

## PART TWO THE PEOPLE WHO DIED

This part of the report contains information about the last known actions of the 173 people who died in or as a result of the fires of 7 February 2009. Some readers might find the material distressing.

## THE PEOPLE WHO DIED

### OVERVIEW

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One hundred and seventy-three people died as a result of the fires that burned across Victoria on 7 February 2009 and in the following days. This far exceeded the loss of life from any previous bushfires—including Ash Wednesday, in February 1983, when 75 people died in Victoria and South Australia.<sup>1</sup>

The Commission heard many accounts from people who survived the 2009 bushfires, but it was only by examining the stories of those who died that it could complete its investigation of these fires.

### RATIONALE

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The Commission was established to examine, among other things, the causes and circumstances of the Victorian fires of late January and February 2009. Although the fires led to great damage to property, flora and fauna, it was the loss of 173 human lives that caused the greatest devastation to individuals and communities. As a result, the Commission's most important task was to understand what led to this loss of life and how best to avoid a similar event in the future.

In particular, the Commission considered that its examination of the 'prepare, stay and defend or leave early' policy—often referred to as 'stay or go' (see Chapter 1 in Volume II)—would be incomplete without an analysis of how this policy was perceived and applied by those who died. The fact that the majority (113) of the people in question died inside or close to structures—rather than on the road, as had been the case in previous bushfires involving deaths—was a further reason for exploring the circumstances of all the deaths.

The Commission's examination of the deaths also provides, for the families and friends of the deceased, information they would otherwise not have received for some time. The State Coroner will be examining the deaths but not until other processes, such as the Commission itself and court proceedings, are complete.

Accordingly, in consultation with the Coroner, the Commission developed an approach to considering the deaths that would satisfy two particular criteria:

- meet its own requirements for information—especially in connection with its examination of the practical operation of the 'stay or go' policy
- provide to the families and friends of the deceased information they may otherwise not have received for some time.

### METHODOLOGY

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The Commission developed its methodology for this aspect of its inquiry in consultation with Victoria Police and the State Coroner. It held hearings in relation to each death according to where the death occurred. If a number of people died in a single location a single hearing was held. Generally, the hearings were grouped according to the individual fires and, where feasible, the course of the fires. A total of 86 hearings were held over 23 days.

Because of the sensitive nature of the material being examined, the hearings were not held in the Commission's main hearing room but in a smaller room known as 'the annexe'. These hearings were usually open to the public, including representatives of media organisations, but proceedings were not webstreamed and media cameras were not allowed.

The Commission was not bound by all the rules of evidence that apply to the courts. Notably, it was not bound by the rule against hearsay evidence, which normally requires that evidence be provided first hand by the witness with direct knowledge of that evidence. This means that in examining the circumstances of the deaths the Commission did not have to hear oral evidence from all the people who had made relevant statements to the police. The Commission obtained the benefit of extensive investigations carried out by Victoria Police. It could hear almost all the evidence from a single source—the senior police officer in charge of Victoria Police's Phoenix Taskforce investigation of the fires and related deaths, Detective Superintendent Paul Hollowood.

Family and friends were not obliged to attend or participate in the hearings, but many chose to do so. The Commission went to considerable lengths to ensure that close family members and friends received information about the hearings in advance, to help them decide if they wanted to attend. Grief counsellors and other support people were on hand. More than 450 friends, family members and colleagues attended the hearings; of these, 19 participated by means of video conferences from locations in Victoria and elsewhere in Australia.

Using a multimedia presentation developed by Victoria Police, Detective Superintendent Hollowood presented a summary of the statements the taskforce had collected. The presentation involved a stylised re-enactment of the movements of the person (or people) who died, as well as pre- and post-burn satellite images of the sites of the deaths, maps and other audiovisual material. Detective Superintendent Hollowood's evidence was led by counsel assisting, who also referred as appropriate to individuals' statements, most of which recounted details of the last conversations with the deceased.

On average, each hearing took about an hour. At the end of the hearing family and friends in attendance had an opportunity to ask questions or clarify matters arising from the hearing. On a small number of occasions family members made oral statements as part of the hearing, and on one occasion a person was called to provide eyewitness evidence.

## DEMOGRAPHIC FEATURES

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Five of the 13 major fires that burned in early 2009 led to loss of human life—Beechworth-Mudgegonga, Bendigo, Churchill, Murrindindi and Kilmore East. The greatest loss of life resulted from the Kilmore East fire (119 people), followed by Murrindindi (40), Churchill (11), Beechworth-Mudgegonga (2) and Bendigo (1). Nearly all these people died on 7 February itself; four died in the succeeding days or weeks as a result of the injuries they sustained on 7 February, and one person died as a result of injuries sustained after 7 February.

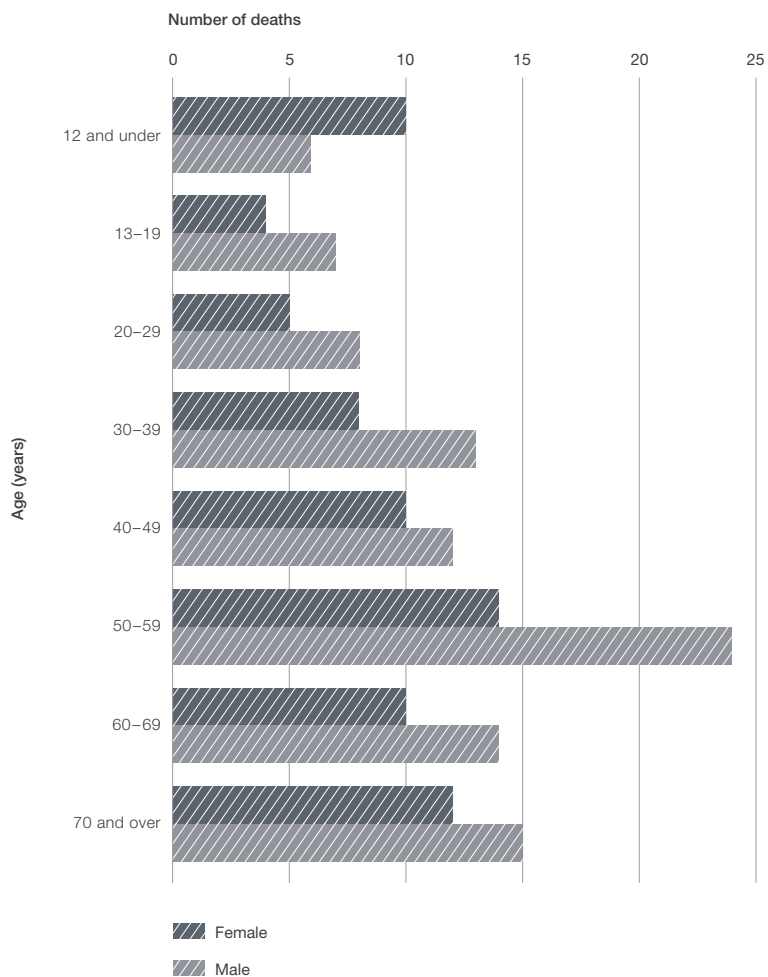
The age and gender profile of the people who died is similar to that of people who died as a result of previous bushfires.<sup>2</sup> Sixteen per cent were aged 70 or over; 28 per cent were aged between 55 and 69; and 13 per cent were aged less than 18 (and, of these, a substantial majority were under 15). Fifty-eight per cent of those who died were male.

## THE STRUCTURE OF THIS PART OF VOLUME I

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This part of Volume I summarises each of the 86 hearings into the fire-related deaths. The summaries are presented in order of the ignition time of the fires—starting with the Kilmore East fire and ending with the Beechworth-Mudgegonga fire—and then by locality. Within each locality the entries are presented alphabetically by family name. At the end of the summaries a conclusion draws together the main themes arising from the deaths, suggests areas for further inquiry, and sets the scene for the policy-related discussion in Volume II.

Figure 1 Those who died: age and gender profile



Source: Exhibit 894 – Review of Fatalities in February 7 2009 Bushfires.<sup>3</sup>

- 1 Exhibit 536 – Statement of Valent, Attachment 4 (EXP.009.001.0042) at 0042; B Teague, R McLeod, S Pascoe, 2009 Victorian Bushfires Royal Commission: Interim Report, Parliament of Victoria, Melbourne, August 2009 at 6
- 2 Exhibit 894 – Review of fatalities in the February 7, 2009 Bushfires – Final Report (Amended version without mark up) (EXP.029.003.0001) at 0008
- 3 Exhibit 894 – Review of fatalities in the February 7, 2009 Bushfires – Final Report (Amended version without mark up) (EXP.029.003.0001) at 0028