THE CORONER: Q. Mr McNamara, you worked in the Northern Territory for 10 years?

A. Yes.

45

Q. From '83 to '93. You have been in the ACT since '93?

A. That's correct. Yes. Yes.

MS CRONAN: Q. I will go through your qualifications. You started tertiary
5 qualifications in the Northern Territory and you obtained your associate diploma in natural resource management through the Riverina Murray Institute of Advanced Technology. When you returned to the ACT, you completed your bachelor
10 of applied science in parks management through Charles Sturt University in the mid-1990s?

A. That's correct, yes.

Q. You took up your employment with ACT Parks and
15 Conservation in October 1992 as a parks ranger. Over the years you have worked in all of the parks and reserves in the ACT and lived and worked in the Brindabellas as the resident ranger at Bendora Dam for a number of years. So you have an
20 extensive knowledge of the local area, including fire trails, access and watering points. You were the Bendora ranger until 1997?

A. Yes.

Q. Then you took on the job as program manager
25 for the Australian Alps National Parks, but you were still based at the Namadgi National Park visitors information centre in the ACT. Then in early 2000, you became district manager at east
30 district which encompasses the Canberra Nature Park and Googong foreshores. You remained there for 12 months until commencing your current position which is Parks and Conservation Service
35 manager for the west district with direct responsibility for the day to day operations within the Namadgi National Parks and Murrumbidgee river corridor"?

A. That's correct. Yes.

Q. You were in that role essentially the land
40 manager for the Namadgi National Park?

A. In terms of those day-to-day responsibilities and supervising the implementation of national
45 cultural resource management programs, yes.

Q. National cultural resource programs?

A. Yes.

Q. That was your area of responsibility?

A. Indeed, as well as supervising approximately 34 staff.

5 Q. What did the staff that you supervise do?

A. Everything - we have a staff basis from rangers, field officers and administrative staff within the district.

10 Q. Were you responsible then for fire suppression activities on the national park area?

A. Along with the rest of the organisation, yes, I participated in fire suppression activities as part of the Parks brigade.

15

Q. You have outlined in paragraphs 13 through to 18 your firefighting experience. Can I just ask you to elaborate: Could you tell her Worship how much firefighting experience you have had in the

20 ACT in your role as an incident controller at a particular fire?

A. In the role of an incident controller, very limited as an incident controller.

25 Q. Before the 9th of January, had you ever attended a fire in the field as incident controller?

30 A. What I would refer to as being a local incident controller, yes. Now that, to my mind, is a crew leader or a sector leader on particular fires.

35 Q. What, in your mind, is the difference between a sector or a crew leader and an incident controller under the incident control system?

40 A. It depends on the type of the fire in terms of the scale of the fire and the intensity of the fire we are actually facing. If it is a very small fire of 1 or 2 hectares, the local incident controller, that is the deputy captain who is assigned takes responsibility of that fire as a local incident controller. As I said, as the fire then escalates and is increasing in size and intensity behaviour, the fire is then ranked up in

45 terms of the officers that would be involved in terms of undertaking roles as incident controller or IMT teams.

Q. You say you have had some experience as an incident controller in terms of being a sector leader or team leader at a small fire?

A. Small fires, yes.

5

Q. If it has escalated, then people more senior have been brought in as the fire incident controller?

A. That is correct, yes.

10

Q. Have you, since you came to the ACT, had much night-time remote area firefighting experience?

A. As a result of the January 2003 fires, yes, I have --

15

Q. Before that?

A. Before that, yes, I can recall a couple of fires I attended overnight within the Brindabellas, yes.

20

Q. Can you say when and where those fires were?

A. I couldn't say with any accuracy exactly when. I can recall fires off Old Mills Road when I was a Bendora area ranger that I attended overnight, as well as fires in the Mt Coree area which was in New South Wales. It was a joint exercise between ourselves and New South Wales. As well as fires at Billy-Billy Rocks, Tidbinbilla that I would have attended overnight. I can't recall exact times and days, unfortunately.

25

30

Q. If we could jump forward to paragraph 19. You say the majority of your experience over the last 10 years has been in relatively small heavily forested woodland fires. Is that a fair summary?

35

A. That is correct, yes.

Q. You have undertaken crew leader and sector leader roles until you became deputy captain in November 2002?

40

A. That is correct, yes.

Q. Paragraph 20, you say that the fires you recall attending in the Brindabellas were generally as a result of lightning strikes, which you jumped in and suppressed very quickly, or stolen vehicles which had been set alight in the

45

forest or woodland areas. These fires that you say you attend and jumped in and suppressed quickly, can you describe how they were suppressed?

5 A. One fire I can recall in my time as Bendora area ranger was off Old Mill Road which is just down below from Mt Franklin Road. That was a lightning strike. I happened to be on patrol that day. I was in very close proximity to where the
10 lightning strike occurred. I recall reporting that fire into COMCEN with a very accurate grid reference of the location of the fire. I seem to recall in a matter of hours of that lightning
15 strike we had crews on the fire ground and were quite successful in actually getting around that particular fire.

To some extent that particular fire, we were fortunate - as I said, I was almost within cooee
20 of where the fire had occurred and was able to give a very accurate grid reference and get crews up there very, very quickly.

Q. The crews that were sent in, they were able to
25 put a containment line around the fire?

A. That particular fire I had in my mind, yes.

Q. That was dry firefighting?

A. Yes, it was, use of containment rake hoe
30 lines.

Q. Was there no access for tankers?

A. No access for tankers in that particular fire.

35 Q. What kind of terrain was that in?

A. It was very, very steep. Brown barrel, river gum forest types.

Q. Can you say what size the fire reached before
40 it was contained?

A. This is going way back in memory now. But very, very small. As I said, I literally was on the fire within minutes of the towers reporting the smoke.

45

Q. Can you recall either generally or in detail any of the other fires that you jumped on and

suppressed quickly that ignited from lightning strikes?

5 A. Not so much from lightning strikes. We have also had fires from stolen cars. I can recall being on patrol in the Brindabellas hearing the towers report smoke, and was able to locate the seat of the fire very quickly being a burning vehicle and again having crews there very quickly to dispatch the fire.

10

Q. Generally how were those fires suppressed?

15 A. Those ones, because access was via a road. The vehicles on the road - there were able to get light units or tanker to those fires very, very quickly.

Q. The first fire that you described, was that attended overnight?

20 A. Yes, it was. The point there was again because we were able to get to the fire very quickly, we had very good familiarisation of the fire ground itself. I recall that there would have been a couple of crews kept overnight sort of like, if you like, in a babysitting role in terms
25 of that particular fire. At the time the crews had arrived for the night shift, that fire I had in my mind was actually contained and almost blacked out.

30 Q. You were aware, of course, it is mentioned in your taped record of conversation that this particular fire season was going to be a particularly bad, almost extreme, fire season. Were there any particular preparations made in
35 Namadgi that you are aware of --

A. Sorry within?

Q. Within the Namadgi National Park.

40 A. That I was aware of, yes. Certainly at a local level, we were very concerned about the possible fire season confronting us. We took some steps to have in place a means of reducing public access across the park. We had established a number of reference points in terms of how dry the
45 fuels were. We were actually then liaising with upper management about closing sections of the park off. Particularly camp grounds and picnic

areas across the ground.

Q. That was to stop human ignition?

A. Indeed, yes.

5

Q. Were any other preparations made over and above normal ones in the park in respect to the fact that it was going to be a particularly bad fire season?

10 A. Not that I can recall. But obviously as part of our normal training regime that we were going through, crews undertook fire fitness, fire refresher training courses. I certainly know personally that I took steps to ensure that my own
15 fire gear was ready to respond if required. I realised - I certainly appreciate the crews that are around me also took similar steps to make sure they were prepared for the fire season.

20 Q. And you were actually on standby on the 8th of January?

A. That's correct, yes.

25 Q. You were aware there were a series of lightning strikes as they occurred?

A. Indeed, yes.

Q. You listened over the ESB radio to the grid reference reports from the fire towers?

30 A. That's correct, yes.

Q. As a result of that you got in touch with ESB and - sorry, you say in paragraph 23 that you received a radio transmission from ESB requesting
35 your attendance to the Brindabellas and you indicated your current location was Namadgi visitors centre. It was agreed that a different officer other than yourself would be deployed?

40 A. Yes, that's correct.

Q. That was to the fires in the Mt Gingera and Stockyard areas?

A. In fact, I believe the initial request was to respond to the Bendora fire.

45

Q. Do you know why you were not dispatched?

A. I seem to recall I made it clear to the COMCEN

that I was some distance away from that particular location. I gave them my exact location. I am only assuming that they then realised it would have taken me quite some time to get to the
5 Bendora fire given my location at the Namadgi visitors' centre.

Q. So you were not contacted at all that afternoon in relation to the Stockyard or Gingera
10 fires?

A. No, I wasn't. Not by COMCEN, no.

Q. By anybody?

A. Later on that evening, I received a phone call
15 from our agency rep asking me to attend the Stockyard fire the following morning, being the 9th, and to take a RAFT crew into the Stockyard Fire.

Q. Can you recall who your agency rep was that
20 night?

A. I think it might have been Nick Lhuede, but again that is testing the memory cells.

Q. What information did he give you about the
25 Stockyard fire that night?

A. That we had received a report of a lightning strike in the Stockyard Spur area and that I was required to meet up at Bulls Head the following
30 morning to take a RAFT crew into the Stockyard Fire.

Q. Did he give you any further information about the grid reference, the size, to what extent?

A. The grid reference, yes, would have been
35 provided. Certainly in terms of the size of the fire, no, I wasn't aware of the size of the fire.

Q. When he gave you the grid reference, were you
40 familiar with that area?

A. Yes, I was, yes.

Q. Did he tell you in that communication what your role was going to be at the Stockyard fire
45 the next day?

A. That my role would have been one of as a crew leader or sector leader taking a RAFT team into

that particular fire, yes.

Q. Did he tell you that or is that just your understanding?

5 A. That's my understanding, yes. I can't recall the exact words of the conversation. I seem to recall that this conversation occurred at sort of 9, 10 o'clock at night on that Wednesday afternoon.

10

Q. Did you have any conversation with anybody from ESB at Curtin on the night of the 8th?

A. No, I didn't, no.

15

Q. Before you went to Bulls Head the next morning, had you had any contact from anybody at Curtin?

A. No, I hadn't. No.

20

Q. Did you get any opportunity to have some input into the amount of resources or type of resources that you would be needing the next day?

A. No, I didn't.

25

Q. Is it normal you have a RAFT team or teams for the leader to have some input into who is going to be members of that team?

30

A. No. It has been my experience that the crews have dispatched through Curtin activating the agency rep system and people are notified in terms of where they are required the next morning and people turn up.

35

Q. I think in paragraph 28 of your statement you say you had a fair idea of the best access to the fire being along the old now disused Stockyard fire trail because you had been given the grid reference by the towers. Do you know why the Stockyard fire trail was at that point in time disused and old?

40

A. In my 12 years of working with the park, I've never known the Stockyard fire trail to be open or accessible to vehicles. It has always been seen as a closed track, bush track.

45

Q. So in 12 years, you have never known it to be used by any type of vehicle?

A. Not in 12 years.

Q. Is it still marked on your normal 1:25,000 maps as being in existence as a fire trail?

5 A. My understanding is the current edition of the 1:25,000 does not have Stockyard Spur trail on it.

Q. What about the edition that was in use in January 2003?

10 A. Yes, I believe it did. It was shown.

Q. You say that was your best access to the fire. Given that it was old and disused, did it afford you any better access in your view than the surrounding terrain?

15 A. Yes, it did, yes.

Q. Why was that?

20 A. I was aware that the track basically consisted of being a walking track not a vehicle based track. Given that it ran along the top of the ridge, it would have given us the best access into the Stockyard fire.

25 Q. So at approximately 6am the next morning, you arrived at Bulls Head staging area - I am reading from paragraph 29 of your statement - and you met the crews that had been tasked to the remote area firefighting team for the day. It took you some time to work out who was actually coming with you to Stockyard?

30 A. That's correct, yes.

Q. How did you actually work out who was coming with you?

35 A. Basically walking around and asking crews where they had been dispatched, what fire they had been dispatched for, and eventually located the crews I was taking to Stockyard.

40

Q. You expected to have about 10 or 12 people in the RAFT crew; is that right?

A. That's correct, yes.

45 Q. Once you found the people who were tasked for Stockyard, you left Bulls Head?

A. That is correct, yes.

Q. I think from paragraph 30 it is clear that you didn't know all of the people at that point who were in your team?

A. No, I didn't, no.

5

Q. You weren't aware of their levels of experience?

A. In terms of the Parks crews, yes, I was aware of their experience. But the Gungahlin crew, I had no prior knowledge of their experience or who they were.

10

Q. But you say in paragraph 31 that, when you arrived at the intersection of Mt Franklin and Stockyard fire trail, it became apparent to you that not all the RAFT crew were fully aware of the extent of the tasking for the day in terms of what duties they were expected to undertake as a RAFT team. How did that become apparent to you at that stage?

15

20

A. It just became clear that a couple of the people, the crew members with me, weren't fully prepared for a long and arduous walk into a fire, and that was more indicated by the type of equipment and gear which they had. And basically their own provisions in terms of not having perhaps enough water and food to actually sustain them for a full day of firefighting.

25

Q. What about actual firefighting equipment, how were they equipped?

30

A. They were equipped in terms of having rake hoes, chainsaws and axes, but what I was conscious of was we didn't require everyone to carry in all the chainsaws that people had with them. We had to spend some time, if you like, assigning particular tasks in terms of a chainsaw operator and chainsaw buddy. The rest of the crews would then be provided with rake hoes. We didn't require all of the material that people had brought up with them.

35

40

Q. So was it simply then the lack of food that indicated to you that they weren't fully aware of the extent of the tasking in terms of what duties they were expected to perform and the equipment that they had with them which needed sorting out?

45

A. I guess I just had a couple of questions in my mind as to how well prepared people were physically in terms of what equipment they were taking in in terms of self-provisions for such a remote area.
5

Q. Members of RAFT teams in the ACT, do they have any special training?

A. I have certainly received training over the years but I wasn't aware of any particular training that the people had with me had received.
10

Q. What special training had you received?

A. A number of years ago I attended a New South Wales RAFT training exercise down on the South Coast where we went through a number of simulated scenarios in terms of RAFT fire crews and suppression activities that were required.
15

Q. But as far as you were aware in the ACT, you don't have to have any special training over and above another --

A. There is certain levels of training in terms of fire fitness through the pre-season firefitness training we undertake. We have people trained to the arduous level. Arduous can be seen as being a requirement for someone if they were to provide the roles of a RAFT firefighting team.
20
25

Q. Once you acquire the level of arduous fitness you can be selected by COMCEN to be a member of a RAFT team without further training; is that the case?
30

A. That's my understanding, yes.
35

Q. So you sorted out everybody's equipment and I think in paragraph 32 you say that you wanted also to find out what kind of maps and compasses they had and see what other personal provisions they had in their packs. How were people provisioned for maps on the 9th of January?
40

A. I can recall that a couple of people may have had topo maps. The night before when I got the page that I was actually required to attend the Stockyard fire, I actually photocopied a number of maps myself and was able to hand those maps out to people.
45

Q. Paragraph 33 you say you left the vehicles at the intersection and having first tried to drive a little bit down the Stockyard fire trail you found you couldn't get very far. You went in about
5 600 metres. There were trees overhanging, scrub over the road and at one stage you drove over a stump/fallen timber. So it would have been preferable to get closer to the fire in the vehicles driving up the Stockyard Fire trail. But
10 you were concerned because the trail was very overgrown and you would have to spend time getting around the trees and clearing them away. At this stage you still didn't know how far away the fire was and how it was behaving. I think you have
15 corrected the time?

A. Yes, we actually arrived at Stockyard.

Q. Being at 0900?

A. Yes, 9 o'clock.
20

Q. At that stage, had you received any information from anybody at the SMT at Curtin about perhaps aerial observations that had been made of that fire that morning?

A. I seem to recall that I did have radio
25 communication with COMCEN regarding the predicted weather for that particular day. I can't quite recall whether it was the night before or, as I said, after I arrived on the fire ground when I
30 had direct communication with 'Firebird 7'. I seem to think it was just after I arrived.

Q. How were you able to communicate with COMCEN on your way in, were you able to use radio?

A. Hand-held radios, yes.
35

Q. In paragraph 34 you say you walked approximately 4 kilometres to the fire and you were the first crew to attend the Stockyard fire.
40 Were you expecting other crews there that day at that stage?

A. Not at that point in time, no.

Q. When you arrived at the fire ground,
45 paragraph 35, you asked the crew to rest and to prepare for the task ahead. Did some of the crews appear to be looking tired at that stage?

A. As I said, we had just walked an hour and a half or approximately an hour and a half. No, they seemed quite fresh.

5 Q. You took Darren Rosso with you and you walked along Stockyard fire trail, through the fire, to the eastern edge flank of the fire. Was the fire ground that you saw adjacent to the fire trail at that stage?

10 A. Sorry, the question again was?

Q. The fire you saw, the Stockyard fire, was that adjacent to the Stockyard Spur fire trail?

15 A. After doing that initial reconnaissance, it became clear that the ignition point for that fire was actually to the south of the track, the walking track, and that the fire had now passed over that particular track.

20 Q. The track was in the middle of the fire?

A. Yes, yes.

Q. In paragraph 36 you recall that you observed the fire was low in general intensity, just
25 trickling along and you determined the size to be approximately 3 hectares with a flame height of approximately half a metre to a metre. Did you make any visual determination of the size of the fire itself; were you able to get above it or walk
30 around it?

A. No, I wasn't. As I have amended in my statement, it would appear that 'Firebird 7' actually put that fire at around about 8 hectares. The initial reconnaissance that we had done,
35 I attempted to walk all the way around the perimeter of the fire. Given the difficulty of the terrain, we couldn't get all the way around the fire.

40 Q. There was an earlier estimate of the size of the fire at about 7 o'clock from 'Firebird 7' from Mr Ingram of about 500 square metres, then one at 10 o'clock of 8 hectares. From what you saw or what you were able to see of the fire, was it
45 likely to have been as small as 500 square metres at 7 o'clock that morning?

MR PIKE: I object.

MR LAKATOS: May I say, I do too, with respect. I
am not sure that my friend has got it right. The
5 500 square metres doesn't accord with Mr Ingram's
evidence about the Stockyard Spur fire. It
doesn't accord with the radio logs, as I read
them. I think he said 50 square metres rather
than 500. My note accords with the 500 square
10 metres. That was said to have been at 1557 or
thereabouts. Yes, I am sorry, I do withdraw that.
I had something else on my mind.

MR PIKE: The point I wish to make: in fairness,
15 this witness has given evidence in his TROC to the
effect that when he walked the fire that morning,
his estimate I believe was 3 hectares. I have a
note to that effect that I can look up, if there
is any dispute about it.

20
If he is being asked to speculate as to what the
size of the fire would have been at 7am based on
what it was called in at as at around 10.35 by
'Firebird 7', then in all fairness to him he
25 should also be asked to add into that equation his
own estimate of the size of the fire when he
arrived at around 9am and walked it, which I
believe was around 3 hectares.

30 MS CRONAN: I will clarify that.

Q. I will maybe start again. Your statement says
that you estimate the size of the fire to be
approximately 3 hectares. That was your best
35 estimate and recollection. I know this morning
that you have corrected that statement and
accepted what Mr McRae's estimate was from
'Firebird 7' - thinking back to before you saw the
radio transcripts, how did you determine to the
40 best of your ability that your estimate was
approximately 3 hectares?

A. At the end of the day, it is incredibly
difficult to give any degree of accuracy about the
size of a fire, particularly in those remote and
45 rugged locations in the Brindabellas. It was
basically just a best guess.

Q. You couldn't see the fire perimeters and you didn't walk the fire perimeters?

A. What I did walk when we arrived on the western flank and we walked across to the eastern flank.
5 I attempted to get around to the northern flank. Again, without sort of taking you up there and showing you the terrain, it is very, very difficult in words to describe the area that was burning. As I said, based on a best guess and to
10 some extent previous experience, I put it around about 3 hectares.

Obviously as a result of the radio transcripts, the fire was indeed much larger than what I had
15 originally estimated.

Q. I will leave it at that, because you wouldn't be able to assist us in choosing between different estimates that have been given from the air if
20 that was all that you were able to see?

A. Again, it is very difficult. What you see on the ground is remarkably different to what you see in the air. Obviously the canopy, it was a very, very thick canopy we were working in, it obviously
25 makes it very difficult as well. You have got a lot of smoke on the ground, a lot of logs, rocks, general topography to get around. It is very, very difficult.

Q. With just that information, you had determined the best course of action - I suppose your objective for that day ideally if you had the resources would be to put a containment line right around the fire and contain it until you put it
35 out?

A. Very much so. Very much so.

Q. Given what you saw of the fire and fire behaviour and the crews that you had, you then had
40 to determine what the best course of action was. And how did you, what factored into your determination of where you should put your RAFT crew?

A. One of the prime drivers in any sort of
45 firefighting activity is the safety and welfare of the crews you have under control, particularly as a local incident controller, I was a sector

leader. Crew safety and welfare was paramount in my mind. I wanted to make sure we actually had safe exit routes established. The only safe exit route I could see was the track we walked in on.

5 That would get us back to the vehicles quickly. I didn't want to start putting a containment line on the other side of the fire which would somehow impede our access if we required it.

10 Based on the safety of the crew, we commenced a containment line on what I now recall the north-western flank of the fire.

Q. Can you say where the head of the fire was at
15 that stage?

A. Again, the fire in that part of the world doesn't burn in a nice even sort of consistency. It has, if you like, many heads in that it is actually running up the slopes, running into
20 gullies. It just didn't have an even head. To my mind, it was in a northerly direction of where we were standing.

Q. Generally it was heading in a northerly
25 direction. If you put your crews on the north-west, they would still have access to --

A. On the north-west flank of the fire - we had an anchor point on the north-west flank. We actually had - as I said, exit routes were clearly
30 marked. We actually flagged the track on the way in. The crews were familiar with how we got in and therefore were familiar with how to get out if we required it.

Q. Had you been able to secure or contain that, if the fire activity had not increased later on, did you have a plan to where you would head if that containment had occurred?

A. What we were trying to do was pinch the fire
40 as best we could to get to the seat of the ignition point of the fire and then pinch the fire on the flanks.

Q. What would you have needed to put in place to
45 do that?

A. We would have needed a lot more crews and resources than what we had with the 12 people that

we had up there.

Q. We are not firefighters here. Can you explain to us how you would have pinched the fire having
5 contained the north-west flank?

A. Just by working our way around that particular flank. Again, I seem to recall having communications with 'Firebird 7', and 'Firebird 7' had commenced water bombing operations on the
10 opposite flank.

Q. On the south-east flank?

A. South-east, yes, yes.

15 Q. In what direction did you propose to work around the fire?

A. On the north-west flank.

Q. In what direction were you going though?
20 After you had secured the north-west flank, where you did you plan to head when you were pinching the fire?

A. I hadn't got to that stage.

25 Q. You hadn't thought that far ahead at that stage?

A. No.

Q. Did you consider when you got in there whether
30 or not you could make use of a bulldozer in that area?

A. One of the problems I experienced up there was actually communication. I had no direct communication via the hand-held radio back into
35 COMCEN. When I did, it was somewhat problematic. What I did have with me was a satellite phone. I can recall a number of communications with COMCEN on the satellite phone.

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

THE CORONER: We will take the morning adjournment.

45

SHORT ADJOURNMENT

[11.27am]

RESUMED

[11.52am]

MS CRONAN: Q. In the strategy that you devised for Stockyard that morning, what did you choose to
5 select as your anchor point for your containment line?

A. As far as I --

Q. Where was your anchor point?

10 A. Where was my anchor point?

Q. Yes.

A. From my recollection, it was as close as I could find to where the ignition point of the fire
15 was. Again, it is very difficult given the way the fire was actually burning.

Q. Could you determine where the ignition point was?

20 A. No, I couldn't, no.

Q. So how did you choose the anchor point that you selected?

A. It was based on the fire behaviour at that
25 point in time of where we were located.

Q. What was it about the fire behaviour at that point in time that led you to select your anchor point?

30 A. Sorry. The fire behaviour at that point in time was somewhat very mild. We had very little active flame. We commenced from that location and worked our way around to pinch the fire.

35 Q. I am still not clear. Could you describe for us where the anchor point was that you selected?

A. Where was it in relation to the fire?

Q. Where was it?

40 A. Where was it?

Q. Yes.

A. On that flank of the fire where the fire was
45 burning.

Q. At which point on the flank was your anchor point?

A. I couldn't give you an exact point. I couldn't be able to tell you that.

Q. So anywhere along your north-west flank?

5 A. At the back, if you like, of that north-western flank.

Q. The fire that you were looking at was burning downslope from where you were putting in your
10 containment lines, was it? The fire ground was downslope from where you were standing.

A. It's difficult to tell. I have trouble understanding exactly the question, I'm sorry.

15 Q. If you were on your containment line on the north-west flank of the fire and you were looking across the fire, the terrain would be sloping downwards; is that correct?

A. No. No, the terrain was flat.

20

Q. The terrain was flat?

A. Where we commenced, yes.

MR LAKATOS: I wonder if it might be of assistance
25 if a diagram was drawn. I must say, I am now totally lost.

THE CORONER: I am a bit confused.

30 THE WITNESS: That makes three of us.

MS CRONAN: Q. I will ask you to describe generally the terrain in the area of the fire that
35 you could see.

THE CORONER: Is this at the point where Mr McNamara was doing the reconnaissance, when he is standing there looking at it or at what point
40 is this?

40

MS CRONAN: Q. If you had chosen your containment line on the north-west flank, if you were standing in the middle of your chosen containment line and you were looking at your fire ground, could you
45 describe the terrain that you were looking at? Is that clear?

A. No. Again, it is a little bit unclear in my

mind. We wouldn't be standing in the middle of a
containment line. Where we commence - I'm not
sure exactly where you are trying to get to here.
Where we commenced the containment line was on
5 flat terrain is probably the best way I can
describe it.

Q. The containment line as you progressed, was
that also on flat terrain?

10 A. No, it varied due to the topography. We
weren't working on a flat paddock; we were working
in a very remote location of the Brindabella. It
undulated, it changed as the fire itself turned
and changed.

15 Q. Did you consider at any point using the
eastern perimeter as a containment line that
morning?

A. The eastern perimeter?

20

Q. Any part of the eastern perimeter?

A. The eastern perimeter, no, I didn't.

25 Q. You didn't turn your mind to it or you turned
your mind to it and rejected that idea?

A. For use as a containment line?

Q. Yes.

30 A. No. As I said before, my main concern was the
safety and welfare of the crew. On the eastern
perimeter we had no safety exit routes.

Q. I think you telephoned Mr Graham after you had
established your strategy; is that right?

35 A. Yes, I can recall that. Yes.

40 Q. You say in paragraph 39 of your statement that
you commenced the construction of your bare earth
mineral containment line to the north-west of the
fire as the winds at that stage were blowing
gently from the south-east, and you recall
reporting your initial observations to ESB and the
strategy and objectives you had developed as the
crews had commenced operations. Can you recall
45 who you initially spoke to at ESB when you made
that first call when you commenced the
construction of the bare earth mineral containment

line - was it Tony Graham?

A. I believe so, yes.

Q. What details did you give Mr Graham about your
5 description of the fire ground and your strategy?

A. I can't recall to any accuracy the details
that I provided. I do recall that I had made
pretty comprehensive notes. These notes were then
going to form the basis of a situation report back
10 to Tony. I couldn't sit here now and tell you
exactly what I said.

Q. I understand that. Was it your general
15 practice to give detailed reports to ESB when you
communicated with them?

A. Yes. In terms of - I can only talk very
general now. It would have been in regards to the
flame height, the type of vegetation we were in,
any problems that I could foresee on the fire
20 ground. We had a number of difficulties, I can
now recall, in terms of the type of vegetation
being mountain gums and a lot of hollows. I was
conscious of tree limbs, the fire taking hold in
terms running up and down the slope - there were a
25 number of problems that I could foresee. As I
said, I can't recall with any accuracy what I said
to Tony but it would have been along general lines
in terms of what we were confronting.

Q. Would you normally discuss weather forecasts
30 as part of your decision-making process for your
strategies?

A. What I would have passed on to Tony would have
been my general observations of the weather on the
35 fire ground. They were only based on
observations. I had no means of actually taking
any temperature, dew point or any sort of accurate
weather forecasts.

Q. You say also in that paragraph that the
40 objective that you had at that stage was to
contain the fire from burning down into Gingera
Creek and thereby threatening the significant
wetlands at Ginini Flats some 4 kilometres away.
45 Obviously you have given evidence before that you
hadn't sufficient resources to develop a strategy
to contain the entire perimeter of the fire. Did

you mention that to ESB when you spoke to them that morning about your strategy?

5 A. Again, it is based on best recollections. I think I indicated that, given the size of the crew I had with me, it was going to be very, very difficult to get all the way around the fire.

Q. Was that your view at that stage, that it was difficult but possible or?

10 A. I can't recall at what stage we had this conversation. We had a number of conversations throughout the day into the late afternoon. I can't remember at what point in time I may have indicated to Tony that we were having difficulty -
15 sort of towards the latter part of the day around 1600 hours if not earlier. I seem to recall becoming very concerned that there was no way we were going to get around that fire.

20 Q. You have a copy of your statement with you. Perhaps if you could go through it with me. That might assist you in understanding my questions to begin with.

25 If you look at paragraph 40, you say you reported your observations and strategy to Tony Graham by satellite phone. Was this a different or separate conversation to your initial one that you have described in paragraph 39?

30 A. It may well be. As I said, I can't recall exactly at what point in time we had various conversations.

35 Q. Over the page towards the end of that paragraph you say:

40 "Given the limited resources I had at my disposal, the difficult terrain vegetation and available fuel, I indicated to Tony Graham that we would have major difficulty in establishing a containment line around the entire perimeter of the Stockyard fire."

45 And you requested additional crews and helicopter support. Do you recall the general details of that conversation?

A. No, I can't, other than what I have in my

statement.

Q. There is no time frame on that conversation. Do you recall generally about what time - what
5 stage in your shift that you had that conversation requesting additional crews?

A. Not with any degree of accuracy. The best guess, and it is only a guess, would have been around about mid afternoon. As I said, I can't
10 recall. A lot has happened since then.

Q. You said in your statement you do recall that Tony indicated to you that there were multiple fires in the area and he would get back to you
15 with a response and to just carry on and do the best you can?

A. Yes, yes.

Q. Had you told Mr Graham that your strategy at that stage was merely to hold the north-west flank and protect the Ginini Flats, not to put a
20 containment line around the entire fire?

A. Sorry, the question again was - had I?

Q. Had you told Mr Graham that your objective that morning was to put in a containment line along the north-west flank to stop the fire burning into Gingera Creek and threatening the wetlands at Ginini Flats?
25

A. Yes, I believe so.
30

Q. So he knew at that stage that you weren't implementing a strategy that would effectively contain the perimeter of the fire?
35

MR LAKATOS: I object to that. With respect, this witness has already said what he told Mr Graham. We can draw our own conclusions.

40 MS CRONAN: I will withdraw it, your Worship.

Q. Later on you talk about speaking to Mr Graham about dozers. Can you recall when you first asked him for additional RAFT crews, was there any
45 mention of heavy plant being required or being brought into the area?

A. Yes. Again I can recall a conversation with

Tony on the satellite phone along the lines of whether or not the area would benefit from a dozer into the area. Yes.

5 Q. Can you recall what was said during that discussion?

A. Not with any degree of accuracy other than we was just discussed options outside what we were immediately doing. One of the options was the use
10 of heavy plant and a dozer.

Q. Can you recall what your view was in relation to that, whether it would have been useful, or how it could have been useful?

15 A. Yes. Again I can recall that Tony and I had discussions in terms of the usefulness of a dozer opening up the Stockyard walking track. I can also recall that in discussing having the track opened, we would then perhaps be able to get
20 additional units into the fire.

Q. Can you recall his response in relation to that?

A. I can't recall, no.
25

Q. I will read to you what you have said in your statement at paragraph 41. You said during the various conversations you had with Tony Graham that you remember discussing with him the use of
30 heavy plant. You recall that Tony asked you what the access availability was for having a dozer get to the fire, perhaps along the Stockyard Fire trail.

35 Do you remember indicating to him that you thought access would be very good and a dozer would be able to make progress along the Stockyard fire trail and get right to the fire? The fire was actually right on the Stockyard fire trail. Had a
40 dozer been able to get up along that road and clear it, there would have been a fire tanker access right at the seat of the fire. You indicated it was likely to take some time for a dozer to clear the trail. You indicated the time
45 period you thought it would take to get a dozer from Canberra to the site at the intersection of Mt Franklin and Stockyard fire trail.

Then you go on to say you don't recall what the time estimates were but probably 2 or 3 hours from Canberra to the intersection, and an hour or two to doze the Stockyard fire trail to the seat of
5 the fire.

A. Again, that is based on best recollection.

Q. Can you recall now at what point in time during the day you had that conversation about
10 bringing in a dozer to the Stockyard fire?

A. Not with any degree of accuracy, no, I can't, sorry, other than to say that it may have been around lunchtime. I really can't recall, sorry.

15 Q. Was it before you got into difficulty?

A. Oh, yes, yes. Very much so.

Q. It was while the work was progressing in building a containment line?

20 A. Yes. Very much so, yes.

Q. At that stage had you already requested from Mr Graham the additional RAFT crews?

25 A. I believe so but, again, I can't recall with any accuracy.

Q. Do you recall during the discussion talking about how long it would take to get there and what it could do; did you actually request a dozer to
30 attend?

A. My recollection of the conversation was along the lines of would a dozer be useful to which I indicated yes, it would be. We had a conversation
35 along those lines.

Q. Did Mr Graham give you any indication about whether or not he would send a dozer for your use on the fire?

40 A. Again, I can't recall with any accuracy. I believe Tony indicated they had multiple fires in the area and obviously they would do their best in terms of trying to get a dozer up there. That was my understanding.

45 Q. That was how it was left - you would continue to put in your containment line and do the best you could?

A. Yes.

Q. You were expecting ESB - Mr Graham or people
at ESB - to do their best to send you additional
5 RAFT crews?

A. Yes.

Q. And a bulldozer if the overall situation
allowed them to do that?

10 A. Exactly, yes.

Q. So you worked on the fire - reading from
paragraph 42 - to about 1pm. Is that altered now?

15 A. Yes, it may be a little bit later in the day,
maybe around 2pm perhaps, but somewhere around
there.

Q. And throughout that period the winds started
to pick up. What direction were the winds coming
20 from?

A. Again, given the difficulty of the local
topography and the terrain up there, we were
actually working in between two knolls on the
saddle, if you like, so we had very much a
25 localised wind effect. But my recollection is
they were generally from the south, south-easterly
direction.

Q. The knolls were having an effect on wind
30 direction as they arrived in the fire ground?

A. Yes, as they arrived around the fire ground.

Q. You had helicopter support from about 1pm?

35 A. Yes, yes.

Q. Where were you directing the helicopter
support?

A. On the eastern flank.

40 Q. Did you see what the eastern flank was doing
from where you were?

A. Not from my location, no, I couldn't.

Q. Was that being called to you from 'Firebird
45 7'?

A. I believe I can recall a conversation with
'Firebird 7' and asking him for some sort of

situation report on that flank and indicated to him that again I was concerned about the safety and welfare of the crew that we were well away from the water bombing operations and he was on
5 the opposite side of the fire.

Q. Directing him to the eastern side of the fire, what did you expect him to be able to achieve in terms of containment at that particular time?

10 A. To try and stop the progress of the fire on that flank.

Q. You were told by him what the fire was doing on that front?

15 A. Yes, I can recall we had a couple of conversations in terms of a bit of a situation report, yes.

Q. Halfway through paragraph 42 you say:

20

"We were doing a reasonable job in terms of constructing the containment line in front of the north-west front of the fire."

25 A. That should perhaps actually be "flank".

Q. Okay. So it wasn't a front, it was a flank?

A. Flank, yes.

30 MR LAKATOS: Perhaps I might say with respect, this is a matter that was raised with Mr Cheney at a page reference which I can take the Court to if required. And I think Mr Cheney, after speaking
35 with Mr McNamara last year, determined that by reason of differences in terminology, the comment Mr Cheney made about lack of safety was withdrawn based on perhaps a confusion of terms. I think flank and front was one of these terms.

40 THE CORONER: Was one of the terms and this is one of the changes that you made earlier to flank.

MR LAKATOS: Yes, it was.

45 MS CRONAN: Q. You were doing a reasonable job in terms of constructing the containment line on the front of the north-western flank of the fire with

the intention that section of the Stockyard fire would be controlled by burning to the containment line and stopping at the bare mineral earth break that you had created. That was the fire itself
5 burning to your containment line without any back-burning out from the containment line?
A. That's correct, yes.

Q. What width was the containment line that you
10 were putting in at that stage?

A. Width - it would have been up to a metre in some sections. Again, we were operating in an area where there was numerous logs, rocks, obstacles and it was very difficult to have a
15 ruler placed over it and say, "Yes, we have achieved a metre-wide containment break".

Q. I think probably a lot of us have been up there and looked at it, and we have videos of it
20 and we understand that. So you constructed 400 metres?

A. Yes, approximately.

Q. Approximately 400 metres. The helicopters
25 were providing you with valuable assistance in water bombing other sectors of the fire. Did you use the helicopters at all to slow down the flank that you were working on at that stage?

A. I believe perhaps at one stage we may have
30 done. We may have done, yes. Sorry, I have to clarify that. By that stage we may have had two helicopters 'SouthCare 1' as well as 'Firebird 7'.

Q. But they were both taken off you at about
35 2.30pm?

A. That's my recollection, yes.

Q. And that was the same time that the wind
40 picked up and you made another telephone call to Tony Graham?

A. Yes, yes. Approximate, yes.

Q. Can you recall in general terms what your
45 discussion with Tony Graham was at about 2.30pm?

A. Again in general terms, it would have been along the lines that we required the helicopters to continue with their water bombing operations.

It was of great assistance. By that stage of the day, I was just starting to get a few concerns raise in my mind about the safety and welfare of the crew, the fire behaviour and the fact that the
5 helicopter had now been departed from the fire ground.

Q. The winds were picking up particularly from the south-east, was that one of the reasons you
10 wanted to have the helicopter back?

A. Yes, yes, it would have been.

Q. Did you mention that to Mr Graham at about that point?

15 A. I really can't recall with any accuracy.

Q. I think your statement also says at that stage you had again requested additional RAFT crews from Mr Graham?

20 A. Yeah, I believe so.

Q. What did he say in relation to getting you extra crews?

25 A. Again, I can recall a conversation along the lines that, with multiple fires in the Brindabellas, they would do their best.

Q. So he told you just to carry on with the one crew that you had?

30 A. Yes. Yes, I seem to recall that being the case.

Q. That conversation, did that also take place on the satellite phone?

35 A. I believe so, yes.

Q. You go on to say:

40 "Unfortunately I think it was at this point of time" - you have changed that now to 1600?

A. That's correct, yes.

Q. It goes on:

45 "... that the fire behaviour changed, with increased flame height to over 2 metres

(approx) due to an increase in wind strength, increase in temperature and a drop in humidity."

5 The increase in wind strength, was that also a south-easterly?

A. I believe so, yes.

10 Q. Being affected as it came onto the fire ground by topography?

A. Yes, yes.

15 Q. You refer again to not having your notes to give details of your conversations. Progress of the fire in paragraph 45. Then you go on to say in the middle of the paragraph:

20 "Around mid afternoon the rate of spread of the fire behaviour (in terms of flame height) significantly increased from what you had observed in the morning".

A. Mmm-hmm.

25 Q. You don't remember the exact time other than to say "it was quite significantly different to what other conditions had been earlier in the morning when we first arrived"?

A. That's correct.

30 Q. It is normal to anticipate that, as the winds pick up in the afternoon and the temperature increases, the fire behaviour will become more active at that stage in the afternoon?

A. Very much so, yes.

35

Q. Was the difference in temperature and wind conditions significantly different from what you would normally expect?

A. What I would have expected, yes.

40

Q. How was it different?

45 A. As I said, just the amount of active flame that we now had in terms of the height of the flame. I think at that stage we probably had flames well over 2 metres. I can't recall exactly what part of the day, but it was a stage where the fire had actually crossed the containment line

that we had established. So that's where, yes, I became very concerned.

5 Q. Could you estimate the fuel loads in the area that you were working in?

A. I think earlier on in my statement - I can't recall exactly where it is - I talk around about 30 to 40 tonnes per hectare in some sections of the fire ground, where we were working in
10 incredibly dense teatree with shrubby understorey, mountain gums, snow gums - a very heavily forested woodland environment.

15 Q. That is what you said earlier in your statement about 30 to 40 tonnes per hectares. Was that relevant to the area you were putting the containment line in?

A. Very much so, yes. Again, it is a best guesstimate, but that's what I saw as being --

20

MR LAKATOS: That's at paragraph 36.

MS CRONAN: Thank you.

25 Q. So given the increased conditions, you again telephoned Tony Graham, did you?

A. I can't recall which part of the day I rang. Certainly once I started realising that, in my own mind, I had some concerns about how successful
30 that operation was, yes, I would have spoken to Tony.

35 Q. You say in your statement that you said you were concerned about how effective one RAFT crew was going to be in containing the work you had done to date, let alone establishing a containment line along the entire perimeter of the fire. Do you recall what his response was when you told him that?

40 A. No, I can't.

Q. Then you go on to say at about 1600 the alarm bells started to ring with you because the team members were fatigued?

45 A. There were a number of factors that started to cause me some concern. The fact that a couple of the crew members were becoming somewhat fatigued.

As I indicated before, at that stage the fire had jumped the containment line. We had a significant change in smoke colour and fire behaviour, and the fire was now burning with a greater degree of intensity than what I had expected. And the fourth element would have been the lack of helicopter air support.

Q. So your crews were working alongside a wind-driven intense fire at that stage with no helicopter support?

A. On the flank, yes.

Q. So you made a decision to pull the crews from the containment line?

A. As I mentioned before, the training I have received to date has always been one of erring on the side of caution in terms of safety and welfare of the crew. That was actually paramount in my mind, yes.

Q. Their safety was at risk in your estimation at that point in time - at some risk?

A. At some risk, yes.

Q. I think in paragraph 47 you say that, before withdrawing your crew, you brought the entire crew together and discussed the situation with the more senior firefighters and you also conferred with Tony Graham back at ESB about the difficult circumstances and safety concerns. Do you recall the conversation with Mr Graham in general terms?

A. In general terms, as I have just indicated, we had a couple of crew members that were perhaps suffering from early fatigue. We had the fire jumping the containment line. We had no helicopter support at that point in time. The helicopter did come back later on, but at that point in time we had no helicopter support. More importantly, there had been a significant change in the fire behaviour which was causing me some concern.

Q. What did Mr Graham say?

A. I think at that stage I indicated to Tony that the best course of action may be one of withdrawing from active firefighting and to take

on a role of observing the fire from a safety point some distance away from the fire itself. I seem to recall Tony agreeing with that course of action.

5

Q. Did you have any conversation with him at that stage about whether any backup was coming for you in terms of additional resources?

10 A. I believe we did. But I can't recall with any accuracy.

Q. Whilst observing the fire - paragraph 48 - you notice one helicopter about 5 to 5.30pm returning and recommencing water bombing.

15 A. That's correct, yes.

Q. By this time the fire had increased markedly in its intensity with a very large column of smoke now evident.

20 A. Mmm.

Q. The water bombing on its own had limited effect, so you pulled out and hiked to your vehicles. Then at paragraph 50 you contacted ESB and indicated that you had returned to where your vehicles were. Was that via the satellite phone?

25 A. Because we would have been at our vehicles, that may have been on the radio in the vehicles. It is much more powerful than the hand-held radio.

30

Q. You indicated your recollection is that you indicated what crew and resources would be required for operations the next day, being at least 3 to 4 RAFT crews with helicopter support. Can you recall who you were speaking to when you gave them that information?

35 A. No, I can't. In fact, that conversation may have occurred prior to actually returning to our vehicles; it may have been on the satellite phone.

40

Q. But you can't recall who you spoke to?

A. Not at that point in time, no.

Q. If you were giving advice about what crews were required for a subsequent shift, I expect you would have been speaking to a member of the SMT?

45 A. Oh, yes.

Q. Either Mr Graham, Mr McRae or Mr Lucas-Smith?

A. Yes, yes. There were other people in the Service Management Team in the operations room, and it may have been one of them that I actually spoke to at that point in time.

Q. Do you recall any discussions about whether or not a crew would be replacing you for the next shift?

10 A. No, I can't recall.

Q. You can't recall any discussions about that?

A. No. My belief was that there were no crews coming up that night.

15

Q. Did you have an understanding of why that was going to be?

A. No, I didn't. No.

20 Q. We have had evidence from Mr McRae to the effect - I am sure I will be corrected if I am wrong - that he believes that the incident controller at the fire is largely responsible with assistance from the Service Management Team with forward planning for subsequent shifts for a particular fire and creating an incident action plan for subsequent shifts to follow. Was that your understanding of your role on Stockyard that particular shift, that you would need to do some forward planning for how that fire was to be attacked by subsequent shifts?

25

30

A. My understanding was that I provided the information back into COMCEN in terms of what we had or hadn't achieved that day, what sort of problems and difficulties that we faced and an indication of what may be required. As far as I was aware, that information was in the system and it would be considered in light of the other fires that were burning in the Brindabellas.

40

Q. You would have expected then for your particular fire that day that you would have had to establish a plan for how it was going to be attacked the next shift or that, given the information you had given ESB, they would make the plan as to how --

45

A. The latter.

Q. They would make that plan?

A. Yes. I wasn't aware obviously of the other significant fires, the Bendora fire, the Gingera fire, let alone what was happening at McIntyre's.
5 Obviously ESB had a view which was much more holistic than my view in terms of what was required and how resources should be deployed.

Q. Going to paragraph 50, you say as far as you
10 were aware no RAFT crews were dispatched the following day and the fire was left unattended in terms of ground crews. You later understood that priority had been given to the Bendora fire, which you recall was an interesting priority ranking
15 given the good access to it from the surrounding network of fire trails and Stockyard fire had no vehicular based access. When you say you find that an interesting priority, would you explain that to her Worship?

A. Interesting in that, if you looked at all the
20 fires we had, the Bendora fire is surrounded by a fairly well-established network of fire trails; whereas Stockyard was basically on a walking track; Gingera again had no direct vehicle access
25 to it.

Q. What do you deduce as a result of that?

A. I then deduced that, given the access we had
30 at Bendora, perhaps some attention should have been given to the Stockyard fire as well.

Q. Do you think the Bendora fire would have been easier to contain than the Stockyard fire; is that what you are saying?

A. Look, I really didn't have any sort of
35 intimate knowledge of the fire at Bendora, the type of area and the terrain. But based purely on the fact that there was a fire and there was a network of fire trails around it, I drew the
40 conclusion that it was an interesting priority arrangement.

THE CORONER: Q. Are you saying, Mr McNamara,
45 that probably RAFT crews at Bendora were wasted by comparison to Stockyard because they had other means of fighting the fire rather than by using RAFT crews?

A. No, I am not saying that at all. As I said, I didn't have any intimate knowledge about the Bendora fire. Based on my knowledge of the park and terrain up there having been a ranger up
5 there, you would still require some form of remote firefighting techniques on the Bendora fire as you would on all the fires. We just didn't have the luxury of being able to drive up to the fires with the tanker and light unit and put some water on
10 them. They all required some form of RAFT suppression techniques.

MS CRONAN: Q. Where you were fighting the Stockyard fire, Mt Franklin Road was to the west
15 of it?

A. To the west, yes.

Q. Were you in a position where if you had to leave the fire ground, you could have driven out
20 to the south along that road?

A. Yes, that's correct; yes.

Q. So you had egressed from that fire to the north and the south on that day?

25 A. Yes, that is correct.

Q. If you go to paragraph 52. You say on Saturday the 11th of January you were reassigned to the Bendora fire as a deputy captain. The
30 local incident controller was Mr Murphy?

A. I believe so, yes.

Q. Your main task was to look after a couple of machine operators, dozers and graders and you were
35 working with Jason Meredith?

A. Yes.

Q. His task was providing advice on priorities for grading overgrown trails for providing both
40 access and bare earth mineral breaks. Which trails did you yourself work on on the 11th; do you recall?

A. Moonlight Hollow, Chalet Road, sections of Warks Road and possibly sections of Parrot Road.
45

Q. You say that these trails had become overgrown. Were they normal 4-wheel drive trails

or were they fire trails?

5 A. I should perhaps clarify that. They were
certainly trafficable. You could get tankers and
light units along them. What had occurred was
10 that there was a lot of scrubby growth on the
sides, on the edges of these particular tracks.
What we were keen to ensure was that we actually
had a bare earth mineral containment line. So by
being overgrown, I am referring to local grasses
15 and small shrubs, but they were very much
trafficable to tankers and to light units.

Q. So you were just cleaning them up using the
containment line?

15 A. Exactly, yes. It is much easier putting the
containment line in with a grader than it is using
rake hoes.

20 Q. Paragraph 54 you say:

"The New South Wales/ACT border had a break,
about 2 or 3 blade widths across, cleared of
vegetation in about the early 50s and 60s by
the then Commonwealth Department of the
25 Interior. Since then the vegetation has
grown back but the break on the ACT/New South
Wales border is much less heavily forested
and has less undergrowth than the surrounding
areas, it also permitted access for light
30 units and tankers to the top of Bendora
Hill."

This is in relation to work you did on the 12th.
Do you know, say if you don't, if the border break
35 that was established in the 50s and 60s had been
allowed to revegetate?

40 A. No, I don't know. Other than that, with the
passage of time over the last 40-odd years, the
vegetation had grown back.

Q. In paragraph 55 you say that the objective was
to contain the fire below the Chalet Road - this
is the Bendora fire - and you go on:

45 "By that stage the fire had now crossed
Chalet Road and was making its way up Bendora
Hill assisted by a cool yet stiff, easterly

breeze."

On the evening of the 12th, it was decided to
mount a rearguard action commencing a back-burn
5 off this track, and you recall Tony Bartlett
assumed responsibility as the local incident
controller from Brian Murphy for the commencement
of that back-burn?

A. Yes.

10

Q. And Tony Bartlett was the deputy chief fire
control officer at that stage?

A. Yes, and with vast experience.

15 Q. You say in paragraph 56:

"... although we had used indirect
firefighting (creation of containment lines
and expecting that the fire would burn to
20 those containment lines and be controlled by
by stopping at those containment lines) we
had not previously in your experience
commenced back-burn operations during the
course of this particular fire campaign.
25 This was certainly something that none of the
more senior officers would have felt
confident to do."

In your experience fighting fires in the ACT, had
30 you ever used back-burning from a containment line
to control fire?

A. Me personally?

Q. Yes.

35 A. No.

Q. Had you seen it done?

A. Yes, I can recall the McIntyre's fire some
many years ago - sorry, I will correct that. What
40 I referred to previously as a Coree fire we used
back-burning operations some many years ago.

Q. Early '90s?

A. Yes, it would have been. In fact, sorry just
45 to jump ahead, I see in paragraph 57 the
Dingi-Dingi fire near Mt Coree.

Q. When you say none of the more senior fire officers would have felt confident to do it, are you referring to yourself and others at deputy captain level?

5 A. Yes. Certainly myself, yes, at that point in time.

Q. Obviously you continued to use it through this campaign?

10 A. Yes, very much so.

Q. Can you elaborate why you personally would not have felt confident to do that kind of operation yourself?

15 A. It is one of those sorts of strategies that we are now using fire to fight fire. You have to be very conscious of prevailing weather conditions, the fire behaviour at the point in time, what resources you have and what suppression tactics
20 you have in place to control back-burning.

Q. So you need experience?

A. Very much so. You need to make sure the crews you have with you are fully briefed.
25

Q. This is before January 2003, throughout your firefighting career in the ACT, had you ever attended a campaign fire interstate?

A. The only one would be what my statement
30 referred to as the Dingi-Ding fire near Mt Coree.

Q. That was under the control of the New South Wales fire service?

A. Yes.
35

Q. That's where you observed the back-burning operations?

A. Yes.

40 Q. You go on in paragraph 58 to say that certainly as far as you were aware, from that point onwards the strategies used for fighting the Bendora fire became more and more aggressive in the use of back-burning in the attempt to control
45 the fires.

If we could go forward now to paragraph 61 of your

statement, on Monday, 13th of January, through to the 15th of January you were again deployed to the Bendora fires?

A. Yes.

5

Q. You say later on the 13th of January having done a night shift on the 12th you were tasked to return to the Bendora fire that evening. You were tasked as a deputy captain and returned to the Bendora fire at about 6pm. Can you recall now who tasked you to attend the Bendora fire?

10

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

Q. Can you recall what information you were given before you attended at Bulls Head?

15

A. Just to clarify a point there. I can't recall the individual, but it would have been via the Parks and Conservation agency rep system.

Q. Mr Lhuede or someone like that?

20

A. Whoever was the agency rep at that point in time, yes, yes.

Q. What information were you given before you went to the fire ground?

25

A. Other than to arrive at the Bulls Head staging area at a designated time, probably around 6pm that evening.

Q. And to report to the incident controller there?

30

A. Yes.

Q. Do you recall that your main role over the nights from the 13th to 15th was as sector boss overseeing back-burning operations?

35

A. Yes.

Q. Now obviously over those three nights - the 13th, 14th and 15th - you were involved the whole time you were deployed to Bendora in assisting in back-burning operations?

40

A. That is correct, yes.

Q. And as a sector leader overseeing those operations?

45

A. Yes.

Q. You say in paragraph 63 that you believe that the fact that the ACT firefighters did not have extensive experience in using fire to fight fire affected the efficiency of the back-burning at that stage during the January 2003 fires. You make the point, "This certainly changed as the fire required more aggressive and more direct strategies." Can you elaborate on how you consider the inexperience levels affected the efficiency of the back-burning?

A. What I am meaning there in terms of actually having an understanding of the back-burn operations, basically at that point of time, my understanding was that we were referring back to ESB as to whether or not a back-burn operation should and how, and where it should be implemented.

Q. Who were you speaking at ESB?

A. I wasn't directly involved with the conversation, just as a sector boss that is my understanding. I wasn't directly involved with it.

Q. You were working generally under Mr Bartlett, Mr Murphy or Mr Cooper on that night?

A. I believe at that stage, yes, either by Mr Murray or Neil Cooper, yes.

Q. That is all you are talking to about affecting the efficiency is having to refer to back to ESB?

A. At that point in time, yes. Again, as I highlighted before, given the difficulties and somewhat problematic nature of actually instigating the back-burn operation, we obviously need to make sure that what we were doing was in keeping with --

Q. Were people teaching you, directing you how to put the back-burnings in?

A. Yes, at that stage. I can actually recall Brian Murphy giving some instructions to the crews that were on that sector in terms of how the back-burning operations should be put in.

Q. Paragraph 64 you recall that one night you were asked to be the local incident controller at

Bulls Head. Do you recall what night that was?

A. No, I can't. It now just becomes a blur.

Q. It was one of the nights on the 13th to 15th?

5 A. Yes. As I said, I really can't recall. It all becomes a blur after a while.

Q. You were contacted by Tony Graham and asked to be the incident controller. Can you recall how long before the shift you were contacted?

10 A. No. It would have been a matter of hours. It would have been hours before.

Q. What kind of a briefing did he give you about what was happening at the Bendora fire when he asked you to go up there and take control?

15 A. As I say in my statement there, I recall calling into Curtin to receive a briefing from Tony. It would have been along the lines of a back-burn operation, possibly along the Bendora Dam road and possibly the Moonlight Hollow Road. Again, I can't recall exactly the roads that - the sectors I should say of the fire that we were dealing with on that particular night.

25

Q. Did he ask you what resources you would require to implement the objectives he was telling you about?

30 A. No. My understanding at that stage was that the resources had already been allocated. There were units dispatched for the night shift. I can recall Tony explaining to me what we had and where they were.

35 Q. Did you have an opportunity to have any input at all as to whether or not you considered them appropriate?

A. I seem to recall at the time thinking that that was appropriate.

40

Q. Were you given an incident action plan?

A. In written form?

Q. Yes.

45 A. No, I wasn't.

Q. In transit to Bulls Head you received a phone

call from Mr Graham or a call from Mr Graham saying that you were no longer to be the incident controller because there had been a request from the New South Wales Rural Fire Service for an ACT representative on site to advise and liaise with a New South Wales Rural Fire Service senior officer in their back-burning operations on the Honeysuckle Fire Trail.

5
A. Yes.

10
Q. Paragraph 65 - you said that when you arrived at Bulls Head you had to brief Andrew Winter, who was now going to be the local incident controller. What kind of briefing did you give to Mr Winter?

15
A. I recall that I passed on the information that Tony had relayed to me in terms of the strategies for that evening, for that night shift.

20
Q. Did you also obtain, whilst you were present, any briefing from the outgoing incident controller?

A. Yes, I believe I did. Yes.

25
Q. Do you know if he had received any briefing from Mr Graham before you spoke to him?

A. No, I've got no knowledge of that.

30
Q. So you went with the New South Wales Rural Fire Service and the back-burn that was planned to take place by the New South Wales task force crews didn't eventuate; is that right?

35
A. Yes, that's correct. As I say in my statement there, I caught up with Peter Smith, who was the captain of the Brindabella brigade, and Peter and I liaised with the New South Wales units. As I indicated in the statement there, there was an increase in winds and, at the end of the day, that particular back-burn operation was cancelled.

40
Q. Did you actually go back to Bulls Head staging area or did you hear the call for assistance from Pryor's Hut from where you were?

A. No. As I said in my statement, I then proceeded down to Pryor's Hut.

45
Q. You made an assessment of the situation at Pryor's Hut. Who was at Pryor's Hut when you

arrived, can you recall?

A. I really can't recall. I have tried to remember who they were other than to recall it was a Molonglo unit, I think.

5

Q. There was just one light tanker present?

A. Yes. It was a very interesting night.

Q. You describe in paragraph 68 a significant fire front coming from the south over Mt Gingera and one from the east from the Snowy Flats area. Was that the Gingera fire and the Stockyard fire, both fronts coming towards you?

A. Yes, I believe so.

15

Q. That is the night that they both joined up?

A. I can't say when with accuracy. Based on my knowledge of that part of the world, yeah, I believe it was the Gingera fire coming over the top and possibly the Stockyard fire coming up across Snowy Flats.

20

Q. Ahead of those two fire fronts you were putting the back-burn around Pryor's Hut?

A. As I indicated in my statement, Arthur Sayer had been through the area early on and put in a containment line around Pryor's Hut, which is an incredibly historical hut up in the mountains and, yes, we saved the hut that night Dam Road.

30

Q. Your back-burn burned out the fire fronts and stopped the fire coming towards the hut?

A. Yes.

Q. What resources did you have at that particular point, apart from the light unit?

A. Just the Molonglo unit and myself.

40

Q. Down to paragraph 71 you say:

"One aspect of the period from the 13th to the 15th that I do recall was the lack of information by way of decent maps of the areas where we were working generated from ESB."

45

When you say "generated from ESB", are you talking

about topographic maps with the objectives already on the maps or just maps in general?

5 A. What I am referring to there, I suppose, is detailed what I would see as fire maps. I was aware some of the units on the fire ground had access to the 1:25,000 topographic maps. What I am referring to in my statement, I suppose, is detailed fire maps which would indicate staging areas, watering points, exist routes, heli pads.
10 The detailed information we would have Dam Road in terms of what was on the fire ground.

Q. Like a presuppression plan type of map?

15 A. Perhaps even a little more detail.

Q. You say because of your local knowledge of the area, you had a reasonable understanding of the network of those fire trails and access points?

20 A. Mmm.

Q. You found yourself going home and making photocopies of your maps and providing those to the night shift crews on the sector?

25 A. That's correct. On those photocopies, I would have indicated where the fire was when I last was involved with it, where water points were, where safety route staging areas, yes.

30 Q. You actually put additional information on to those maps and distributed those to the crews yourself?

A. Yes, that's correct.

35 Q. Upon commencement of the night shift, do you recall on each occasion you were frustrated by the length of time it took to ascertain the overnight strategy. You don't recall exactly who was the overnight incident controller on each occasion, but there was a local incident controller
40 appointed at Bulls Head staging area to whom you worked. Could you describe what was the situation as you saw it the nights you attended at Bendora in relation to delays in deployment and time it took to work out the overnight strategy --

45 A. Again, what I am referring to in my statement is that Bulls Head by this stage had become a major staging area. We obviously had crews on the

day shift were coming off, and night shift crews coming in. Bulls Head is not ideal in terms of an area where you would have effective shift changes. It is an area of a very narrow track in terms of
5 Mt Franklin track with people coming and going. It took a little time to work out who was on the night shift and who was on the day shift, what success the day shift crew had achieved and, more importantly, what tasks were set for the night
10 shift crews Dam Road.

Q. When the day shift came out, they would have to talk to the night shift people about what they had been doing?

15 A. The sector boss, yes, would have had some sort of discussion with the incoming field incident controller.

Q. So it wasn't just a case of the outgoing
20 incident controller giving a half-hour briefing to the incoming incident controller?

A. It would have taken time for the day shift crews to then brief the day shift incident controller. The day shift incident controller
25 would have taken some time to actually formulate his thoughts and understand what had occurred. That person would then brief the incoming field incident controller for that evening.

30 Q. What, between the two incident controllers a new objective and strategies were worked out on the fire ground?

A. I wasn't directly involved in it. That's my understanding of how the system would have
35 evolved.

Q. In paragraph 72 and 73, you go on to explain in a bit more detail about what your understanding of the problem was with delays of planning coming
40 in through ESB?

A. Yes.

Q. Obviously if information is going from a fire ground back to ESB, and ESB needs to evaluate it and get fresh maps and fresh strategies organised,
45 by the time their objectives and strategies come back to the fire ground the fire ground is going

to change?

A. Yes.

Q. That will happen in any fire event?

5 A. Very much so.

Q. Have you experienced that problem or situation before in firefighting in the ACT?

10 A. No. Only because I had never been involved in a fire to the scale with which we were now confronting.

Q. You hadn't been involved in a campaign fire in the ACT?

15 A. Not in the ACT. As I mentioned before, certainly in the New South Wales many years ago. This was of a level and complexity of fire outside any fire I had previously attended.

20 Q. Had you ever attended a fire that went past the one shift?

A. Yes.

Q. In the ACT?

25 A. No, not in the ACT - not me personally.

Q. In paragraph 75 you say you understand there was no comprehensive 24-hour Incident Management Team established at ESB headquarters until after the 18th of January. That meant that when the day shift began, they would be working on plans devised at ESB before the overnight shift had undertaken their tasks. There was no opportunity to adjust the planning and consultation with a strategist, analyst and planning team with efficient mapping and planning skills and resources. Did this mean that essentially the objectives that were planned from shift to shift were those that were planned on the fire ground?

35
40 A. Yes.

Q. At paragraph 77, on the morning of the 16th, you received a phone call Dam Road from the Parks and Conservation agency representative, Mr Rod Hillman, asking you to do a night shift out at Curtin; is that right?

45 A. That's correct.

Q. You were asked to be the overnight operations officer?

A. That's correct Dam Road.

5 Q. Did you have an understanding when you received that request what that role would entail?

A. When I received the request, no, I didn't.

Q. You had never done that kind of thing before?

10 A. No, not at that point in time.

Q. Had you ever been a duty coordinator before?

A. No.

15 Q. Had you ever fulfilled any role at ESB before this?

A. Not in an official capacity - sorry, to correct that. The only role I would have done with ESB would have been as a Parks and

20 Conservation agency representative Dam Road.

Q. Is that a role physically located at Curtin?

A. At that point in time it actually was, yes.

25 This is actually providing local area advice to ESB personnel about aspects of the park.

Q. I see. So it didn't involve firefighting?

A. No. It was, as I said, providing information on aspects of the park.

30

Q. Then you say at paragraph 78 "calling it an operations manager is probably an overstatement"?

A. That is a correction. It is an operations officer.

35

Q. Calling it an operations officer is probably an overstatement of the responsibilities you were actually intended to fulfil overnight. When you got there, did you get instructions from Mr Graham as to what your role would be?

40

A. Yes.

Q. What did he tell you?

A. As my statement reflects, I was expected to record the reports of the radio communications overnight and provide Tony with an update the next morning in terms of the progress of the fire and

45

what had been achieved overnight.

Q. So what did that physically involve you doing sitting in COMCEN?

5 A. Yes, indeed.

Q. Making notes of what was happening?

A. Yes, yes.

10 Q. Did you do anything else other than sit in COMCEN and make notes about what was happening?

A. On that shift, no. That was what I was required to do. That's what I did.

15 Q. Did any of the incident controllers ring through and ask for advice?

A. Yes. In terms of people on the field, the fire ground, yes. Because I was monitoring the radio, yes, I had conversations with the local
20 incident controllers on the ground of that night shift.

Q. What kind of advice were you asked?

A. I recall one of the significant developments
25 of that particular shift was the tanker falling off the Mt Gingera Creek bridge, which is on the southern section of Namadgi National Park. There was a back-burn operation that was to be commenced along sections of Lick Hole Road and up on
30 Mt Franklin Road. As I said, I can recall the incident with the tanker.

Q. Were you briefed before you commenced your shift that the New South Wales rural firefighters
35 had come to Canberra that afternoon and were going to attend the back-burning of the Stockyard fire?

A. Yes, I was certainly aware that they were there. Yes, I was aware they were there.

40 Q. Were you briefed in relation to what the objectives were in relation to the Stockyard fire that night Dam Road?

A. Yes. I will correct something there. While I was instructing in terms of monitoring the radio,
45 Tony did provide me with an overview of what the night-time strategy was, so I was aware of crews what their objectives were Dam Road.

Q. Of both the Stockyard and Bendora fire?

A. Yes.

Q. What involvement did you have in relation to
5 the back-burn at the Stockyard fire and the
problem with the tanker?

A. Other than being informed, I think it was
Arthur Sayer informing me he had experienced some
difficulty with the tanker and that Arthur was
10 concerned about access along that particular
section of the fire trail, and because of the
tanker now being on its side or up against a tree,
their main task was to get the tanker back on its
four wheels so it could actually be used as part
15 of the back-burn operation.

Q. In that role you were receiving information
from him rather than advising him?

A. No, I can recall Arthur and I having
20 conversations along the lines that it was now
somewhat problematic in terms of commencing that
back-burn operation and the priority task was to
get the tanker back on its four wheels.

Q. Do you recall any incidents that occurred at
25 Bendora fire that night that you were involved in?

A. No, I can't recall anything.

Q. Were you required to do any forward planning
30 as things progressed throughout the evening?

A. Plan in the sense of terms of preparing
strategies and objectives for the following day?

Q. Yes.

35 A. No.

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

40 THE CORONER: The answer there was no, I take it?

THE WITNESS: Yes, that's correct.

THE CORONER: We will take the luncheon
45 adjournment.

LUNCHEON ADJOURNMENT

[12.57pm]

RESUMED

[2.02pm]

MR WATTS: I seek leave to appear in these proceedings for three people, Mr Neil Cooper,
5 Mr Anthony Bartlett and Mr Andrew Winter. There may be some more people down the track, your Worship, but those are the three at this time.

10 THE CORONER: Do I understand that these people are to be called shortly in the next week or so?

MR WATTS: Mr Winter may be. Mr Cooper is probably the first one. But there may be some issues with this witness.

15 THE CORONER: That is fine. That leave is granted to you then. Is there any objection, Ms Cronan?

MS CRONAN: No objection, your Worship.

20 THE CORONER: Leave is granted to appear for those persons. I will allow you to ask - that is why you are announcing your appearance now, because you may wish to ask Mr McNamara some questions.

25 MR WATTS: Yes.

THE CORONER: That leave is granted, Mr Watts.

30 MS CRONAN: Q. As I understand your evidence, on the night of the 16th and the morning of the 17th, you conferred with Mr Arthur Sayer about the tanker accident and the decision - his inability to proceed with the back-burn that night. But you
35 did not have a role of doing any forward planning in relation to Stockyard Spur fire as a result of the proposed back-burn not going ahead; is that correct?

A. That is correct, yes.

40 Q. Nobody else at ESB had the task of forward planning before the 17th for the Stockyard fire?

A. That is correct, yes. As far as I was aware, I was the only person at ESB apart from the COMCEN
45 radio operators.

Q. You had an experience early in the morning of

Friday the 17th when you noticed the front page of the 'Canberra Times' from 1939 outside Mr Castle's office; is that correct?

5 A. I believe it was Mike's office. If not, it was certainly within the executive area of ESB, yes, that's correct.

Q. You had seen that front page of the 'Canberra Times' before?

10 A. No, I hadn't.

Q. Could you tell her Worship what was going through your mind when you looked at the 1939 paper?

15 A. It was one of those moments in your life, I suppose, where the hairs on the back of your neck tend to stand up. I found myself reading the front page of the 'Canberra Times' from around about the 14th or 15th of January 1939, reporting
20 on the fires that had swept across to Brindabella Ranges at that point in time. I just found myself feeling that there was a sense of sort of history repeating itself in terms of the fire in 1939 and I suppose to some extent what we had experienced
25 to date with the January fires.

There is a wonderful quote that I suppose I often look at in terms of that there is no present or future, only the past happening over and over
30 again. I really had a feeling that, "Yeah, this was history repeating itself to some extent."

Q. That newspaper report described where the fires went to when they came out of the
35 Brindabella Ranges?

A. Yes. To some point. I can't quite recall the exact progress of the fires from that front-page report, but it certainly gave reference to what is now the Tuggeranong Valley area being affected by
40 the fires as well as the Paddys River area within Tidbinbilla. I suppose to my mind I could relate to it, given that living out at Tidbinbilla Nature Reserve and how in 1939 the fires - from that report anyway - appeared to have swept through the
45 Paddys River and Tidbinbilla area.

Q. Did you discuss the feeling you had about that

newspaper report with anybody at ESB?

5 A. This is around about maybe 3 or 4am in the morning and, as I said, I was there by myself and with the COMCEN operators. When I went back to the radio room, I made comments to the guys on the radios, "1939 and it looks like a little bit of history repeating itself."

10 Q. Do you recall what their response was, if anything?

A. I really can't recall their response other than "that's interesting".

15 Q. In paragraph 85 of your statement you say at 6am on Friday the 17th Mr Graham came back into ESB HQ and you briefed him on overnight developments. Was he the only member of the SMT that you can recall briefing that morning?

20 A. There may have been others. Certainly I can recall having a conversation with Tony because I was required to pass on to Tony the developments from the night before. There may have been others there, but I really can't recall exactly who they were.

25 Q. Can you recall generally what information you gave them when he came in that morning?

30 A. In terms of the briefing, I suppose the main issue that we dealt with that night was the tanker at Gingera Creek. I informed Tony about what had happened. But also I think at that stage, through the efforts of Arthur and others out in the fire ground, they had managed to recover that particular vehicle. So I passed that information on to Tony.

35 Q. So you essentially just encapsulated events as you were aware of them over the radio?

40 A. Yes.

Q. And passed that information on to him?

A. That's correct, yes.

45 Q. And then you returned home and slept until 2.30pm?

A. Yes. On the Friday, approximately 2.30.

Q. Reading from paragraph 86 of your statement -
at approximately 3pm you observed a fire in and
around the water birds/kangaroos enclosure within
Tidbinbilla Nature Reserve. You assumed that was
5 as a result of a spotover from either the Bendora
or Stockyard fire?

A. That is correct, yes.

Q. You made the comment to your wife that the
10 fires had now followed you home and that things
had taken a turn for the worst?

A. Indeed.

Q. That's when your wife commenced packing up
15 your family vehicle with your personal belongings.
That was, I take it, in preparation for a
potential need to evacuate from your family home?

A. On that afternoon, yes.

20 THE CORONER: Q. Can I just ask: what do you mean
in your statement in paragraph 86 that "the fire
situation had now turned pear shaped and was now
looking somewhat grim". What do you mean by "pear
shaped"?

25 A. To my mind, the fire had obviously broken the
containment lines. They had been established
around the Bendora fire --

Q. Which fires are you talking about when you say
30 "fires"?

A. It is difficult to tell. My view is that the
spot fire that we experienced at Tidbinbilla that
afternoon may have come from either the Bendora
fire or from the Stockyard fire. If you need to
35 look at a map, you will see references. The
direct relationship between the Stockyard Fire and
the Tidbinbilla Valley as well as possibly from
the Bendora fire as well. I had no knowledge in
terms of exactly what fire it was. But there had
40 been a spot fire at Tidbinbilla. It had come from
somewhere.

Q. So "pear shape", what do you mean by that?

A. Well, to my mind the situation had now become
45 somewhat grim. The fires up to that point in time
were some distance up in the Brindabellas, up in
the ranges, and becoming pear shaped is more as a

relationship to where I was living and a direct threat to my family, my home.

5 MS CRONAN: Q. Where you were living at that time - tell me if you don't know - to your understanding, was that well outside any of the containment lines being put in to contain either the Stockyard or the Bendora fire?

10 A. Very much so, quite some distance.

Q. So you realised that containment at least of one of the fires had failed at that point?

A. Very much, yes.

15 Q. You reported back to ESB at around 3pm; is that right?

A. Yes. I can recall being on the radio to COMCEN and calling the smoke in, yes.

20 Q. Did you call in the spot fire?

A. Yes, the smoke - sorry, yes, the spot fire.

Q. Can you recall who you spoke to?

25 A. No. It would have been a radio COMCEN operator.

Q. In paragraph 87, you say you eventually met up with Robert Flint, the captain of the local Tidbinbilla volunteer brigade, who had arrived at the nature reserve.

30 A. Yes.

Q. Mr Flint lives locally in the Tidbinbilla Valley area; does he?

35 A. Yes, he does. That's correct.

Q. You say that, as the senior fighter at the incident, he assumed responsibility as the incident controller at that point in time. Is that simply because he was the man on the spot at that time or had he been tasked by ESB to attend?

40 A. I have no knowledge in terms of how Robert arrived at Tidbinbilla Nature Reserve. As you indicated, Robert is a local resident and
45 obviously took a keen interest in what was developing at Tidbinbilla Nature Reserve that afternoon.

Q. As a senior firefighter, did he then take charge of other units to put out spot fires?

A. At the very early part of the fire at Tidbinbilla, yes.

5

Q. Brian Murphy, you say, later took over as incident controller in that area?

A. Yes. That became quite apparent to me later on in the afternoon. Again, I have no real recollections in terms of timing. Given the fact that I was living on the reserve, Robert and I met up first. Robert assumed the role as incident controller, and then later on that afternoon I understand that Brian Murphy was then tasked as the local incident controller.

15

Q. You had been rostered to provide overnight coverage at ESB as the operations officer for that evening?

A. That's correct, yes.

20

Q. Who had given you that task?

A. Again, I think that came through the Parks and Conservation agency rep.

25

Q. Did you understand that that would mean you would fulfil a similar role to the one you had fulfilled at ESB the previous night?

A. That is correct, for that Friday evening.

30

Q. But you informed the representative that you would not attend because you would be required at home to look after the nature reserve?

A. Yes, that is correct. Yes.

35

Q. If I could go through then to paragraph 94. You recall that a helicopter arrived out of nowhere and landed on the ground near the lookout. Which lookout are you referring to?

40

A. This is the lookout on the valley floor at Tidbinbilla Nature Reserve.

Q. That was a civilian aircraft, as far as you know?

45

A. It was, yes.

Q. He asked you to get into the helicopter and

show you something about how the fire was moving?

5 A. Yes. By that stage, again I can't recall what part of the afternoon, but probably towards the latter part of the afternoon, it became clear to me there was actually a lot of smoke around the Tidbinbilla Range, particularly in the area of Billy-Billy Rocks. Again, having intimate knowledge of that part of the world, I could see not only did we have the spot fire within the valley floor itself there was also fire up on the Billy-Billy Rocks range, and the helicopter then arrived at the lookout area.

15 Q. Were you able to ascertain which fire it was on the Billy-Billy Rocks range at that stage?

A. No. I would only be speculating. Again, you could think about the terrain and the topography and direction, I'm assuming that it may have been the Stockyard fire.

20

Q. The helicopter pilot told you he had been trying to get through on his radio, was it, to the ESB at Curtin?

A. I have that as a recollection, yes. Yes.

25

Q. You say in paragraph 94 that you attempted to contact the local incident controller at Tidbinbilla Nature Reserve via the radio to provide an update of the situation but you were unsuccessful in getting through due to volume of radio traffic. Was that via the helicopter radio channel?

A. No, via my hand-held radio.

35 Q. Was that before you got into the helicopter?

A. Yes.

Q. Who was the local incident controller at that stage - was it Mr Murphy or still Mr Flint?

40 A. I think at that stage in my mind it was Robert Flint. I tried to contact Robert on the radio.

Q. So you went up and flew over the nature reserve and you looked down through Smokers Gap to the Square Rock area. You looked to the west where you saw virtually a wall coming in from the direction where the Stockyard fire had commenced.

45

You say you had no idea of any interrelationship between the New South Wales Broken Cart Fire and the ACT Stockyard Spur fire at that time and you still don't know about this?

5 A. Yes.

Q. When you say "virtually a wall of fire coming through", could you describe firstly the height of the fire coming through?

10 A. It was quite amazing. I can remember actually having a camera with me at the time and taking photographs. It was literally a wall of flame that was coming over the top of Billy-Billy Rocks. As we flew down on to the Corin Dam Road, it was
15 like something out of a Hollywood movie set. It was quite incredible. I can recall the pilot commenting that he had never ever seen anything like it before in his life and made comments about flying around the Blue Mountains with fires there.
20 We were both gobsmacked in terms of this fire front that was travelling along the Billy-Billy Rocks/Corin Dam Road area.

Q. So you couldn't give an estimate of the height but it was big?

25 A. It was a canopy fire. There was spot fires in front of it. It was a canopy fire. In fact, that was the first time in my life that I have actually seen a true canopy fire.

30

Q. Are you able to say what the width of the fire front was that you were looking at at that stage?

35 A. No. We had no chance. The pilot was more concerned about getting too caught up in the smoke and embers and the material that was being carried by the smoke and by the flames.

Q. Were you able to estimate the speed at which it was travelling at that point?

40 A. Not to any degree of accuracy, no. To my mind it was moving.

THE CORONER: Q. Sorry Ms Cronan. I am a bit lost here. What time?

45 A. Again, it is very difficult.

Q. You say "shortly thereafter" - but that is

shortly thereafter the paragraphs that talk about arrival of the New South Wales crews. Are you going to go back and cover that, Ms Cronan?

5 MS CRONAN: I can if you would like me to.

THE CORONER: I would like that.

Q. Going back to paragraph 91, you had New South
10 Wales rural firefighters coming into what - the
Tidbinbilla Nature Reserve area?

A. That is correct, yes, your Worship.

Q. Do you know how they came to be there, who
15 tasked those firefighters into the area?

A. No, I have no knowledge other than to speculate that obviously they had been spoken to by COMCEN.

20 MS CRONAN: Q. Were they, when you first encountered them, working to a local incident controller?

A. When I first encountered them?

25 Q. Yes.

A. At that point in time where I was sitting, there appeared to be a little bit of confusion in terms of exactly what was happening within the valley floor itself. As you can expect, there
30 were a number of crews arriving. I recall having difficulty working out where and how they were to be deployed. I think I make reference in my statement about making sure that they actually had maps of the valley floor. They had no knowledge
35 that the valley floor itself was only a one way in and a one way out.

I can recall with a conversation with someone. They were saying there must be some other exit
40 route in terms of the valley floor. They had no knowledge of the access routes in terms of Tidbinbilla. In terms of who the incident controller was at that time, I can't say with any degree of accuracy who was the incident controller
45 at Tidbinbilla at that point in time.

Q. The crews, as you interacted with them and

observed them, appeared to spend the first couple of hours finding out the lay of the land and looking at where things were before they could --
A. That is my recollection, yes.

5

Q. Did you assist them with that?

A. Yes, I did. Again we also had bravo units that were dispatched - this is urban pumpers - from Canberra. I can recall, again because of my
10 knowledge of Tidbinbilla Nature Reserve, taking the urban bravo units around to the various assets within Tidbinbilla Nature Reserve, obviously one of them being my house, and ensuring that they knew how to get in, how to get out, where the
15 depot was. Other assets such as the depot and then also assisting the New South Wales crews in getting some sort of familiarisation as to the lay of the land within Tidbinbilla Nature Reserve.

20 Q. Everybody seems to have been told that night that their objective was property protection. Did you speak to anybody from the New South Wales units as to what their objective was in the nature reserve that night?

25 A. No. No.

Q. Did you understand it to be property protection?

A. Certainly looking back, yes, I would assume
30 that it would have been property protection. Particularly as I said we had assigned the bravo units to asset protection within the valley floor itself, yes.

35 Q. How many assets are there within the valley floor?

A. Within Tidbinbilla?

Q. For fire protection that night.

A. It is quite substantial assets. There was
40 three houses within the valley floor. There is a works depot. There is an office. There is the visitors centre. There is the old visitors centre, which is the education centre. There is
45 quite a number of built assets within the valley of Tidbinbilla Nature Reserve.

Q. And animals as well?

A. And animals as well, yes, in terms of the wildlife enclosure and animal houses.

5 Q. How did the New South Wales units organise themselves after they had essentially spent an hour or two checking out the lay of the land?

A. I've got no knowledge of that. At this point in time I was very much involved, I suppose, in a
10 sector of the fire. I have got no knowledge in terms of how they were organised or coordinated from the visitors centre at Tidbinbilla. I later understand that that was actually used as an
15 initial control centre when the NSW crews when they first arrived. This is the visitors' centre at the front of the Tidbinbilla Nature Reserve.

Q. The bravo units, who were they acting under? Were you aware of that? Were they under the
20 direction or deployment of Mr Flint and Mr Murphy or were they also acting independently of the Bushfire Service at that stage?

A. I've got no knowledge, sorry. I can't really tell you.

25

Q. You just assisted them by showing them around?

A. Yes. I perhaps may have received some sort of radio message from either Brian Murphy or perhaps Robert Flint that the bravo units had arrived and
30 to directly liaise directly with those units.

THE CORONER: Q. Was this afternoon or evening? We are talking about the 17th?

A. Yes, your Worship. This is maybe 4 o'clock
35 perhaps. It is afternoon; it is not dark.

MS CRONAN: Q. You say at paragraph 92 that Robert Flint had his crews actually directing water onto the fire around the lookout area. He
40 was trying to direct suppression at that stage as opposed to property protection?

A. Yes. At that stage we were trying to fight the fire itself at its source, which was down in the water bird enclosure.

45

Q. That was a spot fire from --

A. This is the spot fire.

Q. -- from maybe Stockyard?

A. Yes, one of those fires, yes.

Q. How big was the spot fire he was trying to
5 suppress at that stage; can you recall?

A. This is a best guess, somewhere around perhaps
maybe a couple of hectares. It was burning right
in the middle of the kangaroo and water bird
enclosure. There was difficulty in terms of
10 getting actually right to the fire. We had to go
through a number of the gates in the wildlife
enclosure to get to the ignition point of that
fire.

15 I can then recall, again unless you have prior
knowledge of Tidbinbilla Nature Reserve and the
lay of the land there, the lookout is just above
the top of the wildlife enclosures. The fire at
that stage had then been crossed and started
20 making a bit of a run towards the lookout.

Q. Had the animals been removed from the
enclosure at that stage?

A. Not that I was aware of. What I am referring
25 to - this is fairly early on in the piece when
ignition had first been detected - is that Robert
was down there; I was down there; and there were
tankers and light units from Tidbinbilla that had
responded to the fire. We were right in the
30 middle of where the fire was occurring.

Q. A couple of light units referred to in your
statement, they were local light units that
self-responded at that stage?

35 A. No. I don't think they self-responded. I am
sure they would have been responded by COMCEN. It
would have been the Tidbinbilla light unit and the
Tidbinbilla tanker, as well as I think Robert had
brought along the Tidbinbilla volunteer unit.

40

Q. You go on to say in paragraph 93:

"Unfortunately, given the spot fire, the
speed of the development of that fire, all of
45 the crews arriving (with many of them having
no idea about the lay of the land) I would
say that confusion reigned during the

afternoon at Tidbinbilla."

A. That is at that initial stage. It is to be expected given what had occurred.

5

Q. People were all doing tasks or familiarising themselves so they could do tasks?

A. Yes.

10 Q. There was no cohesion or coordination initially?

A. Yes. As I said, this is that initial phase. Yes.

15 Q. I think you use an example that at one point Robert Flint's crews went down fighting the fire near the lookout and one of the New South Wales fellows said he was going to put in a back-burn off the ring road. You were concerned it would
20 cut off Robert Flint's crews in coming out of the area where they were fighting the fire front.

A. Yes.

25 Q. You had a heated discussion with him and called Brian Murphy to ask Brian to discuss the proposed back-burn with the New South Wales officer?

A. That is correct, yes.

30 Q. Was Mr Murphy the incident controller at Tidbinbilla?

A. Yes, he was. Brian then attended my location and had a discussion with the New South Wales officer. I pointed out to Brian and to this New
35 South Wales officer that Robert and his crew were down below and that, yeah, they were currently attacking the fire.

40 Q. Did the New South Wales officer --

A. I don't think he realised that the crews were down there when he first arrived. He said he was going to commence a back-burn off the ring road. I don't think he had any knowledge that Robert was
45 down there.

Q. Do you know if the New South Wales officers at that point were under the direction of Mr Murphy?

A. I believe so.

Q. They appeared to be?

5 A. They appeared to be, yes. Certainly it was resolved. The issue was resolved very quickly. Brian came down very quickly. I explained the situation. It was resolved very, very quickly - and amicably as well I should say.

10 Q. You refer in your oral evidence to being on a sector yourself over that period?

A. At that point in time that is correct.

Q. What sector were you fighting?

15 A. This was around the lookout area.

Q. Part of the spotover --

A. Part of the spotover, yes.

20 Q. What was the result of that suppression activity? Were you able to put the spot fire out?

A. At that point in time, no, we weren't able to put it out. Certainly I can recall that efforts to date at that point in time seemed to be
25 effective. There was helicopter water bombing. I can recall the navy Sea King helicopters also arriving, so we had helicopter support. We had crews on the ground and, yes, we were commencing operations in terms of attempting to contain that
30 fire.

Q. Was it while the attempts to contain that spot fire were still going on that the civilian helicopter arrived?

35 A. Yes. There were quite a few helicopters, too, at that stage. We had a number of, as I said before, Sea King helicopters and SouthCare, 'Firebird 7' and other helicopters in the area.

40 Q. They were all assisting the Tidbinbilla efforts?

A. Yes, that's correct. Yes.

45 Q. In paragraph 95 of your statement, you say what you observed was the fire had already jumped over the Cotter River at Corin Dam and was moving in a wall towards the Corin Forest mountain ski

resort and Gibraltar pine forest area?

A. Yes, that's correct.

Q. That wasn't a spot fire that jumped over the
5 river at that stage, that was the main fire front?

A. I believe that to be - well, you can call it
the main front or some section of that fire, yes.

Q. From the radio traffic, you had just heard
10 that Dennis Gray had been asked to go to that
resort to protect it?

A. Yes, I did, yes.

Q. You got on to the radio from the helicopter
15 and spoke to Dennis and gave him a visual sitrep
on the fire?

A. Yes, that is correct.

Q. You suggested to Mr Gray that he leave the
20 area because the fire was coming through at a fast
rate and you felt it was going to be an
unstoppable wall of fire?

A. At that point, yes.

Q. Did Dennis determine to stay and save the
25 resort?

A. As I say in my statement, to the credit of
Dennis and his crews, yes, they were able to save
the Corin ski resort.

30

Q. Whilst you were watching, the firewall moved
over beyond Corin Dam towards the Corin Forest
mountain recreation area. It passed through
Square Rock and Smokers Gap, heading in a westerly
35 direction. Over what period of time did you see
it move that distance?

A. I couldn't tell you.

Q. Was it moving very quickly?

40 A. Yes, it was. Yes.

Q. You describe it not only moving at speed but
it was also spotting ahead of its fire front?

A. Yes. We observed numerous spots out in front
45 of the head of that particular fire, yes.

Q. Up to 3 to 4 kilometres in front of the main

fire?

A. I believe so. That's an approximate. But, yes, there was definitely spot fires in front.

5 Q. The helicopter pilot you were with, he told you he had worked on a number of large fire events?

A. Yes.

10 Q. He had never seen anything like what you were observing at that point in time?

A. That is correct, yes.

15 Q. At paragraph 98 you describe a communication problem between the navy helicopters and the firefighters on the ground?

A. Yes, that is correct, yes.

20 Q. What was the problem with the communication?

A. The problem was basically the navy helicopters had no direct communication, as far as I could tell, in terms of monitoring the radio traffic between themselves and the crews on the ground. And to some extent I got the impression that they were working independently of what may have been trying to be achieved on the ground.

30 They were accessing a number of the water points around the Tidbinbilla Valley. This is for the first time in terms of water bombing operations we actually had close proximity to where the fire was and where there was water. They were basically going down to the wetlands area, filling up the buckets and attacking the fire as they saw fit.

35 I can recall with the pilot trying to raise the navy helicopters on his radio system - I've got no knowledge as to how he went about doing that - I think at one stage I can recall he made contact with one of the navy helicopters, who was then relaying back to the helicopters in the area in terms of what we were trying to achieve.

40 Q. So the helicopters were putting the water down on the fire where it wasn't doing any good to the ground suppression?

A. No, I wouldn't say that. By this stage the

fire had obviously grown and every little bit of water helps. So what they were doing was to the best of their abilities.

5 Q. So your pilot eventually made contact with one navy helicopter who relayed messages and directions?

A. Yes, that is correct.

10 Q. Did that appear to better co-ordinate the efforts between the air and ground?

A. Yes, at that immediate point of time, yes.

15 Q. So you stayed with the pilot when he returned to refuel at Uriarra Reserve?

A. He indicated he was running low on fuel and he had no access to fuel at Tidbinbilla Nature Reserve at that point in time and he had to return to Uriarra to refuel. Yes, I had no choice; I had
20 to stay with him.

Q. You took off again. Can you do your best to estimate what time in the afternoon or evening it was when you took off again?

25 A. No, we didn't take off again. We were still in flight. We hadn't landed. This is just the one flight.

30 Q. Okay. You went with him over Pierce's Creek before he went to Uriarra Reserve?

A. Yes. It is the same flight. We go up and we look around Billy-Billy Rocks. We come back. I speak to Dennis. We come back into the nature reserve. We try and assist and co-ordinate the
35 navy Sea King helicopters. And then he indicates that he is getting low on fuel and we have to return to Uriarra to refuel.

40 Q. So about what time did you fly over the Pierce's Creek pine plantation?

A. It wasn't dark, put it that way. I think it may have been around about possibly 6 o'clock, somewhere around there. Again, it is an
45 approximate.

Q. You looked out towards the west and saw what you believed to have been the Bendora fire roaring

up the Hardy Range near Pierce's Creek; is that right?

5 A. As you go along the Tidbinbilla Range, you get into sort of the Hardy Range, Hardy Creek and then Pierce's Creek. At the back of Hardy Range, which is to my mind around where the pipeline road is, there seemed to be a fire in that area.

10 Q. You say it could have been the Bendora fire or spot fires from that area. Could you describe the fire front that you were observing at that point?

15 A. Again, it looked quite intimidating. It appeared to have a huge amount of smoke obviously. It appeared to be up in what I could see as being the canopy as well and burning the canopy.

Q. Can you estimate the length of the fire front that you saw approaching?

20 A. No, I couldn't. No. Just to my mind, it seemed to be another series of spot fires, I guess.

Q. How far from Pierce's Creek pine plantation was it at that stage?

25 A. It may have been within a matter of kilometres.

30 Q. As you went into land at Uriarra you looked out towards the Mt Coree area. We don't have a map in front of us that shows that, I don't think. If you look out towards Mt Coree from where you were landing at Uriarra, are you looking at essentially a northerly, north-westerly direction?

35 A. Yes, generally a northerly, north-westerly direction.

Q. You saw a huge wall of fire along enormous fronts moving at a great rate?

40 A. Yes, that's my recollection, yes. Again, this is quite some distance from where I was. With all the smoke that was around, it was difficult to pinpoint with any degree of accuracy exactly where that fire was. I certainly got the impression that, yeah, it was I guess the McIntyre's Hut
45 fire.

Q. It was coming from the north of Mt Coree at

that stage?

A. Yes. That is again based on where we were in terms of Uriarra. That was my understanding, yes.

5 Q. That also appeared to be a crown fire with very high flames?

A. Again, it is difficult with that sort of distance. There was a huge amount of smoke being pushed up. I can still picture it now. Yes.

10

Q. At that stage you thought it was in the Blue Range camp area near Mt Blundell?

A. Somewhere around there. Again, I can't pinpoint with any accuracy, but yeah.

15

Q. That area you were looking at is actually in the ACT; is that correct?

A. Yes, it is.

20

Q. How far in from the border is that area?

A. You are probably talking maybe 5ks, I guess. I would have to look at a map to give you any accurate indication, if there is a map available.

25

Q. I don't think I am allowed to do this, but we will get it into evidence somehow. Would you be able to mark on this map where the fire was situated as you saw it at that point in time?

30

A. I will certainly try. (witness marks map). I have just marked the map there. There are a lot of other marks on this map. I will try and shade it in, somewhere there.

35

Again, that is based on a distant observation. But again just having a little bit of knowledge of that part of the world as to where I placed that particular fire - or a spot fire, I should say.

40

MS CRONAN: May I approach, your Worship?

45

THE CORONER: Yes.

MS CRONAN: Mr McNamara has marked on the map two oval shapes which he has filled in with blue pen.

45

I will have that marked for identification at this stage.

THE CORONER: It might be just as well to get a photocopy if there are other marks on that map.

5 MS CRONAN: Yes, your Worship. If that could be marked for identification. I will have it exhibited properly in due course.

THE WITNESS: If I could reiterate that is best guess from some distance. But to my mind, that is
10 where the spot fires were located.

MS CRONAN: Q. You say in your statement that was late afternoon/early evening on the 17th of January?

15 A. That is correct. Again, with the daylight saving, it may have been around maybe 7pm, somewhere around there.

Q. You tried to contact ESB on the helicopter radio to report that observation?

A. That is correct, yes.

Q. The radio system was jammed?

25 A. By that stage, yes. We certainly had trouble getting through.

Q. You couldn't get through?

A. We couldn't get through.

30 Q. I think in paragraph 101 and 102 you say you saw both the fire from Bendora and the fire from McIntyre's Hut moving at that period at great speed under extreme fire conditions?

35 A. Again, it is difficult - perhaps to clarify that - it is difficult to actually say that was the McIntyre's Hut fire or that was the Bendora fire. By that stage, given what had happened at Tidbinbilla Nature Reserve with the spotover, there were spot fires. I can't say exactly that
40 was that fire.

Q. But you can say to her Worship what you visually observed and what you believed it was at that time?

45 A. Yes.

Q. When you landed at the Uriarra Reserve, you

made a mobile phone call to Mr Rob Gore?

A. Yes. In fact, I tried to contact the operations room within COMCEN and I spoke to Robert. I believe it was Robert, yes.

5

Q. Was this shortly after you saw what you thought was the McIntyre's Hut fire?

A. Well, a spot fire in that general area, yes. This is just as we have landed at Uriarra. And yes, I have got on the phone and I have made contact with COMCEN in terms of the operations room.

10

Q. What information did you provide at that stage?

15

A. I think, as I say in my statement there, I had some concerns. A series of large and significant fire fronts were moving across from the west, and generally the situation wasn't looking real good.

20

I reported what I believed to be the Stockyard fire in terms of the spots. Enormous rate that the winds were blowing down at Honeysuckle plateau area; this is the general Billy-Billy area. I explained the spotting. I said to him I had some grave concerns not only for Corin area particularly where Dennis Gray was located but I thought the fires were basically unstoppable in terms of reaching Mt Tennant.

25

30

I can recall vividly saying to Robert that I really felt that the village of Tharwa should have been evacuated or certainly consideration given to evacuating the village of Tharwa. I do remember making that call. It was a very big call, because at that stage to my mind we now had direct threats to built assets within the rural areas.

35

Q. Did you report seeing fire north of Mt Coree at that stage?

40

A. I believe I may have. I think I would have, yes. I was more worried I suppose about the Mt Tennant area through there. Again, the main reason for that is my kids go to school or went to school at the Tharwa school, so, yeah.

45

Q. In paragraph 104 you say it is your

understanding there was no comprehensive planning logistics and fire analysis at ESB on Friday the 17th of January, despite the threatening events that had unfolded that afternoon?

5 A. That is my understanding. I would stand to be corrected, but that's my understanding.

Q. You talk about any incident action plans therefore being formulated for the day-time crews on the 18th would be based on knowledge that occurred up until the early evening of the 17th, are you aware whether or not any incident action plans actually were formulated for the 18th at all?

15 A. I had no direct knowledge.

Q. In paragraph 105 you say an example of what occurred is clear from the arrival of Peter Galvin as the local incident controller at Tidbinbilla Nature Reserve on the morning of 18 January. Did you speak to Mr Galvin when he arrived at the nature reserve?

20 A. This is actually at the shift handover. This is around about 6am on the 18th of January.

25 Q. What did he tell you was his understanding of what he was to do there that day, what had occurred overnight?

30 A. Basically there was a handover from Brian Murphy to Peter Galvin in terms of what we had faced, if you like, on that Friday evening. By that stage there was significant developments in terms of the fire within the Hardy Range area, Pierce's Creek. There had also obviously had been some development in terms of the fire now reaching the outskirts around the sort of Tharwa/Mt Tennant area. So, yeah, there was some information that had been handed over to Peter in terms of what had occurred on that evening.

40

Q. You were involved in the firefighting activities overnight at Tidbinbilla Nature Reserve?

45 A. That is correct, yes.

Q. You say Brian Murphy had set up a local Incident Management Team by allocating certain

tasks to senior officers present?

A. Yes.

Q. That also included members of the New South
5 Wales Rural Fire Service task force?

A. Indeed it did, yes.

Q. Do you know how that management team was
working over that evening?

10 A. At the Tidbinbilla Nature Reserve. From what
I observed, it seemed to be working very, very
well.

Q. As well as managing the incident at
15 Tidbinbilla, it appeared to be feeding information
back to ESB?

A. I was aware that Brian was providing the
updates in terms of situation reporters back in to
COMCEN, yes.

20

Q. In paragraph 109, you say you have difficulty
in recalling throughout the course of the night
your exact movements and taskings. Generally can
you tell her Worship what your involvement was
25 with the firefighting overnight on 17 January?

A. As I indicate in my statement, I am having
trouble recalling exactly what I did. It was a
very long night. But I recall providing basically
the sort of local area agency rep type of role in
30 terms of informing Brian as incident controller of
some of the significant assets within the
Tidbinbilla Nature Reserve.

I can recall a discussion with Brian around about
35 possibly 3, 4 o'clock in the morning where we
actually discussed relocating significant assets
in the reserve; namely some of the animals we had
housed in the animal house into safekeeping.
Basically my role of providing local area
40 knowledge of the reserve. As well as assisting, I
can recall taking some crews down to Robert
Flint's location.

I can also recall now being dispatched up to
45 Birrigai. There was a report of smoke in or
around - fire in or around the Birrigai education
centre. We went up there and found no evidence of

fire in that particular area. So a variety of taskings that particular night.

5 Q. So was your role and the role of the people around you generally asset protection or were you still continuing with suppression --

10 A. No, we were continuing the suppression effort - oh, yes. Just as the night developed, I can recall moving towards more of one of asset protection in Tidbinbilla. The issue there was the fire coming over Pierce's Creek into sort of block 60, which is near Tidbinbilla Nature Reserve.

15 I can recall standing outside the nature reserve and actually watching this fire coming through the pines there. I think, as I say in my statement, it was almost like watching solar flares going off and this fire was racing through the pine forest.
20 It was quite remarkable to think at that time of night the pine plantation was burning the way it was.

I also recall having grave fears for Nil Desperandum, which is an old cultural homestead located near block 60, and thinking there it goes. It has burnt now.

30 Q. Nil Desperandum did burn out that night?

35 A. No. In fact, the fire got very close to it. Later on that morning just before the shift change, I can remember being tasked to go over to Nil Desperandum to provide something of a situation report as to whether or not it had survived. I can recall taking one of the light units over, in fact Brendan Smith was in the light unit, and driving in to Nil Desperandum and finding that somehow the homestead at that point in time was still standing. The fire was very, very close to it.
40

Q. Did that burn on the 18th?

45 A. I believe so. Later on that afternoon - or that day I should say - it burnt.

Q. Do you also recall being contacted by telephone by Odile Arman?

A. Yes, I can recall - I don't think Odile rang me directly. I think she might have tried to contact the local Incident Management Team at Tidbinbilla, and I answered the phone, yes.

5

Q. That explains probably what I am about to ask you. She asked your advice then about your back-burn at Tharwa; is that correct?

A. I'm not sure whether or not she actually asked for my advice or we had a discussion.

Q. At paragraph 112 on page 0085 I think you say that she said that Mr Val Jeffery wanted to put in a back-burn around Tharwa and you say, "She rang to discuss the safety and efficacy of the back-burn given the conditions and the vegetation." You gave her a recommendation in relation to that?

A. I certainly agreed, as I said, in light of what I had witnessed - I can't remember but this must be some time on the Friday morning - what I had observed in that flight of the helicopter. To my mind, it sounded like a pretty good idea.

Q. If we could go to paragraph 115 of your statement. You say:

"At approximately 6am the next morning, Mr Murphy commenced a handover with the incoming local incident controller, Mr Peter Galvin."

You were still up and conducting firefighting activities at that stage?

A. Yes, it had been a very long night.

Q. I think we have mentioned this before. You say:

"I believe at the time he was not fully aware of the enormity of the situation - that is Mr Galvin - as it had developed overnight."

You doubt whether he had been given any updated information, which you believe was due to a lack of a formal and comprehensive incident management team being established at ESB over the preceding

hours. Do you recall him saying anything to you at that stage that gave you that impression?

5 A. I have this recollection of Peter Galvin being somewhat amazed in terms of the development of the fire and that he was trying to come to grips with developments overnight.

10 Q. When you say he was keen to try and find out what crews and resources were available to him, he wasn't aware of what resources he was to command on that shift when he arrived?

A. That's my understanding. I am sure Peter can clarify that.

15 Q. At paragraph 117, one of the things that made the crewing arrangements for the day shift more difficult was the number of people that had self-responded to the Tidbinbilla Nature Reserve fire overnight. Can you explain that more fully?

20 A. I believe or I understand that there were a couple of crews that had been required perhaps to stand down or should have been expected to be standing down. For whatever reasons, and for reasons I have no knowledge about, they seemed to
25 still be around at Tidbinbilla the following morning.

Q. So people like Mr Gray stayed through the night because of the circumstances?

30 A. I believe so, yes. By that stage the situation had developed and people were doing their best, and obviously everyone was trying to help in terms of the firefighting effort.

35 Q. So you returned home at 8am after working some 16 hours straight and you updated your wife as to the circumstances as you had observed them overnight and noticed that she had packed the car with some limited possessions. You went to sleep
40 at that stage. And then at 10am she woke you saying the fire was crowning over the top of Fishing Gap which is part of the main range at Tidbinbilla?

45 A. Yes.

Q. Where is Fishing Gap in relation to your house?

A. To our house it is almost due west.

Q. What distance away?

A. Possibly six to seven kilometres.

5

Q. You say you were aware then that that was the Bendora fire --

A. It was certainly my understanding either the Bendora fire or Stockyard. It was one of the two of them.

10

Q. Can you describe the fire as you saw it coming up that western face of the range?

A. No. Not in words.

15

Q. Try.

A. No. It was just incredible. Again Fishing Gap was an area that I spent a lot of time walking and to stand in our backyard and look out towards the west and see this incredible wall of fire literally crowning at this time in the morning, which was roughly around about 10 o'clock. It was just the most amazing sight. I saw a lot of other sights later in that day that were amazing, but at that point in time it was the most amazing sight I had witnessed. It was quite intimidating. Michelle actually took a couple of photographs of this. It was an amazing wall of fire coming through.

20
25
30

MS CRONAN: Before we start on the 18th activities, your Worship, do you want to take a break?

35 THE CORONER: Yes, we will take a brief break.

SHORT ADJOURNMENT

[3.00pm]

RESUMED

[3.11pm]

40

MS CRONAN: Q. If we could go to paragraph 120 of your statement, you say having had some insight into the confusion down at the Tidbinbilla Nature Reserve visitors centre and the predicted severe fire weather, you realised that the nature reserve was not the place for a family. I take it you mean your family at that stage?

45

A. Very much so, yes.

Q. What did you do that morning?

5 A. Michelle had actually packed the car the night
before with limited possessions such as
photographs and a few things. Michelle had also
prepared the house. She had somehow got up and
cleaned the gutters out. She had water cascading
10 over the gutters. A lot of the material that we
thought that could burn was removed. Basically
she had prepared the house. She prepared the kids
to evacuate. Packed the car. And by this stage I
basically then took Michelle and the kids into
town.

15 I was very conscious, if you like, of the shift
changes that were occurring or people that were
coming and going in and out of Tidbinbilla Nature
Reserve area. I escorted Michelle in my command
20 vehicle out and took her into town. I think it
was around about Drakeford Drive somewhere I left
her there and headed back out to Tidbinbilla.

Q. So you arrived back at Tidbinbilla Nature
25 Reserve at about 12.30, 1 o'clock?

A. Around about then, yes.

Q. Can you describe what you saw when you arrived
back?

30 A. There was a lot of fire, a lot of smoke. I
actually went back up to our house at Tidbinbilla
there, and at that stage there was a grader that
Wayne Sayer had been up there. Wayne was one of
the grader escort drivers, if you like. The
35 grader had put a containment line around our
house. There was a Parks Unit up there as well, a
light unit at the house. I then told Wayne to
take the grader back out, back down to the nature
reserve entry, the visitors centre there, and
40 asked the light unit to stay with me for asset
protection for our home.

Q. Who was in the light unit; can you recall?

45 A. Geoff Filmer - I can't recall the other
chappie. It is remarkable actually, talk about
coincidences. Geoff Filmer had lived in the house
many years ago with his father. I can remember

this conversation with Geoff standing there saying, "I had lived in this house". It was one of those quirky things that here was someone who had previously lived in the house was now with me
5 in terms of trying to save the house from the fire.

Q. And Wayne Sayer came back?

A. Wayne Sayer, yes. Wayne self-responded in
10 that he came back up to the house to give us some assistance in saving the house.

Q. Is he a friend of yours?

A. Yes. I have had a long association with Wayne
15 Sayer over many, many years.

Q. So you were standing in your backyard at about 1.30-2pm. There were the four of you standing there waiting for the fire; is that right?

20 A. That's correct, yep.

Q. What were you looking at at that stage?

A. At that stage we had two main fire fronts that I was particularly concerned with. One of them
25 was what I referred to as being the spotover fire which was in the kangaroo enclosure - that location that I referred to from the previous day. That had now, by this stage, jumped the link road and was now burning up towards the pyramid area of
30 the Tidbinbilla Nature Reserve and making a run, if you like, towards our location.

We then also had the Fishing Gap crown fire which by that stage had burnt down into the valley floor
35 itself. So we had two main fire fronts.

Q. You had one to the north of you and one to the west?

A. No, probably one to the west and sort of one
40 to the south of us, I guess, would be the best way of describing it. Basically there was a lot of fire in the valley.

Q. Facing these two fire fronts, what did you
45 decide to do?

A. We decided to try and protect my home. I was reasonably confident at that stage too that we

would be able to do something. As I said before, Michelle had prepared the house remarkably well. I can recall standing there and actually having water cascading over the gutter and actually
5 hitting me on the back of the head. The lawns around the houses were very, very green. Where the house was located wasn't surrounded by heavily forested timber, we were basically up on a hill. There was basically grassy open country all the
10 way around us. There was a containment line around us, two or three blade widths wide. Reasonably confident that things were going to be okay.

15 Q. As a precaution, did you identify exit routes and a safety zone?

A. Very much so. As I think I have said all the way through my evidence, one of the things I was so concerned about was the safety and welfare of
20 the crews we had with us. I can recall talking to Geoff Filmer and his partner and Wayne, saying, "look, the way I read the situation, the pyramid fire will pass through to our south. When that does pass through that will give us a blackened
25 out area. That will be our safety. That will be our exit route. If it goes all very pear shaped in terms of direct threat to our lives, that is where we need to be heading towards". I asked them if they understood that. They all understood
30 that. That is basically what we agreed to be our exit strategy.

Q. Where did you position yourselves?

A. We were on the back lawn, which is to the west
35 of the house.

Q. Were all of you on the west of the house?

A. Yes. We had the light unit. We had backed the light unit up. Again, we made sure if we
40 needed to hop in the light unit to get out that the gates were open around the house itself and we had a clear exit route for the light unit if required. We positioned the hoses in terms of where we thought the fire was coming. I had made
45 sure that everyone was wearing their personal protection equipment. We had access to water in terms of we actually had an outdoor spa. I said

to the guys, "Again, if you need to cool yourselves down, this is where the water is." Yeah, we had sort of prepared ourselves.

5 Q. Which fire front came through first?

A. I believe what I call now the pyramid fire, which was originally the spotover fire. It crossed the link road and it moved up onto near the pyramid and that passed to our south.
10 Basically, as I predicted, it went past the house. It burnt part of the chook shed. That was an amazing sight seeing the chooks burn. It kept on heading to the south of us. The guys started putting a bit of water on that. I said, "No, look
15 we need to conserve our water. That is not going to the main problem for us. The main problem is going to the western front coming up towards us." We let that fire front pass through. We thought that wasn't too bad. On for the next front.

20

Q. The next fire front you were facing was coming from the north-west?

A. No, by that stage I think it was probably from the west, which is from the main range. Then
25 later on in the day there was a fire coming from the north-west, which is basically out of block 60, which is the pine plantation just adjacent to Tidbinbilla Nature Reserve. That's the one that really caused us some strife.

30

Q. Could you describe the fire front that came through from the north-west from block 60?

A. In words it's incredibly difficult. It was like sort of being - by this stage we had sort of
35 tried to position ourselves in terms of actually fighting this fire. Again, I made it very clear to the guys how to get out. What was the best exit route for the vehicle. We made sure the gates were open. By this stage it was just all
40 consuming. It was like being inside an inferno. I have got this vivid recollection of being pelleted with embers. It was absolute chaos. The winds, the sound of the fire was amazing. I have never ever heard anything like it. It was just
45 incredible. Basically it just got to the stage where, yeah, I honestly thought that we were going to die.

Q. As it came through, were you trying to fight the fire with water?

A. Very much so, yes, yes. We had the light unit set up there. Wayne was actually inside the light unit. By that stage Geoff Filmer and his mate, I had no idea where they were. It was absolute chaos. By this stage it was just like being inside an inferno, like a furnace. I had no idea where the other guys were. Hopefully, they actually remembered where the exit routes were and had got themselves out. I can recall standing there with the hose and trying to put the fire out as the fires were coming over the top of the light unit.

15 The other complication we had was there were live power lines around us. I was very conscious to make sure we weren't at any direct threat from those power lines. and, yeah, attempted to put the fire - as best we could. By that stage, it was just all over us.

Q. Was Wayne still in the light unit when the flames actually came over you?

25 A. Yeah. At that stage, yes. My recollection is I actually got knocked to the ground. I actually had a face cloth on and had been using it to keep it damp. I have got this recollection of my face cloth actually catching alight and feeling the intensity of the fire on my face. I actually got burnt on the nose and on the ears and on the cheek. I can recall falling over and trying to get my goggles off and get the helmet off and taking this facecloth, which was now well ablaze on my face.

I was getting up and trying to work out where Wayne was. I couldn't see him. I thought he left the vehicle and somehow got away. As I got closer to the vehicle, I could see what I thought was something lying on the front bench of the vehicle with a blanket over the top of him. I tried to get him out - at this stage the fire was coming right over the top of us. I just got knocked on the ground again and somehow just crawled away from that particular location.

Q. Do you know where you crawled to?

A. Somehow I found myself at the southern end of our house, which was sort of near where the water pump was. I can recall just crouching there and
5 honestly thinking that Wayne had been killed. And, yeah, sort of thinking that things had taken a turn for the worst.

I can also recall actually looking out towards the
10 west and seeing our picnic table, which actually sits on this green grass, burning in front of me. There was no sign of flames anywhere near it. Just seeing this table burning.

15 Q. From radiant heat?

A. I believe so, yes. Yes. And, yeah, somehow thought that I had to go and find the other guys and see where they were and crouching there. The embers were coming over the top of me. The winds
20 and the roar was amazing.

I then found myself back inside the house and I got this recollection of standing in our study and finding Geoff Filmer and his mate. I was so glad
25 to see them. It was seeing these guys standing there. They must have walked down to our kitchen and got some milk out of the fridge. They are standing there in the study pouring milk all over their face to try and get the smoke out of their
30 eyes. I can recall thinking to myself that Michelle wasn't going to be real happy with that because there was milk going everywhere. It was going all over the computer. It was going all over the place. It was bizarre that I was
35 thinking I was going to get in trouble for this. As it turned out, this was the least of my concerns.

40 Q. Certainly the fire was all around the house by that stage?

A. By that stage, yeah. Yes, and the way our house was designed, it was a very long corridor and a walk from where the study was down to the kitchen. The kitchen actually faces the
45 north-west with this - it used to have - an amazing view out to the west there. I can recall standing at the kitchen sink and looking out and

seeing my vehicle, my Holden Rodeo vehicle, which again I positioned so it was facing out, just burning. It was just exploding. I couldn't quite work out the relationship of where the light unit was to that vehicle. There was just smoke and fire all the way around us.

It was around about at that time, standing looking out of the window that our kitchen window just blew open. I assume it was the fire just cracking the window. The only way I can describe it, as I think I described it in my statement, is it was like a hungry monster trying to get inside the house. Once the window had broken and it had the oxygen that was inside the house, there were flames licking in over the top of my head coming into the kitchen. That was an amazing sight.

Q. You looked at the clock at about that stage?
A. Yeah. I can recall turning around and looking up at the kitchen clock. It was about 10 minutes past 3. It was around about then that I thought this ain't no place to be standing. I can recall walking back up the corridor and looking into the dining room. By this stage the curtains in the dining room were well ablaze. There was this fire licking up the side of the curtains up to the roof. The window in the lounge room had blown open. Again there was just fire coming in through the lounge room area there.

I can recall walking past Gemma's room. Again, the window had blown open. The bed, which was well away from the window, was just burning. It was just amazing. Nothing else was burning inside the room, but her bed was burning.

Then we walked up to the end of the house, up to where the study was. The guys were still standing there. By that time they got rid of all the milk. There was a hell of a mess in the study. I said, "There is no point. We have fire all around us. the front of the house is burning. We are just going to get out of here." Remarkably, this is the part I recall, we walked out. We didn't run. There was no panic. We just walked out. We walked out to where the fire had previously

crossed and we had established a safety route, a safety exit point, and sort of walked out and sat there. It was the most eerie walk I had ever done.

5

Q. You previously identified that safety zone?

A. Yep.

Q. You just walked to there?

10 A. Yep.

Q. Did you know what was happening with Wayne at this stage?

15 A. No. By that stage, no, I had no idea. As I said, we were sitting there to the south of the house absolutely just shocked. And honestly I held grave fears, if my vehicle had caught alight the way it had done, if the house had burnt the way it had done, there would be little hope for
20 Wayne. I can recall thinking how was I going to explain it to his wife.

Q. After about 10 to 20 minutes, you were able I believe to get around to the front of the house
25 to see --

A. By that stage we had got around to the western part of the house. We worked our way around to the west there. The house by this stage was just completely ablaze. That was an amazing sight,
30 just to see the house burn. To hear the noise. By this stage, the wind or the fire if you like was ripping the corrugated iron off the top of the roof. It was almost like the way you peel a banana with the corrugated iron flying off. The
35 noise and the sound. Then watching sections of the house just sort of cave in. Yeah, it was pretty amazing.

Q. Did you see the light unit again?

40 A. Yeah. By that stage the smoke I suppose had cleared and there was this light unit somehow miraculously still sitting there completely - not untouched - it certainly wasn't burnt. I think Wayne must have moved it. He must have moved it
45 from where it originally was. This is why I couldn't see it when I was inside the house. I think I walked up to the light unit and saw this

big smiley face looking at me. It was, yeah - to say that I was relieved to see him would be an understatement.

5 Q. The four of you then sat down and watched your house burn down for a while?

A. Yeah, once we got Wayne back. The fire front had then passed. It was heading up towards over Birrigai. We then sat there and exchanged a few
10 pleasantries, which I won't repeat here for obvious reasons. I think we might have even had a couple of smokes and a bit of water - just in shock. Absolute shock.

15 Q. Eventually did the four of you drive back to the Tidbinbilla Nature Reserve visitors' centre?

A. Yes, we did. We hopped in the light unit. It must have been the light unit. We drove back down to the visitors centre. Again, that was the most
20 eeriest drive I have had in a long, long time. I was living out there for many, many years. I was very familiar with the road and the various points along the way.

25 Driving down past the education centre - it was totally destroyed completely burnt - there was this massive big tree which I had know for many, many years to be outside the education centre. It had just blown over. It was like a toothpick. It
30 had just snapped and blown over. I can recall driving back towards the visitors' centre up the front and seeing kangaroos that had obviously been badly burnt, just running around. I can recall an emu running around in circles. I thought - it
35 looked like it still had smoke, if you like, coming out the back of this emu. Like, I've got no idea, but it is just running around in circles.

The other eerie sight I can recall is actually
40 seeing the toll booth at the front of Tidbinbilla Nature Reserve where it had actually blown over. Like a cyclone, it just knocked this thing over. We had to drive around that and got it back to the visitors centre out the front there. And the
45 first person I can recall seeing when we got back there was one Peter Galvin. Again, I think we exchanged pleasantries, which I won't repeat here.

Yeah, yeah.

Q. You were able to make a phone call to Michelle?

5 A. That took some time, actually. That was probably one of the most frustrating things of it all. The mobile network had just clogged up, I suppose. It just blocked up. I couldn't get out. The phone lines at Tidbinbilla, we couldn't get
10 out through. Obviously my satellite phone was in my vehicle, so I couldn't use that. It took quite some time to get through to Michelle. I eventually got through to her.

15 Q. You realised at some stage that you had received a number of injuries; is that correct?

A. Yeah. As I said before, with the face cloth catching alight my nose, the tip of my nose burnt, burns over my face, and my ear, the back of my
20 neck. Sorry, the paramedics were there. They gave me some firstaid and ointment and cream and whatever it was.

Q. And eventually you drove with a Mr Geoff Underwood back to Canberra?

25 A. Yes, with Geoff. Geoff Underwood was a resident. Geoff also lost his house at Rock Valley, which was actually down below from our house. Geoff and I drove back into town. On the
30 way back in, we actually stopped at Birrigai. Geoff's children were living in Birrigai at that point in time. We drove around Birrigai. The house where the kids were living and Simone's house was totally destroyed. Birrigai was
35 completely razed. There were kangaroos dead all over the place.

We drove along Paddy's River Road and again an area which I had known so well, in terms of
40 driving backwards and forwards there for so many years was totally unrecognisable. I didn't recognise where I was. I can remember coming across Point Hut Crossing - again an area I know very, very well - just not recognising it. It
45 just didn't seem familiar. Just this eerie orange smoke hanging around.

Q. When you reached that crossing, did you look towards Canberra?

A. Yes, yes, yes.

5 Q. What were you able to see from that point?

A. From where I was, obviously it is difficult to see the northern parts but it looked like the fire had well and truly, yeah, it was in the urban areas - the edge I should say, the urban edge.

10

Q. Did Geoff drop you off in Monash?

A. Yeah. I can remember going to a Shell service station. For some reason we needed to get fuel, which seemed to be a bit bizarre. We called in
15 there. I can recall walked into the service station. Obviously I still had all my fire gear on. My face burnt, what have you, and paying for this fuel. I can remember this console operator staring at me and her jaw dropping and she was
20 looking at me and saying, "What the hell happened?" I said, "There has been a bit of a fire." I think she was in more shock than I was as I walked in.

25 Sorry, to answer the question, we then drove back up to Monash. And then, yeah, saw Michelle and the kids. That was a relief.

Q. I think in your statement you describe the
30 whole experience as a terrifying experience that you didn't think you would walk away from; is that correct?

A. No. There is a couple of points there, particularly crouching behind the house there that
35 I honestly thought that things were grim and feared for my life, yeah - Mmm.

Q. You took four or five days off work and, when
40 you returned to work, your involvement was with post fire recovery rather than suppression; is that the case?

A. That's correct, yes.

MS CRONAN: Thank you, sir. I have no further
45 questions.

THE CORONER: Thank you, Ms Cronan. Mr Lakatos,

do you have any questions?

MR LAKATOS: If I could go at the end, if it please, your Worship.

5

THE CORONER: Mr Pike.

MR PIKE: Very briefly.

10 **<CROSS-EXAMINATION BY MR PIKE**

MR PIKE: Q. I know it has been a trying ordeal recounting all these things again today. Let me take you back a bit to a bit earlier in your evidence this morning. Do you remember being asked some questions about your training as a RAFT team member and the type of training that RAFT members were provided. I think you said words to the effect that you attended a New South Wales RAFT training exercise some time previously?

20 A. Yes, that's correct.

Q. Of course, that sort of training is to be distinguished from the regular updating RAFT training that you all received?

25 A. In terms of pre-season refresher training, yes.

Q. You get that every year, I take it?

30 A. Yes. Refresher training, yes.

Q. The only other thing I wanted to ask you about was concerning the information that you were getting on the evening of the 8th prior to going into the fire on the 9th, I think it is correct to say that you had a radio conversation with Dennis Gray when he was in the process of withdrawing on of evening of the 8th and he gave you a bit of information then?

40 A. That's correct, yes.

Q. You started off that conversation by saying, "Look, do you mind if I call you at home later on, and we can get a bit more information then"?

45 A. That's correct, yes.

Q. I think you did have a conversation with him

later on that evening after that one?

A. That is correct. Yes.

5 Q. Of course Mr Gray himself never made it to the
fire that night. In terms of being able to
describe things like access and the general
terrain and any other information that could be
provided, he was a person in the best position to
provide that information?

10 A. Yes. Dennis gave me an idea of where he
arrived, the Ginini carpark, and the attempt he
made to access the fire from that location. I
certainly - again, having knowledge of that area -
could see it was going to be very, very difficult
15 for Dennis to get to the fire from that location.

Q. In terms of the provision of information to
you, as much as could be provided, he was the one
who was in the position to do that?

20 A. Dennis certainly did provide information to
me.

MR PIKE: Thank you, your Worship.

25 THE CORONER: Mr Whybrow, do you have any
questions?

MR WHYBROW: Before I ask any questions, could I
formally seek your Worship's leave to appear for
30 three upcoming witnesses - I do that now because
in their interests I may have some question - they
being: Ms Vivien Raffaele, Brian Murphy and Rick
Hayes.

35 THE CORONER: Yes. Any objection to that,
Ms Cronan?

MS CRONAN: No, there is no objection.

40 THE CORONER: You have leave to appear for those
persons, Mr Whybrow.

MR WHYBROW: I note my apologies for not being
present for most of Mr McNamara's evidence. I was
45 seeing at least two of those people today. I have
received some instructions about some of the
evidences and it may be that I do not need to ask

any questions. Could I request that Mr Walker go first in that sense.

5 THE CORONER: Certainly. You don't mind, Mr Walker?

MR PHILIP WALKER: No, not at all.

<CROSS-EXAMINATION BY MR PHILIP WALKER

10

Q. Mr McNamara, just on the issue that Mr Pike touched on, some of the terrain at the Stockyard Spur area, I gather it was extremely difficult terrain to get to and to work in; is that right?

15 A. That is correct, yes.

Q. You have had a good deal of experience fighting fires in the ACT and also in the Northern Territory. Would you rate it some of the most difficult terrain that you have had to work in?

20 A. Very much so, yes.

Q. Is it possible to just give some brief description of that terrain here or is it the sort of thing that you really have got to see to understand?

25 A. The latter, Mr Walker, to do it justice. It is very remote; it is very rugged. A lot of granite outcrops. It is heavily forested. A lot of material on the ground. Deep, heavy understorey of debris and shrubs with a very, very dense canopy of mountain gums, snow gums. As you move down the elevation you get into brown barrels fastigata, river gum. It is a heavily forested mountain environment.

Q. It is common for bushland such as the area of Stockyard Spur to actually have - I am sure you would have a better name for it - debris hanging up in the trees, is that the case?

40 A. Yes. Elevated fuels is perhaps another way to describe it. Yes, certainly a lot of materials both accumulated on the ground as well as within the mid-storey and upper storey of the canopy in the forest.

Q. That presents a hazard situation to the

firefighters; does it?

A. Yes.

Q. And I dare say more so at night?

5 A. It can do at night. It is something you need to be aware of both during the day and at night time. Limbs can fall down any time of day and night, and there are other hazards, yes.

10 Q. You in the very early days - I take it in one sense any fire to the west of Canberra is capable of burning from the ranges all the way through to the coast - theoretically?

15 A. In theory I guess so, yes, given the right circumstances in terms of --

Q. I take it in the very early days of 8th and 20 9th of January, concerns relating to Canberra weren't a realistic concern to you at that particular time?

A. To me personally on the 8th and 9th?

Q. Yes.

25 A. No.

Q. If we were prepared to indulge in mere theory, one could say any fire that ever breaks out in the Brindabellas has got to be viewed as a threat to the city of Canberra, at a purely theoretical 30 level?

A. Yes, very much so, yes. Particularly from the west.

35 Q. That's not the way the system works in the way people sensible respond to fires in those areas when they first ignite?

A. Sorry, I am not following the question.

40 Q. One does not ordinarily regard every fire that ignites in the Brindabella Ranges as an immediate threat to the city of Canberra?

A. No, not as an immediate threat. Not in the early days, no.

45 Q. You mentioned in the course of your evidence-in-chief being able to suppress some fires that you had encountered in the Brindabellas

quite quickly because, as good fortune had it, you were quite close to them at the time they ignited.

5 A. As part of my responsibility in those days as area ranger, on high fire danger days, yes, I stood up and I was on patrol in the area and was able to assist in locating the seat of the fire, yes.

10 Q. What time of day were these fires that you were talking about?

A. I could only give you an approximate here. They would have been perhaps in the late afternoon - 3 maybe 4 o'clock. This is the lightning strikes I would be referring to.

15

Q. How many people were with you?

A. Sorry, I'm not quite with you. The one that I --

20 Q. The fire you said you were able to put out fairly rapidly, did you have people with you?

A. No, I was by myself. I located the fire and called into COMCEN the grid reference. I can't recall the number of crews that were responded.
25 At that point of time the weighted response was appropriate and we were able to contain the fire very quickly. Mainly because we could find the fire very quickly. A lot of the times once there have been reports of smoke, it takes some time to
30 find the seat of the fire. In the instance I am referring to, I literally drove onto the fire.

Q. If we go to paragraph 29 of your statement, you mention in that paragraph, and paragraph 31,
35 you took a little time in organising crews when you went to Bulls Head to get them to go to Stockyard Spur fire on the 9th of January?

A. That's correct.

40 Q. I gather from the record of conversation that you had there is always a degree of sorting things out at a staging post such as Bulls Head?

A. Yes.

45 Q. Do I gather that, although you said it took some time and we would all hope these things would happen more quickly, you are not making any

particular criticism in that respect?

A. No. No, I am just making a comment that, when you first arrive in these areas, these things take time.

5

Q. In your statement, you don't appear to give an indication of what you were doing on the 10th of January. Did you go into emergency services on the 10th of January?

10 A. I now have a recollection that on the 10th of January that, yes, I did attend at ESB at Curtin.

Q. Was it the case that, when you were at ESB on that day, one of the things that was asked of you was to provide your knowledge about the fire trails around the Bendora fire?

15 A. Not so much - it could have been the Bendora fire. I can actually recall, as I said, it is only in the last day or so in terms of preparing for these proceedings that I can recall having a conversation with Tony Bartlett about containment lines or breaks that Tony wished to put in around the pine forest adjacent to Mt Coree there. Because this area had a direct relationship with the national park, Tony was seeking some advice in terms of my local knowledge of that area. I can recall that conversation with Tony.

Q. Correct me if I am wrong but I don't understand you to be making any major criticism about according the Bendora fire a priority; you just raised a question about it.

30 A. I just raised a question. I at that stage had no knowledge of the intensity of the other fires or the behaviour of the other fires. I just knew about Stockyard. At the end of the day, there were others that had a much bigger, holistic view of the multiple fires that we had in the Brindabella than I. It wasn't meant as a major criticism.

Q. I didn't interpret it that way. You made that quite plain. Around the Bendora fire, there were some roads which appear on maps but which are not necessarily immediately effective fire breaks, Warks Road being one?

45 A. Sorry, I didn't quite - Warks Road?

Q. Warks Road, to the north of Bendora fire, did that require some work on it before --

A. In terms of making it to the stage where it could be seen as being a bare earth mineral
5 containment line, yes, it required some work.

Q. So as far as you saying that there were more defined compartments around Bendora than there were around Stockyard Spur, that wasn't completely
10 the case, I gather, from what you have just said about Warks Road?

A. No, what I am referring to in Warks Road is it required work in terms of a grader to remove the vegetation, the grass cover that had grown onto it
15 and covering it, to get to a stage where it was a bare earth mineral containment line break.

Q. That is the point. There was a certain amount of work that had to be done, even on Bendora,
20 before Bendora could be completely surrounded by mineral earth fire breaks?

A. That is correct. Yes.

Q. Sorry, I am using a terminology off a map.
25 You may refer to what I have referred to as Warks Road as Bendora Break. Do you know the area I am talking about?

A. Oh, yes, yes.

Q. That was an area which required some work before it was an effective fire break; was it not?

A. Yes. That required substantial more work than Warks Road, the discussion we just had.

Q. In fact, the terrain of Bendora Break was somewhat difficult to work on; was it not?

A. On Bendora Break?

Q. Yes.

40 A. Very much so, yes.

Q. In your words, you describe the difficulties encountered in putting in a break in that area?

A. I actually wasn't directly involved with the
45 construction of that break. Again, having --

Q. From your general knowledge?

A. From my general knowledge, that would have required considerable effort in terms of a dozer in opening up the break.

5 Q. Did you provide advice about matters such as Bendora Break when you were at ESB on the 10th of January; do you recall?

A. I may have done, Mr Walker. I may have done. Yes.

10

Q. To whom might you have provided that information to?

A. It may have been to the planning team, possibly to representatives from the OPS area, operations area.

15

Q. Just a point you have already touched on a little: at paragraph 56 you refer to the absence of back-burning during the particular fire campaign. Again, is that something you are necessarily making a criticism about or is it merely a reflection?

20

A. It is just a reflection. It is just an observation that, up to that point in time, we hadn't used back-burning operations to fight that particular fire. It was just an observation.

25

Q. I think you have probably already touched on this. Back-burning operations can be a hazard in themselves, particularly in terrain such as the 2003 fires in the Brindabellas; is that right?

30

A. It can be, given the amount of fuel, weather patterns and the amount of resources you may have at your disposal in making sure the back-burn doesn't get away, yes.

35

Q. In fact, there had been instances, had there not, where firefighters have been killed by fires that have actually broken out from back-burns?

40

A. I believe that to be the case, yes.

Q. I take it your position would be that it is an exercise in judgment as to when and where that sort of firefighting technique is used?

45

A. Indeed. Judgment as well, and experience.

Q. You yourself I think had not had particular

experience with back-burning in terrain such as this; is that right?

A. At that point in time.

5 Q. At that point in time. All right. And yet, if I recall your record of conversation, you had not been critical about the level of training you yourself had received for the position which you occupied at that point in time?

10 A. That's correct.

Q. You considered it to be adequate?

A. Yes, yes.

15 Q. I am wondering if you can help me with this, Mr McNamara: are you able to give us some indication of at what point bulldozers had to be taken off floats to get them to the Stockyard Fire? Now I appreciate it may depend on the size
20 of the bulldozer. At some point they need to be defloated and then walked; is that right?

A. That would be correct. To get into the Stockyard fire, yes, that is correct.

25 Q. Are you able to - by size of dozer if you like - give us some indication at what point that defloating of bulldozers had to occur and how far each size of bulldozer had to walk to that fire?

30 A. Not with any degree of accuracy. Obviously, I have no experience or knowledge in terms of how to drive a float into these locations, into these areas. I've had no experience in terms of actually operating the bulldozer. It would take some time to --

35

Q. If you wish, if it makes it easier for you, please give your answer by either an approximation of distance or an approximation of time from the defloating point to the fire, if you wish? If you
40 are not capable of doing so, say so.

A. It is difficult, Mr Walker. My experience, it depends a lot on the skill and capability of the dozer operator in terms of how far he feels confident that he can actually float a machine
45 with a dozer on the back of it along the Mt Franklin Road. I have knowledge that there has been dozers floated up to Mt Ginini carpark, for

example, which is quite some distance along Mt Franklin Road. It comes down to the particular experience and confidence of the driver of the machinery in terms of the float.

5

So really it is a very difficult question to answer. I really can't give you an answer other than it depends on the experience and confidence of the gentleman who may be operating the truck.

10

Q. It was the case, was it not, that dozers had to be defloated some distance back from the Mt Ginini carpark?

A. Indeed.

15

Q. And walked along the Mt Franklin Road?

A. Indeed. My understanding was, certainly observations were that bulldozers were floated up to Bulls Head, and then from Bulls Head the machines then worked their way down into the Bendora fire, for example.

20

Q. Does it follow that those that went to Stockyard had to walk from that sort of distance?

25

A. Yes. Again, I go back to my original answer in terms of it depends on the confidence and experience of the operator. If the operator felt they couldn't get down to the Ginini carpark, they would then go to Bulls Head and then the machine would have to be walked in from Bulls Head.

30

Q. The difficulty of course with a float, especially with a large dozer, is once you drive down you can't actually do a 3 or 33-point turn to turn the float around?

35

A. It does become difficult although, again, I haven't got any experience. But, yes, it is difficult. I would imagine it would be very difficult. Yes.

40

Q. I won't press the matter any further. In paragraph 79 you mention that you were at ESB and you looked after radios and you say there was nobody else taking planning or logistics roles. Did you have a detailed knowledge of what planning and logistics arrangements had been put in place before you actually took over that role that

45

night?

A. No. I had no detailed knowledge.

Q. Is it fair to say that there are situations in
5 the combating of a fire where a plan may be put in
place and a certain amount of time has to elapse
just to see how the plan goes; it is not
necessarily that a plan gets changed hour by hour,
minute by minute all the time?

10 A. That's correct, yes.

Q. It might on some occasions be like that, but I
dare say there are some occasions where you put a
plan in and see what happens?

15 A. Yes, indeed, in terms of seeing how successful
it is, yes.

Q. To your knowledge, is that the circumstances
which may have prevailed on the 16th of January,
20 that night, when you were at ESB - that was what
was happening or do you not know for certain?

A. No, I don't know for certain.

Q. At paragraph 73 - it is a matter that you were
25 taken to a little before - you spoke about some
delays about new tasks or plans that came from
ESB. Again, are you making a particular criticism
there or is it a reflection that sometimes there
was some delays?

30 A. No, it was more an observation. Sometimes it
just seemed to take a long time for information to
flow. I fully appreciate the complexity of the
task at hand that confronted ESB. They had
multiple fires in the area. I guess it was an
35 observation I was making.

Q. I gather you wouldn't cavil with the notion
that there is a certain amount of planning and
setting of objectives which is more localised and
40 can really only be determined by the person on the
fire scene?

A. In terms of what is actually happening in real
time on the fire ground, yes, that is --

45 Q. That is where it has got to be done?

A. That's where it's got to be done. It depends
which point of the fire you are referring to.

That information needs to be fed back into, to my mind, ESB so they are aware also of what is happening on the ground. There needs to be a flow of information, a communication.

5

Q. In fact, going back to paragraph 39 of your statement, that is in fact an example of you doing precisely that thing of setting some objectives and so forth at the local level. That is not something that you would expect Curtin really to be contributing to or even capable of contributing to?

A. That's correct. They obviously have no insight into exactly what is happening on the fire ground. So that is an example, yes.

Q. I think you acknowledged earlier on at least at the somewhat more macro level of planning, because there are a number of different integers that may in fact be more slower than what would occur at a more local level?

A. Yes, that's correct.

MR PIKE: I have a conference with somebody else shortly. Would you excuse me for the afternoon?

THE CORONER: Yes.

MR PHILIP WALKER: I do note the time. Maybe that is a convenient time, your Worship.

THE CORONER: Are you going to be much longer? I am conscious that if we are not going to be much longer I would rather Mr McNamara be excused today. That is not to rush you.

MR PHILIP WALKER: I would have to be at least 15 more minutes.

THE CORONER: Then Mr Craddock, Mr Watts and of course Mr Lakatos and Ms Cronan. It might be just as well rather than rushing it to adjourn.

Are you able to come back tomorrow morning, Mr McNamara?

THE WITNESS: Yes, of course.

THE CORONER: We will adjourn until tomorrow morning at 10am.

**MATTER ADJOURNED AT 4PM UNTIL THURSDAY
5 22 APRIL 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 39

Thursday, 22 April 2004

<BRETT MYLES MCNAMARA RESWORN

5 MR WHYBROW: Before Mr Walker resumes, I note the
next two witnesses after Mr McNamara are Mr Hayes
and Ms Raffaele for whom your Worship has granted
me leave to appear on behalf of. I put on notice
10 the ACT's solicitors, who I understand have
notified counsel assisting, that I have a
difficulty after 3 o'clock today with a client in
the Mental Health Tribunal. If either of those
persons are still being examined, I would make an
application that we finish early today. I
15 apologise having to do that. I know we have
already lost a lot of time and it is at my
request. Given these witnesses are my clients, I
would ask if we are still going at 3 o'clock with
either of those could we finish early today.

20

THE CORONER: We will see how we go, Mr Whybrow.
Who is the next witness after Mr McNamara?

25 MS CRONAN: After Mr McNamara will be Mr Tony
Greep, who will be a very short witness dealing
with the 11th of January. Then Mr Hayes and
Ms Raffaele will be after that.

30 THE CORONER: I am sure that will be accommodated,
Mr Whybrow. It is not that big an ask, I suppose.

35 MR PHILIP WALKER: Before beginning
cross-examination, I haven't had the opportunity
to speak to Ms Cronan about this, but my
understanding at the present time is that counsel
assisting is not actually putting out lists of
witnesses in advance, some sort of timetable for
witnesses. Am I correct in that assumption?

40 I am receiving the information about which
witnesses are coming up and when through the good
officers of the ACT Government Solicitor. I am
wondering whether I am mistaken and whether
counsel assisting is putting out a list. If I am
45 not and that is in fact not occurring, I would ask
that it occur and that we get it directly from
counsel assisting so as firstly not to trouble the

ACT but also to get something in which if there is a change one cuts out the middle man and any possibility that someone said, "I told somebody X and they have reported Y."

5

MS CRONAN: After the evidence last week, we had a meeting and did a review of the witnesses. The witnesses have been a bit of a moving feast in the last few weeks because of people's unavailability. We are working on firming up a witness list and we can give people advance notice of when it is proposed to call witnesses fairly soon.

10

THE CORONER: And directly to all parties.

15

MS CRONAN: Yes, directly to all parties.

MR PHILIP WALKER: I certainly wasn't party to any meeting. I dare say it is probably one entirely within the DPP. Could I ask that be done as soon as possible.

20

Secondly, whilst I appreciate that there is doubtless a great deal of effort being taken on the side of the DPP to accommodate people's availability and all the rest and I understand the difficulty that presents, but the sooner it is circulated we can at least plan. If a list is circulated, there is a tendency to try very hard to hold to it. From my point of view, every time it changes one tries to deal with these things a bit on the run. It does potentially create some difficulty if there is, firstly, not a list and, secondly, if there is a list and it frankly changes too much because you are not prepared for the people who are coming on.

25

30

35

THE CORONER: I understand, Mr Walker.

40

MS CRONAN: Can I just say, we will circulate a list as soon as it is finalised but we can't guarantee that it is not going to change in change of circumstances. We will do the best we can.

45

THE CORONER: That is the best that can happen, I think, Mr Walker. I know that there have been various lists circulated. It was always the plan

that they be updated and revised. I do take your point, as best as I suppose a list can be prepared and as much certainty as can be put into particularly the next group of witnesses, then
5 information should be given to you in a timely fashion.

MR PHILIP WALKER: Could I also ask in relation to that when one is published that printed updates be
10 circulated. The reason I actually put this on the record is that I have been in some of these situations before where, unless there is some record of the time at which notification has gone out, it makes it rather difficult to stand before
15 you, should the eventuality ever occur and say, "I can't deal with this witness because I didn't get notified at a particular time". So what I am actually asking for is that a witness list be circulated and it be continually updated for each
20 and every change to all parties so everybody is kept as up to date as possible about the changes, which I understand will occur from time to time.

THE CORONER: I think that is what Ms Cronan has
25 undertaken to do.

MR PHILIP WALKER: Thank you, your Worship. Thank you very much.

30 THE CORONER: Are you ready, Mr Walker, to continue?

MR PHILIP WALKER: Yes, I am.

35 **<CROSS-EXAMINATION BY MR PHILIP WALKER CONTINUING**

35

MR PHILIP WALKER: Q. Mr McNamara, you mentioned in your statement it was on the 16th that you saw this newspaper article and thought there was some potential threat to Canberra; is that right?

40 A. No. I didn't actually think there was a potential threat to Canberra itself. The view I formed was one of a case of history repeating itself.

45 Q. It was more general than the way I put it; was it?

A. It was more as a general observation. As I

said yesterday in my evidence, it was just one of those points in time where the hairs on the back of my neck stood up and I thought to myself, "This is a case of history repeating itself." The other
5 remarkable thing about it is that it was almost to the same day some 64 years later.

I didn't at that point in time form any view that Canberra was under any direct threat as a result
10 of reading that.

Q. You refer in your record of conversation to some difficulty with New South Wales crews because of the chain of command problem. Did you
15 personally experience that?

A. Yes, I did. This was at Tidbinbilla Nature Reserve on Friday the 17th. When they first arrived at the Nature Reserve, there was, as I said yesterday, some degree of confusion,
20 certainly in my mind in terms of the command structure that New South Wales Rural Fire Service had in place. That to some extent comes down to lack of familiarisation with their structure in terms of recognising who is who.

25

Q. There was also some uncertainty about New South Wales knowing precisely where to go and all the problems one might imagine with somebody new to the area?

30 A. Initially, yes. Certainly at Tidbinbilla on that afternoon, yes.

Q. I take it that is not unusual when brigades come some distance to a fire?

35 A. No. Yes, there is a certain degree of time that is required for people to become familiar with the environment which they are working in.

Q. Whilst it is a probable, it is not
40 exceptional?

A. No. It is not exceptional in terms of its occurrence but it does occur.

Q. I want to ask you about references which we
45 hear many times that the Bushfire Service went to property protection. Can you firstly explain what you understand that term to mean as far as what

people do?

5 A. In terms of property protection, the best way
of answering that question would be to give an
example of what occurred on Friday the 17th at
Tidbinbilla where we had the bravo units from town
dispatched to Tidbinbilla. They basically were
made aware of the assets within the valley floor.
We then had them on standby at the number of
houses. Basically it was having appliances and
10 crews at the ready to defend the house or the
asset, if it should come under direct threat from
fire.

15 Q. That would seem to be the obvious meaning of
it. I gather though, such crews, if there was a
spot fire or something like that nearby, do go and
actually fight it. They don't simply sit and wait
until the fire reaches the front gate before they
attempt to do anything?

20 A. It depends on the circumstances in terms of
the fire around you. You know, the example where
I have been involved where we had a spot fire at
my house on the 18th and we were aware it wasn't
going to pose any direct threat to the house. In
25 light of the circumstances, we allowed that spot
fire to go because we had another fire coming
towards us. It is very difficult to give you a
concise answer in terms of --

30 Q. If, when references are made to having moved
to property protection, any impression was created
that that meant any attempt to fight any fires
ceased unless they were burning a building, that
would not be a correct impression; would it?

35 A. If you are asking me whether or not crews
would also fight other fires that may be in the
area, if it was appropriate and if they were able
to contact an incident controller and the
information was passed on, yes, I would say if it
40 was appropriate they would be able to fight those
fires as well.

Q. That happens?

A. That happens, yes, yes.

45

Q. I want to ask you about paragraph 100 in your
statement. You say, I gather on the 17th, there

was some fire you say to the north of Coree and coming out of the Brindabella Ranges and that it was roaring through the forest. If I recall having looked at the map that you marked
5 yesterday, I think you put some marks over the border in the ACT at that point; is that right?
A. As I said yesterday in my evidence, it was very, very difficult with any degree of accuracy to actually plot where those spot fires may be. I
10 am prepared again to indicate on this map here where I thought the fires were. But from my observation as we flew into Uriarra, I put the fires somewhere just over the ACT/New South Wales border. As I said, it is only based on my best
15 observation from some distance.

Q. Because there are other reports about the fire crossing into Uriarra early in the morning of the 18th, crossing the border. What do you say to
20 that?

A. I've actually got no knowledge of when the fires crossed on the morning of - sorry, was it the 17th or 18th?

25 Q. Early in the morning of the 18th.

A. I've got no knowledge of the progress of the fire on the 18th.

Q. As far as McIntyre's Hut goes, if it is not
30 otherwise recorded as having crossed the border until early on the morning of the 18th, do you think you could possibly be in error about the location of the fire in paragraph 100?

A. As I said, it is only based on my observations
35 from some distance. That's where I put the fires at. I'm prepared to stand corrected if there is other information that shows the fires not being at that point in time. But based on my observations and recollections, that's where I put
40 the fires on the 17th - that particular fire.

To clarify that, it may not have been the fire itself; it may have been a spot fire from the general area.
45

Q. Please don't misunderstand me, I am not criticising you. The facts are you are not

actually a trained aerial observer; is that correct?

A. That is correct.

5 Q. Do you know the name of the helicopter pilot with you at the time?

A. The helicopter pilot?

Q. Yes.

10 A. No, unfortunately I don't.

Q. The Bendora Break area, I asked you some questions yesterday about the condition of the particular trail in that area. I think you
15 accepted it was not in any way a viable fire trail, constituted no reasonable impediment to the movement of fire across that area; is that right?

A. Basically Bendora Break was not trafficable to any form of vehicles. It was overgrown.

20

Q. Why is that? Is the responsibility of somebody to maintain certain fire trails; is it not?

A. In the 12 years that I've been involved with
25 Namadgi National Park, I am not aware of any point in time when Bendora Break was trafficable in terms of being able to drive a vehicle on it.

Q. Yet it is a known area and you can find
30 references to it on maps; can you not?

A. On the current maps, no, you can't.

Q. At the time?

A. At the time, yes, it was on the maps.
35

Q. And it had been formed at some particular point in time and I dare say not maintained; is that right?

A. I'm not exactly sure when, if any maintenance
40 program was in place, it was withdrawn for Bendora Break. As I said, in my 12 years there has been no means of actually trafficking Bendora Break.

The other point too, I might just add, is that I'm
45 very conscious there is a myriad of tracks that crisscross the Brindabellas. You may appreciate that over the years the Brindabellas have been

heavily logged. There are a number of old logging tracks in that part of the world too. As I said, there are numerous tracks that may or may not be marked on maps. Not all of the tracks that were
5 in existence have been maintained over the past few years.

Q. Don't misunderstand me, I am not suggesting the area has got to be all track and no bush
10 either. The Stockyard Spur trail of which you were aware, that was another track that had not been maintained?

A. Again, in the 12 years that I have been involved with the park, I have never known it to
15 be trafficable. In fact, I have known that part of the world to actually be accessible to bush walkers and bush walkers only. To a large extent, I saw it as a walking track.

Q. Is there some mechanism whereby a strategic approach is taken to which of these trails will or will not be maintained from a bushfire suppression perspective?

A. At moment, yes, I am aware there is a process
25 to look at it.

Q. Was there in 2003?

A. No, not that I was aware of. Not that I had any understanding of a process that was in place.
30

Q. Were decisions taken from time to time that certain trails would not be maintained?

A. It's very difficult to answer that question in terms of - it depends which trails we are talking
35 about, fire trails, vehicle tracks, walking tracks.

Q. Let me recast it. Which person or what body would be responsible for deciding whether any
40 particular fire trail would or would not be maintained?

A. It depends on, in my mind, what constitutes a fire trail.

Q. Let me remove the word "fire". Which person or what body would be responsible for deciding
45 whether a trail would be maintained?

A. And a trail - you are referring to something that a vehicle can travel on or is it a walking trail? Sorry, I am making sure I understand the question, Mr Walker.

5

Q. Anything, Mr McNamara - a walking trail, a vehicle trail, a trail.

A. A trail, that would come down to the land manager.

10

Q. Where a trail has been used either by vehicles or as a fire trail, but in any event is capable of constituting a fire trail, is the same person responsible for ascertaining or determining whether those sorts of trails continue to be maintained?

15

A. Sorry, I don't quite follow your question. It was a very long question.

20

Q. If you have a trail that is capable of being used as a fire trail, is it the land manager who decides whether that continues to be maintained or not?

25

A. The land manager in consultation with other relevant stakeholders.

30

Q. Have there been circumstances where trails which are capable of operating as fire trails and where a decision has been taken they won't be maintained without consultation with the Bushfire Service?

A. Have there been?

35

Q. Such decisions that a trail won't be maintained without, first, there being consultation with the Bushfire Service.

40

A. It depends by what you mean by the level of maintenance. Maintenance can involve anything from clearing trees, culverts, drainage work. It depends what is meant by maintenance.

Q. Well, maintaining them enough to operate as a viable fire break or trail?

45

A. Sorry, I just need to go back to your original question - sorry, Mr Walker.

Q. Have there been occasions where decisions have

been taken that a trail will not be maintained, if
you like, to a level where it can operate as a
viable fire trail without there first being
consultation with the relevant ACT bushfire
5 fighting services?

A. There may have been.

10 MR PHILIP WALKER: Your Worship, I don't have
anything further.

THE CORONER: Thank you, Mr Walker. Mr Craddock,
do you have any questions?

15 MR CRADDOCK: No, thank you. Mr Watts?

MR WATTS: I do; thank you.

<CROSS-EXAMINATION BY MR WATTS

20 MR WATTS: Q. Mr McNamara, can I just seek to
clarify a couple of matters that Mr Walker raised
with you. The first one is the questions he asked
you about the map what you saw on the afternoon of
the 17th?

A. Yes.

25 Q. Do I understand that you first saw those
flames as you were coming to land at Uriarra?

A. These are the flames to the north-west of
Uriarra?

30 Q. Yes. I think that is what you marked on the
map yesterday; isn't it?

A. Yes. As we approached Uriarra, yes.

35 Q. You were fairly low at that point in time, I
take it?

A. Yes.

40 Q. Do I understand that where you were at that
time would have been some distance of, say, 8 to
10 kilometres from the area where you have marked?

A. Yes, that is correct.

45 Q. It is difficult in those circumstances to get
a clear picture of the distance you are looking at
and where it is that you are seeing?

A. That is correct, yes.

Q. Would it be a correct assessment of what you have said to say it is just a rough guess?

5 A. As I have mentioned before in my evidence, it was an approximation as to where I thought there was some fire activity.

Q. Somebody who was flying in that area would, of course, have a far better picture of exactly where that fire was than you would have?

10 A. From our location, yes. If there was a chopper above in that general area, yes.

Q. What I am putting to you if somebody was flying closer to the fire, that would be a far better way of ascertaining exactly where it was?

15 A. That is correct, yes.

Q. Grids could be taken and so on at that time?

20 A. GPS bearings can be taken, yes.

Q. The other thing Mr Walker touched upon which I would like to ask you about is at paragraph 56 of your statement. Do you remember being asked some questions about that - that is the 12th of

25 January?

A. Yes.

Q. Mr Bartlett was the incident controller at that time?

30 A. Yes, that is correct.

Q. You would agree with me that he was, to your knowledge, a person of significant experience in fighting fires?

35 A. Yes, certainly I hold Tony's professional credentials in high regard in terms of his bushfire experience.

40 Q. Would you agree with me certainly, without being critical of you, he was far more experienced at that time than you were.

A. I don't take that as a criticism at all. I totally agree.

45 Q. At the time that the burning to the containment line was commenced, it was pretty clear, wasn't it, the fire was on its way towards

those containment lines?

A. In terms of the top of Bendora Break, yes.

5 Q. Would you agree with me that doing that operation, burning back to a containment line like that is sometimes very necessary?

A. Oh, very much so, yes, yes.

10 Q. Although as risks, it is often the only thing that can be done?

A. Very much so.

15 Q. Would you agree with me on this particular day it really was the only alternative to try and stop the fire?

A. In light of the circumstances, yes, I believe that to be correct.

20 Q. So it would be correct to say that you are not in that paragraph - I am seeking clarification of what you are saying - making any criticism of the decision to do that burning operation?

A. Oh, no, not at all.

25 Q. Can I take you to paragraph 71 of your statement, please, Mr McNamara.

A. Yes.

30 Q. You tell us, I think, that you can't recall - this is the 13th, 14th and 15th January we are talking about here, I think?

A. Yes, that is correct.

35 Q. You can't recall who the incident controllers were or you couldn't when you did your statement.

A. Not with any degree of accuracy, no, I can't.

40 Q. If I suggested to you that on the 14th Mr Winter was the incident controller and on the 15th Mr Cooper was the incident controller; does that assist you?

A. That could well be correct, yes.

45 Q. I think you expressed the fact that you experienced some frustration with the handover process?

A. Yes, in terms of some of the delays I felt

were experienced, yes.

Q. Would I be correct in putting to you that the incident controllers, whoever they may be, were
5 arriving at the site of the fire at about the same time you were?

A. Yes. I've got no knowledge in terms of what time they would arrive but, yes, that is possible.

10 Q. Would I be correct in putting to you that the incident controllers, as far as you could observe, were arriving at the fire without the assistance of updated maps and written plans?

15 A. I've got no knowledge of that is the case. I wouldn't find it surprising if it wasn't the case.

Q. Did it seem to you to take some time for them to orientate themselves and inform themselves about what was happening?

20 A. Yes, yes.

Q. That was part of the delay of getting the handover?

25 A. Yes.

Q. Do you recall an occasion when Mr Cooper in fact drew a map on the ground to demonstrate what was happening?

30 A. No. I can't recall being present for that.

Q. Would you agree with me it appeared that Mr Cooper in fact as incident controller was feeling some frustration the same as you were at the delay?

35 A. I am sure that would be the case. Yes, I would agree with that.

40 Q. Finally, Mr McNamara, paragraph 64, which was the night you went to ESB, do you recall telling us about that in your statement?

A. Yes.

Q. I take it that you were not asked to go there, it was just simply your idea?

45 A. Asked to go to?

Q. To ESB.

A. No. I may well have been paged by our agency rep system to attend ESB that afternoon.

5 Q. I am just seeking to clarify: when Mr Graham spoke to you, he didn't give you any documentation to take with you?

A. Not as far as I can recall.

10 Q. You don't recall being given any up-to-date incident maps and so on?

A. I really can't recall, unfortunately, if I did have any maps. I don't think I did. But if the facts prove that I was given them, I am prepared to stand corrected. I really can't recall
15 actually having the maps.

MR WATTS: Thank you, Mr McNamara. Thank you your Worship.

20 THE CORONER: Yes, Mr Whybrow.

<CROSS-EXAMINATION BY MR WHYBROW

MR WHYBROW: Q. Mr McNamara, you have given evidence that in preparation for that upcoming
25 bushfire season 02/03, you as the manager of the West District of the Parks and Conservation Service at Namadgi took steps in preparation for the upcoming bushfire season. I think you indicated in your evidence that you had
30 established a number of reference points in terms of how dry the fuels, "we were actually then liaising with upper management about closing sections of the park off". How was that done?

A. It was done through a series of establishing
35 rain gauges around the park to determine how much rain --

Q. I apologise. In reference to closing sections of the park off, was that done by way of lockable
40 gates or putting obstructions across trails or both or --

A. No, no, it wasn't. There was no obstacles placed on fire trails or closing of gates. What I am referring to there is popular recreational
45 areas such as the Orroral camp ground, Honeysuckle camp ground, some of the picnic areas around the park, where we were concerned that by having large

numbers of people congregating there, in high fire risks they may be at some danger.

5 Q. Is that something from time to time in your experience done in order to discourage public access to sensitive areas of the park to put obstacles across the 4-wheel drive tracks so public can't get down to them?

10 A. No, we didn't place any obstacles across 4-wheel drive tracks.

15 Q. In the leadup to that season, I think you gave evidence about an exercise which was based around a fire strike of the Stockyard Spur area. You participated in that mock exercise?

A. That is correct, yes.

20 Q. Coincidentally it involved a scenario not only close to what indeed happened but close to where it happened.

A. Yes, the similarities were quite striking.

25 Q. You have given evidence at paragraph 33 of your statement that when you attended on the 9th of January, it would have been preferable to get closer to the fire in the vehicles driving up Stockyard trail; would you agree with that?

A. Yes, I do.

30 Q. Indeed, when Ms Cronan was asking you questions, you indicated it became clear - 3744 - that the ignition point for that fire was actually to the south of the walking track and the fire passed over the track and by the time you had

35 arrived there, in effect, the seat of the fire was in the middle of where the track would have been had it been maintained?

A. Yes. It was actually across the walking track, yes.

40

Q. When you were conducting the mock exercise, given your local knowledge, did it cross your mind that there was not much vehicular - there wasn't any vehicular access to that area if there was in fact a fire strike in that area?

45

A. I seem to recall having discussions that, if required, that walking track could be opened up

with the use of a dozer and, by opening up that walking track with a dozer, that would then give us access to the seat of the fire.

5 Q. Would you agree that, if before the 2003 fires that disused track at Stockyard Spur had been at least opened up to the extent it had been in the past, that would have made some significant
10 difference to the access Mr Gray had on the 8th and you had on the 9th?

A. I have no knowledge in terms of how it was maintained over the last - prior to the last 12 years. I wouldn't know to what extent it would have to be opened up.

15 The point --

Q. As manager, weren't you the person who made, at least were primarily involved in which trails
20 to open or close?

A. As I said, in the 12 years I have been involved with the park, Stockyard has never been trafficable and, as I have seen it, it has always been seen as a walking track.

25 Q. There has been a lot of hindsight in this inquiry. In hindsight, that is a very valuable access to that particular part of the park; is it not?

30 A. Access in terms of?

Q. Being able to get firefighters in and out should there be a fire.

A. Yes. As I said, if we had the ability in terms of a dozer, we could have had that track
35 opened up. Yes, that would have given us access down into the seat of the fire.

Q. Indeed into the future, one of the lessons learned is that that particular track should be left accessible in case of future fires?

A. The likelihood of a lightning strike occurring back on Stockyard Spur I have no knowledge of. There could be lightning strikes anywhere in the
45 park. I suppose to some extent if we could gaze into the future and work out where there might be lightning strikes, it may well be nice to actually

have access into those areas. It is a very
difficult question to give you any answer to.
Lightning strikes are random. It is somewhat
difficult to ensure that we have tracks into every
5 area that a lightning strike may or may not occur.

Q. You are aware of the route that Mr Gray took
to try and get to that fire?

10 A. Dennis Gray?

Q. Yes.

A. Yes, I am.

15 Q. The Stockyard Spur trail if it had been
maintained, it would have given access to a very
great area within the terms of the Stockyard Spur
region; would it not?

20 A. The access route that Dennis Gray was taking,
it would not have given him, even if it was open,
any direct access to the seat of the fire.

25 Q. It would have taken him significantly closer -
indeed it would have been your expectation that he
could have got to the fire on the night of the 8th
if that trail had been maintained?

A. No. As I said, that trail, even on the maps,
doesn't go anywhere near the trail that Dennis was
attempting to follow.

30 Q. No, no, no, the actual disused trail.

A. Sorry, come back to the original question.

35 Q. If that disused trail - I think you said it
did appear on the maps at that stage.

THE CORONER: It is the Bendora Break, I think.

MR WHYBROW: The Stockyard Spur trail.

40 Q. It did appear on maps that were available at
that time.

A. Yes.

45 Q. It had in fact overgrown to the extent that
Mr Gray could not locate it?

47 A. Yes.

Q. What I am asking you is, if decisions, and I understand that even from your organisation had been made to keep that trail open, would you agree that would have made it possible for Mr Gray to
5 have got to the seat of the fire on that night?
A. Yes.

Q. What I am asking now is: do you think in future that trail and perhaps others, but at least
10 that one, would be a trail given its strategic spot that it might be useful to keep accessible rather than let grow over?

A. Would it be useful in terms of firefighting?

15 Q. Yes.

A. Yes, it would be if there were to be a lightning strike in that area again.

Q. There is somewhat of a, is there not, a
20 balance to be struck between maintaining a national park and maintaining the ability to get to parts of the park to fight fires in it?

A. Yes, there is. Getting to a fire in terms of fire trails is but one strategy that we can use.
25 There are other means obviously for fire suppression.

Q. When you were talking about the Stockyard mock exercise, you gave examples of effectively
30 fighting that lightning strike by water bombing?

A. That is correct; that is my recollection.

Q. The situation that Canberra firefighters found themselves in on the 8th was that there had been
35 multiple lightning strikes and not enough air support to deal with them all; as you understand it?

A. At that point in time, yes. Certainly on the 8th and the 9th, yes.

40

Q. Was it something that you considered when reviewing the exercise of the Stockyard mock fire that perhaps that trail should be re-opened this summer given the high fuel loads and the extreme
45 fire danger?

A. Did I consider that?

47

Q. Yes.

A. No.

5 Q. Whose responsibility would it have been to consider whether, given the high fire danger, particular disused trails should nonetheless be re-opened?

A. That particular track? That particular trail?

10 Q. That season, any particular tracks in the area that were disused?

A. Whose decision - sorry, the question again?

15 Q. Whose decision would that have involved? Were you one of those people?

A. I wouldn't have been involved directly. I would imagine there would be some consultation between the land manager and Emergency Services Bureau and other interested stakeholders.

20

Q. You were the land manager in that area?

A. Yes.

Q. It didn't cross your mind at that stage?

25 A. In terms of having Stockyard open?

Q. Yes.

30 A. No, it didn't. As I said, my recollection of discussions was if it was required - at that time we were only speculating that there was a fire up there - if it was required that a dozer could be used to open up the Stockyard walking track to allow access to get to the seat of that fire.

35 Q. Was it your personal view that the balances should be more towards leaving the park untouched rather than towards providing these tracks for fire access?

40 A. It depends on what you mean by "untouched" in terms of?

Q. Letting them grow over so vehicles can't drive down them?

45 A. No. It is not my view at all.

Q. Mr Hayes, you are aware, attended on the 9th the Bendora fire. I think you are aware that

there was another disused trail in the area that he had trouble finding, either called the Bendora Break or the extension of Warks Road?

A. Bendora Break, yes.

5

Q. You are aware that that is similar to Stockyard Spur. It was a break trail that had previously existed but had become disused.

A. As I said before, in my 12 years I have never known Bendora Break to be trafficable.

10

Q. Again, notwithstanding the fact that it for all purposes ceased to exist, it still appeared on maps that were available at that time?

A. At that point in time, yes.

15

Q. Had you or any other persons you spoke to, had considered whether or not that particular trail might be one that could or should be opened up for the forthcoming dangerous fire season?

20

A. It could be opened up if required. Whether or not it was required to be opened up for the forthcoming fire season, I wasn't aware of any discussions between ourselves as land managers and ESB as to whether or not that track was required to be opened.

25

Q. Again, with hindsight, would you agree if that track had been opened up in advance of the fire season that Mr Hayes would have had, and perhaps Ms Arman, a better chance of containing the Bendora fire in the early days?

30

A. In terms of Bendora Break being open?

Q. Yes.

35

A. I never attended that fire from its origin. I have no knowledge in terms of its ignition point and its relationship with Bendora Break, so I really can't give you any degree of accuracy as to its usefulness, having not attended that fire.

40

Q. Depending on what people who attended that fire were saying, it may have been possible that it could have been of some assistance?

45

MR CRADDOCK: I object. Having regard to his last answer, that's just pure speculation.

MR WHYBROW: I withdraw that.

THE CORONER: It is a bit speculative, Mr Whybrow.

5 MR WHYBROW: Q. Moving on to another issue, you indicated yesterday that you had a somewhat sketchy recollection of the events of the 17th and for obvious reasons?

A. Which part of the 17th?

10

Q. The night.

A. The night of the 17th, yes.

15 Q. I think you have indicated you have difficulty recalling the course of the night and your exact movements and taskings.

A. Yes.

20 Q. You have already indicated that your own personal notes had been destroyed.

A. Yes.

25 Q. Would you agree that on that evening there were on the fire ground three senior officers who were in control of various aspects of the firefight, being Mr Murphy who is Oscar 8, I believe?

A. That's correct.

30 Q. Ms Raffaele as Parks 2?

A. That's correct.

Q. And Robert Flint who was Tidbinbilla 1?

35 A. Yes, in addition to I think Odile Arman was also --

Q. I believe Parks 1 was there as well.

A. Exactly.

40 Q. You indicated that in your opinion there were times where it appeared there was a lack of cohesion and coordination in what was going on in that area on that night?

45 A. No. That's not my view, not in terms of what was happening to the local area. No. I don't agree with that.

47

Q. What I was going to suggest to you was that in fact there was a great deal of organisation and coordination by the units and the officers fighting that fire on that night?

5 A. Very much so. And in fact as I recall in my evidence there yesterday, I mentioned that Brian Murphy had established what I thought was a very effective IMT team, although a somewhat skeleton team, at the Tidbinbilla Nature Reserve at the
10 visitors' centre.

Q. You personally worked with Ms Raffaele before?

A. Yes, I have, yes.

15 Q. You are aware she is fairly meticulous in her notetaking?

A. Very much so.

Q. Would it be a fair situation to suggest that
20 if her recollection of events that occurred on that night in terms of the order things happened or where particular units went supported by her notes was contrary to your recollection?

A. Yes.

25

Q. Would you agree that her recollection may well be more accurate?

A. Yes, indeed. Particularly if she has got notes, yes, definitely.

30

MR WHYBROW: I have nothing further, thank you.

THE CORONER: Thank you, Mr Whybrow. Mr Lakatos, any questions?

35

MR LAKATOS: Yes.

<CROSS-EXAMINATION BY MR LAKATOS

Q. I want to take you to three discrete areas.
40 You were here yesterday when Mr Gray gave evidence concerning his attempts to get into the Stockyard fire on 8 January; you recall?

A. Yes.

45 Q. You recall that he gave evidence that he had with him additional eight personnel plus two light units and a tanker?

A. Yes, I do. That's correct.

Q. His evidence as you may recall was, and you have been taken to it this morning, that he failed
5 to get to the Stockyard Spur that evening. He also said - paragraph 11 - that after failing to find the Stockyard Spur track, he went to the carpark at Mt Ginini and ultimately walked down to Morass Flats.

10 A. That is correct. I believe that to be the case, yes.

Q. That is an area you are familiar with?

15 A. Very familiar, yes.

Q. If you accept his evidence, and there is nothing to the contrary, that he arrived at the Mt Ginini carpark at about 1757, close to 1800,
20 6 o'clock in the evening - say between 6 and 7 o'clock in the evening - how long would it have taken him, based on your knowledge of the area, to have got from either Mt Ginini carpark on the one hand or Morass Flats on the other to where the fire was as you saw it the following day?

25 A. From where Dennis and the crews were at Ginini carpark there, I put that down to maybe 2-and-a-half maybe 3 hours. There was no direct access on any walking track from that location to the seat of the fire. Dennis would have had to
30 cross over Morass Flats down into Ginini Creek up a fairly steep terrain to get anywhere near Stockyard Spur, let alone to try and find the fire. It would have taken quite some time.

35 Q. If you take the lowest estimate, if say he was there at 6 o'clock, two-and-a-half hours would take to us half past 8 or 9 o'clock in the evening?

40 A. That would be correct, yes.

Q. You have given some evidence in statements that are before this inquiry and also evidence to Mr Walker yesterday concerning the terrain and topography of the Stockyard Spur fire. You have
45 described it as extremely remote, very rocky, huge amount of undergrowth. You assessed I think - if at any point I am saying something which you

disagree with in this description, which is a very
brief summary, please let me know - that the fuel
load was between 30 to 40 tonnes per hectare at
about that area. Is all of that a fairly
5 thumbnail sketch of what there was?

A. Very much so, yes.

Q. You may not be aware but if you accept from me
at the moment this evidence as to relevant fire
10 sizes over the time between the 8th of January
when the Stockyard Spur fire was sighted to when
you got in the following day. If you accept that
Mr Ingram, who was the observer on the 8th of
January, radioed back a fire size at 1557, 1600
15 hours, about 4 o'clock on the 8th of January, that
the fire size of the Stockyard Spur fire was
"about 50 square metres in circumference with a
flame height of 1 metre", that is at paragraph 8
of Mr Ingram's statement, if you take that fact on
20 board?

A. Yes.

Q. If you accept that at 1905, Mr Ingram once
again observed the size of the fire from the
25 helicopter which he was then in to be of
dimensions "now 100 metres by 75 metres with flame
height of about 1 metre", which is the quote from
paragraph 26 of Mr Ingram's statement?

A. Yes.

Q. I think your best evidence was, which you were
prepared to change, that when you arrived on the
following morning the 9th that at about 9am or
shortly thereafter, after you had done your
35 circumnavigation of the fire, you estimated it to
be 3 hectares in area?

A. Mmm-hmm.

Q. And at 1035, 'Firebird 7' viewing the same
40 fire at some later time estimated it to be about
8 hectares?

A. That is correct, yes.

Q. So on the best material available, the fire
45 size was, when Mr Gray might have got in at about
9 o'clock at night, somewhere between 7,500 square
metres which was 100 by 75 metres which Mr Ingram

had reported, and either 3 or 8 hectares which you reported the following day?

A. Indeed, yes.

5 Q. With the personnel that Mr Gray had, what impact do you believe he could have had with his team had he got to the Stockyard Spur and stayed there overnight?

10 A. In light of the terrain and the area that that fire was occurring, little - little effect in my view.

15 Q. The second discrete matter I wish to take you to is at paragraph 43 of your statement of 12 August 2003. You make reference on the afternoon of the 9th of January that at about 2.30 - I appreciate the time is now being blown out by about an hour so that would make it about 3.30 - the helicopters were redirected away from 20 the Stockyard Spur fire?

A. Yes, that is correct.

Q. At that stage the helicopters which were there were I think 'SouthCare 1' --

25 A. SouthCare and 'Firebird 7' from memory.

Q. Are you aware of the reason why they were redirected from your fire site?

30 A. I believe, and I can't remember exactly which one, one of them had problems with the water bucket in terms of mechanical problems. One of the other helicopters, I believe, had to return for fuel.

35 Q. The final matter, Mr McNamara, which I wish to ask you about is a matter which hasn't been largely touched upon in this inquiry, but the inquiry is rightly enough focused upon action 40 plans, what happened, what occurred. Of course, there has been a human cost to this situation. You have had, I think the somewhat position of straddling, on the one hand, efforts in fire suppression and, on the other hand, to have been a person who suffered both physically and in other 45 ways as a result of the fire?

A. Yes.

47

Q. I want to ask you how that has affected you in broad terms. The situation is, is it not, if I can just set the scene, is that you have been the district manager for Namadgi and involved in that park generally for a period of about well over 12 years?

A. That is correct, yes. I have had a long association with the park.

10 Q. In fact, you resided at a residence at or near Bendora Dam for something a little under seven years?

A. Yes, indeed, yes.

15 Q. Your young children, who are aged 7 and 9, were probably born at the time that you were residing there; is that so?

A. Yes, indeed. As area ranger up there, Bendora was the first home that the children had, yes.

20 Q. Indeed, both you and your wife and family have a very close connection with both the local community and the schools in the area of Namadgi National Park, Tidbinbilla and Tharwa?

25 A. Indeed. Just after - once the children started to yearn for an education, I suppose, we moved from Bendora Dam and moved to Tidbinbilla Nature Reserve where the children then attended the local Tharwa primary school.

30 Q. You formed very close connections with the local community as a result of your staying there?

35 A. Very much so. We were very much part of the rural lifestyle and associated with the people out in that part of the world.

Q. Not only that, your wife in fact also worked in the Parks Service at or around the Cotter depot as an administration manager; is that so?

40 A. Correct. Michelle gained employment with the Parks Service perhaps 12 months ago and was working down at the Cotter depot as our admin officer.

45 Q. As a result of the fires, what percentage of the Namadgi National Park was burnt?

A. I believe around about 95 per cent of the park

had been affected to some degree by the fires.

Q. What happened to the house where your children grew up?

5 A. Unfortunately, the house at Bendora Dam was destroyed in the fires as well as our house at Tidbinbilla as well as Michelle's office down at the Cotter. So we, I suppose, yes, find ourselves in something of a unique situation that we have
10 suffered a number of losses as a result of the fires. We have also lost a number of cultural assets. One in particular that I certainly had a close association with was the Mt Franklin chalet. It was an old ski chalet which sat on top of the
15 Brindabellas for around about 65 years. And unfortunately that also was lost in the fires. We have experienced some losses.

Q. Understandably, your emotional reaction to that would be one of significant loss; would it?

20 A. Very much so, yes. Having lost the house at Tidbinbilla was probably bad enough. But also lost any association with the Brindabellas, through our house, our former house at Bendora
25 Dam, yes, it has been particularly tough the last few months coming to grips with some of the losses.

Q. I think you also say that, in the 10 days at least from the 8th of January onwards, you spent long working days working on the fire. Just going back, what was the length of the day that you generally worked in that 10-day period?

30 A. In terms of the shifts, it was anything from perhaps 12 to 22 hours. I can remember one night working a 22-hour shift. Generally speaking, it was around about sort of 12 hours. I think on the 17th, I might have worked a 16-hour shift, on the
40 Friday night.

Q. Those that were working around you in the various places that you were working, would you say from your observation that they put in similar efforts to you?

45 A. Oh, very much so. Very much so. There were probably people that I work with that perhaps even worked longer hours than I did. It was one of

those moments where basically whatever had to be done was done. We were obviously very conscious of the need to ensure the safety and welfare of crews in terms of people actually getting rests and breaks. Yes, there was some incredible hours that were worked and some amazing feats in terms of the effort that people put in in terms of controlling the fires.

Both the volunteers and the Parks brigades and departmental brigade officers, their combined efforts in terms of fire suppression was nothing short of inspirational as far as I was aware. It was an amazing effort. In fact, if anything, one of the things I would certainly like to acknowledge is while the losses that were suffered in terms of the fires were tragic, the fact that no firefighter was killed as a result of fires to my mind is nothing short of a miracle. The fact that somehow we all managed to walk away from the experience is, as I say, a miracle.

To some extent, I would like to attribute that to the training that we received, some of the decisions that perhaps were taken within ESB and other areas within the IMT teams which basically, if you like, erred on the side of caution in terms of ensuring the safety and welfare of firefighters was absolutely paramount. I think that that that should be acknowledged and it really is something that we should really take a little bit of heart from, the fact that no firefighters were killed.

Q. You have already told the Court that your house and the majority of possessions were lost in the fire.

A. Yes, on the 18th, yes.

Q. I think you had some contact, did you not, with the various recovery centres which gave you assistance?

A. Indeed. I suppose, as I said, I find myself in a unique situation, not only being involved in the fires but also being very much a victim or perhaps I should say a survivor. As a result of that, we had close liaison and contact with the bushfire recovery centre. Again, the support and

the understanding that we received from those involved with the recovery process from the centre was nothing short of wonderful, really.

5 I remember commenting to a number of people there that, if I was to experience a natural disaster and then have to have some sort of support mechanism that would surround that, I would much rather be in a city called Canberra and a place
10 called Australia than anywhere else in the world. I really do thank those that were involved with the recovery centre for the support which they have given to me and to my family.

15 Q. Of course, you have given evidence in this inquiry over a period of now two days. How has that affected you?

A. It has been interesting, yes. I guess I find myself in some ways on the path to recovery in
20 that, in many ways, 15 months after the event it seems like a lifetime ago; in other ways, it seems like it was only yesterday. Having spent the last few days in preparing for my attendance here, I have had to revisit moments in time that I haven't
25 been to for many, many months. That has been particularly tough.

There were sights and sounds and images that I will literally take to my grave. It has been a
30 very gruelling process in having to relive this.

One of the things I do see and take a lot of heart from is the fact that we have been able to survive the fires in terms of firefighters and as a family
35 and as a community prepared to move on.

I have taken the view in recent times that life is like a series of chapters: as one chapter closes another chapter opens up. Really, I see the fires
40 as being just one of those chapters. It is time, as a fire victim, to move on. To never ever forget what has happened. It is horrific. We should learn from that and improve systems and processes.

45 To my mind, I think it is very important that we move on and look at the future and see there is a

new beginning out there. If I could also just quickly mention that, to some extent, nature's recovery plan is well under way. If you were to drive around the park now, you will see that the bush is bouncing back. I suppose like the bush human spirit is pretty strong and we need to in some ways take some lessons from what we observe out in the bush in terms of the recovery process.

5
10 MR LAKATOS: That is all I have. Thank you.

<RE-EXAMINATION BY MS CRONAN

MS CRONAN: I don't have any re-examination.

15 Q. If I could ask you to mark on the maps in front of you the fire that you marked on the map I handed you in court yesterday afternoon.

A. Yes. Again, as I have said, this is only an approximation. To the best of my ability, I will mark that map. (witness complied).

20 Q. You are marking that in blue texta. Could you also mark where you were on that map?

A. Yes. (witness complied).

25 MS CRONAN: Thank you very much. Nothing further.

THE CORONER: Thank you, Mr McNamara. You are excused. You are free to leave if you wish.

30 THE WITNESS: Thank you.

<THE WITNESS WITHDREW.

35 THE CORONER: I note the time. We might as well take the morning adjournment. Is Mr Greep next?

MS CRONAN: Mr Greep.

40 THE CORONER: We will take the morning adjournment.

SHORT ADJOURNMENT

[11.16am]

45 **RESUMED**

[11.40am]

MS CRONAN: Before I call the next witness, I seek

to tender the map that the last witness just marked. It could be exhibited. I will arrange to have it photographed and a marking placed on the system.

5

THE CORONER: Map marked by Mr McNamara will become exhibit 0040.

**EXHIBIT #0040 - MAP MARKED BY MR MCNAMARA
10 TENDERED, ADMITTED WITHOUT OBJECTION**

MS CRONAN: Thank you, your Worship. I call Anthony Richard Greep.

15 **<ANTHONY RICHARD GREEP, AFFIRMED**

<EXAMINATION-IN-CHIEF BY MS CRONAN

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

20 A. Anthony Richard Greep.

Q. And your current occupation, Mr Greep?

A. I am a public servant with the Department of Finance and Administration.

25

Q. You have made a statement in pro forma form in relation to your involvement to the fires which was dated 20 May 2003; is that correct?

A. Yes.

30

Q. For the record that is [ESB.AFP.0065.0022]. Can I ask you before we begin your evidence if there is anything in that statement that you would like to alter or correct?

35 A. The ESB one?

Q. The ESB one.

A. No.

40 Q. You have also, sir, I think participated in a taped record of conversation with Constable Ben Cox on 18 November 2003?

A. Yes.

45 Q. Have you received a transcript of that tape recorded conversation?

A. I have.

Q. For the record that is [DPP.DPP.00004.0028].
Is there anything in that record of conversation
that you would like to correct or to alter?

5 A. There were some minor wording changes that I
put through, but it didn't change the content of
it.

Q. Sorry?

10 A. There was some minor wording changes, but it
didn't change the context of the statement.

Q. There was nothing of any significance?

15 A. There was one word. It was "controlling" and
it should have been "patrolling". That is the
only word change.

MR LAKATOS: If I might assist, the answer to 124
has a word incorrectly. If Mr Greep might look at
his document, "emergency" for "urgency" I think it
20 was.

THE WITNESS: Yes.

25 MS CRONAN: Q. Do you have a copy of your record
of conversation with you?

A. No, I don't.

Q. You were the incident controller at the
Gingera fire on 10 January 2003; is that correct?

30 A. That's correct.

Q. Before we go to 10 January, could you outline
to her Worship what experience you had prior to
that date in fighting bushfires?

35 A. Basically my whole history?

Q. Yes.

40 A. I started with Halls Fire Brigade in 1989 and
did the usual training as any sort of basic
firefighter would do. I went to the '94 Sydney
fires, the Moruya 2002 fires, the Canberra 2001 -
these are just the major events - and of course
the January 03. I hold a certificate in training,
certificate IV; I also have a certificate IV in
45 government and project management. I completed
the original ICS training back in '96 or '97. I
have been to EMA courses on emergency exercise

management, and the usual ESB level training as well.

5 Q. Thank you, sir. Prior to January 2003, could you outline your experience in being an incident controller at any of the fire events that you attended?

10 A. Before 03, given that ACT hadn't had too many major bushfire seasons bar 2001, most of the incident controlling I had done was on smaller fires. If you are familiar with Belconnen at all, Mt Rogers in Spence and similar sort of fires around that size.

15 Q. How many times approximately had you been the incident controller at those smaller fires?

A. I had been three or four times.

20 Q. The smaller fires that you had attended, had they been suppressed inside a shift or were they fires that continued to burn over a number of shifts?

A. No, suppressed inside a shift.

25 Q. So you were contacted some time on the 9th of January?

A. That's right, approximately 6pm.

Q. Can you say who contacted you?

30 A. It was a logistics team - I believe it was Norm Nelson.

Q. What were you asked to do?

35 A. I was basically told that the next day what I would be doing on the 10th. I was told I was being the incident controller placed on Gingera. I received a briefing from Tony Graham at 6 in the morning at Piccadilly Circus. I wasn't fully given what units were under me. It was just a
40 brief over task that there would be a rake hoe style attack on the fire.

Q. Did Mr Nelson give you all of that information on the phone on the 9th?

45 A. Yes.

Q. Were you given a grid reference or location?

A. No. Just well Mt Gingera, that's all I was told. I wasn't given the grid reference.

Q. Were you previously familiar with that area?

5 A. No.

Q. You were told to go to what location?

A. Piccadilly Circus.

10 Q. Did you go to Piccadilly Circus the next morning?

A. Yes, I did.

Q. What vehicle were you driving?

15 A. Toyota Hilux, which was my command unit.

Q. And it didn't carry water?

A. No.

20 Q. Did you have any input, either the afternoon or evening before or that morning, into deciding what resources you would need for the task you were to perform that day as incident controller?

A. No.

25

Q. When you got to Piccadilly Circus, did you speak to Mr Graham?

A. Yeah, I spoke to him via radio.

30 Q. Did you know where he was at that stage?

A. I would be guessing; I would say Curtin.

Q. Are you sure it was Piccadilly Circus or was it Bulls Head?

35 A. No, Piccadilly Circus.

Q. What did Mr Graham say to you when you spoke to him via the radio?

40 A. He just gave me a brief over of the fire, what it was doing and the actions for the day. We would be putting the rake hoe, of course. That was left to me to deploy. He didn't say where to put it in but that we would be using that course of action, and that the crews would be taken off
45 from me some time through the day to go to the Bendora fires.

47

Q. What did he tell you about the fire?

A. I can't really remember, actually.

Q. Just gave you some details about the fire?

5 A. Yeah.

Q. What did he tell you about the resources that you would have under you that day?

10 A. I was having a couple - three tankers, I think two light units, and there were three rake hoe crews. Also there was an officer there, Parks 9, Dennis Gray.

15 Q. Was he going to be part of your resources that day?

A. Yes.

Q. Were those resources already at Piccadilly Circus while you were talking to Mr Graham?

20 A. I think I got there before them, and they were moving down to Bulls Head.

Q. From your conversations with Mr Graham, what did you understand was to be your objective for that day in relation to Gingera fire?

25 A. The main objective was to stop the fire from crossing Mt Franklin Road. It was on the western side of the road, and the objective was not to let it cross. And we were to put a rake hoe crew - a
30 rake hoe trail around the fire as far as possible.

Q. As far as possible or were you to put a rake hoe crew around the entire perimeter if possible?

35 A. Around the perimeter.

Q. Your goal in putting the rake hoe crew around the perimeter would have been to what?

A. How to put one in --

40 Q. Why were you going to put the rake hoe crew around the whole perimeter?

45 A. The rake hoe trail is basically there to go back to bare mineral earth so it gives the fire nothing to burn and so it contains it within the rake hoe trail.

Q. You would need to keep your crew members on

the rake hoe trail until the fire had burnt through to the containment line?

A. Sorry?

5 Q. Was the ultimate proposal for you to put in a rake hoe line and then have rake hoe crew members patrol that line until the fire was contained within the line?

10 A. Not so much the rake hoe crew members, it is not their sole task. Obviously they are chipping the trail. I had other crews there that were taking on that patrolling role.

15 Q. So you did have crew sufficient to patrol the line as well as put it in at that stage?

A. Yes, yes.

20 Q. Did you have any incident action plans given to you that morning in relation to what objectives you were to achieve that day?

A. As in handed, given to me?

Q. Yes.

25 A. No.

Q. What kind of maps were you provided with?

30 A. From their little briefing I got on the 9th, as you point out, I didn't know the area. I checked my unit to see if there was a map in there that covered that area. It didn't. Within our brigade we have a lot of 4-wheel drive enthusiasts. We obtained a map through one of those members.

35 Q. From his own personal collection of maps?

A. Yes.

Q. You obtained your own map on the night of the 9th before you went out on the 10th?

40 A. Yes - sorry, no. On the morning of the 10th, he brought it along.

Q. I understand you met up with your crew members at Bulls Head after going to Piccadilly Circus?

45 A. That's correct.

Q. What was the purpose of going into Piccadilly

Circus before you went to Bulls Head; do you know?
A. The way you go up there you go to Piccadilly first and you turn off from Piccadilly to go to Bulls Head.

5

Q. Were you told specifically during a conversation with Mr Graham, or previously with Mr Nelson, what crews you were going to have with you?

10 A. I believe both may have told me. I don't have any notes from the conversation with Norm, but certainly from Tony I knew what units were coming.

Q. So when you got to Bulls Head, you were able to identify what crews you were to take up to Mt Gingera?

A. Yes.

Q. When you arrived at Mt Gingera, were there other crew members from the previous shift still present at the fire?

A. Yes, there was.

Q. Who was present?

25 A. I don't know --

Q. You don't need to tell us their names, just describe what was there.

30 A. I think it was a light unit or two. I think an officer was there as well.

Q. What were they doing when you arrived?

A. They were freezing actually.

35 Q. Freezing?

A. Freezing.

Q. So --

40 A. They obviously had spent the night up there. It was very cold. And just tired after a long night shift, I would say.

Q. So they were essentially sitting on Mt Franklin Road waiting to be relieved at that stage?

45 A. No. The officer was. Tango was there. He met up on the road. The light unit come

afterwards. They were still out patrolling.

Q. They were patrolling Mt Franklin Road?

A. Yes.

5

Q. Can you describe what you did when you arrived at the Mt Gingera fire that morning?

A. We got a bit of a handover from tango as to where the fire was and --

10

Q. What did he tell you about where the fire was?

A. We could see the smoke where it was from the road. It was a fair way in. Further down from where we met him, we had to travel a couple of K to get to where it was actually burning on Mt Franklin Road. He just told us about how cold it was the night before, some of the areas that he had noted, some wet areas and just a bit of the topography that was up there. It was a very quick briefing. That is all we needed.

20

My crews were still coming down the road. The tankers were going a lot slower than the Hiluxes. I think about within half an hour's time my entire crew were there. Then 'Firebird 7' come down. Myself and Dennis Gray went up and did a flight over the fire just to see how it was reacting.

25

Q. Whilst you were in 'Firebird 7', were you able to estimate the size of the fire that you were to tackle that day?

30

A. Yeah. We could certainly see how big it was to a point - obviously it is a bit difficult from air. I don't like choppers all that much. But you could see the fire behaviour. It wasn't burning very fast. It was, I think, around 7 in the morning. The wind is still cold, probably a bit dewy, so it wasn't burning really hard at all.

35

Q. Approximately how big was it when you saw it that morning? I know it is difficult from the air, but if you could give us some estimate.

40

A. I think it might have been 200 metres by 300 metres, maybe a little bit bigger.

45

Q. Did you observe anything else of significance while you were in 'Firebird 7'?

A. We could certainly see that the north-western sides were more active than the eastern side, which was Mt Franklin Road, and the southern side wasn't all that active either. Yeah, basically
5 that's all we were seeing, seeing how it was burning.

Q. Had you been provided with a weather forecast for the winds that day?

10 A. I did get one that day. I'm not too sure whether I got it in the morning or it could have been a couple of hours into the day.

Q. So what kind of winds were you expecting
15 whilst you were working on the fire?

A. I think we were expecting a south-easterly or south-westerly. It wasn't any significant speed from memory. Yeah, that's the winds I think we were expecting - a warm day of course.

20

Q. After you returned to the fire ground, is that when you started to deploy your crews?

A. Yes.

25 Q. How did you deploy them?

A. Initially the first tanker I sent down was to the south-eastern corner of where the fire was from Mt Franklin Road. I will talk about the third tanker because that was on the north-eastern
30 corner, and the second tanker which I tasked before the third was in between those two. The distance on Mt Franklin Road would have been approximately 200 metres, so there wasn't all that much distance between them.

35

Q. Their task was to patrol the road to make sure it didn't cross?

A. That was their ultimate goal. Their initial task was to suppress any fire on Mt Franklin Road.

40

Q. Was there any fire close to Mt Franklin Road at that stage?

A. There was at that stage. It crept down the hill to Mt Franklin Road. The flame height was no
45 more than half a metre at a maximum. So they were easily able to get access to it just working off the road.

Q. What about the RAFT crews, how did you deploy them?

A. There were two Parks RAFT crews which I put under Dennis. There was a Forestry RAFT crew. I
5 can't remember the officer's name from Forestry. Dennis and his two teams were working on the southern side of the fire and the Forestry team was working on the northern side of the fire. Later in the morning the Rivers crew also aided
10 with cutting the trail on the northern side.

Q. The Rivers crew, was that the crew from the tanker?

A. Yes.
15

Q. They assisted on the northern side?

A. Yes. Not the entire crew, just parts of the crew, a few members.

20 Q. Sorry?

A. Two or three members from the crew.

Q. Had you been given a time limit in which to achieve the objective?

25 A. No.

Q. What task did you perform that morning? Was that a supervisory role?

A. Basically, yeah.
30

Q. Were the rake hoe crews able to get down to bare mineral earth on their lines without any particular difficulty, as you observed?

A. They were. They were able to get to mineral
35 earth. There were, of course, pockets up there that were rock and large trees and thick heath bush. There was a whole mixture of plant life up there. They were able to get down to mineral earth.
40

Q. What distance, what length of line were your crews able to put in on the southern side before they were withdrawn?

A. Going through my notes, the last report I had
45 was approximately 150 metres.

Q. What about the northern side?

A. The northern side wasn't very successful. It was very heavily timbered. I would guess at around 50 metres.

5 Q. How long did the rake hoe crews work on that task before they were withdrawn?

A. I think they worked between three and four hours.

10 Q. Can you put a percentage on how much of the total perimeter they were trying to get around that they had done before they had withdrawn?

A. It is difficult, because I didn't walk the entire boundary of the fire, anywhere between 50
15 and 75 per cent, I'd say.

Q. So can you estimate how long it would have taken them to put a line around the entire perimeter of the fire, not counting the
20 Mt Franklin Road perimeter of course, if they had been allowed to remain on the task?

A. To continue going around the entire fire ground?

25 Q. Yes.

A. Oh, to entirely do it, they wouldn't have done it in that shift. The western side and the north-western corner were becoming very active as we were getting closer to 12.

30

Q. So when you say they wouldn't have been able to do it in that shift, when did the shift finish?

A. My shift?

35 Q. Yes.

A. I think I finished up around 6.30 that night.

Q. You estimate they wouldn't have been able to do it before 6.30?

40 A. I don't think so, no.

Q. How much longer would it have taken?

A. It is hard to say. It would have depended on the activity on the west and north-western side of
45 the fire.

Q. So what time were the RAFT crews withdrawn

from the Gingera fire?

A. Approximately 11.30/12.

Q. Why were they withdrawn?

5 A. As per the morning briefing, they were to be withdrawn to go to the Bendora fire.

Q. When you say as per the morning briefing, which briefing was that?

10 A. The briefing in the morning from Tony Graham.

Q. What did he tell you about the crews being withdrawn from the area?

15 A. He told me in his morning briefing that the rake hoe crews would be withdrawn from my charge.

Q. At some stage during the day?

A. At some stage, yeah.

20 Q. Did he give you an indication of when that might happen?

A. No.

Q. Did he say why they might be withdrawn?

25 A. Other than going to Bendora, that's all he told me.

Q. Did you have any conversations with Mr Graham whilst your rake hoe crews were working about the resources you had been allocated and whether or not they were sufficient?

30 A. About the resources, no, but I did feel that they were sufficient.

35 Q. Did you have any conversations with Mr Graham whilst your rake hoe crews were working about how the work was progressing?

40 A. Yes, I had several - probably two, maybe three. They weren't via radio. I was using a CDMA telephone. We talked about the progression of the rake hoe crews and mainly the southern side. And of course in my three or four briefings that I gave COMCEN during the day, which I imagine he would have read.

45

Q. Can you tell her Worship the details of the conversation that you had with Mr Graham

throughout the morning?

A. The telephone conversations?

Q. Yes.

5 A. They were basically just how we were going,
how the rake hoe trail was going. It was slower
than we had expected. We were hoping to go a bit
quicker but, given the topography, we were a
little bit impeded. Mainly just about how that
10 was going.

Q. When you were telling him how they were going,
how were they going? What did you actually tell
him was happening?

15 A. That they were cutting the trail. As I said,
the terrain was fairly rugged. It was going a bit
slower than we expected.

Q. Did you actually give him details of the rate
20 at which you were progressing?

A. As in how many metres per second?

Q. Yes.

A. No.

25

Q. You say you gave a couple of sitreps in
relation to your fire to COMCEN as well?

A. Yes.

30 Q. Was that over the radio channels or --

A. Yes, bushfire radio.

Q. Can you recall now what you told him about the
situation you were dealing with?

35 A. If I had my notes I could read out for you but
I don't have them with me. They were basically
just a sitrep of how the fire was going, what the
fire behaviour was doing, how the trails were
going.

40

Q. Who told you that the crews were to be
withdrawn?

A. I believe it was COMCEN.

45 Q. What did they say to you?

A. That the rake hoe crews - I think one of the
tankers and one of the light units were to be

relieved from me and to move to Bulls Head then on to Bendora, I think.

5 Q. Did you have anything to say about that at that point?

A. No.

Q. You say that was at about 11.25am?

10 A. Approximately, yes.

Q. Was your task then changed to what it had been at 6 o'clock that morning?

A. Yes, it had.

15 Q. Who changed your tasking?

A. COMCEN. That's where I got the message from.

Q. What did they tell you to do?

20 A. That we were to have no I think active firefighting and we were to go to a patrolling role.

Q. Where did they tell you to patrol?

25 A. The area of the fire that we were operating in, just ensuring that it didn't cross Mt Franklin Road.

Q. How many resources were you left with that morning?

30 A. There was myself, there was two tankers and a light unit, I think.

Q. I think you say you finished your shift at 6.30. Is that on the fire ground?

35 A. Yes. We left Gingera at 6.30.

Q. So from 11.30 to about 6.30, the only duties you performed at Gingera was patrolling that Mt Franklin Road?

40 A. Yes.

Q. When you left at 6.30, was there any subsequent incoming shift on that fire?

45 A. No.

Q. Did you, whilst you were the incident controller, create any type of incident action

plan of how that fire was to be dealt with in subsequent shifts?

A. No.

5 Q. Did you consider it was your role to do that?

A. I fairly much considered - it is certainly part of the IC charter, things you can do, but given the information that I had given to COMCEN via the sitreps through the day plus my
10 conversation with Tony, I figured they had more than enough information to allocate units to the fire.

Q. So it was your understanding during that shift
15 that the forward planning would be done by the SMT at Curtin; is that correct?

A. Yes.

MS CRONAN: Thank you, I have no further
20 questions.

THE CORONER: Yes, Mr Pike. Do you have any questions of Mr Greep?

25 MR PIKE: I don't at this stage. I think it is unlikely but I might seek your leave later on.

THE CORONER: Mr Whybrow?

30 MR WHYBROW: No, your Worship.

THE CORONER: Mr Walker?

MR PHILIP WALKER: No.
35

THE CORONER: Mr Craddock?

MR CRADDOCK: No.

40 THE CORONER: Mr Watts?

MR WATTS: No, your Worship.

THE CORONER: Mr Pike?

45 MR PIKE: No, your Worship.
47

THE CORONER: Mr Lakatos?

MR LAKATOS: No, your Worship.

5 MS CRONAN: No re-examination.

THE CORONER: Thank you, Mr Greep, you are excused to leave.

10 <THE WITNESS WITHDREW

MS CRONAN: My friends have taken me by surprise. Can we have a short break until the next witness arrives at court?

15

THE CORONER: We will take a short adjournment.

SHORT ADJOURNMENT [12.09pm]

20 **RESUMED** [12.16pm]

<RICHARD JAMES HAYES, SWORN

<EXAMINATION-IN-CHIEF BY MR WOODWARD

25 MR WOODWARD: Q. Your full name is Richard James Hayes?

A. No, it is not. I was christened Warwick James Hayes but I've been known as Rick Hayes for the last 48 years.

30

Q. I won't show you the top of your statement on the screen, Mr Hayes, because it has your private address written there. I apologise for that error. You provided a statement for the purposes of this inquest, and that is dated 12 August 2003; is that correct?

35

A. That's correct.

40 Q. Have you had an opportunity to read that statement before attending court this morning?

A. I have read certain parts of it, yes. There was one alignment made.

45 Q. So you don't have it with you, or perhaps you do?

A. Yes, I have.

47

Q. There is a correction you want to make?

A. That's exactly right. Paragraph 19.

Q. On page 4. Yes.

5 A. Yes, there was a Rivers Command Unit left out of that assembly of vehicles.

Q. I will come back to that. Before I do, how many personnel were in that vehicle?

10 A. Three to my recollection.

Q. So that would mean in addition to adding the Rivers command vehicle to Rivers 21 and Guises Creek 10, that would increase the number of people to eight; would it?

15 A. That's it.

Q. As you have raised it, Mr Hayes, I was going to take you to some radio transcript for the afternoon of the 9th that referred to the Rivers command vehicle and ask you whether you did recall that being one of the other vehicles there. There are also references in the transcript - I will take you to this in due course if you can't answer now - to Guises Creek 5 as another unit that was --

20 A. It wasn't another unit, no. A crew leader on Guises Creek 10.

30 Q. That explains that then. The three vehicles that were present, was your own - a vehicle that you were driving; is that correct?

A. Yeah.

35 Q. Were you on your own?

A. Yes, I was.

Q. You had Rivers 21 crewed by Simon Corbell and Tony Hill?

40 A. To the best of my recollection, I could have put Simon in the command unit at one stage.

Q. Let us not worry too much about the individuals. Two people in Rivers 21?

45 A. Yes.

Q. Three in the Rivers command unit?

A. Yes.

Q. And that's just a twin cab?

A. Hilux.

5

Q. It doesn't carry water?

A. No.

Q. The light unit on the other hand has a small
10 water carrying capacity?

A. Probably in the vicinity of 600 litres.

Q. Guises Creek 10 is a tanker?

A. Heavy tanker, yes.

15

Q. You mentioned Guises Creek 5, that is
someone's call sign?

A. He would be a deputy from Guises Creek.

20

Q. He would be one of the --

A. Crew on Guises Creek 10.

Q. Your statement indicates there were three
people in that vehicle?

25

A. Yes.

Q. That gets us the total of 8?

A. Yes.

30

Q. Plus yourself?

A. Yes.

Q. We will come back to that more briefly now.
Firstly you make the comment in your statement
35 that, at the time you prepared it, you did not
have access to radio transcripts. Is it by
reviewing radio transcripts that you picked up
that omission in relation to the Rivers command
vehicle?

40

A. Yes.

Q. You were describing in paragraphs 2-5 your
work history commencing with you joining the
Department of Urban Services in 1974, leaving
45 there in about 1980 to manage the farm where you
had grown up. You refer to the fact in paragraphs
3, 4 and 5 that in that period while you were in

Temora, you were a member of the Temora volunteer fire brigade; is that correct?

A. That's correct, yes.

5 Q. You obviously attended a number of incidents during that period and you refer to a large fire event in the mountain range near Temora?

A. That's right, yes.

10 Q. You returned to the Department of Urban Services in 1987. At that same time you also joined the O'Connor brigade?

A. That's right, yes.

15 Q. You deal with your experience in those roles in paragraph 7 and 8 and you refer in paragraph 8 in particular to being involved in a significant fire at Pierce's Creek in 1991?

A. That's exactly right, yes.

20

Q. You also over the page in paragraphs 9, 10 and 11 refer to other incidents, in particular a fire at Mildura Road approximately two years ago and that during the 2001 fires you were a sector leader at the Stromlo fire?

25

A. That's correct, yes.

Q. You mention other incidents in which you have been involved. You deal with your training in paragraph 13. In paragraph 14, you refer to what you believe to be the first time you did ICS training being approximately 1998; is that correct?

30

A. That would be correct, yes.

35

Q. I want to ask you, Mr Hayes, in relation to your training in ICS and perhaps training generally in the period between 1988 and the present, were you given any training in relation to what is known as the operation of the Service Management Team?

40

A. I will say no to that.

Q. Perhaps if I can ask that question in a slightly different way. Did you get any training in relation to - or do you otherwise have an understanding of the interrelationship, if you

45

like, between the SMT and incident controllers and other IMT personnel in the field?

A. Yes.

5 Q. How did you come to understand that relationship?

A. There were numerous training courses in the early 90s/late 90s to deal with certain situations.

10

Q. What did you understand just in broad terms to be the role of the SMT firstly?

A. The SMT is usually based in Curtin. They relay the messages to the IMT in the field.

15

Q. Relay messages?

A. Well, information, messages, yes.

20 Q. Did you have an understanding that they had any other function in relation to the support for the IMTs in the field?

A. They have numerous roles and procedures, yes.

25 Q. That was something you were trained about and informed of in the period up to January 2003?

A. Yes, yes.

30 Q. Given what you have said about the role of the SMT, what did you understand to be in broad terms the duties and responsibilities of incident controllers in the field?

35 A. Incident controllers in the field are relaying information back to the IMT or the SMT and they are relying on very accurate information because they are behind four brick walls. You have got to have your wits about you and relay the right information back to them.

40 Q. Perhaps I should ask two preliminary things which I neglected to do: Apart from those two changes to Rivers command vehicle, is your statement otherwise true and correct?

A. Yes, yes.

45 Q. You also participated in a record of conversation with representatives of the Australian Federal Police on 27 November 2003?

A. That's correct.

Q. Were you provided with a transcript of that?

A. I've got a typed copy in my folder, yes.

5

Q. Have you had an opportunity to read that before today?

A. Yes, I have.

10 Q. Are there any matters in that that you want to correct or add to?

A. As long as they picked up the piece about the Rivers Command unit, that will be fine. Yes.

15 Q. So otherwise you are satisfied that what you said in that taped record of conversation was true and correct?

A. Yes.

20 Q. You say in that document - I won't go to it unless it assists you - at question 44, I think you say you had no training in the roles of logistics and planning; is that correct?

A. Yes. When we did the ICS training I took the
25 position when I did my course as incident controller.

Q. Is there incidental training as part of that training in the incident controller role as to
30 what the planning and logistics function does?

A. You touch on everything, yes.

Q. Mr Hayes, getting back to the duties and responsibilities of the incident controller in the
35 field, did you understand that those duties and responsibilities included undertaking, for example, a planning function in the field?

A. Planning in words meaning planning to attack the fire?

40

Q. No. Planning in the more technical sense as it is understood under ICS?

A. Yes.

45 Q. That is part of your responsibility as incident controller in the field, including either yourself engaging in that planning function as an

extension of your role as incident controller or, alternatively, appointing another officer to be your planning officer in the field?

5 MR CRADDOCK: I object. There is already some
apparent difference of understanding as to that
role as between the questioner and the witness.
The witness has already indicated that. The
10 explanation given by my friend "as being in a
technical sense" is in that context apt to
mislead. In my submission, if he wishes to ask
the witness about his understanding of the
incident controller role in the field, it
15 shouldn't be simply as in terms of whether he had
a role as an incident controller in a technical
sense as to planning. It really needs to spell it
out; otherwise we are going to be left with two
ships passing in the night in the witness's
evidence.

20

MR WOODWARD: I am happy to do that.

Q. Perhaps I should clarify, Mr Hayes: you said a
moment ago that as part of your training as an
25 incident controller under the ICS you touched on
the role of planning and logistics; is that
correct?

A. Yes, yes.

30 Q. What is your understanding in broad terms of
the role of the planning officer under ICS?

A. Planning - he will put it in place. Planning
is to plan the incident action plan and come up
with that and implement it into the field to the
35 people who require it.

Q. Is it your understanding that planning, for
instance - or among other things - includes what
might be called a situation assessment; that is
40 undertaking an assessment of what the current fire
situation is?

A. Yes, for sure.

Q. And perhaps more importantly doing some
45 prediction as to what the fire might do into the
future?

A. Yes.

Q. In the next question I ask you I talk about that planning when referring to that type of role. Do you understand?

A. Mmm.

5

Q. Was it your understanding that, as part of your responsibility as incident controller in the field, you would either yourself undertake that planning function or alternatively appoint another officer to undertake that role?

10

A. Yes. Now I understand where you are coming from. That's a lot better. Yes, I would take that role on until the fire reached a certain size. Then the Incident Management Team would slip more officers - a planning officer. They would all be filled depending on the size of the fire.

15

Q. When you say the Incident Management Team would slip more officers, what do you mean by that?

20

A. They delegate.

Q. They being who?

25

A. The Incident Management Team.

Q. That is in this case we are discussing, which I suppose is hypothetical, if you were the only person out as the incident controller, would that be you or are you talking about the SMT?

30

A. It would be me. Curtin would allocate them to me, because they know my span of control. They would allocate them to me.

35

Q. When you were out in the field on the 9th of January, what arrangements did you have in place, if any, for that role - for that planning function in the field?

A. Well, tell me if I am wrong, but my incident action plan for the day.

40

Q. That might be an example?

A. Yes. It was to contain the fire on Wombat Road from crossing Wombat Road to the east. I did my best to control the fire on the southern end and the northern end.

45

47

Q. What about incident prediction, Mr Hayes? Did you have someone or did you yourself undertake that kind of function out in the field?

5 A. I had numerous choppers out in the air on the day. I knew in myself if it crossed Wombat Road it had - well, it could end up anywhere.

Q. Did you have an expectation that you would be getting some planning support from Curtin?

10 A. No.

Q. I might just ask you then in those circumstances about - it may be because we are at cross-purposes in terms of the detail of the planning role; if that is the case say so. In your taped record of conversation - if it assists you, you may get a copy of it.

A. That's the?

20 Q. That's the transcript of the conversation you had with the police in November.

A. Yes.

25 Q. If I could ask you to go to question 256 which is on about page 27 of that document.

THE CORONER: My copy doesn't have page numbers or question numbers. I will rely on what comes up on the screen.

30

MR WOODWARD: Q. You were asked at question 256:

"Q. What command and control structure did you have?

35 "A. We had a crew leader on the tanker."

MR WHYBROW: I object on the basis that is not accurate. It may be relevant the different terminology. "What command and control structure did you implement" not "what did you have".

40

MR WOODWARD: Q. You say:

45 "A. He more or less - well I was away on the other side, he would be around that side keeping an eye on things for me. I said, 'The main thing here is to stop it crossing

Wombat Road to the east.' That's the one we could patrol. Yeah.

5 "Q. So at that stage, the fire wasn't such that you had planning, logistics officers and" --

I think you interrupt the question and say "no". Then you are asked:

10

"Q. No? Okay so basically you as the incident controller ... and then two crew leaders, is that right?

15 "A. Yeah, I think I had one but I probably found another one during the day.

"Q. Okay?

20 "A. And the incident management team at Curtin. They were given the rules and regulations out of there."

Can you explain what you meant by that answer?

A. 261?

25 Q. Yes.

A. Well, me being the only person in the field, they were still relaying information to me, the team from Curtin, and I would relay back to them my options; and they would give me their options; 30 and then we would come up with a scenario.

Q. When you say - you may have said "giving all" rather than "given", what do you think he did say there?

35 A. On 261?

Q. Yes. When you say "the rules and regulations out there"?

40 A. Giving.

Q. So you were referring to their input, were you, into the overall strategy that you were developing?

45 A. Yes.

Q. This is in a sense taking you a bit out of context because it is much later in the

chronology, but while I am on the subject of the role of the SMT I will ask you about question 703, which is almost the second last page - page 72.

A. Yes, 703.

5

Q. You were asked:

"Q. I've just got one more question. When you were the incident controller up at the Bendora fire on the 17th, the incident controller, did you have a logistics person up there with you? Or a planning person?"

10

"A. All in - all in Curtin."

15 Then you repeat your answer:

"Q. So at any time did you know if there was an Incident Management Team actually working in the field either for the Bendora or the New South Wales fires?"

20

"A. No there wasn't anybody. Not in the field."

Was that answer just restricted to the 17th or --

25 A. Yes.

Q. So what was the position until the 17th in relation to having those officers in the field?

30 A. Can you explain the question again? It was a fairly long question.

Q. As I understand you in that answer to that question, you are saying that the planning and logistics person was all in Curtin?

35 A. Yes.

Q. I asked you whether that answer was restricted to the 17th. What I am seeking to ascertain from you is: are you aware on any day up to the 17th that there were or that you had logistics person or a planning person in the field with you or there were such people in the field?

40

A. Not to my knowledge.

45 Q. So --

A. I played many minor roles between the 9th and the 17th, yes.

Q. That is just something you are not aware of one way or the other?

A. Yes.

5 Q. On the 17th, as I understand what you say in answer to the question you are asked there at 703, you as incident controller were relying on Curtin for the logistics and planning?

A. Yes.

10

Q. Going over to paragraph 18 of your statement, Mr Hayes, you talk about being asked to attend the fire the following morning.

A. Was that 18?

15

Q. Yes. Paragraph 18 of your statement.

A. Yes.

20 Q. In that you say you were asked to attend the fire at 6am on the 9th. You were told what you were instructed to meet. I think from your TROC, your taped record of conversation, it is clear that you did understand on that evening that your role was to be the incident controller the following day?

25

A. Yes.

Q. You say:

30

"My recollection is that the details available from COMCEN about the fire, its location and our objectives were sketchy."

What did you mean by that?

35

A. It was very sketchy - exactly. It was very sketchy.

Q. Can you recall what you were told about those matters?

40

A. Meet my crews at the corner of Brindabella and Warks Road - I was not told what crews - and then proceed down Warks Road until you find smoke.

45

Q. Were you given any instruction or suggestion as to what might be your objective for the day?

A. Nothing.

47

Q. You also, I think, mention in your taped record of conversation at question 378 there was no briefing or handover from the incident controller in the previous shift, which was the previous day - in effect Odile Arman?

5 A. No.

Q. I think it is also clear from your taped record of conversation that, once you met up with your crews and then headed out to the fire, it did take you a little while to actually find a fire?

10 A. The fire, yes.

Q. Subject to the correction that you have referred to, being the addition of the Rivers command vehicle with an additional three personnel, I take it because you didn't seek otherwise to amend your statement that it is still your view as expressed - in particular in paragraph 31 - that at least by that time in the development of the firefight you described:

20 "... with the number of people available it was impossible to undertake the attack required to suppress the fire at that time."

25 A. Yes.

Q. Do you have any recollection or based on your review of the transcript what, if anything, you did to see if you could secure additional personnel that morning?

30 A. Yes. I had numerous conversations with Mr Graham and, considering the different circumstances, it was a red day in town. There were numerous other fires burning. We were still concerned about further lightning strikes come up. I knew the cupboard was bare. If I asked I wouldn't have got.

Q. That is something you deal with in a number of places in your taped record of conversation. I think you more or less confirmed what you said, Mr Hayes. What I want to ascertain from you is: is that based on something that Mr Graham actually said to you or was it just an assumption that you made?

40 A. No. My assumption.

Q. So you didn't actually ask whether it would be possible to obtain additional personnel; you just assumed because of the number of fires and the factors you referred to there simply wouldn't be
5 any available?

A. Well, to go back a few steps. I never received my full allocation for the day. That cut me very short.

10 Q. Perhaps you better elaborate on that. What did you understand your full allocation would be that day?

A. I was never told on the night of the 8th what I was getting. It was to turn up and see what I
15 got. In that list there was two rake hoe crews. I never received them. But I never knew I was getting them until I spoke to Parks 1 - late on the 9th or somewhere on the 9th, I spoke to her and they never turned up. So that cut me very
20 short for the day.

Q. In terms of the role, you say you later understood you were supposed to have two RAFT teams. I think the evidence is clear that what
25 was suggested the previous evening by Ms Arman was at least one heavy tanker and at least two RAFT teams. How would you describe what you actually had that day in those terms? We know you had one heavy tanker; that's correct?

30 MR CRADDOCK: Can I object. I think there is a clarification that may be needed there. I think the question is perfectly proper if it has substituted for "two RAFT teams" two rake hoe
35 teams. I think the witness referred to two rake hoe teams rather than RAFT teams.

THE CORONER: In relation to the allocation of that day, I think it was two rake hoe teams.
40

THE WITNESS: Yes.

MR WOODWARD: I must say I was using the term synonymously.
45

THE CORONER: Can you do that - RAFT and rake hoe?
47

MR WOODWARD: I believe so.

THE WITNESS: If someone was sending me two RAFT
5 teams or two rake hoe teams, I would say I would
know what they were for; they do the same
procedure.

THE CORONER: The same thing.

10 MR WOODWARD: Q. About how many personnel would
you normally expect?

A. They normally have six per crew.

Q. Can I take it from that if you understood
15 there were to be an allocation of two rake hoe
teams that you would have 12 personnel comprising
those two teams?

A. Exactly right.

20 Q. That was to be plus a large tanker?

A. Mmm.

Q. What numbers of crew would that normally have?

A. The tanker?

25

Q. The large tanker, yes.

A. If it is a single cab it is three; if it is a
dual cab, you can have up to six or seven. It was
a single cab.

30

Q. You were expecting at least three would arrive
with that large tanker?

A. Yes. Yes. Guises Creek 10, yes.

35 Q. That would be a total of about 15 personnel;
is that correct?

A. Yes. Pretty close to it. Yes.

Q. Now you had the large tanker with the three
40 personnel. The rest of the personnel that you did
have, how would you describe that? Were they
operating as a rake hoe team?

A. No. The light unit worked as a light unit
45 suppressing any spots on the edge of Wombat Road
for me. But then to form a rake hoe crew I had to
stand my tanker down and my light unit down. So I
had no suppression availability at all while they

burnt themselves out doing rake hoe work for me.
So it was a matter of jiggling.

5 Q. How many rake hoe teams were you able to come
up with as a result of that jiggling?

A. One.

Q. In doing that you then lost personnel from the
light unit and the tanker?

10 A. That's exactly right.

Q. Can you indicate to her Worship what factors
led you to make that assumption that there were no
other - as I understand what you are saying -
15 personnel to be had that day?

A. That I didn't source any more personnel.

Q. I think you said you didn't ask.

20 A. Yes.

Q. It was your assumption that they wouldn't be
available?

A. Yes.

25 Q. What factors led you to make that assumption?

A. My factors on that day - I knew it was a red
day in town. We work in colour code. Knowing
there were numerous other fires burning in the
region I knew that asking for more crews I would
30 get the answer "no", because they would have to
take them off another fire to give them to me.
There was no task force in town by the 9th, and
during the day I dropped the hint that I wouldn't
mind another heavy, which is another heavy tanker.
35 But I knew my request would probably fall on deaf
ears. I probably wouldn't get any more crews. On
those assumptions, because it is a red day, you
can't take all your resources out of town. It is
putting all your eggs in one basket and it is a
40 recipe for disaster. You have to leave some crews
in town.

Q. Are you sure about it being a red day that
day, Mr Hayes?

45 A. My recollection was it was a red day - red or
orange.

47

Q. I think the evidence is that it was an orange day.

A. Well, I compare that to being as bad as a red day.

5

Q. You say in response to a couple of questions and particularly question 395 in your taped record of conversation on this subject - it is in the context of dozers where you are asked about it - and as I understand it you make a general comment. On page 40 you say in your answer to the position in relation to requesting dozers:

"It will come back - if they can - we have talked about this on a few things, if you want something you ask for it. It's up to them to find it for ya and them to make the decision if you're gonna get it. We don't make the decision if we're gonna get it. You say on that radio what you want. 'I want 6 of that, 4 of that and 5 of that.' They'll go and get it for you. If they can't, they will come back and tell you. But you order what you want."

25

Is that the position, Mr Hayes? Generally speaking that's how it worked - if you feel you need additional resources, you ring up and ask for it and they either give them to you, if they can, or they don't.

30

A. Yes. In some situations, yes. In the situation on the 9th, I'll say no.

Q. Because of the assumption that you made that because of those factors there wouldn't be anything available?

35

A. No. On normal times, yes. You ask for it and you will get it. Yes.

Q. So you see the day of the 9th as an exception to that normal --

40

A. Yes. Yes.

Q. You go on in your statement at around paragraph 23 to refer to your assessment of the fire. In particular in the final sentence of paragraph 23 you say:

45

5 "I have since the fires sat down with a map
and tried to work out the approximate size of
the fire that morning. I believe it was
between about 7 and 10 hectares in size, but
this is a ballpark estimate."

As you were there, Mr Hayes, with your crews
working on the fire, to what extent were you able
to get an assessment of the overall dimensions of
10 the fire you were dealing with?

A. At what time of the day?

Q. During the morning - at any time during the
morning.

15 A. My assessment was mainly done from the eastern
side. I had no recollection what the west side
looked like. Very rugged. I knew by that stage
it was probably burning downslope on the western
side, because I had a look from Franklin Road and
20 I could see it burning downslope.

My estimation of the size was probably a ballpark
figure. It was going to have to be a fairly good
guess.

25

Q. Your statement refers to later on working it
out with a map. But on the day, were you working
on a rough estimate yourself as to what you were
dealing with in terms of the size of the fire?

30 A. I had different sizes thrown at me, yes.

Q. What were they?

A. 15 to 20 hectares. I received a report at
about 10am in the morning from a Mr McRae, and we
35 were both under the same recollection it was about
15 to 20 hectares by that stage.

Q. Mr McRae has given some evidence about that
and his assessment during his reconnaissance
40 flight that the fire was 20 hectares. I hope I
don't do him an injustice, but my recollection of
his evidence was that he said he didn't - and the
radio transcript seems to bear this out - actually
tell you what his estimate was?

45 A. No, he didn't tell me. He just gave me some
advice on the southern end of the fire.

47

Q. Would that have been some information that would have assisted you, if he had told you?

A. Yes, greatly.

5 Q. You say you were working on the assumption at the time that it might have been up to 20 hectares?

A. Yes.

10 Q. So this question may be redundant: if he had said words to the effect "Rick, you have a 20-hectare fire down there," would that have altered in any way your approach to your attempts to suppress it?

15 A. No, but it would have given me a better idea.

Q. In paragraph 24, Mr Hayes, you refer to your communication with COMCEN. At the bottom of page 5 in that paragraph you say, "It became
20 apparent to me that the map they were working from was out of date". The reason for that was they seemed to be assuming that Bendora Break was a potential containment line, when your observation of it was that it was completely overgrown. Is
25 that the position?

A. That's exactly right. Yes.

Q. That led you to the conclusion that they were working from a map that was out of date?

30 A. Out of date or - yes, yes.

Q. Bendora Break, Mr Hayes, were you able to assess for how long it had been - the last time on which it may have been graded or any work done on
35 it?

A. There was suckers on there probably 12 inches in diameter. That could say it hadn't been graded for a terribly long time.

40 Q. Did you at that time have a general impression of the state of the tracks in that area that you were trying to work from?

A. Yes. We were in the area with numerous small fires over the years and the trails were never
45 known to be great.

Q. That was your experience on the day of the 9th

as well?

A. Yeah. The trails were in a bad state.

5 Q. In paragraphs 26 and following of your statement, you say:

"Unfortunately, no maps had been provided to me or any of the crews before they came out."

10 You also refer in your taped record of conversation to the issues around maps. If I can ask you perhaps about questions 137 in the taped record of conversation. Sorry to keep jumping between them.

15 A. No, you are right.

Q. Again --

A. Page 16.

20 Q. You are there asked about the maps. You were asked in particular in 136:

"Q. Who should be responsible for providing you with the maps?"

25 "A. ESB.

"Q. More specifically, or just the SMT?"

"A. No, I think --

30 "Q. Would it be the logistics officer role?"

"A. They supply all the maps under the sun now, haven't they? They haven't given us a bundle this thick."

35 I assume you were holding up your hand?

A. You have got enough to choke a horse now.

Q. You use that expression in your TROC, Mr Hayes. You put the answer:

40

"A. It is a bit late. That's what they could have been supplying before the fires."

45 What was being supplied to personnel before the fires?

A. There were some maps available but none of the Bendora area - very limited maps.

Q. That pile of maps that you are referring to now, there was nothing equivalent to that before the fires?

A. No. I never saw it.

5

Q. In his evidence Mr Ingram was asked about this issue. At page 3563 to 4, he was asked the question at line 21:

10 "Q. I take it with your pre-season fire planning that they should have whatever they need to fight the fires already in their units; is that correct?

"A. That's correct.

15

"Q. Does that include maps?

"A. Maps have been issued to the officers and sets of maps have also been issued to brigades."

20

A little further on he says:

25 "Sets of 1:25,000 maps were issued to the officers prior to the fire season, and sets were issued to the brigades as well. I'm not sure exactly how many. I think it was two per brigade."

30 He then says that the latest set had 16 individual maps.

A. That was after the 2003 fires, the 16-map set.

35 Q. The position before then was that - you would say that Mr Ingram's answer relates to the post-fire position, do you?

A. Mmm.

Q. What was the position before the fires?

40 A. We were issued with - when I said limited maps, yes, the 1:25,000 bushfire map, every unit had one of them. But that is a bit hard to break down to Bendora in that area with all your trails and tracks and that.

45 Q. That situation has improved significantly since then?

A. Oh, it has jumped out of the ground.

Q. Jumping forward a bit, Mr Hayes, in relation to the 9th, at paragraph 41 you refer to the position concerning overnight crews. You say in paragraph 41 of your statement that:

5

"I do not recall if, during my conversations with COMCEN during the day, I recommended overnight crews. I was aware that overnight crews had not been used the night before. Generally resourcing is worked out by ESB following discussion with the incident controller on the ground about what resources may be required. I would have responded to this question. I do not recall discussion about overnight crews."

10

15

Have you found in the radio transcripts some references to overnight crews?

A. That enlightened me a lot since I looked up the times 16:42, 17:38 and 17:54.

20

Q. We can bring that up if it assists, Mr Hayes. I understand at 1642 there is a communication between yourself and COMCEN. This is something you have seen recently; is that correct?

25

A. Yes.

Q. This should be document [ESB.DPP.0003.0002] at page 43. Perhaps while that is being brought up I can just read to you the entries for around 1642.02:

30

"Parks 6 this is COMCEN.

35

Yes, Parks 6.

Um we will support your request for crews."

There is a repetition:

40

"Yes Parks 6 we will support your where request for crews to tonight over

45

Thank you just let me know when they are on their way and I'll meet them and guide them in.

47

Received.

Thanks comms, Parks 6 out."

5 Perhaps I should ask you first: do you recall that exchange?

A. Yes.

10 Q. It suggests there was some previous exchange where you would have made that request for overnight crews; do you recall that?

A. I spoke with Mr Graham numerous times that day. Phone reception wasn't good, but I did speak to him during the day.

15

Q. I haven't been able to find any references earlier in the radio transcript. Is it possible that you made that request by phone?

A. Yes.

20

Q. Later on - I have only one other reference. What was your other one - 1738, was it?

A. 1738. Yes. I think it was, yes.

25

Q. That would be on page 54. Is that the reference down the bottom of that page where you say:

30 "Inform the duty coordinator we are pulling out of the southern end of this fire. It's getting it too dangerous and we're heading back to the northern side."

A. Yes.

35

Q. I think your other reference is 1754 on page 58 towards the bottom of that page. Again while that is coming up:

40

"COMCEN, Parks 6.

Go ahead Parks 6.

45 Comms for the duty coordinator but I can't ring those crews that are coming in tonight I would say no to them now the fire has crossed Warks Road. There's trees hanging. It is

far too dangerous. He can call me by radio if he'd like to talk it over. Parks 6 out."

The response is:

5

"Received Parks 6. He agrees with your assessment over."

You recall that exchange?

10

A. Yes.

Q. You have dealt with this at some length in your taped record of conversation, Mr Hayes. I will ask you: what was the reason for your decision at that time to reverse your earlier suggestion about overnight crews?

15

A. Conditions from probably 1600 on were not pretty in there. It was horrendous. There were numerous trees falling. The fire condition had upped the ante. It had crossed Wombat Road. Fire in there was atrocious. I would not put crews in there overnight.

20

Q. Was part of your consideration, Mr Hayes, I think you refer in particular in question 330 and thereabouts in your TROC that by that stage those crews, if they turned up, would be arriving probably in the dark or certainly at dusk?

25

A. Yes, yes.

30

Q. Was it the case that, had those crews been available earlier in the day, for example at around 4, it still may have been something that you would have supported?

35

A. You are on the borderline there because weather conditions weren't good then either and fire behaviour was very erratic. I don't think I would have put crews in even at 1600, no.

40

Q. If the crews had had an opportunity to arrive at the fire ground and assess the area so they arrived in the day-time - perhaps I should ask you this first: you would normally expect the fire behaviour to become less intense during the evening and overnight; wouldn't you?

45

A. Well, I don't call 1600 the evening. I would call the evening probably about 1800. It might

have died down a bit, but fuel levels were very, very high in there.

5 Q. What about later on in the night, what would you expect the fire behaviour to be doing?

A. Fire behaviour would drop at night, yes, but the fuel was the big factor in there.

10 Q. If the crews had arrived at say 4 o'clock and therefore had an opportunity to assess with the view to starting work once the fire behaviour became less intense, would that have been a strategy that you would have supported?

15 A. That is on the eastern side of Wombat Road?

Q. Yes.

20 A. Yes, the next containment line was a fair way away in the name of Bendora Road, and I couldn't tell you a containment line on the southern end of that fire because I didn't have a map with the right name on it at that stage.

25 Q. Do you think they could have done some useful work on the eastern side overnight, as long as they got there during the day and were able to understand the fireground?

30 A. They could have done some useful work on - my opinion only - back-burning off Bendora Road. And that did take place down the track further, yes.

MR WOODWARD: I have one more topic I want to go to. We will do it after the luncheon adjournment.

35 THE CORONER: We will adjourn for lunch and resume at 2.

LUNCHEON ADJOURNMENT [1.04pm]

40 **RESUMED** [2.03pm]

MR WOODWARD: Q. Mr Hayes, just before I leave the issue of overnight crews on the 9th, did you have available to you or do you otherwise recall having a forecast for the weather that night; that is, the night of the 9th?

45 A. No, I don't think I received the weather report for the 9th, no.

Q. Would that be a relevant thing to consider when you are looking at the broad issue of what effect, if any, an overnight crew might have?

5 A. Yes, it would be. I think I received a weather report later in the afternoon and I did listen to the weather report that came over from the three towers in the afternoon, yes.

10 Q. As I understand the substance of what you have said in your taped record of conversation, at least one of the considerations by about that time that concerned you about overnight crews was the fact that they would be arrived too late to really understand the fire ground and I think --

15 A. Yes.

Q. -- you talked about them going in blindfolded?

A. Mmm.

20 Q. I think that is one of the reasons, as I understand what you said in answer to the police, that you got on the radio and changed your earlier request for overnight crews?

25 A. That was based on the fact when the conditions were turning very badly in there, yes.

Q. And was another consideration the fact that that combined with the fact that these people would be turning up in effect in the dark --

30 A. Yes.

Q. I have just asked to be brought up on screen, Mr Hayes, what I think you have referred to earlier about turning your mind to getting additional resources. This is a transcript of part of the radio transcript for the morning of the 9th where it appears you were having discussions with Parks 1, who was Odile Arman; is that correct?

40 A. That's correct.

Q. Towards the bottom of that exchange with her she asks the question:

45 "Were the resources I asked for adequate."

You responded:

"I could probably do with further water being so far away I might pull another heavy in if I can. I will think about it."

5 Do you recall having that conversation with her that morning?

A. I remember the conversation. I think that was in the conversation, yes.

10 Q. What ultimately did you decide to do about that, Mr Hayes?

A. As the scenario worked out in the end, I didn't pull the extra heavy in.

15 Q. Is that because of the considerations you refer to in the beginning of your evidence?

A. Yes.

Q. Mr Hayes, at the conclusion of your statement, you make some suggestions about areas where improvements might be implemented in relation to the fires, and again you were asked about this in the course of your record of conversation with the police. Is there anything that you wanted to add to those that has occurred to you since the time you did the statement and the record of conversation; or are those the main issues that you think are areas where you think consideration might be given by her Worship to areas --

20
25
30 A. I will stick to the main issues I brought up in my police statement, yes.

MR WOODWARD: I have nothing further, your Worship. Thank you, Mr Hayes.

35

THE CORONER: Yes, thank you. Mr McCarthy.

<CROSS-EXAMINATION BY MR McCARTHY

MR McCARTHY: Q. If I could take you to the morning of the 9th, I understand when you arrived, the fire was burning upslope from Wombat Road; is that right?

40
45 A. Yes. The western side of it would probably would have been burning upslope by that stage, yes.

Q. During your interview with the police, you

were shown an extract of Mr Cheney's report regarding the crossing of Bendora Break by that fire; do you recall that?

A. Yes.

5

Q. You were asked about it and you agreed with it, as I understand it, save for the fact that Mr Cheney's expression that the fire crossed the break during the morning should be clarified to mean somewhere between midday and 3am?

10

A. Midnight.

Q. Sorry, midnight and 3am - certainly the early hours of the morning?

15

A. Yes.

Q. You were talking earlier in your evidence about the fact that the Bendora Break was heavily overgrown?

20

A. Yes.

Q. Would I be right to understand that, in your view, it would have required a bulldozer to clear it?

25

A. Yes.

Q. Would it be fair to say that, given the time it would take to locate a dozer then float it to Bulls Head and then somehow get it to the commencement of Bendora Break, it wouldn't really have been possible to have got it there to commence that clearing until, say, daybreak on the 9th?

30

A. Yes.

35

Q. As I understand it, when you got to the fire ground, the fire that had crossed the Bendora Break heading in a north-west direction was burning in what you described as long fingers of fire?

40

A. Yes.

Q. Over to the west, I think you were telling the Court, it was quite inaccessible?

45

A. Very inaccessible.

Q. You yourself couldn't get to that side of the

fire?

A. I could only look at the western side from Mt Franklin Road.

5 Q. So you couldn't reach the fire?

A. No.

Q. Further, what you endeavoured to do to start with was to attack the fire from the southern end, as it were, of Wombat Road?

10 A. Yes.

Q. After a couple of hours in radio communication with Mr Hayes, it became apparent between the both of you that the fire was - the winds were picking up and it was all too dangerous to stay down in that southern end?

15 A. I think I was talking to Mr McRae.

20 Q. Beg your pardon, Mr McRae.

A. Yes, yes.

Q. Between the two of you, you agreed it was too dangerous to stay down at that southern end?

25 A. Rick McRae had a much better view from the air than me, and he recommended highly to me not to stay in the southern end.

Q. As I understand it from your statement from paragraphs 22 and 28 you shared that assessment?

30 A. Yes.

Q. From your viewpoint, the task at hand was to endeavour to keep the fire west of Wombat Road and to stop it crossing to the eastern side?

35 A. That's exactly right, yes.

Q. Given the situation where you were not able to do anything on the north or the west or the south, would it be fair to say that, even with further crews, you would not have been able to bring that fire under control that day?

40 A. Yes, I would agree with that assumption, yes. Yes.

45

Q. Now, when you arrived that morning the fire had crossed Bendora Break and was heading in a

west north-westerly direction?

A. Yes.

5 Q. As far as you could see, the next possible
containment line, having crossed the break, was
Marks Road?

A. Heading in a northerly direction, yes.

10 Q. Having crossed to the east across Wombat Road,
I think you were telling us earlier, the next
reasonable containment line was Bendora Road?

A. Yes.

15 Q. You have told us earlier that, by the end of
your shift, trees were falling across Wombat Road
and you rang in at 1754 to cancel any overnight
firefighting because you regarded it as too
dangerous?

A. Yes - highly dangerous.

20

Q. Highly dangerous?

A. Yes.

25 Q. But certainly too dangerous for overnight
firefighting?

A. Yes.

30 Q. When the crews arrived the following morning
to start work, the containment lines that existed
at the time you left that night shift remained the
valid containment lines when the shift came on the
following morning?

A. Yes.

35 Q. This is a small matter perhaps Mr Hayes: in
paragraph 87 you deal with the fact that, you
arrived up at Bulls Head and whilst waiting in
your car was then told you were going to be the
incident controller for the day; do you recall
40 that?

A. Yes.

Q. I take it that you would have liked to have
been given further notice about that?

45 A. Well, a matter of courtesy, yes.

Q. But once you got that information,

nevertheless, you sort of settled into the idea and said, "Well the task is at hand," and took it on?

A. That's exactly right, yes.

5

Q. You were able to speak with Dave Wassell, the overnight field incident controller that was going off shift?

A. Yes.

10

Q. He provided you with a map which showed you where things were up to and what the plan was?

A. Yes.

15

Q. I understand you were given a penciller, Nicole King, who you describe, I think, as the best penciller you ever had. Is that right?

A. Yes.

20

Q. I think you were also given a satellite phone?

A. Yes.

Q. And Will Andrews and Pat Barrelly helped you out as sector leaders?

25

A. Excellent. Yes.

Q. Is it fair to say that, despite that somewhat short notice that you were going to be the field incident controller on Bendora on that night, it didn't create any practical difficulties in your ability to do your job?

30

A. No, not at all.

MR McCARTHY: Thank you, I have nothing further.

35

THE CORONER: Mr Pike?

MR PIKE: Nothing at this stage. Might I reserve my position?

40

THE CORONER: Mr Walker?

MR PHILIP WALKER: A few questions.

45

<CROSS-EXAMINATION BY MR PHILIP WALKER

45

MR PHILIP WALKER: Q. Mr Hayes, I gather from what you said about overnight firefighting crews

on the 9th that you wouldn't attempt to second guess the decision made on the 8th that crews should not remain at Bendora overnight?

5 MR CRADDOCK: I object. He is not really in a position to deal with that. He wasn't there. He said as much plainly in his record of interview, "I wasn't there". The question that Mr Walker is now seeking to embark upon is really going to
10 involve speculation. It is not going to assist.

MR PHILIP WALKER: I will not press the question.

15 THE CORONER: It is valid. It is unfair to Mr Hayes as well.

MR PHILIP WALKER: I will not press the question in that form.

20 Q. The upshot, Mr Hayes, of the view you expressed about not crewing on the night of the 9th is, is it not, that these things are a matter for judgment by the person on the scene weighing up a number of competing factors?

25 A. Yes. I discussed it heavily with Oscar 1, Tony Graham. We both came up with the same assumption.

30 Q. In your record of conversation you have expressed at paragraph 93, for example, an indication that the state of the roads were very bad in the area you were required to operate?

A. Yes.

35 Q. Is that the case for all roads or were you referring to some in particular?

A. You could generally say that Bendora Road was in fair condition. It was a gravel road. Any roads off that hadn't seen a grader for years.
40 They were in an atrocious condition - overgrown.

Q. I think you expressed a view in some of the documents I have seen that the Bendora Break area, that was not a viable fire trail or block at all?

45 A. No, totally overgrown.

Q. What do you say was the consequence of the

state of Bendora Break when you found it as far as your ability to deal with the fire?

5 A. Actually to find Bendora Break took me a long time. I ended up locating the marker peg that says the name of the break. That's the only reason I found it, with an old gate. It was badly overgrown. There were trees in the vicinity of 12 inches in diameter growing on it. You could walk up it but not drive a vehicle.

10

Q. Do you personally have any knowledge about why these tracks such as Bendora Break were not maintained?

A. My opinion?

15

Q. Well, firstly, did you have any knowledge as to why they were not maintained? Do you know whether there was some decision taken or a view was formed that for some reason they should not be?

20

A. I never heard anything firsthand of why they weren't maintained. It was a pretty general talk that they were never maintained, but I was never told firsthand why they weren't maintained.

25

Q. I take it, Mr Hayes, that certain tracks in incident action plans constitute sensible places to put in fire breaks. There would be some places which could be good and other places which would be pointless?

30

A. Yes, yes.

Q. A notion that you just put tracks everywhere is silly because some of them frankly wouldn't be much use to you?

35

A. That's exactly right, yes.

Q. Others might be quite strategically important?

A. Very good. Yes.

40

Q. Where does Bendora Break fit into that, in your knowledge and experience? Is it just a track that happened to be there and wasn't maintained; or is it a track that in fact could be quite a useful fire break?

45

A. If it was a maintained fire trail, it could have been very useful in that fire, in my opinion,

because it runs so long and it joins up with a great anchor road, Bendora Road, and runs to the top - very close to Moonlight Hollow right through to Moonlight Hollow. If that trail was maintained it could have come in very handy. Very handy indeed.

5
10 Q. I want to make sure: when you give that answer, are you talking specifically for this fire or are you saying that it would generally be a good strategic fire trail? Do you understand the distinction I am making?

15 A. Yes. If there was fires in that area, it runs so long it could be used in numerous fires. Is that the angle you are coming at?

20 Q. In fact to make it quite plain. When there were questions before about why weren't fire trails running to every area, a witness said something to the effect of if you tell me where the next lightning bolt will strike we can run a fire trail there. You are not saying that Bendora Break was a good fire trail just because of this fire; you are saying it is a good fire trail generally?

25 A. Generally it should be maintained and kept in good condition, yes.

30 Q. At question 126 of your record of conversation you were asked if you had had extra resources - this is on the 9th - if there was anything you could have done. You said:

35 "A. Not on the southern end, no, wind activity was picking up, and I keep going back to it, if we'd piled the resources in there at 6 in the morning --

40 "Q. When the fire activity was low?
"A. And then there was nothing else burning in the ACT, you might have done something.

"Q. Is that an unrealistic scenario, though, given there were other fires?

45 "A. Well, it is - yeah, totally unrealistic."

Firstly, in what respect is it unrealistic?

A. For getting more crews in there?

Q. Well, having more crews in there at that time, yes?

5 A. Well, in my opinion, you wouldn't have got them in there because there was no more crews available.

10 Q. Is there any other reason it is unrealistic or just because everybody has a competing demand for resources?

A. That's exactly right. They have got a competing demand.

15 Q. I gather also from an answer that you gave when you said, "Not on the southern end no. Wind activity was picking up," even if you had more resources the chances on the 9th were that you weren't going to put Bendora out; is that right?

20 A. Yes.

Q. You still would have had a fire burning in any event?

25 A. In my opinion, yes.

Q. You have been asked a number of questions about maps. At question 292 of your record of conversation, you indicate you thought the maps were outdated but you indicate that didn't affect your operational requirements. So I gather you were able to operate from your own knowledge without maps; is that right?

30 A. Yes. Until we got decent maps on the fire ground, yes.

35 Q. Were you aware, by the way, there were some new maps actually on order for printing showing the depiction of the fire trails at that time?

40 A. I heard there were new maps being printed, yes.

Q. Again at 305, maybe it evokes the same answer, you said it would not have saved you any time. If you had the maps you bought the next day - on the 11th - if you had've had them on the 9th you say it wouldn't have saved you any time. Again, is that simply because you knew the area well enough?

A. When I say well enough, I knew the area. I picked it up fairly quick the perimeters of my fire that I was in charge of. Yes.

5 Q. I gather you didn't, certainly in the early stages, perceive this fire to be any realistic threat to Canberra at that stage?

A. On the 8th and the 9th, the thought never crossed my mind, no.

10

Q. In fact, it was some considerable time later before that thought entered your mind; is that right?

A. Would you like a date that it entered my mind?

15

Q. Yes.

A. 17th - it entered my mind severely on the 17th.

20

Q. When on that day?

A. When I was told to evacuate the Bulls Head staging area.

25 Q. In your statement you make a comment about a handover on the 17th from Mr Wassell at paragraph 86. In paragraph 87 you indicate that you had some discussion with Mr Wassell about the state of the fires before you took over as incident controller?

30

A. Yes.

Q. Did you receive the information you thought you needed to receive from Mr Wassell?

A. Yes. Yes I did. Yes.

35

Q. So in practical terms, apart from the fact that it may have been something of a shock to you to be informed that you were the man - that is you were informed, at the time you were informed that did it have any practical effect after you had spoken to Mr Wassell?

40

A. Once I got everything in perspective, I was fine.

45

Q. Did you ever find out any reason for the delay that you express in paragraphs 148 and 149 on the morning of the 18th. You say there was some delay

in you being tasked?

A. When I was located at Lanyon Marketplace?

Q. Yes.

5 A. Yes. You always stick by the rule that you stay where you are until you are told to go where they need you. I kept all the troops there. I was told to report to TNR at some numerous hour in the morning. It is in the mid-morning I think -
10 it is in my report. After that I left those crews, I never saw those crews again all day.

Q. At 195 you make some comments about absence of maps and initially some lack of incident action
15 plans. In the first instance, the incident action plan is something that is normally developed by the incident controller in the field; is that right?

A. In the first few days, yes.

20

Q. You said that incident action plans started to filter out from the planning unit to the fire ground. I take it you mean your planning unit at Curtin?

25 A. Yes.

Q. Is that to be interpreted as any particular criticism of the Curtin office? It seems to me from what you have said that is in fact how you
30 would expect the situation to develop.

A. Yes.

Q. That IAPs would occur at the fire ground and maybe afterward they would come from the central
35 area?

A. Once the relevant areas are set out, they will start rolling out of the area they have got to come out of.

40 Q. The question of fuel loads, that is not a complaint you make about ESB at Curtin; is it? That's a land management question?

A. It is the land managers' problem, the fuel loads, yes.

45

Q. The issue you make about standby arrangements in paragraph 203, is that something concerning the

Emergency Services Bureau or is that something concerning your employer or other organisations?

A. 200 and?

5 Q. 203, page 37.

A. Just run the question again, please.

Q. Is that a comment you make with respect to ESB in Curtin, this standby issue you raise, or is it something concerning other organisations?

10 A. Other organisations.

Q. Such as?

A. You could say Parks Brigade or Environment ACT or Canberra urban park, yes.

Q. Again paragraphs 206 to 210, is that a matter concerning ESB or again is the issue you raised there concerning other organisations?

20 A. Other organisations.

Q. I need to check with you: in question 494 of your transcript you were asked:

25 "Q. Did you have an opinion at that point on the 17th as to whether the fire was likely to run into the urban fringe of Canberra?

"A. Never even thought of it then, no. To be honest, no. Never even thought about that. Because I didn't think it would ever get that big, no."

It just seems to be at somewhat of variance to the answer you gave a while ago about some concern for Canberra.

35 A. What time of day would I have come up with that situation - that answer?

Q. I'm sorry --

40 A. Before or after I evacuated Bulls Head?

MR WOODWARD: I don't know whether it assists but question 495 which follows that reference is a reference to the evacuation of Bulls Head.

45

MR PHILIP WALKER: There is a reference both before and after to Bulls Head. I don't know

whether it links to the question, though.

Q. Perhaps I will take you to another. You said at 514:

5

"Q. Given that there was no foreseeable rain in the future, what did you think the fire would do? In the morning I mean. Not when you evacuated.

10

"A. I never imagined it would burn into the town - into the city limits. I never - that never even came into my mind once."

That is a view expressed before you evacuated?

15

A. Yes. My assumption changed when I evacuated Bulls Head.

Q. At 518 you say:

20

"Q. It got pretty high. At the time - we will go forward to when you were evacuated as opposed to earlier on the 17th. At that time, did you think the fire posed a threat to urban Canberra?

25

"A. No, didn't think of it at all."

That is obviously after evacuation. Is that somewhat at variance to the answer you gave? Perhaps I should ask the question again: in light of those answers, what do you say about when you thought you first envisaged there might be a possibility of the fire having an impact on Canberra?

30

A. Yeah, this assumption on the screen, there is some differing between there. But I will stick with the assumption that I made - I take this one to be overruled as far as I can see. But my assumption was after I did a lot of thinking after I went back to Uriarra station. The more I thought about it there was a reason why I evacuated Bulls Head. I have changed the assumption in my mind somewhere along.

40

Q. Perhaps the end result is you were not entirely sure?

45

A. There is some doubt in there. But the more I thought about it, the more I could see the big

picture.

Q. You expressed in your record of conversation when asked about dozers that there is some
5 reticence it would seem about taking dozers into a park. Do you recall an answer to that question?

A. Yeah. They are very reluctant in early stages to take a dozer into a national park.

10 Q. What is the cause of that, do you know?

A. You might disturb their pretty parks.

Q. You have encountered that response yourself?

15 A. Yeah, numerous times.

Q. I think at 106 you said in answer to a question:

20 "Q. What would have been what you wanted?
"A. A dozer in a national park is a dirty word."

I take it that is what you are referring to?

25 A. Yes.

MR PHILIP WALKER: I have nothing further.

THE CORONER: Thank you. Yes, Mr Craddock.

30 MR CRADDOCK: No, thank you.

THE CORONER: Mr Watts?

35 MR WATTS: Thank you, very briefly.

<CROSS-EXAMINATION BY MR WATTS

40 MR WATTS: Q. Mr Walker asked you some questions about the 17th of January when you were told, I think just before you were due to go there, that you are incident controller for the day; do you remember that?

A. Yes.

45 Q. When you arrived at the scene of the fire, you of course had no information about where things were up to, that would be true?

A. When I arrived in the carpark at Bulls Head,

yes.

Q. You are not suggesting by the answers you gave Mr Walker that it would not have been an advantage to you to have that information before you arrived?

A. It would have been nice but, no, I could wear it that I didn't have it. I learned pretty quick that morning, yes, where the situation was up to.

Q. When you arrived without any kind of information about where things are up to, it takes some time for you to appraise yourself of what is going on?

A. That's when you rely on the people around you to tell you the relative information.

Q. If you had written material beforehand setting all of that out, it would speed up that changeover; would it not?

A. It could, yes.

Q. It would enable you to get fighting the fire more quickly?

A. That would be a possibility, yes.

MR WATTS: Thank you, your Worship.

THE CORONER: Mr Whybrow?

MR WHYBROW: Just one matter arose.

<CROSS-EXAMINATION BY MR WHYBROW

MR WHYBROW: Q. You were asked some questions about the maintenance of trails and the reluctance of dozers in the national park by some people?

A. Yes.

Q. Did you have some experience before these fires of some maintenance being conducted on Moonlight Hollow Road but that being stopped?

A. I didn't know about any maintenance before those fires, no.

MR WHYBROW: Thank you. Nothing further.

THE CORONER: Yes, Mr Woodward.

MR WOODWARD: No re-examination.

THE CORONER: Mr Hayes, thank you very much for
your evidence. You are excused. You are free to
5 leave if you wish.

<THE WITNESS WITHDREW.

MR WOODWARD: Could I ask that Vivien Raffaele be
10 called please, your Worship.

While Ms Raffaele is coming in, I might say two
things: I understand Mr Whybrow who appears for
this witness may have a difficulty. The tentative
15 plan at this stage is I hope to complete my
examination of Ms Raffaele within half an hour.
If Mr Whybrow needs to be elsewhere, we could
either stop for the day at that point or,
alternatively, depending on where we are at, we
20 could hold Ms Raffaele over in case he had any
questions for her after reading the transcript
overnight. Perhaps we will play it by ear.

THE CORONER: What time do you have to be at the
25 Tribunal?

MR WHYBROW: It is 3.15. As your Worship would
know, if there are other matters in the Tribunal
before you, you could be pushed back. I am having
30 inquiries made to see where they are up to. With
a bit of luck, Ms Raffaele will be finished by the
time I am required.

<VIVIEN DENISE RAFFAELE AFFIRMED

35

<EXAMINATION-IN-CHIEF BY MR WOODWARD

MR WOODWARD: Q. Your full name is Vivien
Raffaele?

A. Vivien Denise Raffaele, yes.
40

Q. What is your current business address?

A. My home address or business address?

Q. Business.

45 A. I am currently just started work with the
Emergency Services Bureau at Curtin.

47

Q. Ms Raffaele, you have in the course of last year been involved in preparing or prepared a total of three documents. The first in time is a document headed "My story: January ACT Fires" dated 3 April 2003" is that correct?

5 A. Yes, that's correct.

Q. That is a document that you prepared yourself over I understand some months?

10 A. It took a period of about four weeks to put together, yes.

Q. Then later you prepared with assistance - I think you refer to this in the third document which I will come to in a moment - a statement which is dated 14 September and, as I read it, appears to be largely based on the earlier document; is that correct?

15 A. That's right, yes.

20

Q. Finally on the 26th of November 2003, you participated in a record of conversation with the members of the Australian Federal Police; is that correct?

25 A. Yes, that's right.

Q. There is a transcript of that which runs a little over 100 pages?

A. I think it is about 110 pages, yes.

30

Q. You also very helpfully today provided a chart which sets out what are in effect a number of amendments to both the first two documents I have referred to.

35 A. That's right.

Q. They largely deal with changes to times which you obtained by review of the radio transcripts?

A. That's right. The times.

40

MR WOODWARD: I think there are some spare copies of that document floating around. I don't know whether your Worship has a copy?

45 THE CORONER: I have a copy, thank you.

Q. Do you have one yourself, Ms Raffaele?

A. I do have a copy of that, thank you.

MR WOODWARD: Rather than going through each of those unless there is a particular one you want to draw attention to, what I propose to do is tender that document so it becomes part of the material and would be taken as being amendments to your statement and the other document. If that is acceptable to your Worship?

THE CORONER: Yes, that is. I have the document that says "statement changes" and also another document which appears to be --

MR WOODWARD: There is also the CV --

THE CORONER: -- qualifications and a CV.

MR WOODWARD: -- which I was proposing to tender.

THE CORONER: Ms Raffaele's CV will become exhibit 0041 and the document titled "statement changes" relating to Ms Raffaele's statements will become exhibit 0042.

EXHIBIT #0041 - MS RAFFAELE'S CV TENDERED, ADMITTED WITHOUT OBJECTION

EXHIBIT #0042 - CHANGES TO STATEMENT OF MS RAFFAELE TENDERED, ADMITTED WITHOUT OBJECTION

MR WOODWARD: Q. I won't have many questions for you because partly those three documents taken together are a comprehensive summary, as I understand it, of your involvement in the fire. There are a couple of things I want to ask you about. Starting with your statement the second document - I think you, in your taped record of conversation drew a comparison between this and the "My story" document by saying the person who prepared the initial draft of your more formal statement took all of the emotional stuff out. I think that is the way you described it.

A. Yes, that's right.

Q. That's the difference, as I read the document: the "My story" document, without diminishing the

significance of it, includes a number of events in which you were involved and your feelings about the events on the 18th running right through from the 18th to the 31st; is that correct?

5 A. Yes, that's right.

Q. Perhaps I should just ask you first, the first part of your statement deals with your employment history, which you have now added to by the CV.

10 Among other things, you indicate you have been a ranger with ACT Parks since June 1987?

A. Yes.

Q. You refer in paragraph 5 to during the last two years - I assume that is two years before the statement was made?

15 A. That's right, yes.

Q. You were the senior deputy captain within the ACT Parks Bushfire Brigade; is that correct?

20 A. That's correct.

Q. You have also for the last 11 years been a member of the Tidbinbilla volunteer bushfire brigade?

25 A. Yes.

Q. In paragraph 7 you refer to your involvement with the Fire Controllers Group. At least at the time of the statement, you were the president of that group. Is that still the case?

30 A. Yes.

Q. You talk about your experience in paragraphs 11 and 12 of your statement. In your taped record of conversation, you make reference that the first big fire in which you were involved was a fire in 1988 in Jervis Bay?

35 A. '89 I think it was, down at Morton National Park.

Q. You say you have been involved with firefighting for 15 years and attended several major incidents through those years. Then you say:

45

"On average I have attended 10 medium sized

incidents a season."

Medium-sized incidents would be smaller incidents than, for example, that fire at Jervis Bay?

5 A. Yes.

Q. With what you might describe as larger incidents, how many of those have you been involved in?

10 A. There would be, apart from the Morton National Park fire, Mt McKeahne fire was a reasonable size. That was in 1991. The Pierce's Creek fire which was also in 1991. Mt MacDonald fire which I think was about '97, '98 season. I'll just refer to a
15 document to refresh my memory. There was a couple of other reasonably sized fires in the beginning of the 2002-2003 season being at Rendezvous Creek and Boboyan Trig spur.

20 Q. Were you involved in the fires in December 2001?

A. Sorry, yes. The Christmas fires in 2001. That one as well.

25 Q. You played a variety of different roles in those various incidents?

A. Yes.

30 Q. Early on being a crew member, moving up to your current position that you were an incident controller in January 2003?

A. Yes.

35 Q. You refer in paragraph 12 to the incident control system and say you have been a trainer in that system since 1993. As part of both your own training and training that you may have delivered, have you been involved in training concerning the operation of the Service Management Team and how
40 it fits within the incident control system in Canberra?

A. Not the Service Management Team, no.

45 Q. Have you yourself been informed or given any training as to what the role of the Service Management Team as it operates in Canberra is or was?

A. I wouldn't say we have had training. We certainly have had discussions about the role and function of the Service Management Team.

5 Q. Based on those discussions, as at January 2003, what was your understanding of that role?

A. The Service Management Team was there to provide services and to support the incident
10 controller.

Q. The incident controller in the field, what was your understanding based on discussions or any training that the incident controller in the field
15 would have under that system as distinct from just the formal role under ICS?

A. You mean with the Service Management Team?

Q. Yes.

20 A. I'm sorry, I don't quite understand the question that you are asking.

Q. The duties and responsibilities of the incident controller under ICS is set out in a
25 variety of different documents, some of which have been referred to in the course of the evidence. Do you understand those duties and responsibilities to be any different to those as a result of the use of the SMT concept within
30 Canberra?

A. It's a difficult question to answer. The Service Management Team is there to assist the incident controller but, at the end of the day, it depends on the person you have got fulfilling that
35 incident controller role.

Q. In what way?

A. Well, the majority of incident controllers perform the function of being an incident
40 controller - I guess I would put myself in that category. I guess some other incident controllers rely on other people to assist them to perform that role.

45 Q. Was it your understanding that duties and responsibilities of the incident controller in the field might include from time to time having

either to fulfil the planning function under ICS themselves or to appoint someone to fulfil that role in the field?

A. Yes.

5

Q. Is that something that occurred to your knowledge during the 2003 fires in the field?

A. I guess I can only comment when I was there. Throughout that period of January 2003, I was
10 incident controller for the 14th of January. It was a bit of both. I was certainly doing planning in the field as the incident controller. But I also would have believed there was a lot of
15 planning going on in town because there was multiple incidents. My concern was only with the Bendora fire at that time.

Q. Were you given the benefit of any of that work on the 14th for example; that is, anything coming
20 out of Curtin in the form of planning or incident prediction?

A. On the 14th, no.

Q. Is that something you expected might have
25 happened?

A. Yes. Yes.

Q. You deal with the fires commencing at
30 paragraph 13 and in particular in paragraph 19 you make the point:

"The number of fires that had started almost simultaneously and the problems that I could see arising in accessing the fire grounds
35 made me think it would be a campaign effort to extinguish these fires. By 'campaign', I mean it would not be a simple case of deploying crews to extinguish the fires by direct attack. It was apparent to me that it
40 would be long term due to the number of the fires and the inaccessibility of two of those fires. The fuel was very dry and there had been increased difficulty in putting them out, ie 'blacking out'."

45

You talk about in your statement, at least to your knowledge, pre-season briefings about the level of

dryness, if I can put it that way, in the field.
Is that something you were aware of at that time?

5 A. Yes, we were definitely made aware of that in
the pre-season briefings. It was also my
experience on the fire ground leading up to that
day when I was at other fires.

Q. You were noticing real difficulty in the
blacking out process?

10 A. Well, up until probably about two or three
weeks before that, before the fires actually
started on the 8th of January, things were
difficult as per they normally would be in a bad
season. About two to three weeks before that
15 point when the fires started, the blacking out
became extremely harder. It was taking us two to
three times longer to actually black a fire out.

Q. What was that telling you about how dry the
20 fuels were?

A. That was telling me - it was not so much that
the fuels were dry, it was more to do with because
they were so dry there was more fuel that was
actually available to burn. It wasn't just the
25 small twigs and logs. It was a lot broader. It
was encompassing a lot more fuel, big type fuels.

Q. Large fuels?

A. Yes.
30

Q. In his statement Mr Sayer at paragraph 11 - I
will just read this and bring it up if necessary -
says:

35 "I arrived at Athllon Drive depot within
about half to three quarters of an hour of
hearing the reports of the smoke reports from
the fires towers. When I arrived, other
Parks officers were reviewing the situation
40 with the fires. I remember discussing the
issues with Mr Wells and Mr Peter Galvin. I
believe Vivien Raffaele was also present. I
said to the others I was concerned about the
location of the fires and their remoteness.
45 I said that if we do not get on to them
quickly, they would become a fairly big
problem for us. I also expressed my concern

that we had several fires at once and that this would mean having to spread our resources carefully in order to catch the fires early."

5

Those sentiments are very similar to your own. Did you hear Mr Sayer make those sorts of remarks on the 8th?

10 A. I certainly recall being with Arthur and Geoff Wells, I think Peter Galvin, Nick Lhuede. There were a couple of us there at different times. I certainly remember Arthur and I had numerous conversations that afternoon. But that would be consistent with what Arthur would say.

15

Q. He adds in paragraph 12 that he said to Mr Wells and Galvin - he doesn't mention you:

20 "... that I thought heavy machinery, and in particular bulldozers, should be responded immediately to put effective containment lines around the fires. Although I expressed this opinion to Mr Wells and Mr Galvin, none of us had any responsibility for taking
25 action in response to any of the fires. It was just something I discussed with them."

Was that something he discussed with you as well?

30 A. We would have more than likely discussed the use of bulldozers. But I can't recall that statement as being read out, not.

Q. That sentiment he expresses there, is that a sentiment you would also agree with?

35 A. Knowing the areas that the fires were in, yes.

40 Q. Just jumping ahead to paragraph 47 of your statement. You talk about being on normal ranger duty. You enter the ESB headquarters at Curtin at about 1030 hours to speak with the planning team about the fire behaviour that you had witnessed the day before. You then talk about hoping to speak to Mr McRae but being unable to do so. You say you then spoke to Mr Lhuede and Mr Sayer and
45 in paragraph 49:

"While there the Parks representative asked

me why I was not on the fire ground. I
replied that I was not told I was on duty."

5 Sorry, you deal with that issue quite extensively
in your TROC. I didn't want to ask you any more
about that. I wanted to ask you about the
conversation you refer to in paragraph 48 about
you expressing those concerns. What was the
10 response that you got from Mr Lhuede and Mr Sayer
to you explaining your concerns?

A. I don't think there was any disagreement with
what I was saying.

15 Q. Did it seem to come as a surprise to them or
something --

A. No, I don't think it was a surprise. I think
they were in agreement with my opinion.

20 Q. You, it seems, from paragraph 51, Ms Raffaele,
had a similar issue to that raised by Mr Hayes in
his evidence when you arrived on the morning of
the 14th, and that is that you only found out
having arrived there, basically as the briefing by
the outgoing incident controller Mr Blinksell was
25 under way, you came to understand you would be the
incident controller for the day; is that right?

A. That's right.

30 Q. You say you were distressed about the lack of
communication overall and no-one had told you that
you would be the incident controller at the
Bendora fire for that day. You then go on to talk
about the briefing. Do you consider that failure
to notify you in advance of what your role would
35 be had an effect on your capacity to fulfil that
role at any stage?

A. No. I don't think it affected my capacity to
fulfil that role because, if you have got
experience, then you should be able to fulfil that
40 role anyway.

The only thing that I found a little bit difficult
was just working out what units I had and to make
sure they were deployed effectively. In terms of
45 running the fire ground operations, no.

Q. What about in terms of the speed within which

you were able to get things going?

5 A. Well, it did take a bit of time to get
organised that morning. It wasn't so much because
of the fire ground operations because that was
pretty much set. It was more to do with the plant
and equipment that I was having to manage at that
time as well, because I had four bulldozers and a
grader operating. To run the plant and equipment
and also to run the fire ground operations it is
10 quite complicated.

Q. Would it have assisted you, do you think, in
getting through that process had you known you
were incident controller earlier?

15 A. I guess I probably would have thought about it
a bit more on my way up. I guess what I was
getting to in my statement was where it would have
assisted me is I would have ensured I would have
had more resources with me on that day. I would
20 have ensured I would have had a penciller with me
to document everything that was happening as the
day was progressing.

Q. In paragraph 58 you talk about your role
25 beginning at Bulls Head on the 15th. Your
incident controller was Peter Galvin. You then
had a penciller, Lana Woollard, to assist you?

A. Yes.

30 Q. What was your role that day?

A. I was the operations officer.

Q. Over in paragraph 61, again I think you have
dealt with this in your taped record of
35 conversation, I will just clarify. I think you
agree at question 655 and following the reference
there to "15 January" should in fact be
"16 January"?

A. Yes, yes.

40

Q. Now, at paragraph 66 you refer to the fact
that you were off-duty the following day,
17 January. You say:

45 "About mid-morning, I went in to the ESB
headquarters and spoke with Hilton Taylor
from ACT Forests. I briefed him on what was

occurring with the Bendora fire. Mr Taylor produced a 1:100,000 topographic map to help discuss what was occurring. I said that when the winds moved around to come from the north-west, the fires would then run to Bullen Range and after that there would be nothing to stop it from coming to on to the whole urban interface. While out in the field the previous day, other officers at the Bendora fire had also stated that they did not consider they would be able to hold the fire once the north-westerly winds resumed."

Did you have an understanding at the time as to when the north-westerly winds were forecast to arrive?

A. Not at that stage, because the Thursday was very busy so I would have missed the majority of the forecast. I remember I was very busy that afternoon when the forecast would have come through. Of course, on the Friday morning when the forecast would have been called out, again I was at home with my children so I wouldn't have heard it.

So we knew that the conditions were worsening, but I certainly wasn't aware of what date or what day.

Q. In referring to when the north-westerly winds come from the north-west, were you talking there about just a general pattern of weather?

A. Yeah. It is very difficult because the easterly winds that we were experiencing were so much out of the norm we had no choice but to fight the fire in that method to stop the fire spreading that way.

You always knew it was going to turn around. We always knew it was going to be quite difficult when it finally turned around. It was just a matter of when. It is very hard to try and fight a fire from two different sides.

Q. You do deal with this again in some detail in your taped record of conversation, so I don't want to go over all of that. For the sake of the transcript that is from about question 673 and

following. I did want to ask you, Ms Raffaele, about what sort of response you had from Mr Taylor to you pointing this out to him.

5 A. Well, the conversation I had with Hilton, I had actually gone into ESB that morning to exchange some batteries. I hadn't gone in there specifically to talk to anyone. When I was specifically talking to Hilton, he brought out the map. I just had a general conversation with him.
10 He said "tell me what you think"; I did tell him. He put the map on the floor and I showed him. He didn't seem - I guess there wasn't really a reaction. It was probably a 2-minute conversation that we had. I was keen to get home to my
15 children, to be honest.

He didn't dispute anything that I said. He didn't think that there was anything extraordinary. I can't really remember that there was any reaction
20 that stood out at all.

Q. Do you have a recollection of what he, if anything, said he was proposing to do with the information?

25 A. No.

Q. In general terms, he didn't seem to be taken by surprise or significant surprise?

30 A. No, I don't think so.

Q. You were asked as part of those questions in your taped record of conversation in that context about at what time you were expecting that sort of impact might occur. At question 681 of
35 [DPP.DPP.0004.0032]. It is at page 84. There is a lead-up to this when you are being asked about when you expected - you talk about in response to question 678 about going for the batteries and so on. Then you are asked:

40

"Q. Be it the 18th, 19th or 20th or whatever?"

"A. Yeah, we knew we were coming into bad weather, there was no doubt about that, and we knew it was going to happen sooner rather
45 than later. But I don't think I could have specified a day.

47

"Q. Yeah?

"A. Until a couple of days - a couple of hours later. Yep."

5 Do I understand your response there to be a couple of hours later you could have been more specific or have I misunderstood that?

A. What I mean by that comment was it was after experiencing what we went through on the 17th.
10 That's what I was referring to. I guess recalling in hindsight. Of course everything had happened. When I went into the police interview and at that stage when I was speaking to Hilton on the Friday morning, there was no way in the world I would
15 have thought it would have started to happen that afternoon. That's what I was referring to there.

Q. When it did, as you say, start to happen during that afternoon, and that is the Bendora
20 fire started to move in a west south-westerly direction under the influence of wind changes, that began to occur and you describe in considerable detail what you were facing with during that night. I think you worked till about
25 10 o'clock the following morning?

A. Yes.

Q. Was there a period or a time during that period when you formed the view that there would
30 be an impact on the urban edge and could then give an indication of about when you were expecting it to happen?

A. Through the Friday night I went out to Tidbinbilla in the afternoon. I think I got out
35 there at about 10 past 5. I worked right through the night. Through that night, I watched some very incredible fire behaviour - not something I had seen before.

40 But the one thing that did amaze me was we were putting in back-burns very early in the morning for property protection around one of the properties. It was pine plantation for quite a few hundred hectares or probably even a thousand
45 or so hectares behind that. The fire continued to crown all the way through. It was 20, 30 metres above the tree tops at times. At no stage did it

drop down to a benign fire. It continued with that fire behaviour.

5 The thing that stunned me was when it hit the property boundary where the tree line virtually stopped and you got into the drought affected paddocks, the fire just virtually stopped. It just stopped at that point. When I went home that day, I thought we would still have a reasonable
10 chance if anything did crop up further that we would be able to contain it out in those grasslands cause it just stopped. It just stopped dead in its tracks. It was still burning internally. Where there were timbers it was still
15 burning, but the majority of that fire behaviour had stopped.

Q. That was something you had observed during the Friday; was it?

20 A. That was early Saturday morning.

Q. You went home to bed at around 10 o'clock that morning?

25 A. I think I left Tidbinbilla at 10 o'clock and I would have got home to bed at around 11.30.

Q. After some issues concerning your vehicle and pager --

30 A. My resources, yes.

Q. You went to sleep not surprisingly. You were woken up at about 3.30?

A. Yes.

35 Q. Again, I don't mean by this to diminish the significance of those events, but you deal with them quite comprehensively in your record of conversation and your statement and particularly in your other document.
40

Finally, one other thing, you were asked in the end of your taped record of conversation whether there was anything else that you wanted to comment on and you were caught a bit surprised by that.
45 You said at question 880:

"That would have to be something I need to

sit down and think about."

Have you had a chance to think about and are there any other matters you feel you want to comment on?

5 A. After seven hours of sitting through a police interview, I wanted to get out and go home. It was a very long day.

10 Q. You have only had 15 minutes of evidence. You don't have that excuse today.

A. I guess there has been so many things that have been happening. At the time I knew there were things I wanted to address. There has been so much happening in the last 12 months. So much of it has faded. There are so many other issues. There is so much there. I wouldn't know where to begin.

20 Q. There is nothing that you particularly wanted to mention, having the opportunity again, as an area that you would like to comment on?

A. I'm sure when I walk out of here I could probably think about 10.

25 Q. But nothing at the moment?

A. No. My mind is just a bit blank at the moment.

30 MR WOODWARD: I have nothing further, your Worship.

THE CORONER: Thank you, Mr Woodward.

35 MR McCARTHY: I have no questions.

MR PIKE: Nothing from me.

THE CORONER: Mr Walker.

40 MR PHILIP WALKER: No questions.

MR CRADDOCK: No questions.

45 MR WATTS: No questions.

47 MR WHYBROW: I have a couple of things.

<CROSS-EXAMINATION BY MR WHYBROW

Q. Your CV, Ms Raffaele, if that was prepared today, is there any things that have occurred in relation to your bushfire fighting experience
5 since you have prepared that that should really be on there?

A. Thank you, Mr Whybrow. Yes, I was awarded the Australian Fire Service Medal in the Australia Day honours this year.
10

THE CORONER: That is a very significant omission.

THE WITNESS: I really didn't think it was relevant to put in. It is still pretty
15 overwhelming.

MR WHYBROW: Q. Have you got your statement and your story there in front of you?

A. Yes, I have.
20

Q. Mr Woodward took you to paragraph 66, which was the conversation you had with Mr Taylor.

A. Yes.

25 Q. Is it the case that that part of your statement was drawn from your comments in the "My story" document at the bottom of page 13?

A. Yes.

30 Q. In there there is a bit more detail about what appeared in paragraph 63 at the bottom of page 13 - paragraph 66, I apologise.

A. Yes, paragraph 66. I have got that.

35 Q. In particular the last sentence on that page, which doesn't appear in your ultimate statement, you said in your statement:

40 "At no time did I believe that the losses would be so great, as the rural area was still drought affected and there literally was nothing to burn. We have always been reasonably successful in suppressing a fire. Until now."

45 A. Yes.

47

Q. Is that still your position in relation to what your expectations were on the evening of the 17th and perhaps following?

5 A. Yes. I believe that certainly the timbers, the timbered country was going to be very, very difficult. I honestly believed in the grasslands, as witnessing on the morning of the 18th, we would still be able to have a reasonable chance.

10 Q. On the 14th, you were the incident controller at Bendora?

A. Yes.

15 Q. One of the issues that has arisen from time to time here is the ability for persons such as yourself getting hold of resources and indeed plant such as bulldozers. Was there any particular incident on that day which you wanted to, as an example, bring to her Worship's
20 attention about the difficulty in getting plant in these situations?

A. On the 14th it was a very, very complicated morning trying to organise everything. Once everything was organised, it was fine. I did have
25 a bulldozer which had been tasked with specific jobs, and that specific job was to put a containment line or put a large mineral earth area around our communications facility, which is channel 2 which is at Bulls Head. That facility
30 is critical, because that is where all our communications was at the Bendora fire.

That bulldozer for some reason - I can't remember why it was down in the Brindabella Valley. But it
35 took me four and a half hours to get it out of the Brindabella Valley. It was very, very difficult. And I understand the reasoning, but the residents and the captain down there just would not let the bulldozer go.

40

So in the interim, I had to actually get the grader to undertake that task to protect that facility, which they couldn't do very effectively because the grader is much more different
45 equipment to be used. I found it incredibly frustrating because I was in radio contact constantly and every time I told them, "OK, come

come back up. We need you. You have to undertake this task." we were going to be undertaking back-burning and a lot of other things this week, so we had to protect that facility. And they
5 would throw something else at the bulldozer. There were all sorts of briberies and all sorts of things going on. It just made life incredibly difficult.

10 They even refused to let it go because we didn't have an engineer's certificate to move it up the road. It was just affecting our capacity to be able to do the job on the day. Not being able to protect our communications to me was very, very
15 frustrating, because all the other bulldozers at that stage were tasked with other priorities.

Q. Yesterday, I think you were present in courtroom 9 and you heard Mr McNamara give an
20 account as to the events in the Tidbinbilla area on the night of the 17th; is that correct?

A. Yes.

Q. You may have heard him this morning indicating
25 that he wasn't in any sense trying to be critical of the efforts of people who were there on the night. For her Worship's benefit, are you able to give her your assessment as to the coordination and cohesion that was involved in the firefight in
30 that area that night?

A. Yeah. I think one of my concerns - and this is certainly no reflection on Brett - is that he did have a comment that there was no coordination or cohesion. Well, I felt there was because I had
35 very comprehensive notes. When I first got there, Peter Galvin was the incident controller. I got out there roughly about 10 past 5 and I went straight to the visitors' centre. Peter tasked me with jobs to do, which I went straight away and
40 did.

I was told to take a New South Wales task force with me. Tidbinbilla 1 was already on site undertaking suppression. Then I went to undertake
45 suppression. That was all documented. Then an hour and a half/two hours after that, Brian Murphy arrived on the scene and took over as the incident

controller.

We also had Arthur Sayer, Oscar 3, on site as well. I think between the four of us things were
5 handled extremely well. At no stage did I ever think it was not very well coordinated. We had already had the fire sectorised. I had the northern section, and Tidbinbilla 1 had the southern section. We were doing direct attack on
10 the fire. It wasn't until a lot later that the fire actually started to get in the enclosures.

At the whole stage things were - for something that happened so suddenly, so quickly, I felt it
15 was very, very well coordinated.

Q. Finally - which I am sure everyone will be glad to hear, including you, Ms Raffaele - you were also showing an interest in the inquiry and
20 you attended when Mr Cheney gave some evidence - or you became aware of a particular part of his report that you would like to make some comment on.

A. Yes.
25

Q. I think the relevant part in terms of transcript is page 408. It arises from the evidence of 13 October last year. I will just read you out a short part of that transcript.
30 Mr Lasry was asking Mr Cheney some questions. It is in relation to the afternoon of 14 January up at Bendora. The question is at line 10:

"Q. Just in relation to that area, in your report you say that in your opinion it was
35 obvious that spots would occur across Moonlight Hollow Road, which is the road you were referring to, if the fire intensity increased, which it of course did, but you're
40 critical of the fact that there was no scout placed above the road to look out for the spots."

Do you recall reading that part of Mr Cheney's
45 report?

A. Yes, I do but it was actually the 12th which was the Sunday, not the 14th.

Q. You were aware of a similar comment being made about the lack of a scout being in place at some stage?

A. Yes.

5

Q. Was that in relation to a fire ground that you were involved in?

A. Yes, I was in charge of that sector that day.

10 Q. What comments do you have in relation to the particular criticisms that may have been directed to the way you ran the fire ground on that day?

A. Well, I actually did have a scout, and that scout was actually standing on the back of the
15 tanker. I refused to let them go into the unburnt country because I knew the fire was below us and travelling up. It was starting to increase in intensity. It was on an uphill run, and we were about halfway on the fire trail.

20

I wasn't prepared to put anyone high up into that area because it is what we call a classic deadman zone. I knew that, once the intensity started to increase and if we didn't have communications with
25 any person that was up there, they were in an extremely dangerous situation.

As it was, that day I was making all the tankers reverse down that fire trail, because our only
30 escape route was heading along the Moonlight Hollow Trail to the south. All the tankers had to reverse by about 800 metres down so they were faced in the right way to get out if we needed to in a hurry. So I specifically did not put scouts
35 in that area because I felt it was way too dangerous.

MR WHYBROW: Thank you, those are my questions.

40 THE CORONER: Any re-examination?

MR WOODWARD: No, not so much re-examination but while the witness is still there.

45 **<RE-EXAMINATION BY MR WOODWARD**

45

MR WOODWARD: Q. I think you were asked that very question in your taped record of conversation and

you deal with that at question 871 and following in some detail; is that correct?

A. Yes.

5 Q. But earlier on in the taped record of conversation when you were asked about Mr Cheney's report on the fire progression at paragraph question 850, I think you generally agreed with his assessment of what the fire was doing that
10 day, apart from the point you have raised about the concern on the 12th?

A. Yes.

15 Q. I neglected to ask you before: I take it you have had a chance to read your 110-odd pages of record of conversation and those two documents?

A. Yeah, every night.

20 Q. Is it the case that, subject to what is now exhibit 0042 being the amendments to the other two documents, you are satisfied that those two statements and the taped record of conversation transcript are true and correct?

25 A. I haven't been through that lengthy document for quite a while but, from memory, I don't think I would change anything in that. No, there is nothing that stands out in my mind, no.

30 MR WOODWARD: Thank you, your Worship. I have nothing further.

THE CORONER: Thank you, Ms Raffaele. You are free to leave if you wish.

35 MR WHYBROW: Might I be excused?

THE CORONER: You may leave, Mr Whybrow.

<THE WITNESS WITHDREW

40

MR WOODWARD: Mr Lasry was here a short time ago. He has left. The next witness is not available until tomorrow. We do not have a witness to continue with.

45 THE CORONER: We will adjourn until tomorrow. The next witness is?

47

MR WOODWARD: I think it is Mr Sayer. He and Mr Murphy are the only witnesses who are available tomorrow. They may also finish before the end of the day.

5

THE CORONER: I am sure everyone wouldn't mind an early mark. We will adjourn until tomorrow morning.

10 **MATTER ADJOURNED AT 3.23PM UNTIL FRIDAY,
23 APRIL 2004.**

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