

Bushfire Mitigation and Vegetation Management

Investigation of Significant Fires

Document number:	BFM 21-71
Issue number:	13
Status:	Approved
Sponsor:	Renzo Negrelli
Approver:	George Covino
Date of approval:	30/06/2009
File Name	BFM21-71.doc

Investigation of Significant Fires

1 PURPOSE

The purpose of this document is to set out procedures for the investigation of significant fires involving personal injuries and/or property damage.

It applies to relevant Senior Managers, and all SP AusNet or contract personnel who may attend or be involved with a fire.

2 REFERENCES

BFM 21-79 - Bushfire Mitigation Manual

BFM 21-70 - Reporting Procedures

3 DEFINITIONS

Fire the ignition of combustible materials on the ground including trees and other vegetation possibly caused by SP AusNet's distribution network assets

Significant Fire a fire which causes injury or death or significant damage to stock or property which includes fencing and trees/ pasture on private land.

Fire Report the report referred to in document BFM 21-70, which must be filled out in the event of a fire possibly involving SP AusNet's distribution network assets

Solicitor's Report The documentation prepared by the Claims Manager, at the request of the Company Solicitor which reports on the investigation of a serious fire and is covered by legal privilege.

4 PROCEDURE**4.1 INTRODUCTION**

Significant fires may result in legal proceedings and consequently care must be taken to ensure that unsubstantiated and un-collaborated information is not reported through channels which are not protected by legal privilege. It is of paramount importance that the procedures set out below are followed in situations where it could be alleged that injury and/or damage resulted from fire involving SP AusNet's assets.

4.2 INITIAL ACTIONS

Regional personnel attending the incident must immediately assess whether the fire is significant as defined in the definitions above.

Where the fire is not classed as a significant fire it will be handled as set out in document BFM 21-70.

Investigation of Significant Fires

Where the incident is determined to be a significant fire the region must immediately notify, by phone, the Claims Manager and Environmental Manager, or if unavailable the Manager Risk. The Claims Manager if contacted first will advise the Manager Risk. Refer document BFM 21-71-A for phone contact numbers.

In after hours situations the region must immediately notify the Network Control Centre who will advise the Claims Manager and the Environmental Manager, or if unavailable the following in order, until a contact is made:

- Manager Risk,
- Company Solicitor
- General Manager Networks Strategy and Development

The Manager Risk depending on the seriousness of the fire will advise -

- Manager Public Affairs
- General Manager Networks Strategy and Development
- Manager Program Integrated Networks Services
- Director Health Safety Environment & Quality
- Claims Manager

The General Manager Networks Strategy and Development will advise the Managing Director before a media statement is issued.

Where the local Regional Manager has a clear understanding of the cause, immediate attendance of the Claims Manager is normally not necessary.

Regional officers attending any fire should:

- not discuss the matter with others at the site;
- confine verbal statements to the police to only those of clear fact; and
- make no comment to the media.

To the extent appropriate in the circumstances, any items of equipment/lines etc. considered pertinent to an analysis as to causation are to be maintained in a secure environment so that any subsequent argument as to the facts can be properly clarified.

Details of the names of persons having some personal knowledge of the events should be recorded and passed on to the Claims Manager.

Notes.

- 1. All notes, readings taken, photos etc. obtained prior to a request from the Manager Risk after liaison with legal advisers are likely to be documents discoverable in legal proceedings. It is therefore important that information obtained at the time of the incident is reported as described below in the reporting procedures.**
- 2. The Manager Risk carries the prime executive responsibility for SP AusNet in its dealings with the public as well-as the responsibility for handling claims and ensuring that the conditions of our insurance policy are not breached. Consequently no discussions with the public on these matters should take place at the time of the incident.**

4.3 SUBSEQUENT ACTIONS

The Manager Risk will liaise with the SP AusNet's legal advisers to ascertain SP AusNet's legal position in relation to the incident.

Where an investigation is recommended by SP AusNet's legal advisers the Company Solicitor will consult with the Manager Risk and if an investigation is deemed necessary, formally request

Investigation of Significant Fires

the Claims Manager to carry out an investigation of the incident and to prepare a detailed written report (Solicitors Report) for submission to the Company's legal advisers.

Following submission of the report and after discussion with SP AusNet's legal advisers, the Manager Risk will advise Senior Management of the position regarding liability and an estimate of the possible costs.

The Manager Risk will then:

- advise SP AusNet's Insurance Underwriters and control the ongoing involvement with those underwriters
- take steps to ensure the security of any equipment involved in the alleged causation of the fire
- liaise with the Manager Public Affairs in respect of any public statement concerning the alleged fire; and
- refer to the Claims Manager and respond to any claims received from third parties suffering damage as a result of the alleged fire.

4.4 SITE INVESTIGATIONS

After receiving advice from the Solicitor that an investigation will be undertaken, the Claims Manager will attend the site **IMMEDIATELY** so that a preliminary report can be prepared in liaison with a nominated Network Services Group officer.

A further site inspection should take place within 48 hours of receiving the Fire Report and this should include:

- Manager Risk
- Network Strategy & Development Group officer
- The Company Solicitor and/or external legal adviser
- General Manager Networks Strategy and Development
- Director Health Safety Environment & Quality
- Director Asset Engineering and
- Claims Manager.

For the Solicitors Report, the distribution network investigatory role would be filled by Director Asset Engineering or his deputy

In nominating the officers to be involved, the General Manager Networks Strategy and Development would take into account the extent of the fire under investigation and the possible level to which any legal proceedings may escalate.

Detailed investigatory work may also be undertaken to assist the nominated network officer, and this would be provided by specialist personnel from relevant sections.

4.5 REPORTS

4.5.1 General

No reports except for the initial oral reports and routine Fire Report should be initiated until advised by the Manager Risk or Claims Manager, on his behalf.

When instructed by the Company Solicitor the Claims Manager will prepare a written Solicitors Report for submission to the Company's legal advisers. The report is solely for submission to legal advisers, in anticipation of possible litigation and is subject to "legal professional privilege".

Investigation of Significant Fires

The Claims Manager will draw on such resources as necessary from other SP AusNet operational and support groups for the investigation.

All matters considered to be in any way relevant (including technically based opinions as to causation) in determining the liability/legal position must be included. Contact should be made with the Company Solicitor if there is any doubt what matters are to be included in the detailed report.

Extensive liaison should be maintained with the Claims Manager to ensure that investigations are coordinated.

Information prepared for the Solicitors Report or the report itself must not be copied to any other officer within SP AusNet and is not be used for any other (administrative) purpose, as to do so is likely to negate the privilege and cause the Report to be subject to disclosure to other interested parties.

The Solicitors Report, if prepared for submission to legal advisers in anticipation of possible litigation, is protected by legal professional privilege.

Information prepared by operational or service units for submission to the Claims Manager for inclusion in the Solicitors Report should be headed -

This Document Is For Submission to Legal Advisers to SP AusNet for the Sole Purpose of Obtaining Legal Advice.

The ultimate report would normally be prepared over the signature of the Manager Risk, and would be directed to the relevant legal adviser in response to his recommendation.

Time is of the essence in completing the investigation. Confidentiality and the protection of legal privilege are of vital importance. If any doubt exists the Solicitor should be consulted.

4.5.2 Content

The Report should include:

- Details of alleged causation
- Summary of information from witnesses
- Extent of fire
- Details of injury or death known at that time and an estimate of the number of properties involved.
- Photographs of the SP AusNet assets believed to have been involved and, if reasonably accessible, photographs of any property damage.
- It is essential to gather information and evidence as quickly as possible after the occurrence of a fire.

Of particular importance are:

- Photographs and video where possible **(use a digital camera if possible, instant developing photographs such as Polaroids are to be used only if no other camera is available)**

Investigation of Significant Fires

- **Physical evidence (e.g. damaged equipment which has not otherwise been required by, say, the Victoria Police)**
- Names and addresses of witnesses
- Major items of consideration would include those which assist in identifying the probable cause of any fire and in this regard aerial photographs may be extremely valuable in recording the relationships between burnt areas, direction of fire front travel and locations of SP AusNet or privately owned assets.
- With regard to witnesses, the Claims Manager will arrange for statements to be taken.

4.5.3 Review of Report

Within 48 hours of finalising the Solicitors Report of the fire, a meeting is to be held to discuss the causation of the fire and assess SP AusNet's position with regard to liability and to liaise with SP AusNet's Insurers regarding any claims which may arise from third parties. The following people should be in attendance at that meeting:

- Manager Risk
- General Manager Operations & Services and/or Regional Manager
- The Company Solicitor and/or external legal adviser
- General Manager Networks Strategy and Development
- Director Health Safety Environment & Quality
- Manager Customer Services and
- Claims Manager.

Depending on the magnitude of the fire, the Managing Director may wish to be in attendance also. Meetings should be chaired by the Manager Risk and should consider the following:

- What additional information is required to assist in the assessment of liability?
- Decide if outside consultants be employed to advise on any particular aspect.
- Confirm that SP AusNet's brokers and insurance underwriters have been advised of the fire.
- Arrange for aerial photographs to be obtained of the total fire area as quickly as possible.
- Inquiries should be made as to whether a satellite photograph of the fire area is available.
- Decide if a team of photographers be put into the fire area to photograph all property damage, i.e. houses and other buildings.
- Decide if it is necessary for a survey to be completed of the SP AusNet's assets in the area of the alleged commencement of the fire.
- Arrange for SP AusNet's independent consultant loss adjusters to be briefed to assist in the assessment of possible quantum.
- Decide if it is necessary for a SP AusNet officer to attend any public meetings which may be called.

Investigation of Significant Fires

- Decide if it is necessary to consider the availability of appropriate staff to form a Claims Task Force to respond to possible claimants.
- Decide if an officer should be delegated to liaise with both CFA and the police with a view to obtaining all relevant information which they may have to hand and be willing to release.

Consideration should be given to the fact that underwriters or their representatives will probably wish to view the site and hold lengthy discussions with SP AusNet concerning both the alleged causation and the total quantum.

A date should be set for a follow-up meeting so that all parties can be kept abreast of developments.

Subsequent to the meeting, both the written advice to Senior Management and the written confirmation to underwriters should be completed in a manner as approved by the SP AusNet's legal adviser so that legal privilege is in no way endangered.

Director Asset Engineering shall be responsible for liaising with ESV. Regulation Manager shall be responsible for liaising with the Essential Services Commission (ESC).

5 APPENDICES

1. Fire Investigation Checklist

6 SCHEDULE OF REVISIONS

Revision	Date	Details of Change
11	5/6/2006	Document updated to reflect current business practice.
12	1/6/2007	Document updated to reflect current organisational structure.
13	30/6/2009	Document updated to reflect current organisational structure.

Investigation of Significant Fires**Appendix 1****FIRE INVESTIGATION CHECKLIST**

It is most important that the investigating team go to site as soon as possible in order to ensure minimum disruption of evidence.

Information to be gained by inquiry.

- 1 Is it claimed that SP AusNet assets caused fire? If yes, who is making this claim?
- 2 Were there any witnesses to the initiation, if so can you interview them?
- 3 Interview witnesses and gain best possible description of scene.
- 4 What was wind direction at the time of initiation? Was there any subsequent change of direction before the fire was brought under control? Information regarding temperature and humidity, if available.
- 5 SP AusNet's system operating history in period leading up to fire.
- 6 Construction/Maintenance history of the assets over the preceding years.
- 7 Are there any CFA records available?
- 8 Copy of relevant SP AusNet history records (e.g. Q4, OAS data).

Things to Look for.

- 1 Location of fire origin relative to SP AusNet's assets.
- 2 Broken or failed assets including,
 - (a) Broken ties
 - (b) Broken insulators
 - (c) Broken crossarm
 - (d) Broken conductor or on ground
 - (e) Broken pole
 - (f) Failed plant and equipment
- 3 Burn or rubbing marks on trees.
- 4 Clash marks on conductors.
- 5 Other possible causes for fire (e.g. bottles, matches, recent rifle or shotgun cartridges, evidence of campfire, car tracks).

Considerations in reviewing evidence and looking/inquiring further.

- 1 Do you have a cohesive story in which visible evidence, operating history, witnesses' claims are all consistent? Do all times quoted fit into proper sequence?
- 2 Are you really sure? Double check.
- 3 If the story doesn't point to SP AusNet's assets being responsible, put yourself in the place of someone who would prefer that to be so. What evidence is there to back such thinking? No matter how contorted that logic would have to be, review the scene with that in mind.
- 4 If the evidence does point to SP AusNet as the source, look for any alternative source. Is the evidence really conclusive? Have you been led by other peoples' presentation, persuasion?

Investigation of Significant Fires

Recording of Evidence

- 1 Prepare a sketch of the scene showing all significant features and dimensional relationships between the fire origin and all SP AusNet's assets.
- 2 Take photographs and where possible video, of:
 - General scene (all angles)
 - Any features which may be constructive in an investigation
 - Close-ups of any broken or damaged object showing maximum detail of fracture face, deformation, staining, clash or burn marks
 - Obtain any available photographs of the areas before the fire occurred.

Collection of Physical Evidence

It is preferred to locate any pieces of SP AusNet material, or other, which might have a bearing, or give any lead to the cause of a fire.

Pieces of SP AusNet material which are unable to be left in service should be collected, whereas any material which can be left in service should not be collected.

- Collection of SP AusNet Material

This must be done with great care - SP AusNet can provide the most secure storage but removal of evidence can be readily misconstrued as an attempt to hide it. Consequently, whilst endeavouring to take it into our care, it should only be done with the approval of the senior police representative, if one is present, and it would be wise to ask him/her to sign a release which describes it in detail.

- Non-Collection of SP AusNet Material

Where a piece of evidence, such as a clashed conductor, is still functional and can be left in place, then that is the option to be strongly preferred. Resist any pressure to have it "taken in custody" as it provides much more useable evidence, in most circumstances, where it was and it remains accessible to all parties. If necessary agree to some form of marking and photographic recording to identify that the same piece stays there. In the most common cause, clashed conductors, any claim that someone wishes to have the age of clash marks assessed scientifically can be treated with great scepticism and we should only agree to such work being done on a cooperative basis, and then only very promptly after the incident. We are not of the opinion that such an assessment can be made.

The reason for the above emphasis on keeping evidence available to SP AusNet is that when a potential claimant impounds evidence, it usually gets locked up in a dusty store for a year or two, during which time potential evidence such as fracture pattern becomes obscured permanently.