



Western

Australia

RECORD OF INVESTIGATION INTO DEATH

Ref No: 27/09

I, Alastair Neil Hope, State Coroner, having investigated the deaths of Trevor George MURLEY; Lewis Kenneth BEDFORD and Robert Wayne TAYLOR, with an Inquest held at Perth on 5-19 October 2009 find that the identities of the deceased persons were Trevor George MURLEY; Lewis Kenneth BEDFORD and Robert Wayne TAYLOR and that the deaths occurred on 30 December 2007 on the Great Eastern Highway, Boorabbin and all deceased men died as a result of combined effects of smoke inhalation and burns in the following circumstances -

Counsel Appearing :

Mr Dominic Mulligan (assisted by Sergeant Lyle Housiux) assisting the State Coroner

Mr Anthony Willinge (Blake Dawson) on behalf of Macmahon Contractors Pty Ltd

Mr Damian Matthews (State Solicitor's Office) on behalf of the State of Western Australia and all its agencies and their employees



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INTRODUCTION

Trevor George Murley, Lewis Kenneth Bedford and Robert Wayne Taylor (the deceased) all died as a result of the combined effects of smoke inhalation and burns suffered as a result of a fire which crossed the Great Eastern Highway on which they were travelling on 30 December 2007.

The fire had started on 28 December 2007 in Boorabbin National Park in the Western Australian Goldfields.

The fire started in a Main Roads Western Australia vehicle rest bay on the northern side of the Great Eastern Highway, 85 kilometres east of Southern Cross and 104 kilometres west of Coolgardie.

The fire burned for a period of 13 days and grew to a final size of approximately 39,634 hectares by 8 January 2008.

The Department of Environment and Conservation (DEC) was responsible for fire suppression and road management from the outset as the fire occurred within a designated national park.

The fire danger on 30 December 2007 for the Great Eastern Highway between Southern Cross and Boorabbin was particularly great. Temperatures at Southern Cross remained above 40°C throughout the afternoon and early evening. At Southern Cross a maximum of 45.2°C at about 4:50pm was the third highest December temperature ever recorded since observations commenced in 1908. The Southern Cross temperatures are likely to have been representative of those at Boorabbin.

A combination of hot, dry and windy conditions resulted in the fire danger being classed as extreme for an almost continuous period of 10 hours, from 9:40am to 7:40pm, which ranked in the top five for the longest



duration of extreme fire danger index as classified by the Australian Government Bureau of Meteorology since the Southern Cross hourly data set commenced in 1999¹.

In addition, in the months leading up to the fire the eastern goldfields area had experienced a severe and prolonged period of drought. Vegetation was severely drought stressed, rendering it more fire prone than usual².

The fire, which had been burning largely north of the Highway, crossed the Great Eastern Highway about midday on 30 December 2007 and then spread rapidly south in mature heath scrub. During the afternoon changes in wind direction from the north-west to west-north-west periodically fanned the eastern flank of the fire creating new fire fronts which ran strongly to the south-east. Periodically tongues of fire formed in unburnt heath scrub north of the Great Eastern Highway and these ran south as narrow fingers towards the highway.

DEC set up roadblocks during the afternoon but on occasions convoys of traffic were escorted through the roadblocks from west to east when fire activity in the region of the highway diminished. Traffic was not permitted to travel east to west for most of the afternoon and so motorists held up at roadblocks in extremely hot conditions to the east of the fire area became increasingly concerned.

Shortly after 7pm a decision was made by the DEC Incident Controller, Mr Barry Hooper, to open the highway to traffic.

This decision was made in spite of high quality spot forecasts prepared by the Bureau of Meteorology specifically for the purposes of fire management at Boorabbin which predicted a wind change with strong south-south-west winds between 7pm and 8pm that day.

¹ Meteorological Aspects of the Boorabbin Fire; WA Australian Regional Office, Bureau of Meteorology, 16 June 2008 (exhibit 7)

² Paul de Mar, Fire Development Chronology (exhibit 7)



Aerial observations of fire behaviour made about 30 minutes before the wind change confirmed that the fire was burning actively at the time with some flaming activity. In respect of the flank of the fire, the observations do not indicate which locations were most active and it is likely that fire behaviour was most active in the southern half of the flank (where the head fire had been more recent). The wind change caused the north-east flank to become a head fire which travelled in the direction the wind was blowing to the Great Eastern Highway. The fire which ran to the highway was of high intensity and fast moving.

The fire reached the Great Eastern Highway just as a number of vehicles which had been released from a roadblock which had been set up at Coolgardie reached the same area.

Four trucks which attempted to proceed through the fire zone did not make it through. Tragically two of these trucks in which the deceased men were travelling were impacted by fire which was intense and fast moving. The three occupants of the two trucks died when the truck cabins in which they were sheltering became engulfed in flames.

The fire crossed the highway and it continued spreading to the north until it ran into a fire scar later in the evening.

The deaths occurred at about 8:45pm.

The south-south-west wind change had arrived at the fire zone shortly after 8pm. At that stage the temperature was still above 39°C and the relative humidity was below 10%. Fuel in the area was extremely dry following a period of hot and dry weather; from Christmas Day to 30 December 2007 daily maximum temperatures had exceeded 35°C.

On the basis of the forecasts available to DEC officers responsible for fire suppression and road management it was predictable that the change in wind conditions would



drive the fire onto the road at exactly the time when the trucks reached the area in question.

In the context of the available information, the decision to open the road to traffic at the time when it was made appeared foolhardy in the extreme. The decision appeared even more difficult to understand in the context of media releases issued by the Incident Controller, Mr Hooper, which referred to predicted wind changes with strong gusting winds at the same when the highway was to be re-opened.

This inquest has been held in order to explore the circumstances surrounding the deaths and to determine whether any comments or recommendations could be made with a view to be preventing deaths from occurring in similar circumstances in the future.

THE WEATHER FORECASTS

The Australian Government Bureau of Meteorology provides a number of weather services which include routine forecasts relating to fire danger during the fire season. The Bureau also provides fire management authorities with routine forecasts for operational planning purposes and with specific non-routine “spot forecasts” to assist in combating ongoing fires.

Of particular significance in the present case were these spot forecasts. Spot forecasts are provided on request for uncontrolled fires and for planned burns. Spot forecasts requested for uncontrolled fires are given a very high priority and are prepared immediately upon receipt of the request. The Bureau issues spot forecasts for specific locations which include forecast values for local wind speed and direction, temperature and relative humidity.


A total of 26 spot forecasts were issued for the period of the duration of the fire between 28 December 2007 and 8 January 2008. The format of the documents used for



these spot forecasts had been developed with input from DEC with a view to their being particularly easy to read and understand.

On 30 December 2007 spot forecasts were issued at 9:13am and 5:09pm. Copies of these forecasts received by the Incident Management Team appear below.

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Spot Fire Weather Forecast 1 General

IDW31400

Australian Government Bureau of Meteorology Western Australia

SPOT FORECAST

Issued at 9:13am WDT on Sunday the 30th of December 2007

DO NOT USE AFTER 2200WDT

Location	Boorabbin	Organisation	DEC	Requesting officer:	Murry Mitchell
Lat/Long	31.2S 120.2E	Phone 1:	93340375	Fax 1:	93679913
		Phone 2:	0429886467	Fax 2:	97614437

Observed conditions at:	Southern Cross AP				
Time (WST)	Temp (C)	Dew Pt (C)	RH (%)	Wind (km/h)	Weather/Remarks
0900	33	8	21	NE 33 gusts 44	Fine

Forecast conditions					
Time (WST)	Temp (C)	DewPt (C)	RH (%)	Wind (Km/h)	
1000	37	6	15	NNE 38 gusts 55	
1300	41	4	10	NNW 38 gusts 55	
1600	43	2	8	NW 30 gusts 45	
1900	41	4	10	W 35 gusts 50	
2200	33	8	21	SSW 28 gusts 35	

Significant Wind Change S/SW change expected at site approx. 1900-2000. Weather/Remarks Fine. Gusts to 65kmh possible with SWly change.

Outlook
Monday: Fine. Max T = 32C. Min RH = 20%
AM Winds: SSE 25 kmh
PM Winds: SE 25 kmh.

Forecaster Chris GS Phone:(08) 9263 2260 Fax: (08) 9263 2261
Please ensure regular observations are passed back to the Fire Weather Forecaster.
Contact the Fire Weather Forecaster for additional forecasts and updates.

<http://www.bom.gov.au/products/reg/IDW31400.shtml>
30/12/2007



Aith Planning Section

BUREAU OF METEOROLOGY
WESTERN AUSTRALIAN REGION

IDWS1400

SPOT FORECAST

Issued at 5:09pm WDT on Sunday the 30th of December 2007

DO NOT USE AFTER 0600WDT

Location	Boorabbin	Organisation: DEC	Requesting Officer: Murry Mitchell
Lat/Long	31.2S 120.2E	Phone 1: 93340375	Fax 1: 93679913
		Phone 2: 0429686467	Fax 2: 97614437

Observed conditions at: Southern Cross AP					
Time (WDT)	Temp (C)	DewPt(C)	RH (%)	Wind (km/h)	Weather/Remarks
1700	42	-5	5	NW 31 gusts 43	Fine

Forecast conditions					
Time (WDT)	Temp (C)	DewPt (C)	RH (%)	Wind (km/h)	
1800	40	-5	6	NW 25 gusts 35	
2100	34	6	18	SSW 30 gusts 45	
0000	26	13	45	SSE 30 gusts 45	
0300	20	12	60	SSE 25 gusts 38	
0600	17	10	63	SE 28 gusts 40	

Significant Wind Change	S/SW change expected at site approx. 1900-2000. Gusts to 50kmh possible.
Weather/Remarks	Wind strength could also drop to 10-20kmh in the hour preceding the change. ***UPDATED*** Note that there is some uncertainty in exact timing of wind change, due to lack of monitoring equipment west and south of Aithn Cross.

Outlook
Monday: Fine. Max T = 32.0. Min RH = 20%. AM Winds: SSE 25 kmh, gusts to 40 kmh PM Winds: SE 25 kmh, gusts to 45 kmh

Forecaster: Chris GS	Phone: (08) 9263 2260	Fax: (08) 9263 2261
Please ensure regular observations are passed back to the Fire Weather Forecaster.		
Contact the Fire Weather Forecaster for additional forecasts and updates.		

T00/T00

2007 12 31 11:21 FAX 97614437

Comparison between recorded conditions and the spot forecasts reveal that they were remarkably consistent with the actual weather conditions. In particular, the forecast south-south-west wind change predicted as occurring



between 7pm and 8pm was found by a fire analysis prepared by Paul De Mar of GHD Pty Ltd, a consultant retained by DEC, to have moved through the fire area east of Koorarawalyee between 7:30pm and 8pm.

It appears that the high forecast accuracy resulted in part from the use of data from a number of observing sights used to track wind change and verify numerical and weather prediction information. In addition, confidence as to accuracy was increased as a result of general agreement between a number of computer models which also provided important detailed evidence as to wind change etc.

A report provided by the Bureau concluded in respect of the spot forecasts that –

These forecasts were remarkable in their accuracy; correctly indicating the extreme fire weather conditions during the day and the S/SW wind change expected at approximately 1900-2000 WDT.³

In the context of the nature and reliability of the information provided by the Bureau of Meteorology, the fact that the significant wind change information contained in these spot forecasts appears not to have been relied upon at all by the DEC Incident Management Team responsible for fire safety on 30 December 2007 is remarkable.

THE FIRE STORM

A number of witnesses who travelled through the fire as it impacted on the Great Eastern Highway at about 8:45pm on 30 December 2007 gave graphic evidence to the inquest as to the nature of the fire at that time.

It is clear from the evidence of these witnesses that many lives were placed at risk as a result of the decision to open the road shortly before the wind change which drove

³ Meteorological Aspects of the Boorabbin Fire; 16 June 2008 (Exhibit 7) 31



the fire across it and it is very surprising that not more people died as a result.

One man who was very lucky to have survived the fire was Robert Payne, a truck driver for Whiteline Transport (Aust) Pty Ltd.

Mr Payne had arrived at Coolgardie at about 3:50pm or 4pm when he was stopped by a roadblock manned by police.

At about 7:20pm Mr Payne saw that cones on the road were being removed and was advised by radio that the road was open and that there would be a police escort.

Mr Payne then travelled from Coolgardie in the direction of Southern Cross, although he noted that there was no escort.

Mr Payne saw no warning signs and no emergency vehicles of any sort until he reached the fire zone. When Mr Payne reached the area of the highway affected by fire he planned to do a U turn but was unable to do so. Mr Payne attempted to drive through the fire when his truck suddenly stopped. He managed to roll the truck to a small unburnt area on the southern side of the road and call for help on his radio.

At the time Mr Payne believed that he was going to die.

Fortunately for Mr Payne he was saved by another truck driver, Jack Borg.

Mr Borg was driving a prime mover and he had also been delayed at Coolgardie. He had travelled from Coolgardie behind a number of other trucks including the truck being driven by Mr Payne.

Mr Borg had also intended to do a U turn prior to reaching the fire but had been unable to do so because of trucks parked in the only available truck bay blocking his



ability to turn.

Being unable to turn around and not wanting to be caught in the middle of the road with the approaching fire, he had decided to drive through the flames.

In the fire Mr Borg came across a huge wall of fire from the left to the right side of the road. Flames went over the cab and trailers and his vehicle was completely engulfed in flames.

Mr Borg later came across Mr Payne's truck stopped in the road and at considerable risk to his own life he stopped his truck and picked up Mr Payne. Mr Borg then drove his truck through another wall of fire and eventually succeeded in reaching safety past the area of the fire zone.

At the other side of the fire Mr Borg and Mr Payne spoke to police officers and told them that Mr Payne's truck had been abandoned and was burnt in the fire. Mr Borg subsequently found that his truck had been damaged by the fire with areas melted, blistered and burnt.

While travelling through the fire Mr Borg had the camera of his computer on, recording the incident and this vision was made available to the inquest. The recording made by Mr Borg provided dramatic evidence of the ferocity of the fire.

Another person who was extremely lucky to survive the fire was John Savage. Mr Savage had also been driving a truck with trailers and had been held up at Coolgardie.

Mr Savage had travelled with a number of vehicles which left Coolgardie immediately after the roadblock was removed and he arrived at the fire scene after the truck containing the deceased men Lewis Bedford and Robert Taylor. He heard one of them say words to the effect of, "I'm going to do a U turn and get the hell out of here. We are not going to get through".



Mr Savage saw the truck containing Mr Bedford and Mr Taylor pull over to the side of the road.

As Mr Savage attempted to drive his truck through the fire zone, the electronics and gear selectors on his truck started to malfunction as a result of the heat and he was unable to change gears.

Mr Savage was able to move his truck to the right hand side of the road, away from the heat which was coming from the south to the north, when his engine cut out and his vehicle stopped.

Mr Savage got out of his truck and went to walk to another truck which had stopped in front of him. He was, however, unable to reach the other truck because of flames which at that time were about 30 metres away from him and about 15-20 feet high sweeping through very fast.

The other truck had to leave the area and Mr Savage returned to the cab of his truck.

Later Mr Savage realised that his truck was becoming engulfed in flames.

In order to breathe in the very smoky conditions Mr Savage wrapped a tank top around his face which he had wet with coca-cola and used an air hose to squirt air into the fabric of the tank top, allowing him to take air in through his mouth.

Mr Savage later saw that a truck in front of his vehicle was on fire.

Mr Savage looked in his side mirror and saw that the canvasses on the back of his trailers were on fire.

He put his engine into reverse and reversed the truck about 30 metres.



Eventually Mr Savage was able to get out of his truck and unhinge his trailers.

Mr Savage later used his radio to ask if there was any way of going forward towards the west. He was told that that was impossible and the roads were blocked to the east as well.

Eventually other vehicles were able to reach Mr Savage and a driver of a tow truck led him out of the fire zone. As they drove through the fire area Mr Savage saw the road train containing Mr Bedford and Mr Taylor which was still burning at that time.

In evidence Mr Savage stated that this experience had greatly affected him and had a considerable impact on his life. He said that he was only a shell of the person he use to be.

Similar accounts of the fire were given by a number of witnesses who travelled through the fire zone on the evening of 30 December 2007. There can be no doubt that for the survivors, travelling through the fire area was a horrific experience which impacted on their lives.

An example of such a witness is Narelle Merrett, who on 30 December 2007 was travelling with her family to Perth from South Australia.

In respect of her experience of travelling through the fire Mrs Merrett made the following observation –

Hindsight is a wonderful thing, but that road never should have been opened that day. It was the most horrific experience I have ever had. I still have nightmares about the whole thing. My heart goes out to those men who lost their lives, because it would have been horrendous for them.



THE DECEASED

Trevor Murley was employed by Perth Print on a contract basis to deliver copies of the Sunday Times newspaper. His weekly route was Perth to Esperance, Esperance to Coolgardie and then Coolgardie to Perth.

Mr Murley was driving a heavy rigid Mercedes truck which he had purchased about 6 months prior to the incident.

On the evening of 30 December 2007 Mr Murley had contact with a work associate, Jacques Gouges, by mobile telephone. At about 6:59pm Mr Murley told Mr Gouges that the road was blocked. Mr Murley stated that if he was not going to be let through the roadblock soon, he would take the alternative route on the Hyden Norseman road.

This was the last conversation held between Mr Gouges and Mr Murley.

Robert Taylor and Lewis Bedford were employed by Darogi Transport Express, a transport business owned by husband and wife team Darryl and Michaela Gibaud.

Mr Taylor had worked for Mr Gibaud for about three months full time, Mr Bedford had worked for him for about a year on a casual basis.

The two men had departed from Brisbane on 24 December 2007 and were driving in a Prime Mover, registered number DAROG12. They were pulling two semi trailers and one dolly.

At about 6:05pm on 30 December Mr Gibaud received a call on his mobile telephone from Mr Bedford. At that stage Mr Bedford advised him that he had heard on the radio that the Great Eastern Highway was blocked near Coolgardie.



Mr Gibaud subsequently contacted the Main Roads Department and was advised that the road was in fact closed and it was not anticipated to be opened until approximately 8:45pm to 9pm that evening. Mr Gibaud called Mr Bedford on his mobile telephone and advised him of that information. At that stage they discussed the possibility of the road being closed for longer than anticipated and discussed alternative routes which could be used to travel to Perth in that event.

That was the last conversation between Mr Gibaud and Mr Bedford.

Objective evidence was provided to the inquest by Detective Senior Constable Tubman of the WA Police Arson Squad in respect of examination of the vehicles at the fire scene.

The prime mover registered number DAROG12 was located facing an easterly direction which indicated that it had been turned around. This was the vehicle in which the remains of Mr Bedford and Mr Taylor were located.

A trail of melted rubber and nylon cargo straps and buckles stretched from the right rear of the vehicle for a distance of approximately 100 metres along the road. These would have melted as a result of either direct flame or extreme heat exposure and indicates that the vehicle would have been subjected to this while in motion prior to reaching its final position on the road.

200 metres to the west of this vehicle was the burnt out Mercedes Rigid truck registered number 1COL423 in which the remains of Mr Murley were located. This vehicle was facing south into burnt scrub off the south side of the road. The vehicle was completely destroyed and all combustible material ranging from fibreglass body components, plastics and internal upholstery and tyres had been consumed by the fire.



Detective Tubman's conclusion was that it was as a result of the fire crossing the highway that these vehicles were damaged and the fatalities occurred.

In addition to the vehicles in which the remains of the deceased were located at the fire scene Detective Tubman examined a burnt out Isuzu rigid truck, registered number 1BMU782, a burnt out prime mover registered number SX17DU, a double truck trailer the registered number of the rearmost trailer being YHP290, a Holden Commodore sedan registered number SFA394 and a road train registered number SX17DU. All of these vehicles had been abandoned during the fire.

HOW THE FIRE STARTED

On Sunday 30 December 2007 Graham Keals, a DEC Fire Co-ordinator, conducted an examination of the origin of the fire scene. Mr Keals was unable to locate any evidence of an ignition source but was able to identify a location where he believed the fire had started which was approximately 15 metres away from a campfire location.

As there was no natural explanation for the fire, Mr Keals concluded that the fire had either been deliberately or accidentally lit as a result of human action.

The area was subsequently examined by Detective Tubman on 31 December 2007 who attended in company with Mr Keals and Sergeant Beaton of the police Forensic DVI Team.

At that stage the area had been burnt again by the passage of the fire when it had crossed the highway from the south and so a number of indicators which had been identified by Mr Keals were no longer present. Detective Tubman, however, accepted the opinion of Mr Keals as being valid as to the area of origin of the fire.



The evidence of Mr Keals and Detective Tubman was persuasive and I accept their evidence as to the location of the origin of the fire.

In the absence of any other explanation for the cause of the fire I am satisfied that it resulted from human intervention.

THE FIRE DEVELOPMENT 28-30 DECEMBER 2007

At about 2:30pm on Friday 28 December 2007, the Fire and Emergency Services (FESA) Communication Centre received the first of four 000 calls in relation to sighting of the fire.

The first calls were made by motorists travelling on the Great Eastern Highway.

At some time after 2pm Anna Killigrew at Koorarawalyee Retreat saw smoke rising and alerted her husband, Peter Harrison, who travelled to the fire scene to attempt to suppress the fire.

At about 3pm Mrs Killigrew rang the DEC Regional Fire Coordinator for the Goldfields, Ryan de Flores-Butler, and reported the fire to him.

At the fire scene Mr Harrison discovered a fire burning at a truck bay approximately 15kms east of Koorarawalyee on the Great Eastern Highway. North of the pipeline, which runs parallel with the road, he saw a larger fire which at that stage he estimated to be 2 hectares in size burning in a northerly direction.

Mr Harrison determined that the fire north of the pipeline was beyond his capability to contain and he attempted to suppress the fire between the pipeline and the highway to prevent it travelling to the southern side of the road.



FESA communications had, in the meantime, contacted the Chief Bushfire Officer at the Shire of Yilgarn, Wayne Della Bosca, who attended the scene at approximately 4pm and spoke with Mr Harrison. A FESA crew from Coolgardie arrived 15 minutes later.

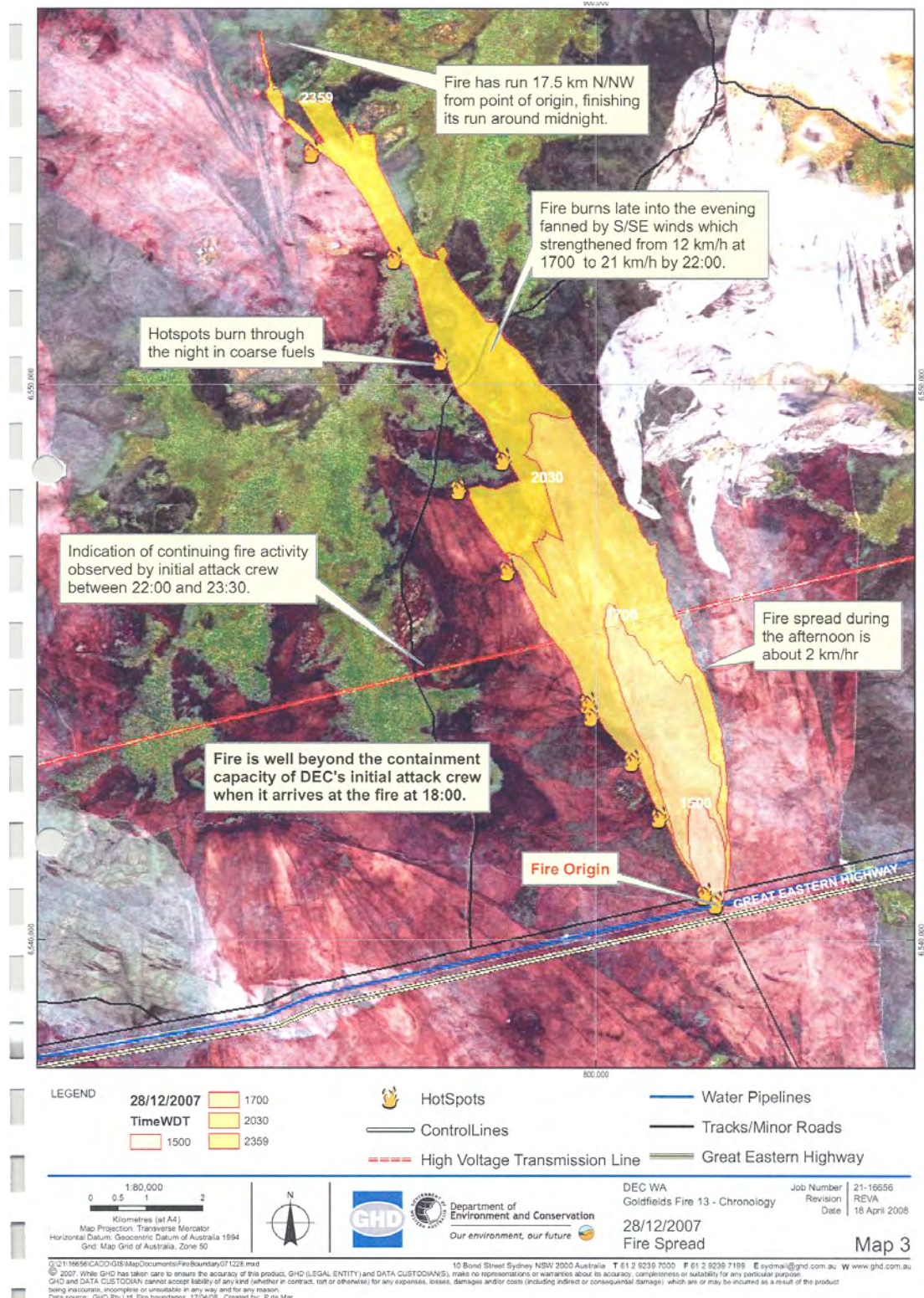
At that stage it was decided that it would be necessary to use machinery to contain the fire burning north of the pipeline and it was determined that because of the location of the fire, fire suppression would be the responsibility of DEC.

DEC's initial attack crew arrived at the scene of the fire at approximately 6pm by which time the fire was well beyond their capacity (two man crew in one light unit) to take any effective suppression action. Reports were made back to DEC Kalgoorlie office of the fire's location, size and behaviour, indicating that no useful containment action could be taken that day and requesting that earth moving machinery and fire tankers commence containment as early as possible on Saturday 29 December 2007.

Map 3 from Mr Dr Mar's report "Fire Development Chronology" depicts the fire activity on 28 December 2007⁴.

⁴ Paul De Mar, Fire Development Chronology (Exhibit 7)





A DEC crew attended a powerline easement⁵ at between 10pm and 11:30pm. At that time the fire was observed to be still exhibiting active behaviour with the

⁵ Marked in red on the map



orange glow from active tongues of fire visible in the darkness well to the north and also further active tongues south of the powerline.

The influence of strengthening south-easterly winds during the evening played a significant role in continuing fire spread into the late hours of Friday 28 December 2007. By the end of the day the fire had burnt approximately 2,219 hectares.

After midnight on 28 December 2007 the fire behaviour moderated significantly under the influence of rising humidity and falling temperatures.

On 29 December 2007 DEC's Blue Team⁶ became involved in the fire suppression activities.

An Incident Management Team was set up to control the fire suppression activities. This team was headed by Barry Hooper who had already taken on the role of Incident Controller on the previous day, and comprised Bradley Barton as Planning Officer, Bradbury Commins, as Logistics Team Leader and Paul Blechynden as Operations Officer. All members of the team were DEC employees.

The Incident Management Team, apart from Mr Blechynden, was located in the DEC office in Kalgoorlie. Mr Blechynden set up an Operations Point at Koorarawalyee in the early morning of 29 December 2007. The Operations Point comprised a large canvass tent in which there was a large whiteboard, access to power, a landline telephone, laptop computer etc.

During the morning of 29 December 2007 fire spread was relatively minor but between 10am and midday the south-west section of active fire had developed into a well established "finger" spreading to the west-north-west.

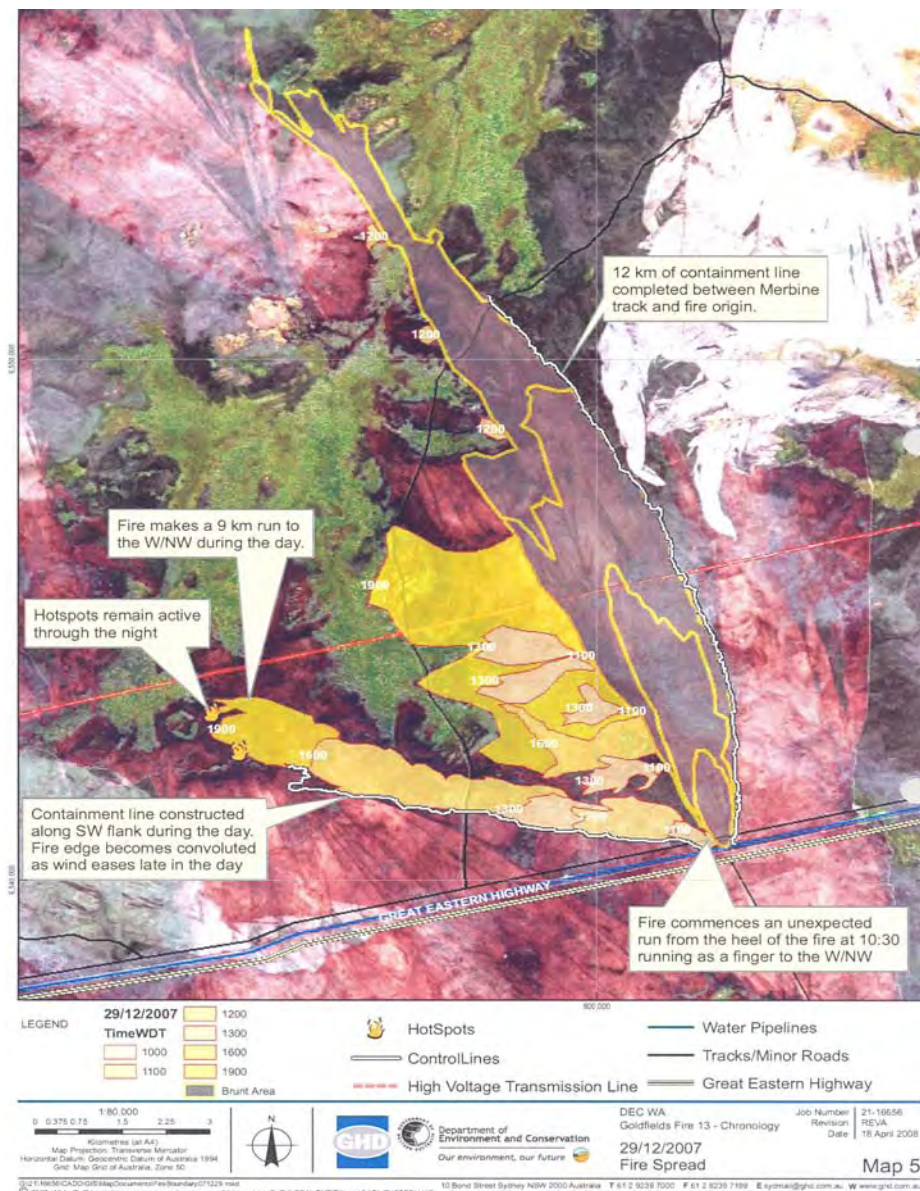
⁶ One of 5 groups of personnel within DEC available to respond to fires around the state



During the afternoon of that day the finger developed and by nightfall had run approximately 8kms, creating an unexpected and significant new flank during the day.

During the afternoon the temperature rose to a high of 34.8°C at 5pm and relative humidity dropped to a low of 18% at 6pm.

Unfortunately it was clear from weather forecasts provided by the Bureau of Meteorology that 30 December 2007 would be a much worse day for fire suppression activities. Map 5 depicts the fire spread which occurred on 29 December 2007⁷.



⁷ Paul De Mar, Fire Development Chronology, Map 5



During the morning of Sunday 30 December 2007 fire activity began to pick up earlier than usual due to rapid deterioration in weather conditions from 6am as the wind direction began to back from the east-south-east through to north by 10am, bringing with it a very hot, dry air mass and average wind speeds above 20kph.

By 9am parts of the fire were observed to be actively spreading with the most active sections being at the western extremity of the south-west finger and towards and beyond the western end of the south-west flank containment line which had been constructed the previous day, where under vegetation beyond and within the containment lines was most prevalent.

By approximately 10:45am numerous fire hopovers of the containment line were observed along the south-west flank.

During the afternoon in severe fire weather conditions the fire spread rapidly and at high intensity south of the highway which it had crossed at approximately 12noon. The fire was uncontrolled and continued to burn until by 6pm the southerly run of the fire was contained by a large expanse of Eucalypt woodlands and salt lakes. The flank of the fire, however, remained active particularly along the north-east flank which extended for about 11kms from the Great Eastern Highway.

Due to the extreme fire behaviour, no suppression activity was conducted during the afternoon, with the exception of a short period of flank containment attempted on the western fire flank immediately south of the highway which was abandoned later in the afternoon. Fire suppression resources were assembled in safety zones during the afternoon, with some resources used as required to support traffic management operations on the Great Eastern Highway.



TRAFFIC MANAGEMENT

When the fire broke through containment lines and burned uncontrolled shortly before midday on 30 December, available WA Police and DEC staff closed the highway east and west of the fire vicinity.

Police and DEC units were positioned at each of two initial roadblocks established east and west of the fire area.

It was subsequently decided that during lulls in fire activity on the highway, traffic held at roadblocks close to the fire could be escorted through the burnt area in both directions.

Between about 12.30pm and 1pm police and DEC units escorted one convoy of vehicles from the east of the fire through to the west and one convoy from the west to the east. At the time when these convoys went through the fire area the DEC helicopter was airborne overhead, monitoring fire behaviour in the vicinity of the highway.

Following these initial convoys, vehicle numbers at the western roadblock began accumulating again. At the location of that roadblock there was only one nearby public toilet available, very little shade and conditions were extremely hot and unpleasant. These conditions resulted in unrest among the motorists held at the roadblock.

On the eastern side of the fire WA police established a roadblock at Coolgardie at approximately 1.45pm. Control of the Coolgardie roadblock was subsequently handed over to McMahon Contractors Pty Ltd (McMahons). McMahons is a civil and mining contractor whose primary business is civil construction. The company has a maintenance contract with Main Roads WA and part of that contract includes an agreement to put in place and man roadblocks.

Initially the eastern roadblock which had been established by WA police had been located close to the fire



area, but during the early afternoon this was moved further east. By about 3.10pm it was moved back to Bullabulling where it remained for the rest of the day. At that stage there were two roadblocks stopping traffic coming from the east located at Bullabulling and Coolgardie.

At approximately 3.30pm a convoy was escorted through the fire area from the eastern side of the fire to the west. During the passage of this convoy police identified a driver driving in an erratic manner. That driver was subsequently detained on suspicion of a traffic offence. At about 3.35pm two of the four police officers at the fire area left to process the traffic offender. This significantly reduced the resources available for traffic management at the fire scene.

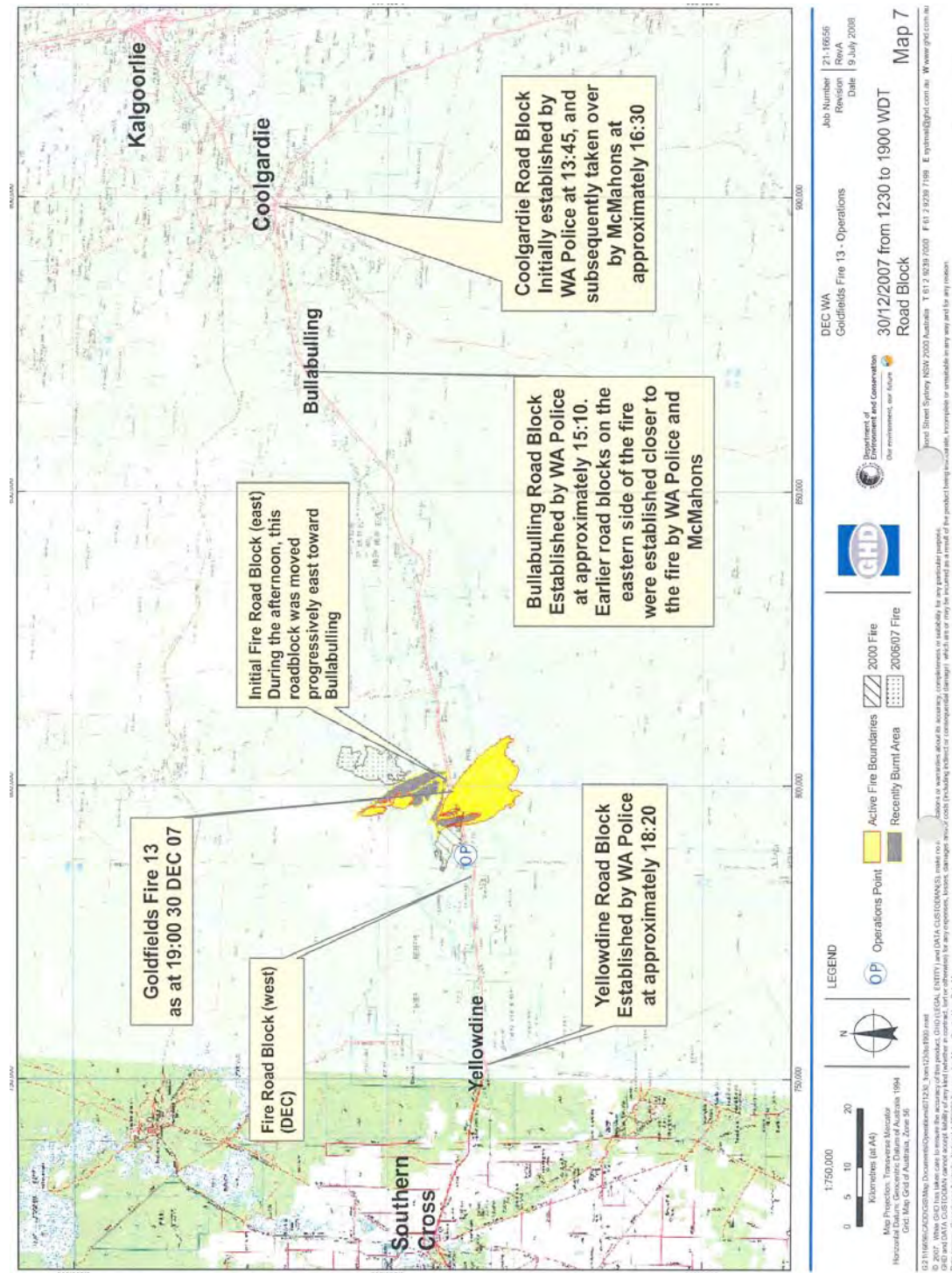
During the late afternoon a number of convoys were escorted through the roadblock from west to east. According to Mr Hooper the decision to allow traffic from west to east was made because of the extremely unpleasant conditions in which motorists were stopped west of the fire area and the fact that because the vehicles were in close proximity to the fire area, they could be escorted through that area relatively quickly in circumstances where surrounding spot fires etc could be monitored.

While a significant quantity of traffic held at the roadblock to the west of the fire had been released during the course of the day, traffic held at Bullabulling and the roadblock at Coolgardie continued to be held during the afternoon. Motorists at the eastern roadblocks saw the traffic coming through from west to east during the afternoon and this increased their unrest. During the course of the afternoon truck drivers and motorists expressed increasing levels of frustration at the roadblocks where they were stopped and their concerns were communicated to the Incident Controller, Mr Hooper.

During the afternoon at the Incident Control Centre a number of telephone calls were received from members of



the public expressing frustration that the road had been opened to traffic from the west but closed to traffic from the east. Main Roads WA had also contacted the Incident Control Team seeking information as to when the highway would be reopened.



The above map which appeared in Mr De Mar's report "Goldfields Fire 13 : Operational Review" depicts the various



road blocks which were put in place during the afternoon of 30 December 2007.

PREDICTED FIRE BEHAVIOUR

In his report on the fire development Mr De Mar expressed the opinion⁸ that given the forecast and prevailing weather conditions it could have been predicted that during the hour preceding the wind change a lull in fire behaviour would be expected. Flank fire behaviour could be expected to be predominately smouldering with some creeping flame in surface fuel accumulations.

As the south-south-west change began to affect the fire area, fire behaviour along the north-east flank could be expected to become active. Fire activity would escalate more quickly along the sections of the flank that had burnt most recently. Fire activity would take longer to build up on flank sections that had not been active for some hours.

Once re-established as a head fire, rates of spread would largely be a function of wind speed as it would take some time for increasing humidity to affect potential fuels.

The fire spread in fact took place very much as could have been predicted.

At 6:50pm a helicopter was dispatched and the observer noted that fire behaviour south of the highway had reduced considerably. This was to be anticipated in the hour preceding the wind change.

Observations confirmed that the fire was still burning actively with flaming activity occurring.

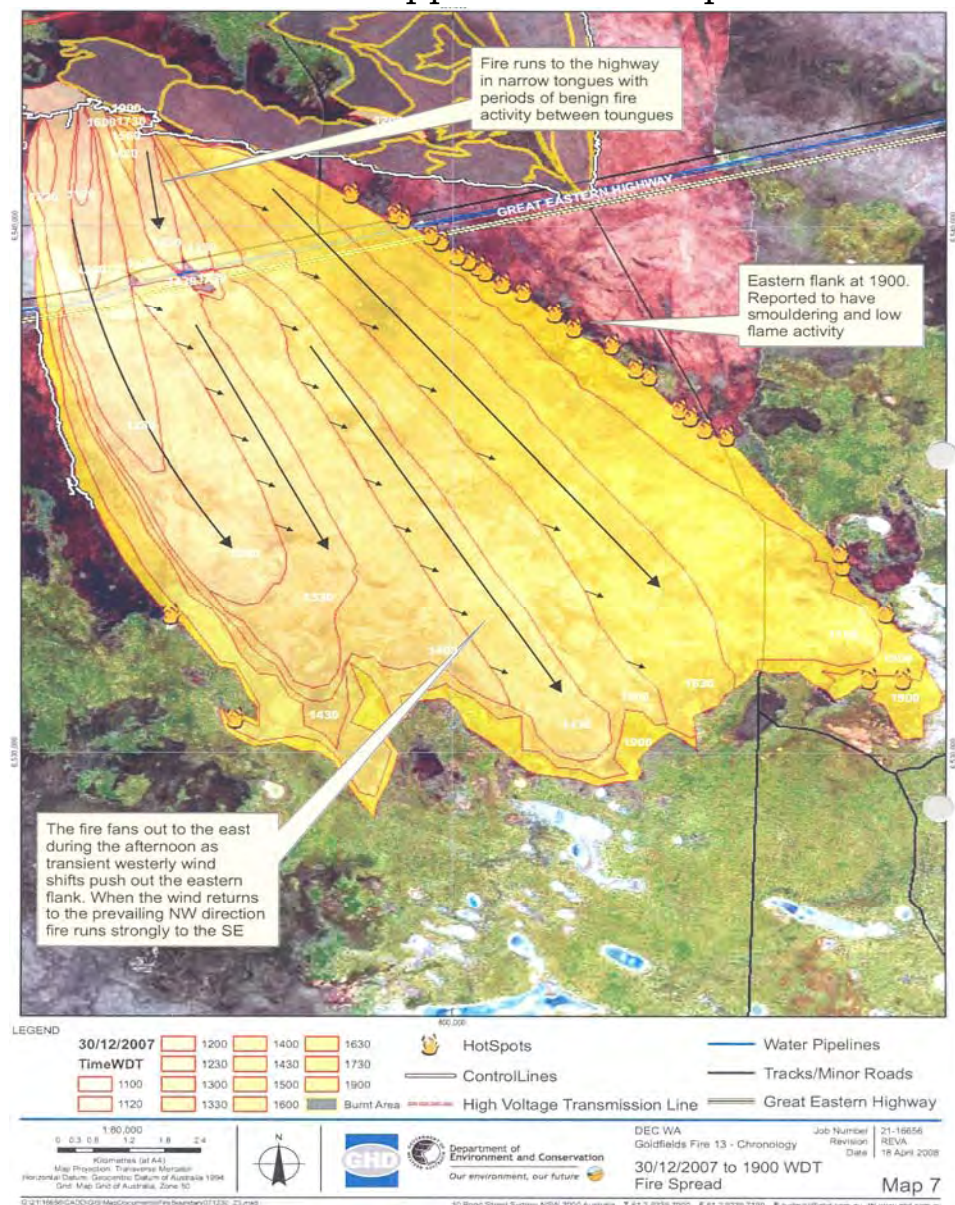
When the south-south-west change arrived at the fire the north-east flank became established as a head fire. The distance to travel to the highway varied depending how far south along the flank the fire was coming from.

⁸ Paul De Mar, Fire Development Chronology (Exhibit 7) 67



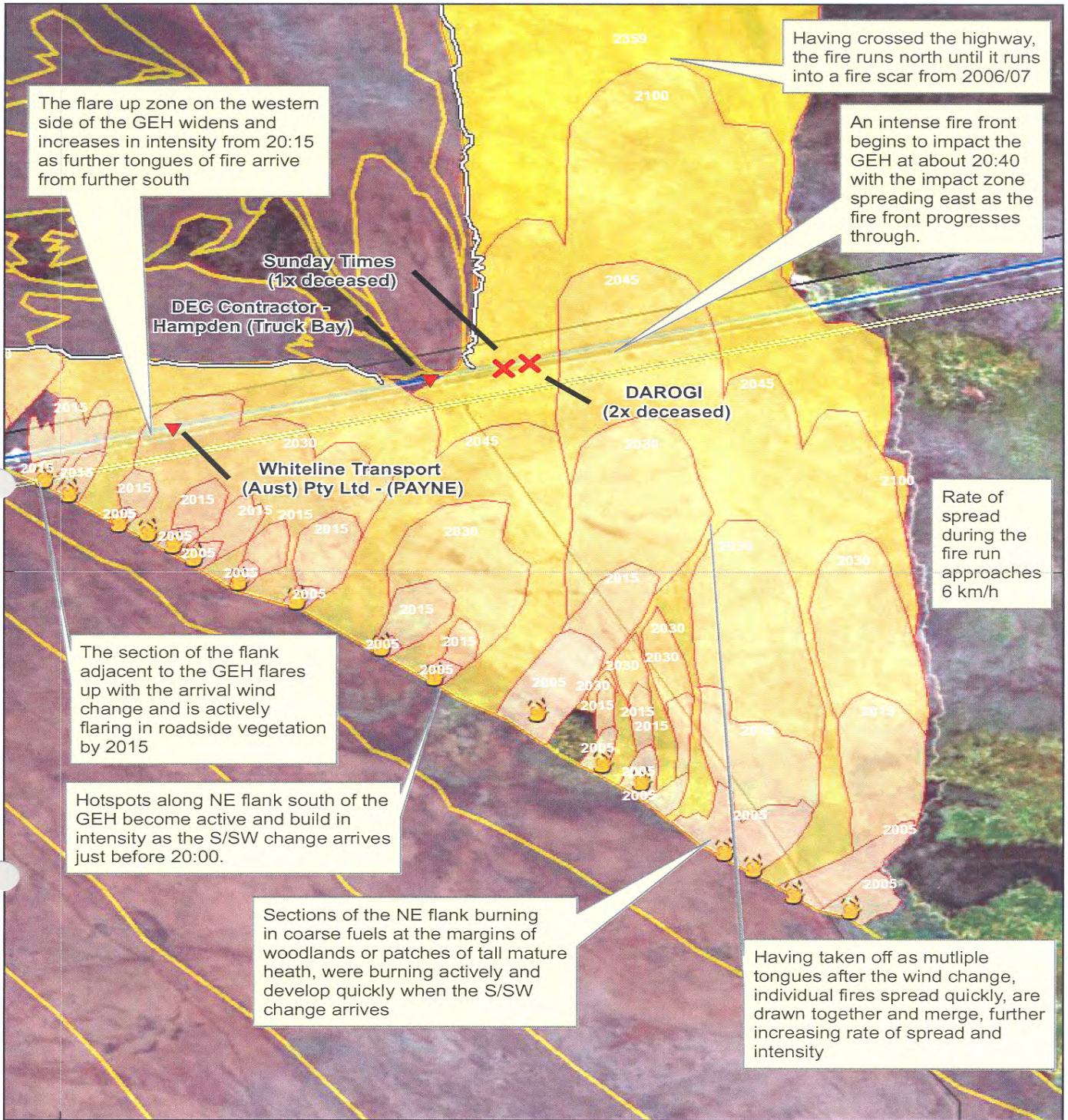
The fire run to the highway was of high intensity and fast moving. Field investigation and interpretation of satellite imagery revealed that a 3.5km section of the roadway was impacted by high intensity running fire.

Maps 7 and 8 of Mr De Mar's report "Fire Development Chronology"⁹ depict the movement of the fire on 30 December 2007. Map 7 shows the fire at 7pm when the decision to open the road was made. Map 8 shows how the flank of the fire developed into a head fire with the wind change and crossed the Great Eastern Highway; the trucks in which the deceased were trapped are also depicted.



⁹ Paul De Mar, Fire Development Chronology (Exhibit 7), maps 7 and 8





LEGEND

Truck/truck bay locations	30/12/2007	2030	HotSpots	Water Pipelines
symbol	TimeWDT	2045	ControlLines	Tracks/Minor Roads
Deceased	2005	2100	High Voltage Transmission Line	Great Eastern Highway
Other	2015	2359	Burnt Area	

1:40,000
0 0.15 0.3 0.6 0.9 1.2
Kilometres (at A4)
Map Projection: Transverse Mercator
Horizontal Datum: Geocentric Datum of Australia 1994
Grid: Map Grid of Australia, Zone 50



Department of Environment and Conservation
Our environment, our future

DEC WA
Goldfields Fire 13 - Chronology
Job Number: 21-16656
Revision: REVA
Date: 18 April 2008

30/12/2007 after 1900
Fire Spread (Zoom East)

Map 8

© 2116656\CAD\GIS\MapDocuments\FireBoundary071230_Z1.mxd
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THE DECISION TO OPEN THE GREAT NORTHERN HIGHWAY

Prior to the decision to open the highway being made on the evening of 30 December 2007 fire crews who had been involved in the fire suppression activity had been relieved from further operational duties and were at the Operations Point having dinner prior to a planned departure to Kalgoorlie at approximately 7:30pm.

Prior to the opening of the road there was a discussion between Mr Blechynden and Ms Oke at about 6:30pm when he asked her to check on fire behaviour in the DEC helicopter to determine whether it would be safe to open the road in both directions.

At that stage there was a discussion about the possibility of keeping the aircraft airborne at the fire until the last light. The last light in Kalgoorlie was expected to be at 8:28pm. As the helicopter was not instrument rated for travel in the dark, Ms Oke was unsure as to whether, if the road was allowed to open, aircraft would still be in the air when the first vehicles arrived at the fire. She suggested that it was unlikely that aircraft could still be airborne when vehicles from the roadblocks arrived at the fire line given the last light restrictions.

The aircraft landed at Kalgoorlie Airport at 8pm and so it was clear that there would be no aerial surveillance of the fire scene for vehicles approaching the fire zone from Coolgardie when the decision was made to open the road.

Prior to the road being opened two employees of Macmahon Contractors Pty Ltd (Macmahons) were manning a roadblock in Coolgardie.

At approximately 6:30pm Mr Hooper rang one of the Macmahon employees, David Seivwright, and asked him to escort vehicles through the fire zone from east to west. Mr Seivwright responded by saying that Macmahons had no



authority to provide an escort and explained that as there was likely to be a rush when the road was opened, vehicles would overtake their vehicle.

At about 7:15pm Mr Hooper rang Mr Seivwright back to advise that in his view the fire was under control and that police were waiting at Bulla Bulling and could escort traffic through the fire zone.

At that stage Macmahons' staff, Mr Seivwright and Mr Cheeseman, removed cones from the road and left the area. There were no police present at Coolgardie when the road was opened.

At about 7:30pm Sergeant Mason Ball of the Southern Cross Police Station, who had been the senior officer assisting at the fire scene, received a telephone call from Mr Blechynden. He was informed that DEC was intending to open the highway after receiving updated assessments and the change in conditions and that their services would no longer be required.

Sergeant Ball was also advised that at Coolgardie vehicles were already being allowed to progress past the roadblock.

Immediately prior to the decision being made to open the road, therefore, the situation was that –

- ✚ most fire crew who had been involved in fire suppression activities and were still on site were having dinner;
- ✚ Macmahons' staff who had been involved in road closure activity had been advised that they could go home;
- ✚ the aircraft which had been used to monitor fire activity near the highway was unable to remain airborne at the time when traffic would reach the fire zone;



- ✚ police officers from Southern Cross Police Station had been advised that they were no longer required and could leave the area; *and*
- ✚ conditions were still extremely hot and dry with low humidity and the weather forecast had predicted strong winds blowing from the direction of the fire towards the highway.

In the context of the above factors the decision to open the highway at the time when that decision was made appears to have been an amazing one.

The complete failure to take into account the high quality weather forecast information which was being provided to the Incident Management Team was a major factor in the poor decision making.

Evidence at the inquest was to the effect that the two spot forecasts which had been specifically requested for the Boorabbin region were provided to each of the Incident Management Team in Kalgoorlie, Mr Hooper, Mr Commins and Mr Barton, yet all of these persons claimed to have either not read the entirety of the one page reports or had failed to interpret the clearly expressed wording relating to the expected significant wind change. Considering that wind change was of fundamental importance to the activities of the Incident Management Team, this constituted extreme incompetence.

Each of these members of the Incident Management Team claimed that they were not aware of the fact that the weather forecast was for a significant wind change to take place at between 7pm and 8pm.

In Mr Hooper's case, his claim of ignorance of the predicted wind change was particularly remarkable because he approved two media releases, one at 4:30pm and another at 8pm, which contained correct information as to the predicted wind change.



The media release timed at 4:30pm contained the following –

DEC Incident Controller Barry Hooper said a south westerly change had been forecast for around 7 o'clock this evening. However, the change was expected to bring winds gusting to 65km/h that could result in unpredictable fire behaviour.

The media release timed at 8pm contained the following –

Mr Hooper said a south westerly change is due in at around 8 o'clock this evening.

“Gusting winds associated with the change could cause the fire to continue to run for the next few hours” he said. “So motorists should take extreme care in the event they encounter smoke over the road”.

In respect of these media release Mr Hooper claimed that the reference to times did not accord with his understanding and that he had been expecting the wind change to occur at 9pm. He said that he had not checked the media releases thoroughly before approving them.

In respect to the spot weather forecasts which in unambiguous language predicted the fatal wind change, Mr Hooper made the following explanation –

When viewing the forecasts, I generally look at the big boxes which highlight the temperatures, winds and relative humidity for the day and night. I did not read or interpret the weather remarks towards the bottom of the page.¹⁰

He went on to state that the information which he missed was in the significant wind change and weather section of the spot forecasts.

He also missed the reference to the wind strength dropping in the hour preceding the wind change.

¹⁰ Para 158 statement of Barry Hooper dated 23 May 2008



It is difficult to understand how a literate adult could look at the spot forecast documentation without reading and understanding the significant wind change information. It is particularly difficult to understand how a professional fire fighter could fail to read and appreciate such important information. It was of fundamental importance to the safe running of the fire suppression activities, as well as the highway management, that information relating to significant wind changes was acted upon.

The Logistics Team Leader, Mr Commins, stated that while he was aware of a discussion relating to the opening of the highway, he did not hear anybody say anything about removing the roadblocks and so the decision in that regard was wholly that of Mr Hooper.

Mr Commins explanation in respect of the spot forecast released at 5:09pm was that he looked at the document and took note of the fact that at 9pm a south-south-west wind was to be in place but claimed –

However I failed to take note of the information stipulated in the “Significant Wind Change” section where it stated that the S/W wind change would occur on site between 1900-2000 hours.¹¹

Mr Barton, the Planning Officer, referred to receiving the spot forecast at 9:13am but in respect of that forecast claimed–

I do not recall reading the significant wind change warning which predicted the S/SW winds would impact the fire ground at approximately 1900-2000 hours, with gusts to 65 km/h possible.¹²

In respect of the spot forecast timed at 5:15pm, he stated –

What I do not recall reading is the significant wind change information that indicated that the winds would actually impact on the fire ground between 1900 and 2000 hours.¹³

¹¹ Para 84 statement of Bradbury Commins dated 6 June 2008

¹² Para 105 statement of Bradley Barton dated 29 May 2008

¹³ Para 148 (Supra)



He claimed that this information was contained in a paragraph in smaller writing underneath the times and wind direction changes.

In fact the information was not written in smaller font.

It appears that the forecasts were distributed to each member of the Incident Management Team in Kalgoorlie by the Situation Unit Leader, Caitlin Prowse (now Mrs Lee Steere). Ms Prowse stated that while she glanced at the contents of the spot forecast and noted the forecast condition section of the report, she could not recall reading the information noted in the significant wind change section. She claimed that at the time she was concentrating on preparing the Incident Action Plan for the following day.

It was of fundamental importance to the proper management of the fire suppression activities and management of crew at the fire zone that the Incident Management Team took into account information relating to significant wind changes. Significant wind changes at a fire scene have the potential to cause death for firefighters and civilians. The information was, therefore, crucial information for the purposes of such a team.

It is remarkable in this case that the Incident Controller took so little care to inform himself adequately of weather conditions at the fire zone. It is also clear that Mr Commins could not have competently performed tasks in respect of the logistics required without adequately taking account of weather reports and the potential impact on future logistic issues. Similarly, it was of fundamental importance to Mr Barton to be aware of possible wind changes which would affect the fire spread and impact on future planning.

The failure to take note of such crucial information impacted on the entire response to the fire and if it is accepted that these witnesses were telling the truth, their performance of their various tasks was clearly sub-optimal.



Unfortunately the Operations Officer, Mr Blechynden, who was at the scene and who requested copies of the spot forecasts, was not supplied with a copy until too late. On the morning of 30 December 2007 Mr Blechynden contacted the Kalgoorlie Incident Management Team and requested a spot forecast for the fire. At that stage he was advised that one would be available at about 10am and that it could be sourced from the website. He was also advised that a copy would be emailed to him.

Mr Blechynden was not able to locate the information on the Bureau of Meteorology website and although he was sent an email, it did not attach the relevant forecast.

The requested spot forecast was not provided to Mr Blechynden until 9:56pm on 30 December 2007.

This was most unfortunate as Mr Blechynden appeared to be a competent fire fighter who, in spite of the fact he had not been provided with this important information, had serious reservations about the opening of the highway.

EVENTS FOLLOWING THE OPENING OF THE HIGHWAY

CONTINGENCY PLANS OF BARRY HOOPER

According to Mr Hooper at the time when he decided to open the Great Eastern Highway to traffic he had put in place two contingency plans in the event that by the time traffic reached the fire zone it would be unsafe to travel through that area.

Unfortunately neither of these contingency plans was of significant value in the context of the events which took place when the south-south-west wind change drove what had been a flank fire as a head fire towards the highway along a broad front.



Essentially these plans were –

1. Acting Sergeant Andrew Tovey was to escort the vehicles from the east through the fire area west along the highway; *and*
2. Mr Blechynden was to ensure that both the east and west sides of the fire area were manned by emergency personnel who would be able to close the road in the event that the fire escalated unexpectedly and impacted on the highway.

1. The Instruction Given to Acting Sergeant Tovey

According to Mr Hooper he spoke to Acting Sergeant Tovey who was then at a roadblock at Bulla Bulling by telephone and told him that he was “...prepared to open the highway on the provision that he [Sergeant Tovey] would escort the vehicles from the east through the fire area west along the highway”.¹⁴

Mr Hooper further claimed that it was his expectation that Acting Sergeant Tovey would take a convoy of vehicles from Bulla Bulling through the fire zone and then turn around and provide an escort for the traffic released from the Coolgardie roadblock, which would be about 20-30 minutes behind the first convoy.

Acting Sergeant Tovey disputed aspects of this account. Although he did agree that he led vehicles from Bulla Bulling through the fire zone, he claimed that he was not providing an escort as such.

¹⁴ Para 176 of Mr Hooper’s statement of 23 May 2008



Acting Sergeant Tovey also disputed that it was ever suggested to him that he would turn around and provide an escort for the traffic released from the Coolgardie roadblock. He stated that had such a suggestion been made he would have considered it impractical in the circumstances. He stated that after the traffic from Bulla Bulling had gone through the fire zone, the traffic from Coolgardie which would have been travelling on the road for over 100kms would be spread out and it would not be realistic to form a convoy which could be escorted through the fire zone.

In fact after Acting Sergeant Tovey, who was with First Class Constable Fitzgerald, travelled through the fire zone with the traffic released from Bulla Bulling, he went into the Boorabbin 24 hour rest stop and stayed there for some minutes. It was not until about 8:15pm that First Class Constable Fitzgerald drove the police vehicle back towards the fire zone from the western side and at that stage Acting Sergeant Tovey commented on how much worse the situation looked.

By that time traffic from Coolgardie was already at the fire zone and Acting Sergeant Tovey heard truck drivers talking on the UHF radio channel 40. This talk included references to drivers attempting to turn their vehicles, drivers experiencing mechanical failure and also people driving through the fire.

I was not impressed with the evidence of Mr Hooper who repeatedly failed to answer simple questions in efforts to justify his actions. I prefer the evidence of Acting Sergeant Tovey in respect of these events.

In particular I do not accept that there was ever any plan for Acting Sergeant Tovey to turn around after having gone through the fire zone to provide an escort for traffic released from the Coolgardie roadblock.

It would never have been practicable for one person to provide escort services for traffic released from two different



locations at the same time, particularly as much of the Coolgardie traffic would have been spread over the highway and would not have arrived at the fire zone as a convoy.

2. The Suggestion that Mr Blechynden could have ensured that the east and west sides of the fire were manned by emergency personnel

In a period of approximately one hour prior to the opening of the highway Mr Blechynden, who was then at the Operation Point at Koorarawalyee, received approximately five telephone calls from the Incident Management Team in Kalgoorlie. Two of these calls involved the Incident Controller, Mr Hooper, and two involved the Planning Officer, Mr Barton.

At approximately 7pm, during a conversation with Mr Hooper, Mr Blechynden stated that ideally he would like the highway closed for the duration of the fire, however, if this was not possible, another option would be to move the Macmahons road closure from Coolgardie to a point closer to the fire which would allow traffic movement through the fire zone to be closely monitored.

Mr Blechynden was advised that Macmahons would not regulate traffic and he then suggested that the only option would be to allow Coolgardie traffic to move westward with DEC crews in place on the highway to monitor fire behaviour and to stop traffic if the fire behaviour changed.

Mr Hooper accepted that option and the decision was made to open the highway without further discussion with members of the Incident Management Team.

Unfortunately at that time there were no DEC crews available. Mr Blechynden discussed the situation with Mr Terry Little of FESA and Mr Alan Keitzman of DEC and asked them to monitor the fire behaviour.



According to Mr Little, he did not agree to the opening of the highway in both directions. Although Mr Little was not aware of the spot weather forecasts which predicted the significant wind change, he was concerned that the temperature was still high and the humidity was low. According to his statement he "...felt strongly it was the wrong thing to do to reopen the highway at this time"¹⁵. Mr Little made a notation in Mr Blechynden's personal fire management diary timed at 7:26pm which recorded that there had been an agreement to open the highway in both directions but made a notation in brackets that the agreement was "with reservations".

According to Mr Blechynden he then directed Mr Little and Mr Keitzman to take up positions on the highway to monitor fire behaviour and if necessary to control the traffic should fire behaviour increase.

It is clear that neither Mr Little nor Mr Keitzman had any appreciation that a significant wind change was likely to occur within minutes of their arrival at the fire zone and certainly they had been given no information which could alert them to the likelihood of a wind change from the south-south-west which would then drive the flank of the fire towards the highway on a broad front. In ignorance of that possibility Mr Keitzman and Mr Little positioned themselves relatively close to each other.

Later, when flames covered the road, Mr Little called for assistance from DEC appliances which could provide a water curtain for escort of a number of vehicles from east to west through the fire zone. Mr Little travelled through at the rear of the convoy which was then formed after which he was unable to return to the eastern side of the fire zone.

At that time there were no DEC, police or FESA staff at the eastern side of the fire in a position to close the road and vehicles continued to travel without restriction along the Great Eastern Highway from east to west into the area of the highway affected by fire.

¹⁵ Para 108 statement of Terry Little dated 14 April 2008



As neither Mr Little nor Mr Keitzman had been alerted to the possible change in wind direction and force with associated fire spread, they were not well placed to control traffic or to set up roadblocks at suitable locations.

THE REJECTIONS OF OFFERS OF ASSISTANCE MADE BY FESA TO DEC

On 28 and 29 December 2007, while the involvement of FESA in the fire suppression activities was limited, this was not surprising in a context where DEC was the authority responsible for management of fire suppression activities.

On 29 December 2007 Mr Little was involved in setting up a communications repeater trailer in a secure location using channel 40 VHF so as to provide reliable communication for the whole of the fire ground. Mr Little also provided portable radios to a number of fire crews on that morning.

Mr Little worked with DEC technicians charging the communications system using solar panels. He continued to work at the Koorra Centre assisting Mr Blechynden through that day and on the next day.

It is, however, a matter of concern that as it should have been clear by the afternoon of 29 December 2007 that considerable resources would be required for activities on 30 December 2007, FESA was not approached with a view to providing further resources.

On Saturday 29 December 2007 the FESA Area Manager of the Northeast Goldfields based in Kalgoorlie, Stephen Epis, attended the DEC office situated in Kalgoorlie and made himself available to Mr Hooper in a supportive role.



At that time Mr Epis was advised by Mr Hooper that the situation was under control and that an Incident Management Team had been organised.

On 30 December 2007 Mr Epis again attended at the DEC office in Kalgoorlie where he liaised with Mr Hooper.

On the afternoon of that day he assisted with the supply of fuel to vehicles and organised an ambulance to attend at the scene.

Although Mr Epis was not involved in a decision making role, he became concerned enough to contact the FESA District Manager and Acting Director of the Goldfields Midlands Region, Trevor Tasker, who he asked to attend the DEC Kalgoorlie office as the fire was then out of control.

Mr Tasker attended at the office and met with Mr Barton who was acting as the Incident Controller at the time as Mr Hooper was surveying the fire area in an aircraft.

Mr Tasker was advised that DEC had sufficient personnel to manage the incident.

Mr Tasker also spoke to Mr Barton about potential issues relating to closing of the Great Eastern Highway. Mr Tasker warned Mr Barton that as the Sunday night was the busiest night of the week for truck drivers travelling west, those drivers would be likely to exert pressure on personnel to open the road.

Mr Tasker advised that in spite of this possible pressure, the road should not be opened until the safety of road users could be guaranteed.

The offer of assistance does not appear to have been communicated to Mr Hooper who denied being aware of it and the offer was not acted upon.



At 3:10pm Craig Hynes, Chief Operations Officer for FESA, received a telephone call from the FESA State Duty Director. He was informed that a large fire was burning in the Boorabbin National Park and the Great Eastern Highway was affected.

Mr Hynes asked the State Duty Director to contact the DEC Duty Officer and offer FESA's assistance.

Mr Hynes received a message back within the hour to indicate that no assistance was required. Mr Hynes understood that the offer of assistance had been made to Roger Armstrong, the Senior Fire Planning Officer for Fire Management Services within DEC.

According to Mr Armstrong he received a telephone call at 3:32pm on 30 December 2007 from Lloyd Bailey, the FESA State Duty Officer, who rang to offer assistance from FESA if required. In Mr Armstrong's view no further resources were considered necessary at that time and the offer was not accepted.

It was the expert opinion of Mr De Mar who conducted an operational review commissioned by DEC, that on 30 December 2007 DEC had insufficient resources to adequately respond to the events of the day and, particularly, that the Incident Management Team was inadequately resourced.

In that context the rejection of offers by DEC for assistance made as the bushfire burned out of control is surprising.

Mr Hynes pointed out that Mr Tasker was an officer of many years experience in the Goldfields, Mr Tasker had run many major fires in an Incident Management capacity and had run major road transport accident responses involving closing the highway on many occasions. Mr Hynes could not see why that type of resource should not have been part of an Incident Management Team.



INVOLVEMENT OF WA POLICE

Throughout 30 December 2007, police officers stationed at Southern Cross and Coolgardie Police Stations assisted at the fire scene. Those officers appear to have performed road control and management functions competently prior to the fatal incident.

Subsequent reviews of the events revealed that in accompanying vehicles travelling through the fire affected area, officers may have placed themselves at risk as police vehicles are not designed to be resistant to extreme heat and police officers do not have training which would equip them for vehicle escort activities. WA Police have subsequently clarified procedures in that regard and determined that in future police officers will not perform a vehicle escort role.

While the officers who were involved provided a positive contribution, it is unfortunate that WA Police were not involved to a greater extent in co-ordination and management activities.

In accordance with the *Emergency Management Act 2005* WA Police should have been involved and officers should have fulfilled the roles of Local Emergency Coordinator and District Emergency Coordinator.

In addition as WA Police has statutory authority to implement roadblocks on public roads, it was unfortunate that WA Police did not have more direct involvement in the road closure activities. As WA Police were involved at the scene on 30 January 2008, a police officer should have been a member of the Incident Management Team, or at least present at the DEC office in Kalgoorlie. That officer would have been in a position to assist with a traffic management plan including an appropriate risk assessment.



The District Police Superintendent should have been the District Emergency Coordinator at the stage when the fire posed a significant hazard to users of Great Eastern Highway.

In fact the designated District Emergency Coordinator was the District Superintendent of the Goldfields Esperance Police District, Superintendent Kevin Looby.

It appears that Superintendent Looby was not advised of the escalating problems relating to the fire until late on the evening of 30 December, after the deaths had been caused.

It appears that on the afternoon of 30 December Mr Barton asked Ms Prowse to contact police to ask whether a person could be available in a police liaison role and also whether police would wish to attend the DEC office for a briefing.

Ms Prowse checked the white pages and rang the listed telephone number for the Goldfields Regional Office. In fact the telephone number provided was that of Kalgoorlie Police Station and there was no separate number given for the Regional Office.

Ms Prowse was transferred to Sergeant Kimberley Mahony who was on duty as the Shift Supervisor at Kalgoorlie Police Station.

According to Ms Prowse she mentioned Mr Barton's request for a liaison officer and asked Sergeant Mahony if he or another officer would like to attend a briefing about the fire in the DEC Kalgoorlie office.

Ms Prowse stated that Sergeant Mahony declined to supply a liaison officer or to attend the briefing.



According to Sergeant Mahony, he understood that she was seeking to establish a liaison point between DEC and police and he suggested that as Shift Supervisor he would be able to fulfil that role in Kalgoorlie.

According to Ms Prowse she mentioned to Sergeant Mahony that she was having difficulty contacting police officers at the fire scene and establishing their exact location. Sergeant Mahony said that he would speak to Sergeant Ball who was at the scene and get back to her.

In giving her evidence Ms Prowse impressed as a relatively quiet person and it is possible that she was not very forceful in her requests for assistance.

According to Sergeant Mahony Ms Prowse did not ask for a police officer to come to the DEC office and he did not believe that there was any suggestion of a briefing.

In the context of the fact that Ms Prowse appears to have been asked by Mr Barton to communicate to police an invitation to attend the DEC office for a briefing, I consider it likely that Ms Prowse did in fact make such an invitation, although the invitation may not have been conveyed with emphasis.

In any event, in the context where police officers were involved at the fire scene and there was a large fire relatively close to Kalgoorlie, it is disappointing that Sergeant Mahony did not either attend the DCE office himself or arrange for another officer to do so, particularly as the DCE office was in the same street as the police station. It would have been sensible and prudent for police at Kalgoorlie to make some enquiry as to whether further resources were required and to ensure that the officers at the scene from the very small police stations of Southern Cross and Coolgardie received adequate support. It was also a sub-optimal situation when the District Emergency Co-ordinator was not advised of an incident which had escalated beyond the capability of a local response.



At the inquest Assistant Commissioner John McRoberts provided detailed evidence in respect the WA Police response following a police review of the Boorabbin Fire Incident. He referred to an implementation matrix which had been devised to monitor the completion of action required to respond adequately to issues raised, including those referred to above.

According to the evidence of Assistant Commissioner McRoberts the police response to the review of the Boorabbin fire has resulted in implementation of a series of actions which will prevent the inadequacies identified from occurring in a future fire response.

THE RESPONSE OF DEC TO THE FIRE

In the context that the deaths in this case resulted from obvious mistakes made by individuals the response of DEC after the fire was in a number of respects disappointing.

Richard Sneeuwjagt, Manager for Fire Management Services with DEC, gave evidence that the same people who performed the Incident Management Team roles on this occasion remain in the same positions and could be involved in the same roles in future fires.

In respect of the failure of the Incident Management Team members stationed in Kalgoorlie DEC office to take into account the spot forecast provided by the Bureau of Meteorology, the following exchange took place –

How would we have confidence that these same people, are they going to be in the same role again?---I believe so. In fact, I have ~ ~ ~

How could we have any confidence ~ ~ ~?
--- ~ ~ ~(indistinct) and they have informed ~ ~ ~



You see, at the time of this fire they knew forecasts were important. The spot forecasts are fundamentally important. They should have known that. If they didn't know that they shouldn't have been doing their job, should they?

---Forecasts are very important. I agree with that.

And if they didn't know that they shouldn't have been doing their job, should they?---I think they admitted the forecast is important.

Right?---They didn't ignore the forecast but they didn't obviously read the full component and were happy enough to read the first part, the tabulated part, and ~ ~ ~

That's their story, anyway?---That's (indistinct) I'm only repeating what I ~ ~ ~

If you can believe that four grown adults could all fail to read half a page, but even assuming that that's right, how could we have any confidence in their abilities to manage a fire again if they can't ~ ~ ~?---The only way you can ~ ~ ~

They knew it was important then. I mean, it doesn't matter how many times you tell them, it's still going to be important?---Yes. I mean, we all make mistakes.

Yes, I appreciate that?---We all make mistakes and in a fire that where there ~ there may be a hundred, 200 decisions have to be made in a fire. Sometimes you get it wrong, and I agree this is a critical one and I'm not belittling that but you asked me how can you feel confident, I think you can only feel confidence in monitoring their performance as a result of the training we provide. And I need to say we monitor very carefully and we are very confident that they've picked up, and in fact performing extremely well now.¹⁶

The above comment about the mistakes made understates the seriousness of those mistakes. For three members of an Incident Management Team to all fail to take note of significant wind change information was a failure of considerable magnitude. In addition, the decision to open the road was not merely one of many decisions it was the

¹⁶ t.913



most important decision made on that afternoon and the consequences of that decision were extremely serious. In addition it should be noted that there were no fire suppression activities carried out on the late afternoon of 30 December 2007.

Mr Sneeuwjagt's confidence in Mr Hooper and the others involved does not appear to sit well with the evidence given by Mr Hooper, which Mr Sneeuwjagt had witnessed prior to giving his own evidence.

In spite of all of the information available at the time of the inquest, including the expert reports provided by Mr De Mar, Mr Hooper did not appear to understand that the fire spread was predictable. The following exchange took place in respect of that issue –

Yes. The sad truth of this matter is that the fire was foreseeable if you had read the spot weather forecast correctly?---I disagree with that.¹⁷

While at the inquest there was reference by Mr De Mar to a lack of fire behaviour prediction models directly applicable to sandplain heath-scrub which comprised much of the fuel for the fire which crossed the Great Eastern Highway on 30 December 2007, these were not necessary to predict the direction of fire spread after the wind change which caused the deaths.

On flat terrain with dry fuels, hot conditions and low humidity the fire was certain to travel in the direction the wind was blowing and strong hot winds were likely to cause increased fire activity.

In addition even at the inquest Mr Hooper did not believe that in failing to read the spot forecasts he had been careless. The following exchange took place in respect of that issue –

¹⁷ t.884



You were careless in the way that you read the spot forecasts. You didn't read the important details at the bottom of the pages?--
-I would make a comment here. I have spent quite a bit of time this morning discussing that area. Do you want me to go through it all again with the forecasts?

You simply say you didn't read it. I'm saying that you were careless in not doing so?---No, I don't believe I was. ¹⁸

This response is indicative of lack of insight on the part of Mr Hooper as the failure to read the spot forecasts was, at the very least, very careless.

In the context of the above answers given by Mr Hooper to questions at the inquest, Mr Sneeuwjagt's confidence in him performing the same role in future appears to be misplaced.

A further concerning feature of the case is Mr Sneeuwjagt's apparent failure to appreciate, even after the inquest, the importance of monitoring wind changes at uncontrolled bushfires. In a context where Mr Sneeuwjagt had been asked about the possibility of a move to a situation where management of all major bushfires could be the responsibility of FESA he made the following observation –

I don't have that view. I think the management of the fire itself was well done. I don't think anyone disagrees with that and that's certainly my assessment. Certainly mistakes were made about the way the road was managed and I think we've now put in place better guidelines that are multi-agency guidelines that will address that. It's not the firefighting that was the problem. ¹⁹

While it was not appropriate at the inquest to explore the firefighting achievements or otherwise of DEC outside the activities directly relating to the deaths, it is concerning that Mr Sneeuwjagt was of the view that the management of the fire was “well done”. The failure to take adequate note of reliable weather forecast information provided by the

¹⁸ t.881

¹⁹ t.924



Bureau of Meteorology compromised the safety of all involved in fire suppression activities on 30 December 2007. It was fundamental to hazard reduction on that day that the Incident Management Team should be alert to all of the spot forecast information and be well aware of any significant wind changes which might take place during the course of the day. That clearly did not happen.

While DEC incurred considerable expense and provided significant resources to responding to information obtained after the fire, the crucial issues bearing on the decision to open the road which resulted in the deaths do not appear to have been adequately addressed.

“GENERALISED MODEL” THAT FIRES GO OUT AT NIGHT

At the inquest a number of efforts were made to explain what appeared to be a manifestly bad decision by Mr Hooper to open the highway at the time when he did on the basis that he may have taken into account considerations based on “generalisations” or “impressions”.

Mr Hooper claimed, himself, “Other considerations were based on the impression that fires diminish to a great extent at night and mostly extinguish in many cases, particularly in heath fuels”.²⁰

A similar suggestion in this context was made in the Operational Review Report prepared by Mr De Mar where the observation was made that-

From interviews held, it appears that staff making assessments of the fire situation may have subconsciously been looking for fire behaviour cues which fitted the local “generalised model” that fire behaviour begins to decline in the hour before sunset, and becomes benign as darkness falls and thereafter.²¹

²⁰ Para 163 of statement of Barry Hooper dated 23 May 2008

²¹ Paul De Mar, Operational Review 100



At the inquest Mr Sneeuwjagt described beliefs which he considered that DEC staff had to the effect that once a fire dies down at night on the flanks, then it would be a very rare event for the flanks to reignite.

In my view the suggestion that such a “generalised model” or “belief” could have been a legitimate matter to take into account in decision making at the time of the road opening was wholly without merit.

It should be noted that the decision to open the road was made not long after 7pm and that it did not become dark until 8:28pm. The situation described by Mr Sneeuwjagt when a fire may die down at “night” was, therefore, not applicable. What was important was the fact that there was very dry fuel available, extremely hot conditions and low humidity at a time when strong winds should have been expected and the fire was still burning. For professional fire fighters those should have been the factors taken into account.

It should also be noted that this particular fire had burned late in the evening of 28 December 2007 fanned by south-east winds and the fire only finished its run at around midnight. There was, therefore, no reason to suppose that the fire would not respond to strong winds at about 8pm on 30 December 2007.

In addition, 30 December was an exceptionally hot day with record temperatures and that day came after an extended period of very hot dry weather.

It was not, therefore, sensible to make decisions based on observations made at other times in other conditions. It should have been expected that gradually increasing humidity would not reduce the ability of dry fuel to sustain fire for a number of hours at least after about 7pm when the decision was made to open the highway. It is noted that the whiteboard maintained at the Operations Point recorded the temperature at 7pm as 40°C and the relative humidity as



less than 10%, objective evidence that the “generalisations” or “impressions” had no relevance to the actual fire scene.

The basic factors relevant to fire spread should have been taken into account by professional fire fighters.

CONCLUSION

On 30 December 2007 the three deceased men all died when an uncontrolled bushfire crossed the Great Eastern Highway at about 8:45pm. All three men died as a result of the fire.

The fire started on 28 December 2007 in an area of heath/scrub vegetation near a parking bay on the northern side of the Great Eastern Highway, Boorabbin, approximately 85kms east of Southern Cross and 104kms west of Coolgardie.

The fire was started by human activity although it is not known whether it was the intention of the person or persons responsible to cause a bushfire. In other words, human involvement, either accidental or deliberate, appears to have been the cause of the fire.

The fire started at or about midday on 28 December 2007 and over the following days was driven by changes in prevailing wind and weather conditions. After initially travelling north of the Great Eastern Highway on the first day, the fire was pushed to the west until 30 December 2007.

On 30 December 2007 the fire was pushed south by changing wind direction causing it to cross the Great Eastern Highway and make an approximate 12km run south of the highway.

At about 8pm on the evening of 30 December 2007 a wind shift to the south-south-west, which had been predicted by the Bureau of Meteorology, resulted in the fire



being pushed back across the highway. Coincidentally the fire re-crossed the highway straddling the area in which it had started two days previously.

It was as a result of the fire crossing the highway that vehicles were damaged and the fatalities occurred.

The course of the fire on the evening of 30 December 2007 was predictable and should have been predicted by the Incident Management Team comprising DEC staff. The Incident Controller, Mr Hooper, made a decision to open the road in circumstances where it appears that no attention was paid to available specific and high quality weather information.

The decision to open the highway which was made at about 7:15pm was a very bad one.

The three deceased had been in two trucks stopped at Coolgardie at a roadblock in place as a result of the fire earlier crossing the road and travelled to the fire scene unaware of the extent of potential danger involved in doing so. At the fire zone there were no officials placed in position to warn oncoming motorists and the three men travelled into that zone unaware of the extent of the danger which they faced.

The person (or persons) who was responsible for the initial fire clearly contributed to the deaths and the behaviour of that person (or persons) was inexcusable.

The action of Mr Hooper in opening the highway when he did in spite of the cogent evidence available to him, which should have alerted him to the dangers involved in doing so, also contributed to the deaths.

As discussed earlier in these reasons, none of the three Incident Management Team members located in Kalgoorlie paid sufficient attention to the information contained in high quality forecasts prepared by the Bureau of Meteorology specifically for the purposes of fire management



at Boorabbin which accurately predicted the fatal wind change. None of those three appears to have appreciated the fundamental importance of doing so. The failure by DEC to ensure that staff forming the Incident Management Team had an adequate appreciation of the need to monitor wind changes at a fire scene contributed to the deaths.

I find that the deaths arose by way of Accident.

COMMENTS ON SAFETY ISSUES (SECTION 25(2)) OF THE CORONERS ACT 1996

PLACING OF SIGNAGE AT NORSEMAN

At the time when the decision was made to open the Great Eastern Highway the incident controller was under considerable pressure to open the highway from motorists and truck drivers who were stopped at the roadblock at Coolgardie and who had been travelling from the eastern states to Perth.

While the Great Eastern Highway was closed during the afternoon of 30 December 2007 between Coolgardie and Southern Cross for vehicles travelling west, there was nothing to alert traffic arriving at Norseman of that fact and vehicles continued to travel through Norseman towards Coolgardie on their journey to Perth.

Truck driver Bryan Litchfield, who was one of the drivers who saw the fire on the highway on 30 December 2007, stated that over the last 12 years this was the fifth occasion on which he had experienced problems with bushfires in the area and on no occasion had the road been closed between Norseman and Coolgardie. In addition, no warning signs had ever been placed to alert motorists to potential problems and to advise them that the alternative route by way of Esperance would be preferable.



Peter Hall, Project Superintendent for McMahons, gave evidence that signage was put up in Norseman after the deaths. He further stated that the signage, which was Main Roads Department approved, was hired from Coates Hire and took two and a half hours to relocate. In that context he stated that even if advice had been given to McMahons on the afternoon of 30 December that such a sign was necessary in Norseman, the earliest time at which the sign could have been in position would have been mid morning on 31 December.

The situation in respect of signage at Norseman, therefore, appears most unsatisfactory. The Great Eastern Highway is the preferred route for traffic travelling from the eastern states to Perth and in the event of fires impacting on the safety of the highway, or other problems involving road closure, arrangements should be in place to enable signage to be put in place at Norseman alerting motorists to the problem and enabling them to take an alternative route, which for many vehicles would be by way of Esperance.

I RECOMMEND THAT ARRANGEMENTS BE PUT IN PLACE FOR SIGNAGE TO BE RETAINED AT NORSEMAN AND AVAILABLE AT SHORT NOTICE TO ENABLE MOTORISTS TO BE WARNED OF POTENTIAL PROBLEMS EXISTING ON THE GREAT EASTERN HIGHWAY WEST OF COOLGARDIE.

THE FAILURE TO SEND SPOT FORECAST INFORMATION TO OPERATIONAL PERSONNEL

A matter of concern is the fact that although spot forecasts were received from the Bureau of Meteorology at the DEC office in Kalgoorlie at the time of the issue at 9.13am and 5.09pm, the information contained in those forecasts was not provided to DEC staff and others working at the fire ground.



Personnel in charge of fire crews at a fire ground themselves must maintain a high level of situational awareness and maintain an ability to react tactically to locally induced weather effects that may alter the generally prevailing weather (it is important for people at the fire ground to look after themselves and to be alert to changes in weather, particularly significant wind changes). In this case this need was not adequately attended to. The Operations Officer, Mr Blechynden, who was at the Operations Point requested copies of the forecasts but was not supplied with one until 9.56pm.

A number of interstate incidents resulting in fatalities to fire fighters have stemmed directly from a lack of understanding by field units about significant weather changes or events. In almost all of these cases, relevant forecast information had been provided to the fire organisation and/or the Incident Management Team, but distribution systems in place did not provide for timely transmission of the information to those in the field.²²

In this case the failure to provide Mr Blechynden with copies of the forecasts appears to have resulted from human error, rather than procedural inadequacy, but it is important that procedures should be in place to ensure that relevant weather forecast information is regularly sought and when received is promptly transmitted through the Incident Management Team organisation to persons with field operation responsibilities.

I RECOMMEND THAT TO THE EXTENT IT HAS NOT ALREADY DONE SO, DEC TAKE ACTION TO ENSURE THAT IN FUTURE CASES RELEVANT WEATHER FORECAST INFORMATION, PARTICULARLY INFORMATION AS TO SIGNIFICANT WIND CHANGES, IS PROMPTLY TRANSMITTED THROUGH THE INCIDENT MANAGEMENT TEAM AND MADE AVAILABLE TO PERSONS WITH FIELD OPERATION RESPONSIBILITY.

²² Paul De Mar, Operational Review 82.



THE FAILURE BY DEC TO TAKE ADVANTAGE OF AVAILABLE RESOURCES OFFERED BY FESA AND THE QUESTION AS TO WHETHER OR NOT DEC SHOULD CONTINUE TO HAVE MANAGEMENT OF MAJOR FIRES

It should have been clear to the incident management team on 29 December that in the context of weather forecasts for 30 December, there would be considerable demands on the available DEC resources in their fire suppression activities.

It appears that it was not until the afternoon of the 30 December that Mr Hooper appreciated the magnitude of the planning and operations tasks which would be involved in the context of the Incident Management Team's resourcing constraints. While he responded by requesting additional resources to form a full Incident Management Team and significant additional resources for fire suppression activities, he did not take advantage of resources which FESA had available.

Mr Epis of FESA was present at the DEC office in Kalgoorlie on the afternoon of 30 December 2007 and he could have been approached by Mr Hooper or other members of the Incident Management Team and assistance sought through him from FESA.

Mr Epis eventually became so concerned at the situation that he contacted the FESA District Manager and acting Director of the Goldfields Midlands Region, Mr Tasker, who attended the DEC Kalgoorlie office and spoke to Mr Barton who was then the acting Incident Controller.

Mr Tasker offered to arrange for further assistance to be provided by FESA and could have, himself, assisted as a member of the Incident Management Team. That offer of assistance was rejected by Mr Barton.



In addition, the Chief Operations Officer for FESA, Mr Hynes, made arrangements for the State Duty Director to contact the DEC duty officer to offer FESA's assistance. This offer of assistance was also not accepted.

It is clear, therefore, that FESA was prepared to assist and had resources available. The failure to accept the offers of assistance in a context where the fire was burning out of control and the Incident Management Team was struggling with a number of tasks is surprising and disappointing.

It is noted that the *Bushfires Amendment Bill 2009* contains a clause which would allow a FESA bushfire liaison officer or another person authorised in writing to take control of all operations in relation to a fire.

While this Bill would enable FESA to take over control of a bushfire in certain circumstances, assuming that the Bill is enacted, there needs to be in place arrangements which would enable FESA to have sufficient information to be able to make an informed judgment as to whether or not it would be appropriate to take over control of a bushfire.

In the event that there is an Incident Management Team comprising local government staff or DEC staff who are not willing to involve FESA in fire suppression activities, the effect of the proposed amendment could be largely defeated by an unwillingness to provide FESA with necessary information.

I RECOMMEND THAT IF THE BUSHFIRES AMENDMENT BILL 2009 IS TO BE ENACTED, PROCEDURES BE PUT IN PLACE WHICH WOULD ENSURE THAT IN THE EVENT OF AN ESCALATING FIRE, FESA WOULD RECEIVE SUFFICIENT INFORMATION TO MAKE AN INFORMED JUDGMENT AS TO WHETHER OR NOT TO TAKE CONTROL OF ALL OPERATIONS.



POTENTIAL DUPLICATION OF RESOURCES

Helicopter mounted infrared camera systems and hand held thermal imaging cameras for use by ground crew can be used to identify the locations of visibly undetectable fire activity. This is important for an Incident Management Team in making decisions as to fire suppression activities.

FESA use a helicopter mounted infrared camera system with video capability and a live video footage transmission capability. In addition to the above benefits, this ability enables the immediate mapping of fire spread with considerable accuracy.

This technology was not available to DEC and DEC still does not have access to such an infrared camera.

It would be a costly duplication of resources if DEC was to acquire such a capability when such a resource is available through FESA. This is an example of the potential duplication of resources in a situation where two different government organisations have separate responsibility in respect of the managing of major fires.

I RECOMMEND THAT IN ANY CONSIDERATION BEING GIVEN TO THE ALLOCATION OF RESPONSIBILITY FOR CONTROL OF OPERATIONS IN RESPECT OF MAJOR FIRES, CONSIDERATION BE GIVEN TO THE AVAILABILITY OF TECHNOLOGY AND OTHER RESOURCES, PARTICULARLY WHEN PARTICULAR SKILLS ARE REQUIRED TO MAKE BEST USE OF SUCH TECHNOLOGY OR RESOURCES.

CONTINUED CONTROL OF MAJOR FIRE RESPONSES BY DEC

DEC manages over 27 million hectares of conservation lands and has a fire prevention and mitigation responsibility for a further 86 million hectares of unallocated Crown lands and unmanaged reserves. The ecosystem types requiring fire management vary enormously from tall eucalypt forests



in the south, through deserts that have vegetation totally dependant upon cyclonic rains, to tropic savannahs in the north.

DEC employs 765 people directly involved with fire management who are trained in a range of general and specialised fire management roles.²³

The arrangements presently in place assume that the roles of DEC, local government and FESA will be complimentary. It would not be practicable for DEC to possess enough fire response capacity to control all fires occurring on their land without assistance from local government and FESA. The availability of local government brigades and FESA staff to assist and bolster the capacity of DEC when responding to fires is essential.

While it is clear that DEC must have an ongoing involvement in fire management and will continue to provide leadership in respect of fire suppression activities in the case of a number of the minor fires, the present case has raised the question of whether it is appropriate for DEC to maintain control of major fires which require a high level of planning and considerable knowledge of fire activity. FESA is an organisation with a core function of directing fire suppression activities and the question arises whether two different government organisations should each control these activities in different major fires.

Of particular concern in this case is the fact that the Incident Management Team at Kalgoorlie comprising DEC staff all failed to pay appropriate attention to important weather forecast information. Particularly concerning is the fact that the DEC Incident Controller not only failed to place appropriate reliance on wind change information provided to him, but even at the time of the inquest failed to appreciate the fact that on the available information the fire spread was predictable and, further, he did not appreciate that his failure to pay attention to significant wind change information was, at the least, careless.

²³ Paul De Mar, Operational Review 6



It is also a matter of concern that DEC has taken no action to prevent the same people from taking the same roles in the future and particularly that Mr Sneeuwjagt, the manager for Fire Management Services, continues to have confidence in Mr Hooper's ability in spite of his ongoing inability to appreciate the importance of wind change to fire incident management.

While Mr Sneeuwjagt claimed at the inquest that steps have been taken to improve the training of relevant staff, the effectiveness of any training and particularly of assessment of competency conducted by DEC must be questioned in a context where the Incident Controller had and has such poor appreciation of the need to monitor wind changes affecting an uncontrolled fire.

DEC recognises what was described as "red card" qualifications which are intended to reflect the capability of the qualified person to perform relevant responsibilities depending on the level of difficulty of the fire in question to manage. Mr Hooper, for example, was a Level 2 Incident Controller.

While it seems clear that on the afternoon of 30 December 2007 the fire in question should have been categorised as a Level 3 fire (requiring the highest level of response), DEC had not put in place arrangements to have a Level 3 qualified incident controller in charge at that time.

It was proposed that Roger Armstrong, the Senior Fire Planning Officer for Fire Management Services within DEC and a Level 3 Incident Controller, would go to the fire scene on the next day, but arrangements had not been put in place for his attendance or involvement in decision making on 30 December. In that context it was suggested that Mr Hooper, although only Level 2 recognised, had considerable experience and, therefore, DEC had confidence in his ability to manage the fire pending the arrival of Mr Armstrong (which could have happened earlier if his involvement was considered an urgent requirement).



The assessment of the level of competency in this regard is conducted in-house by DEC (which apparently is consistent with practice throughout Australia).

It would appear clear, however, that a Level 2 Incident Controller should be expected to have the competence to understand basic fire movement and the significance of wind at a fire scene. In that context the ongoing system of recognition of these qualifications within DEC requires review.

While it was claimed by Mr Sneeuwjagt that recent action has been taken by DEC in respect of training qualifications, it is clear that any ongoing assessment process has failed to identify Mr Hooper's continuing failure to appreciate fundamental aspects of the role of Incident Controller.

This inquest has not involved a comprehensive review of the capabilities of DEC and FESA and so it has not been possible to make any specific recommendations in respect of future involvement of those organisations in the management of major fires. It is clear, however, from the evidence at the inquest that questions need to be asked in respect of DEC's capability to manage major fires.

I RECOMMEND THAT A REVIEW BE CONDUCTED OF DEC'S ABILITY TO MANAGE MAJOR FIRES AND CONSIDERATION BE GIVEN TO INCREASED DIRECT INVOLVEMENT BY FESA IN FIRE MANAGEMENT ROLE IN THE CASE OF MAJOR FIRES ON RESERVES OR ON UNALLOCATED CROWN LANDS.

A N HOPE
STATE CORONER
20 November 2009

