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Official Committee Hansard

**HOUSE OF
REPRESENTATIVES**

SELECT COMMITTEE ON THE RECENT AUSTRALIAN
BUSHFIRES

Reference: The recent Australian bushfires

TUESDAY, 29 JULY 2003

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HOUSE OF REPRESENTATIVES
SELECT COMMITTEE ON THE RECENT AUSTRALIAN BUSHFIRES

Tuesday, 29 July 2003

Members: Mr Nairn (*Chair*), Mr Adams (*Deputy Chair*), Mr Bartlett, Mr Causley, Ms Ellis, Mrs Gash, Mr Gibbons, Mr Hawker, Mr McArthur, Mr Mossfield, Mr Gavan O'Connor, Mr Organ, Ms Panopoulos and Mr Schultz.

Members in attendance: Mr Hawker, Mr McArthur, Mr Nairn and Mr Schultz.

Terms of reference for the inquiry:

The Select Committee on the recent Australian Bushfires seeks to identify measures that can be implemented by governments, industry and the community to minimise the incidence of, and impact of bushfires on, life, property and the environment with specific regard to the following.

- (a) the extent and impact of the bushfires on the environment, private and public assets and local communities;
- (b) the causes of and risk factors contributing to the impact and severity of the bushfires, including land management practices and policies in national parks, state forests, other Crown land and private property;
- (c) the adequacy and economic and environmental impact of hazard reduction and other strategies for bushfire prevention, suppression and control;
- (d) appropriate land management policies and practices to mitigate the damage caused by bushfires to the environment, property, community facilities and infrastructure and the potential environmental impact of such policies and practices;
- (e) any alternative or developmental bushfire mitigation and prevention approaches, and the appropriate direction of research into bushfire mitigation;
- (f) the appropriateness of existing planning and building codes, particularly with respect to urban design and land use planning, in protecting life and property from bushfires;
- (g) the adequacy of current response arrangements for firefighting;
- (h) the adequacy of deployment of firefighting resources, including an examination of the efficiency and effectiveness of resource sharing between agencies and jurisdictions;
- (i) liability, insurance coverage and related matters;
- (j) the roles and contributions of volunteers, including current management practices and future trends, taking into account changing social and economic factors.

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Committee met at 8.57 a.m.**MARGETTS, Mr Nicholas (Private capacity)**

CHAIR—I declare open this public hearing of the House of Representatives Select Committee on the Recent Australian Bushfires. Today's hearing is the 10th of the inquiry and follows the hearing we held yesterday in Omeo. I know a number of the people here today were there yesterday. Welcome again today. At this point, I would also like to advise those in the gallery that before the conclusion of today's hearing, after we have heard from the listed witnesses, there will be an opportunity for others to come forward and make short statements that will go into the record of evidence. Could I ask anyone wishing to do so during the morning to approach the committee secretariat. Tomorrow the committee will be holding hearings in Ballarat. We will also be holding a hearing in Hobart on Friday. We will then go on to Western Australia next week to conclude that part of the evidence gathering section of the inquiry.

I welcome our first witness. Although the committee does not require you to give evidence under oath, I should advise you that these hearings are formal proceedings of the parliament. Consequently, they warrant the same respect as proceedings of the House itself. It is customary to remind witnesses that giving false or misleading evidence is a serious matter and may be regarded as a contempt of the parliament. Mr Margetts, we have your submission, which has been authorised for publication and therefore forms part of the evidence that the committee will be considering. First, would you like to make some brief opening remarks before we proceed to questions.

Mr Margetts—Yes, I would like to read a statement.

CHAIR—Sure.

Mr Margetts—The view from Mount Seldom Seen was a panorama of utter devastation after the bushfire. Looking westward across the Buchan River and east across the Little River Gorge, a relatively uniform, intensely hot fire burned everywhere. The Telecom domes melted on Mount Seldom Seen and newspapers caught alight in the steel fire tower due to intense heat and despite a wide firebreak. This intense heat engulfed the Wulgulmerang plateau. Large numbers of native animals died during the fire. Virtually no habitat remained for surviving animals. Animals continued to die because they had nothing to eat and no protection from predators. Wild dogs from the national park were rampant. The loss of cover resulted in extreme run-off, flash floods, erosion and loss of soil seed banks. This occurred even during light rainfall events. Our water catchments were damaged. Our waterways and dams were filled with sludge. Private property and businesses were severely damaged. There were livestock deaths and a complete loss of infrastructure, including a loss of power and telecommunications. The local store burned down. We have ongoing problems with not enough stockfeed and nutrition problems, no fences and on it goes. Huge blackberry bushes in the national park are growing at an incredible pace after the fire. Parks Victoria make the following statements on their web site:

Under the Parks Victoria Act 1998, Parks Victoria's responsibilities are to provide services to the State and its agencies for the management of parks, reserves and other public land. The Act requires that in carrying out its functions, Parks Victoria must not act in a way that is not environmentally sound.

I want answers to the following questions: is the widespread loss of habitat, severe erosion problems, soil seed bank damage, water catchment damage, uncontrolled noxious weeds, large animal deaths and destruction of neighbouring private properties and businesses environmentally sound? Did Parks Victoria fulfil the requirement of the act? The Victorian National Parks Association make the following statement on their web site:

The Victorian National Parks Association has always been driven by one overriding concern—protection of Victoria's biodiversity.

I would like to ask the following question: is a widespread, uniform, intensely hot wildfire going to promote biodiversity or is it going to favour an ecological monotype? Regarding emergency services, Mr Thwaites, the Minister for the Environment, stated in the *Hansard* of 26 February:

Various agencies and the CFA work at the same desks. They have a completely seamless level of control and an integrated fire management strategy. That is the reason why the loss of property has been minimal with no loss of life at all.

Mr Thwaites's statement is incorrect. The CFA fleet failed at Wulgulmerang on 30 January. Farm families protected their lives and property by themselves in Wulgulmerang and Suggan Buggan. They had no assistance from any government agency. The CFA carried no lunch, no chainsaw, no water, used the wrong radio frequency to communicate and were misinformed by the bases in Orbost and Karoonda Park. Instead of stopping the fire, they took photographs of a burning house. Private and public property damage was extensive. Sheer luck saved human life, not good management. Leo Dignan witnessed and documented how the CFA tanker fleet failed to respond to the fire at Wulgulmerang. Leo's document, I understand, has been made available to this committee.

The CFA chose not to defend private property. People in the Wulgulmerang and Suggan Buggan regions want to know why they pay the fire levy. Government agencies lost opportunities to stop the fire near Glen Wills. They argued for days whether or not to clear firebreaks or light back-burns. They procrastinated until weather conditions deteriorated. The fire may never have reached Wulgulmerang if we did not have inept government bureaucracy.

If state and federal government do not change their attitudes and policies, then the catastrophes we witnessed last summer will occur again. Flora and fauna species will decline along with people, businesses and food production. A political culture of arrogance and denial is not going to save the flora and fauna or people and businesses in rural areas. We must avoid uniform intense burns over wide areas. We need mosaic burns, burns with various intensity and frequency. We need more fuel reduction. Government agencies should cease their arrogant independence and begin utilising and trusting people with local knowledge.

CHAIR—Thank you for that. Mr Margetts, I think you said you had some other documents that you would provide to the committee.

Mr Margetts—Yes, I do. I have a document written by Heather Livingstone, who is president of the Buchan-Gelantipy branch, a forgotten disaster area.

CHAIR—Branch of?

Mr Margetts—The VFF. There are six copies of each. There is Leo Dignan's report about the CFA at Wulgulmerang. There is also an article from the *Warragul Gazette* about the local firefighting—the CFA firefighters at Wulgulmerang.

CHAIR—Good. Thank you for that. You mention in your submission that you lost your house, you lost your cattle yards and 100 per cent of your fencing. Did you lose stock as well?

Mr Margetts—I lease this property. The people who lease the property from me had stock on the property but they had been taken to a safe area. So as I understand it, they did not lose any stock.

CHAIR—But the stock cannot go back there?

Mr Margetts—The stock could not go back there. They tried to put the stock back after the fire because there was a small area left unburnt. They put the stock in and it caught alight and burnt the remaining pasture, so they took the stock back off. There was absolutely no area of that country, apart from a few areas the size of maybe a basketball court, that were not burnt.

CHAIR—Does the property share a boundary with the national park?

Mr Margetts—Approximately 50 per cent of the property shares a boundary with the national park or roadside boundary.

CHAIR—And you are not getting any assistance for the replacement of those fences?

Mr Margetts—The assistance is provided with a list of, as far as I am concerned, unworkable conditions. They are contradictory and they conflict. The devil's in the detail with the conditions. I cannot see that I can practically access the assistance that has been given.

CHAIR—So what you are saying is that Parks Victoria would provide some financial assistance for you to replace those fences but the conditions under which you have to do that are not acceptable? Could you explain to us a bit more what the problem is.

Mr Margetts—Okay. For one thing, they want me to put up a dog fence. At the present time, a dog fence is not a priority. A priority is simply keeping stock in. I do not have the money to put the specified fence up. If I do put the fence up, I will not be sure that I will receive the grant because I am not sure that I can practically fulfil the conditions. So I may spend a lot of money putting a fence up and then receive no grant for it. The grant only covers a contribution towards materials. It does not cover labour. I was never insured for labour on my fences.

The conditions are completely unworkable and they contradict. They say that we can cut limbs which overhang fences on one condition. On the next condition, they say we cannot cut limbs from across our fences because if we are going to use them for fence posts, we have to get the department to come and look at them. My fence is built on a steep slope. My land is on the uphill slide of the slope. The fence line needs to have the debris removed from it. I have to push the debris into my place on the uphill side of the fence. That debris will wash immediately onto the fence. I have already had problems since the fire with debris washing over that fence. It has built up in places where the netting is still attached to the fence and it has built up to three feet against

the fence. The condition is that the bottom wire of this dog fence must be 100 to 125 millimetres from the ground. Now how can I fulfil that condition when I am being forced by one of their conditions to put all the debris above the fence and it will wash onto that ground wire? They can turn around and say, 'Well, you don't fulfil the conditions. We're not going to pay you the grant.' I do not think that that is an acceptable agreement to enter into.

CHAIR—So you are confirming other evidence that the committee has got that the only assistance that is available is where the dog fence has been constructed. There is no other assistance?

Mr Margetts—There is absolutely no flexibility. If we want to put up simply a stock-proof fence, we want to stop our stock from leaving the property, that is not being offered as an option. There is no flexibility. It must be a dog fence.

CHAIR—Have you put a dollar value on your losses overall?

Mr Margetts—The most concrete dollar value I can give you is from my shire rates because they rated the property before the fire and rated it again after the fire. The capital improved value decreased by \$42,000. I would consider that is a conservative estimate because it possibly does not take into account the pasture damage. The fire burnt everything. All the roughage that the stock need to live on for the next year has gone. The only way you could replace that is with hay. There is no hay to replace that type of roughage, and fodder is in very short supply at the moment and costs money. So that is an extra cost. All I can say is that it has virtually written the place off as a viable stock proposition at least until we get a rain that will produce more of that roughage.

Mr McARTHUR—Where do you think the fire actually started? Was it let go for a number of days, or could it have been extinguished in the first 24 hours?

Mr Margetts—I am under the impression that the best time to stop a fire is as soon as it starts. As soon as the fire starts, if it is allowed to burn for a couple of hours without any suppression, you lose your opportunity to stop that fire. So if your access tracks into the area where the fire started are not very good or if fire crews have to beat their way through hundreds of metres of blackberry bushes to get into a fire, they have a very limited opportunity to stop a fire. This is why blackberry bushes in national parks are no good when it comes to fires. In the Snowy River area, I believe they had to—this would be reported on the news—beat through hundreds of metres of blackberry bushes to get through to one of the fires to actually stop it.

Mr McARTHUR—You are suggesting that the lack of maintenance of the tracks was a factor in the fire not being suppressed in the first 24 hours?

Mr Margetts—I am not 100 per cent clear in the instance of this fire, but, yes, I would suggest it was a maintenance issue. Below my property alone in the Buchan Creek there are huge blackberry bushes. I do not know why they do not do something about them because they have access tracks in there to spray them or eradicate them.

Mr McARTHUR—The general thrust of your statement is relating to the activity in the park. You say this park has not been maintained in the 30 years you have been working the property.

Would you just add to that? You go on to talk about the terrible devastation of flora and fauna. Could you advise the committee as to the way in which Parks maintained their area and their responsibility, as you saw it?

Mr Margetts—Okay. Around the Wulgulmerang plateau there is an escarpment below my property. Before it was a national park, it was the Rocky Range State Faunal Reserve. It was a faunal reserve because it had a lot of species of interesting native animals and plants there. In the 30 years that I have been around that property, there was never any burning. It was just allowed to build up and build up until there was a wall of scrub all through that whole area. You could not see four to five metres ahead of you. I remember trying to track down some livestock in that area. I could not see one of those cattle four or five metres from me—that was a full-grown animal—that is how thick it was. The only way I could tell they were there is that they would prop. I would walk up to them. When I got so close that I could almost touch them, they would all run off and then I could see them because a big cloud of dust came through the thicket. I am not exaggerating. If you go to the top of Mount Seldom Seen today, you can see how the fire burnt. It is just sticks. You look across the Buchan River, that area of land was not burnt. I do not care if they have got a fancy piece of paper back in their office that says, 'We've got statistics to say this area has been burnt,' because you can say what you like back at the office and you can write whatever you like on your piece of paper, but if it does not match the reality of what is on the ground, then it is a worthless piece of paper. I feel that that is what has been going on. They have statistics saying, 'We've burnt this area' or, 'We've baited these dogs' or, 'We've got a program for this or that.' Their statistics and pieces of paper in their office on their databases do not match what is the reality on the ground.

Mr McARTHUR—So you are saying there has been no reduction burning or cool burning in your area during your 30 years in the area?

Mr Margetts—Around my immediate property, the only cool burning that happened was a fire that accidentally started from a broken bottle just over the road. That would be probably 15 years ago.

Mr McARTHUR—You quoted from the act. Your judgment is that Parks Victoria are not maintaining the park according to the act? You quoted the act in your opening statement. Is that your judgment?

Mr Margetts—That is absolutely my judgment. They are allowing wild dogs to run rampant. They say, 'Yes, we've got control programs to stop wild dogs. We bait them around areas where we think they are a problem with wildlife.' However, the fact is that from the carcasses I saw, every carcass had been ripped apart within a week after the fire.

Mr McARTHUR—By wild dogs?

Mr Margetts—I assume it is wild dogs. What else would be doing it? I have not seen any foxes around my property. I do not believe there are that many tiger quolls there. I believe there was something eating them. It was not me or my dog. It was something out in the bush.

Mr McARTHUR—You make an interesting comment about access to forests. Other witnesses talked about the lock-up mentality—that wilderness and national park areas are off

access to human beings. You make the comment that local groups of people build up an intimate knowledge of the park areas. You suggest that if the parks opened access to the people at Buchan and the locals, they would be much better maintained because of that intimate knowledge. Would you help the committee with that point of view?

Mr Margetts—Yes, I can. To my mind, the parks and our bush areas are so vast that I think it is impractical that our taxpayers' money and our government agencies alone can manage that area. I think that is impractical and absurd. The only way that we are ever going to efficiently manage our park areas is to trust people and allow people access into those areas. Look at it this way: if Parks sends someone up to clear a track, it costs us money. It costs them wages. It costs the vehicle time out. But you can allow people access to those areas. Four-wheel drive enthusiasts are going up there. It is their holidays. It is their fun. It might be an apiarist shifting hives. It may be someone who is running cattle up there. They are driving up there to check their cattle. If there is a tree across the road, they get their chainsaw out and clear the tree. No-one pays anything. It is done.

Mr McARTHUR—You are suggesting that the way to manage the parks would be to allow the people of Buchan to have control of a certain area and have that responsibility. If so, this catastrophe that has overtaken us in recent times would have been lessened at least because of the reduction burn. Would you allow the locals also to do the reduction burns without Parks's supervision?

Mr Margetts—Yes, I think the local people should be allowed to be involved in the practice of the controlled burning. I think that their knowledge of the immediate areas around their properties and the areas that they work in is very intimate. So in the areas around my property I know from year to year what is happening. I know very closely what is happening in that bush far better than someone in Bairnsdale or Melbourne or Traralgon. I am very close to that bush. It is the same with every person in these areas. If it is an apiarist, they are traversing particular areas of the country. They have a regular, intimate knowledge of that country and I think they are in a position to know when to burn or what is good for that country. I am not ruling out some scientific support or help from a government agency. I think they have to work together. But I think it is absolutely fundamental that local people have a very big say in how the bush is managed around their properties.

Mr McARTHUR—Finally, do you think the bush will recover from this extremely hot fire of January?

Mr Margetts—It depends what you mean by recover. The bush will change. It will not be the same as it was before. I do not believe that our flora and fauna evolved to this point with the widespread intense burns that we have now. I think there was a lot more burning in the past. It created safe havens for our animals and safe havens for our flora. It prevented the huge erosion problems that we are seeing now. Just in my area, the soil is being stripped off that country. You are asking me if the country will recover. It will recover to something else. It will not be what was there before because the seed back in that soil is not there any more or it has been minimised. It has been washed down in my area into the Buchan Creek. I travelled along the Benambra Road from Black Mountain through to Benambra after the fire and down and around through Bindi and saw the same type of thing happening everywhere. Huge areas of soil were being swept off into our catchments. The Livingstone River was just full of sludge. It had about

six inches of sludge floating along the top of it. No, it will not go back to where it was. It keeps changing. The environment will change. It will change it. If we continue to have these types of burns, I believe that what you will have is a reduction in plant species and a reduction in native animal species in these national park and bush areas.

Mr McARTHUR—Thank you, Chairman. Thank you very much, Mr Margetts.

Mr HAWKER—Thank you, Mr Margetts. I suppose it will not surprise you that the committee has heard, sadly, too many stories like yours as we have been going around. I want to follow up on some of the questions Mr McArthur. In your opening remarks, did I hear you say that blackberries are regrowing where the burn was?

Mr Margetts—Absolutely. The blackberries are doing very well after the fire. In March, I walked down through the Buchan Creek. There were no other native plants growing at that time but the blackberries were already up six to eight inches high. There were huge areas of blackberries; it is not just one little stalk growing here and a little stalk growing there. There are lots of them. I have photographs of these blackberries growing. They are there to be seen everywhere.

Mr HAWKER—Is any effort being made to try to eradicate them?

Mr Margetts—Well, I do not think there has been because they would not be such big bushes. I mean, where there is blackberry eradication, the bushes decline or diminish. You may have one or two scattered here and there but not a continuous bush going all the way down the Buchan Creek. To my mind, that has not been controlled. The irony of it is that I walked past these blackberry bushes and then past a sign that said ‘management vehicles only’.

Mr HAWKER—In your remarks, you also said how DSE and Parks—you might not have used those names but that is who I think you meant—were claiming they were doing a certain amount of controlled burning but it did not match what was happening in reality. Do you have any firm evidence of what they were actually claiming and what was not being done, or is that just a perception?

Mr Margetts—That is my perception. I do not have a document right here that can say, ‘They said this was burnt’ and then a photograph here showing that it is not burnt. I do not have that type of evidence. All I can say is that I think the parts that have been burnt and have not been burnt are very clear. At Wombargo Creek, just down Benambra Road from Black Mountain, there is a very good example of previous burning. It was burnt about two years ago. The fire did not touch that area.

There are green leaves still on the canopy and the understorey is relatively untouched. So you would expect to find some green still there, something still there, at least leaves in the trees. But if you look back from Mount Seldom Seen across the Buchan River, there is nothing that is green within sight. Look all the way back up Reedy Creek across the Buchan River. The only thing is a few little square patches of green where I believe there is a logging coupe out to the left as you look over the Buchan River.

Mr HAWKER—I want to move to some of your comments about the CFA. You said they took photographs of a burning house but did not put it out. Is that right?

Mr Margetts—That is why I have presented this article from the *Warragul Gazette*. On the first page of that article, it shows a photograph here of a house that was unable to be saved by firefighters as they tackled the ferocity of the alpine glades. How did they find time to pull a camera out of their pocket and take a photo of that in such a dire situation? Let's get it in perspective. How often would a firefighter in Melbourne putting out a fire at someone's home pull out a camera in the middle of the operation and start taking photographs? It is just incredible. To take this photograph, their tankers would have been parked on the side of the road. They were told by their operations centre that they were not allowed to move. They were there not for an hour but for what seemed like several hours. It seemed that maybe they got a little bored standing there. They walked 200 metres down because they noticed this house. They did not drive a truck down. They walked over to this house to see if there was someone inside it, someone that might need some help. Then they took a photograph of it.

Mr HAWKER—You also talk about—I think in this other submission that you tabled from Leo Dignan—the fact that you and others were told that the CFA could not defend your property. As the CFA is made up of local volunteers, have you talked to them since to find out what their reaction to that decision was?

Mr Margetts—Sorry, talked to who?

Mr HAWKER—Some of the volunteers of the CFA, when you were told that they could not defend your property and the tankers went away?

Mr Margetts—No, I have not talked to them. As I understand it, they were not local people. They came from Queensland. They came from this Warragul area. That is why this article is in the *Warragul Gazette*. It is not in the *Bairnsdale Advertiser* because these people were not local people. These people came from everywhere but the local area. That was a major failing in everything they did. They simply did not know their way around. They confused landmarks. They had their directions completely wrong. They read their maps wrongly. They thought they were at Round Hill, but Round Hill was actually up another road. It was a complete failing. And they did not know where people's houses were. They were unfamiliar with the country. I do not think they could even imagine what a real bushfire was going to be like. They were completely inexperienced. They did not even take their lunch with them. Ever since I was a kid in this area, I was brought up to understand that you can leave a lot of things behind—you can leave your wallet behind—but you take your lunch with you. These people did not take their lunch with them. I mean, it is just fundamental. That is local knowledge. You put a banana or something in your pocket, but at least you have something to eat. That is where they completely failed here.

On the morning of Thursday the 30th, the local people in that area judged it was an extremely high probability that the fire would hit on Thursday. It was not an absolute certainty but it was an extremely high probability. But the CFA crew, who were not locals, did not seem to get it into their heads that there was some sort of urgency about the whole situation. They found time to drive their trucks all the way back down to Karoonda Park to get lunch. Worse than that is that they were asked to meet back at the Wire Paddock at Wulgulmerang at 2 p.m. From my reading

of this article, they were still considering leaving Karoonda Park at 2 p.m. That is an absolute failing.

That is another thing about these areas: when you live in remote areas, you grow up with this idea of safety and responsibility. One of them is that if you say you are going to meet someone at a certain time, you meet them at a certain time because you do not know what happens out in this country even in times when there is not an emergency. That is what local knowledge teaches you—practical things. It teaches you about responsibility. It teaches you to take your lunch with you. It teaches you to take a chainsaw with you. Never go out on a bush track without a chainsaw. But apparently one of these crews did not even have a chainsaw. They were using the wrong radio frequencies. When I was a kid hanging around a CFA meeting, it was one of the basic things, your radio communications. They were operating on two different radio channels.

Mr HAWKER—Finally, I have one quick question. You talk about the need to have, I guess, a culture change, the problems of arrogance amongst some departmental people and how to build trust and allow people access so that they can help with the management of these areas. Have you seen any change in attitude since the fires locally?

Mr Margetts—No. I get the feeling that there is an attitude of, ‘Let’s not admit to anything. Let’s make no admissions.’ I went to a meeting at Gelantipy about three or four weeks ago. The government departments were represented at that meeting. I just find that they make excuses and try and explain everything away. Instead of really facing up to the fact that things were not done properly, a lot of things could be changed in the future. It is all explained away. They are not facing up to what has happened. I do not believe that we are going to get a change.

I was talking to someone over in the Ensay area. They were promised that they would start fuel reduction burns in that region. But this person I was talking to said that they had not seen any smoke or any indication that they were attempting fuel reduction burns. We could all sit around and say, ‘Well if nothing changes, this could happen all over again in 10 years.’ But I do not think we even have to look that far. If this does not change right now this year, this could all potentially happen next summer. Not all the bush was burnt. There is still a whole lot of mismanaged, overgrown bush out there where the same thing can happen this summer. If it happens this summer, God help us all.

Mr SCHULTZ—Mr Margetts, can I say to you that this committee has heard hundreds of people such as yourself from the local community come in and very bravely put the truth as they see it to this committee. I just want to commend you for the courage it takes to do that in very, very difficult circumstances and, at times, very, very traumatic circumstances. I want to talk to you about the point that was just being discussed.

Do you believe that the lack of recognition of what has occurred during and following these horrific fires is centred around an existing culture that any recognition of any shortfalls would result, in the minds of the government agencies, in possible litigation against the government? Do you think that is one of the reasons why there seems to be dead silence from government agencies? I might add it is not just in Victoria that that is occurring.

Mr Margetts—Yes, I think that is it. I think this is a culture of regulation and conditions, and different agencies have different sets of regulations. The regulations cross over and conflict with

each other and twist around each other. So I am not surprised if that is their mentality—that they are not going to change anything because they are afraid of litigation. That is exactly how they treat us. If we try to clear a firebreak or something, there are vegetation control regulations. If we try to burn around our properties, they will take you to court because there is a law against burning. To take us to court can cost us an absolute fortune not only in the fines that we might get but in the court costs and in the emotional expense. We are taken away from our properties and our jobs. So our incomes suffer. It is such a heavy penalty to have that sort of thing imposed on a private individual. That is their mentality. That is the way they treat us. I am not surprised they treat us that way if they think we will treat them that way.

I feel that the big problem is about this fencing thing since the fire. They are running so scared that they will be sued for crown boundary fencing that politically they have taken the move that they will only call it a dog fence because if they call it anything else it may be an admission of fault.

Mr SCHULTZ—Thank you, Mr Margetts. I want to talk to you about the obvious environmental concerns that you and your fellow community people have. You talk about the local knowledge et cetera, but not too many people have come out openly and said that they also have a respect and love for the environment in which they live. This seems to be overlooked in a lot of circumstances. Is that a fair comment to make? Do local community members who live in these heavily forested areas respect the environment?

Mr Margetts—The people in these areas love their native animals and they love their native flora and they have a deep understanding of and interest in it. The fact that it does not come across very strongly is probably because when something becomes very, very familiar to you, and you interact very closely with it on a day to day basis, it is something you do not mention because it is not something that is extremely unusual. You always mention things which are unusual, which stick out. But their love of the environment, their love of the animals and plants, is part of them. You do not go around mentioning the fact that you have 10 fingers, do you? That is what it is. I would like to point out to you that there is a lot of evidence of this deep connection and love for their environment. Actually, there is a book that you should all read. It is called *Across Mountain and Plain: Writings of an East Gippsland Field Naturalist*. It is by Keith C. Rogers. It was published by the Bairnsdale Field Naturalists Club in 1980. That gives you a lot of the history about how the people in the Wulgulmerang area showed scientists around. They showed them into that area. They were so interested in the natural world around them that they led the scientific groups in. Probably the endangered rock wallaby would still be unknown if it were not for people at Wulgulmerang.

Mr SCHULTZ—Thank you. Can I just walk you back along the issue of your obvious concern for the environment as well as the way in which government agencies managed the fire. Can I lead you into it by saying that this committee has inspected a significant amount of the alpine area weeks after the fire to acquaint ourselves with the damage done there. That has been complemented by evidence from various people right throughout New South Wales, the ACT and Victoria, who told us about what they had seen following on from the fire, which reinforced what we saw. I am now getting to the point and the question I am going to ask you. Would it surprise you to know that the fire heat was so intense in some areas of the alpine areas that we inspected that it has vaporised all seed stock and made granite explode? The fire was so intense that granite exploded. Following on from the fire, we reinspected some of those areas after rain.

In the intensely burnt areas there is no growth whatsoever. But on the less intensely burnt areas adjacent to them, there is growth. Does that surprise you? Would that sort of scenario be in line with your thoughts about the intensity of the fire in some areas?

Mr Margetts—No, it does not surprise me one little bit. Part of my experience was working at the King's Park Botanical Gardens research centre in Perth in Western Australia. I specialised in soil seed bank studies. I do not find that one little bit surprising. I hear so often they try to brush over with, 'Fire is a natural part of our environment. The seed banks will be okay, the animals will be okay because they've evolved with it,' but that is not true. Seeds can withstand a certain amount but they cannot withstand the intense heat that you are talking about. I am not surprised that nothing will grow after the intense heat of this fire. While fire may be natural in this environment, the type of fire that we have had is unnatural. But 'natural' is subjective. If this goes on for long enough, it will become natural. You will not have as many species left. I do not know what you will have—asbestos-coated plants, because that will be all that will survive.

Mr SCHULTZ—Finally, I refer you to page 2 of your submission under the heading 'Government emergency agencies' in which you say:

In the Wulgulmerang area there was a fleet of CFA tankers waiting for the fire on the 30th January. However, their control centre with limited local knowledge indicated to the Wulgulmerang CFA fleet that the fire was three days away. Meanwhile, a Wulgulmerang farmer drove a few miles down the Benambra road and determined that the fire would hit Wulgulmerang that day—this farmer's judgement was correct.

Would you like to expand on that statement?

Mr Margetts—Yes. This really shows the difference between the local knowledge and that of the government agencies at the time. That farmer, the one who drove down the road, took the initiative, for one thing, to drive down the road and see where the fire was. He determined that, yes, that fire would be there that day. Similarly, people all around that Wulgulmerang area knew from common sense. The indications showed that that fire was very, very likely to be there on that day. Apparently they had had strong winds on Mount Hotham that morning and if that wind prevailed and came through, it would blow the fire directly towards Wulgulmerang.

The fire was only 20 to 25 kilometres away. With the prevailing and strong wind conditions, it could be there in a matter of hours. That was the view of, I think, nearly all the land-holders in that Wulgulmerang area. But it was not the view of the government agencies. They were very laidback about it and said, 'It's going to be here—oh, give it three days. She'll be here in three days.' I think that that filtered through pretty strongly to that CFA group there. They were also very laidback about when the fire would be there. If they had really thought that that fire was going to be there in a few hours, then I do not think that they would have gone for lunch. I think they would have stayed at Wulgulmerang. As it turned out, they were all laidback. They thought, 'Oh, it is going to be here in three days,' because their command centre had told them it would be there in three days. The locals were right on the ball there. They felt, 'Yes, it will be here today.' So off the CFA tankers go for lunch and they never basically came back and helped. That was it. That was the last the local people saw of them.

While we are on those CFA crew, they picked and chose who they were going to see. They had already decided that they would not protect people in Suggan Buggan and other people

around Wulgulmerang simply because they did not want to go into those areas. I do not think that that is on. I think that if you are an emergency crew and if you are in a fire truck, you must protect all people. You cannot pick and choose. I think that they had time to get themselves down to Suggan Buggan and help them if they were organised, but they were not organised. It was complete and utter chaos. It was a complete write-off. It is just a disgrace. They would have been better off just parking all the trucks up there and letting the locals drive around by themselves. They would have done a much better job.

Mr SCHULTZ—Finally, those documents that you handed us from various people like Mr Leo Dignan, Mr Bruce Esplin and Heather Livingstone—

CHAIR—Bruce Esplin is one of them who it is directed to.

Mr Margetts—Yes.

Mr SCHULTZ—I will read a paragraph from that and ask you a question:

We deplore the fact that there will be no public hearings. In fact, this is not an open inquiry. Consultation must take place for affected farmers in fire areas.

I presume that that is in relation to the Victorian state government inquiry and not this inquiry? Is that correct?

Mr Margetts—That is in relation to the Victorian inquiry, yes.

CHAIR—You pinched my question. We have got a bit behind time. I want to understand the geography. You mentioned sediment and sludge getting into the Buchan Creek. Buchan Creek runs into the Buchan River. Is that right?

Mr Margetts—No. It eventually goes down into the Suggan Buggan River, which flows into the Snowy River.

CHAIR—So what you are talking about, the effect of rain on the devastated areas getting into the local creek systems, ultimately that will end up in the Snowy. Is that right?

Mr Margetts—Yes, that is right.

CHAIR—Thank you very much, Mr Margetts, for your evidence this morning and your submissions. As one of my colleagues said, it is not easy to come forward and talk about these things when you have lost so much, even six months after the event. But we very much appreciate having your evidence.

Mr Margetts—Thank you.

CHAIR—I am conscious of the number of people; the interest that has been shown has been terrific.

[9.58 a.m.]

BARRACLOUGH, Mr Lindsay Ralph, Captain, Licola Fire Brigade

CHAIR—I should have welcomed the local federal member, Peter McGauran, and the local state member, Craig Ingram, to our hearing today. Welcome, Mr Barraclough. I will not reread the aspect to do with evidence which I read earlier. We have your very comprehensive report and submission, which we appreciate greatly. That has been authorised for publication and forms part of the evidence. This morning, would you like to start with some opening remarks and then we will have some questions.

Mr Barraclough—Yes, thank you. First off, I would like to say thank you very much to this bipartisan committee. Your visit is really appreciated. I thank all parties for being part of it. I have a number of things here, photographs et cetera, that I would like to give to the committee. If I could, I would like to start by reading a letter regarding CFA safety that I am sending to the Minister for Police and Emergency Services. May I read this?

CHAIR—Yes, sure.

Mr Barraclough—I have six copies here. I would like to read it, though.

CHAIR—Okay.

Mr Barraclough—It is to the Honourable. Andre Haermeyer and it is of today's date. It is headed 'CFA Tanker Safety'. It says:

Dear Mr Haermeyer,

As a Captain of a fire brigade surrounded by massive fuel build up, that your Government is encouraging in the mountains, I am very concerned for the safety of our brigade members with allegedly serious deficiencies in CFA tanker design, that could seriously threaten our safety.

I am in possession of sections of a report allegedly into the deaths of 5 fire fighters at Linton on December 2 1998, from Mr David Packham, a former CSIRO bushfire scientist of around 40 years standing.

I quote from page 44:

45. Tanker protection systems

There is considerable literature and interest in tanker protection systems for burn overs. A visit was made to inspect the NSW tanker protections and it is hard to escape the conclusion that the CFA tankers are inadequate in their safety features.

Heat shields that rely upon the thermal properties of polyester resins (plastic and fibreglass) are probably safe up to a radiant impact of about 8 kilowatts per square meter. Previous studies of radiation in fires suggest that design safety thermal loads of 100 kilowatts per square meter are required.

He has listed the references here. It continues:

Recent US experiments are suggesting loads of up to 170 kilowatts per square meter. An estimate made in this report suggest loads of 28 kilowatts per square meter for this fire.

Under these loads the fibreglass shields are not only ineffective but also dangerous, as they now become a very effective fuel. Empty fibreglass tanks add to the risk. The plastic content of the shields and tankers make up a secondary fuel load that once ignited would insure little survivability for any crew who escaped the initial radiation from the wild fire.

Unprotected tyres without cooling sprays also greatly decreases the survivability of the current design of tankers.

Crew protection in the bus shelter behind the cabinet is most unlikely to be effective in a severe fire.

Reliance on hand held sprays for radiation and cooling protection is primitive and uncertain.

Simple woollen blankets are helpful but heat reflective properties are required.

The inability to put up heat screens to protect window glass is also a weakness in current tanker design.

Then there is the heading 'Recommendations' at page 51. I have the list of recommendations too, I might add. Recommendation 43 states:

Fire units to have their heat shields immediately abandon fibreglass heat shields immediately and replace them with aluminium or other suitable metal and to have a program of replacing fibreglass water tanks within the next three years. Fire tankers to have a water spray system with at least 200 litre of dedicated water fitted within the next three years. Water sprays to protect tyres to be installed immediately. Heat reflective curtains and the removal of toxic plastic from units to be investigated immediately.

Recommendation 44 states:

Improved woollen blankets, with reflective properties to be investigated, developed and provided within one year. The use of balaclavas as now issued in NSW be adopted immediately.

Recommendation 45 states:

Large tankers not to be used in forest areas off unformed roads and the CFA to consider the provision of faster, lighter tankers to improve their operating range and speed of response in first attack.

My letter to the minister continues:

Along with other Brigade members we have burnt a sheet of fibreglass (much of our tanker is made from this) and have been utterly horrified with the flammability.

That is an understatement too, ladies and gentlemen. The letter continues:

I have taped David Packham being interviewed on radio 3GG several times and spoke to him, he is one of the most credible people on bushfires I am aware of. He did not supply any of the above material and it would appear he has been legally gagged from warning about what happened at Linton.

I have studied media photographs of the Linton tragedy and noted the burnt out CFA tanker from a fire with an intensity such that it left the leaf canopy intact, even on small trees.

I have noted the disturbing comments from the surviving fire fighters quoted in the media that the CFA tanker was burning even during the short time the wildfire was going through.

It looks to me, Minister, that the CFA fire fighters who died on the truck at Linton were incinerated not from the wildfire but the design and construction of the CFA fire truck with over a tonne of plastics, which has not been rectified since you have become Minister.

It is most concerning to me as a CFA Brigade Captain, that if this quoted material came from the suppressed "Packham Report," I could be up for "Contempt Of Court" for passing this information on to my Brigade members and "Industrial Manslaughter" for not passing a serious safety concern on. I would hope you appreciate, Minister, that I do have a strong personal concern for the safety and well being for CFA crew members, and hope you do.

On June 20 this year during an interview on Radio 3GG, Minister, you said:

"The Coroner has the right to intervene in any fire that he sees fit and investigate what in fact occurred and he has been kept very closely informed by the Emergency Services Commissioner right throughout the fires this summer and is keeping a very close eye on the inquiry that is taking place by the Emergency Services Commissioner. If the Coroner deems fit at any stage to intervene—he's entitled to do so, but by all accounts he seems pretty happy with the way this inquiry is being conducted and has no major issues in the way the fires or the emergency back in January and February was dealt with."

I do not get any comfort to learn that the Coroner is being informed by the Emergency Services Commissioner, essentially investigating his own performance and the performance of his department with almost none of the accepted criteria for a proper inquiry. I also note your comments that the Federal Inquiry with much of the criteria for a proper public inquiry is "political Star Chamber exercise."

I ask the following questions:

(1) Is the material from David Packham I quoted from the report suppressed by the Victorian State Coroner, from the Linton Inquiry, and if so why did the relevant agencies, CFA and DNRE, fight to have a serious tanker safety issue that a Coroner is supposed to expose—suppressed?

(2) If this is from the suppressed Packham Report, what protection do I have as a Captain from "Contempt Of Court" using this information to warn Brigade members that our CFA tanker is likely to be an utter death trap if caught in a burn over?

(3) What is going to be done to rectify CFA fire tankers that appear to me to be highly flammable mobile coffins?

(4) Who is allowing CFA tankers to remain in use with these safety concerns and will they be charged with "Industrial Manslaughter" over the failure to rectify these problems with any future Linton type deaths?

(5) Is safety concerns for CFA tankers the reason why they were removed from the Cowangie Brigade before the Big Desert fire entered farmland? This left the Brigade to fight the fire with private appliances and farm utilities with water tanks on the back. Is failure to address truck safety a reason why any of the cases where CFA tankers did not turn up, or were withdrawn from protecting farms and homes with the 2003 fires?

(6) What monitoring and accounting is there of the CFA, as it is noted that there was very serious problems with the National Safety Council for some time before the deficiencies in the organisation were exposed?

I would appreciate a prompt response to this letter, Minister, as the safety of my Brigade members is of considerable concern to me.

Yours sincerely,

L. Ralph Barraclough,

Captain Licola Fire Brigade.

I would like to give honourable members six copies of this letter. Unfortunately, I am not a man of great means; I am only a pensioner. I wanted to give you colour photos. On the front side, this is a photograph of the tanker that the people in Linton died in. I ask you to note the overhanging canopy of trees. It would appear to be almost untouched from this. I ask you to note the size of the small trees, which had three- and four-inch trunks. I also ask you to note on the back a DSE tanker made out of steel. They have not made a great deal of noise about it. I believe this photograph was taken on Mount Selwyn. I am also led to believe that they lost two of these tankers. I do not know what the other one looks like. I ask the honourable gentlemen here to take considerable note of the differences in the burn-outs of these two vehicles.

I have another letter here to the Hon. Mr Steve Bracks, basically bringing him up to date with the serious lack of burning et cetera. I can give you that in a minute. The photograph of the DSE tanker was taken by my brother and personally given to me. This photocopy you have was taken out of a copy of the *Melbourne Age*. I also have other copies of similar photographs from the *Herald Sun*. This one is taken from the *Melbourne Age* of 12 January 2002.

CHAIR—Thank you for that information.

Mr Barraclough—I do not know if this is the suppressed report. I have had a lot of trouble getting these from people. They have been scared shitless to give me these things because of contempt of court. That is the document. I do not know if that is the suppressed document. If that document is suppressed, I would urge you to have a federal royal commission into the coroner's investigation into Linton because, as a captain of a fire brigade, I am not being told of the flammable nature of these tankers. If anybody wishes to doubt how much fibreglass burns, I will do a demonstration for you right now.

CHAIR—We don't need to do that.

Mr Barraclough—I can assure you there would be flames coming that high off this stuff. What they call the fire refuge has roofing sections made out of it. I will be doing this outside

afterwards and you can look at it. It is frightening. Our brigade members were just horrified when they saw what happens.

CHAIR—Okay. Thanks, Mr Barraclough. With this document, you said that people were concerned that there may be some contempt of court issues. We will look at it. It may have to be accepted as a confidential document. But we will make that decision.

Mr Barraclough—That was in the public arena for brigade safety. We have had a burn over at Licola.

CHAIR—You mentioned people were concerned about providing you with the document.

Mr Barraclough—Yes, absolutely.

CHAIR—But it is a public document?

Mr Barraclough—No. I do not know. I suspect that is a document that is legally suppressed by the state coroner. If that is the case, I think there should be a royal commission into this bloody Linton tragedy.

CHAIR—We will have a look at that first before we utilise it further.

Mr Barraclough—I would like to give you a couple of other things. This is a letter to the newspaper by one of the people that ended up on the so-called expert inquiry into the return of cattle grazing after the fire. There is my reply to the letter. There is a letter from one of the professors at Melbourne University supporting what this gentleman said and the subsequent testimony of a fellow to the 1939 inquiry, which clearly states that they burnt the areas where these two so-called scientific people claim they did not.

I would also like to give you two copies of this photo. It notes that ‘the inquiry, which resumes on Monday, has also heard claims from the Wilderness Society that cattle grazing should be withdrawn from the high plains to reduce fire hazard. Cattle created bare ground in grass areas, allowing shrubs, one of the most flammable plants of the alpine region, to establish themselves, the Wilderness Society said’. There is also a statutory declaration, which is material you have in my submission. It backs that up. They are quoting monitoring plots on Bogong. This is a monitoring plot. There is the notice on the fence there. The vegetation they say cattle grazing encourages is basically out of control inside the monitoring plot and stops where cattle grazing starts.

CHAIR—Let me make it clear. Are you saying that the photos demonstrate the complete reverse of what the committee found?

Mr Barraclough—The environmentalist groups, the so-called scientists that the Bracks government is using. What I am saying there in the statutory declaration is very blunt. I will read the last section of the statutory declaration for you:

Over the years I have noted disturbing trend by ecologists, environment groups and like-minded people to substitute fantasy for science. I suspect the whole basis of their profession (ecologists) is so flawed that this has become an almost

accepted practice by many of them to maintain their theories. These are theories that I believe overall seriously threaten the safety and wellbeing of rural communities from bushfires in the very environment they are trying to protect and save.

CHAIR—Thank you for that as well.

Mr Barraclough—I would like to give the committee these two photographs. These basically show regrowth. We believe it is from the 1939 fires. It was killed in the 1998 Caledonia fire. You can see the small size of the snow gums. These are snow gums that I mentioned in the submission were killed in the top of Charlie's country. I believe they were killed. I will show you photographs of rock fracturing. I do not have it. I did not bring it. These were killed in the areas where there were rocks fractured and so forth. There is no record of fracturing from a previous fire. These trees are hundreds and hundreds of years old. They are growing in an area where trees after the 1939 fire are just so sick. These are over a metre through.

This one here shows what I am talking about—the ancient single-trunk snow gums. I believe trees like this were most likely growing before 1770. This is the very sort of vegetation they want to preserve with policies that virtually ensure their destruction. These are trees that grew after the 1939 fire or thereabouts. Can you see the difference? These are multi-trunk trees. These old ones are ancient trees. If the Aboriginal burning were as haphazard and as slapdash as they would have us believe, I want to know where these ancient multi-trunk snow gums are. I have been looking for them and I have not been able to find one ancient tree the same as these new ones that we are seeing. I am not saying they are not there but I have looked for years and I have not been able to find them. You will also see where the fire stopped along this boundary fence. This was grazed three times in 10 years. This one was grazed every year but that still did not have enough cattle on it to stop the job. I gave you the Bracks letter, didn't I?

CHAIR—Yes.

Mr Barraclough—That is the end of my presentation.

CHAIR—Thank you, Mr Barraclough. The information you have provided to us is very useful. I assume that you will be taking these matters up with the Victorian government further as well. Can I ask in that respect whether you have made a similar submission to the Victorian inquiry?

Mr Barraclough—Yes, I made a submission to the Victorian inquiry which is almost identical to yours apart from the fact that I tacked a couple of pieces in there saying that I did not think much of the way the Victorian government was going about it. I have also said—I cannot remember where I put it in that submission—that I considered it a cover-up inquiry. I was very critical of the way they were going about it. But it is almost identical to the one I gave you.

CHAIR—What has been the consequence of that submission? Have you heard back from the inquiry at all?

Mr Barraclough—I had an acknowledgement back from Mr Esplin's office that they have it. I have had nothing more than that.

CHAIR—But there have been no public hearings of that inquiry in this region at all?

Mr Barraclough—There have been none in Licola. I live quite a considerable way away from here. We were not actually burnt out in this fire. We were threatened by it, much to our amazement, because we thought we were very safe. We had never heard of a fire travelling west the way this thing did before. It should not happen either.

CHAIR—In your recommendations, which are in the last part of your submission, you talk about a major review needed for the two agencies, Parks Victoria and the DSE. You talk about the management of crown and public land. Do you believe that there ought to be one organisation that is responsible for fire suppression and fire prevention across the board?

Mr Barraclough—It is a real problem with this. The problem is that we just feel so unsafe with the DSE and Parks Victoria from what we saw with the Caledonia fire. All the feedback I have had with this fire is that our fire brigade is basically going into a mode where we have a secret fire plan so we can try to defend ourselves. We consider ourselves more at risk from the firefighting effort that the DSE or Parks Victoria are in charge of than we do from the actual bushfire. I know that is a horrible thing to say, but we have never been burnt out at Licola. There have been places burnt out there. But we have never lost an occupied house at Licola since 1863. If they put these people in charge of us, which it looks as though they can do, this is an incredibly frightening thing to us. But overall, yes, there should be a competent overall body in charge of the whole lot. But I stress the word ‘competent’, and it should have local knowledge.

CHAIR—Is the CFA the organisation that should have that overall control, do you think?

Mr Barraclough—I believe the CFA is considerably better than the DSE and certainly Parks Victoria. There should be overall one competent body. I am very worried that they are going to end up with a National Safety Council type organisation out of all of this. That frightens me enormously. I do not see any of the problems that should have been rectified after the Caledonia fire, after this fire, being rectified at Licola.

Mr HAWKER—Mr Barraclough, thank you for your very detailed submission. You make a number of points about the Caledonia fire in 1998. You talk about inaccurate and untruthful information. You talk about the people being gagged.

Mr Barraclough—Gagged?

Mr HAWKER—Gagged. You talked about a group officer, John O’Brien. Is that right?

Mr Barraclough—He gagged me.

Mr HAWKER—He has gagged you, sorry. You were gagged.

Mr Barraclough—I was gagged. I do not know exactly. He got up at a meeting saying how he stopped the media from commenting on what was going on at Licola. He essentially gagged me. Our prime defence is trying to expose what is going on and what they are doing to us.

Mr HAWKER—You also made the comment, ‘When the fire got out of control, thoroughly inaccurate and misleading information was given to the public to try and conceal a raging bushfire in the alpine national park.’

Mr Barraclough—You are spot-on. That is exactly what happened. We damned near lost our tanker and crew driving into a fire that Parks and DSE were evacuating from. We had a burn-over. We could have very well had a Linton type thing there. Not only that but they stopped the CFA communications caravan from setting up at Licola. They would not give them power at Licola. Licola is an area with appalling communications.

Mr HAWKER—There is one other point that you made:

The only thing that appeared to have been done well during the fire was the manipulation of ABC radio into reporting what a good jobs Parks/DNRE had done.

Mr Barraclough—Absolutely.

Mr HAWKER—I am just wondering whether you would have any comment about this year's fires along those lines.

Mr Barraclough—Well, I have to stress that I was not actually at this year's fires but, yes, with respect to the reporting over the radio, while you had people like Mark debate Bono on the ground doing quite a reasonable job, there were also very serious problems with what was coming over the radio. An example of this is where you had a fire—I think it was around Mount Selwyn—which was over the dividing range in another area. The stuff that was coming over that we were getting was from the south of the divide, whereas this area to the north of the divide had the potential to just come down and burn the whole lot out. Now until I sent out an email, I was walking out to Mount Howitt—which was a 12-hour round trip for me from Licola because we do not trust any information up there—to see what was happening for myself. I was getting feedback from the people in the north-east. That is certainly one incident where they were being told that the problem was in hand and so forth. I had very grave concerns about this fire. That is one specific example. Once I sent that email out, and I sent it to the media, it was rectified within about two hours.

Mr HAWKER—Thanks.

Mr SCHULTZ—Mr Barraclough, in your submission under the heading 'Section 3—Lead-up and 2003 fires' you make some comments that I would like you to elaborate on, if you would not mind. In the first paragraph under the heading 'Preparedness', you in part state:

We knew from five years previously that the DSE's firefighting effort could pose more risk than most bushfires would. We were also aware most of the CFA career officers knew far too little of what might confront us or how to successfully combat it. We were also acutely aware that both these groups had a poor opinion of us and our concerns. It was for these reasons we kept our fire plan secret.

Would you like to elaborate to the inquiry on what you were talking about in some detail there. What plan are you referring to keeping secret?

Mr Barraclough—Okay. They gave us a plan at Licola. I would have given you the dates in there when that happened. That fire would have come in to us from the north or north-east. It would have come over Mount Howitt or somewhere over up the Moroka. Now in all honesty, I will not use the language we used, you could spit on it and bloody well put the thing out. It was

not a serious threat. You could burn back off the Macalister River and you could put it out. But their plans were to put a firebreak to the west of us and burn back from the west when the fire was coming in from the east, which put us as the meat in the sandwich, and a pretty hot meat it would be, I might add. So we rejected that plan and told them to come back with something better.

To this day, I have never had a reply to the letter from the DSE. Of course, I sent this to the media because that is the only protection we have got. The only media that picked up on it was the *Stock and Land*. I cannot say how grateful I am to the *Stock and Land*. They had to pester and pester the DSE. Eventually, David Tainsh said, 'Look, there are 12 fallback positions between the fire and Licola.' In other words, 'What are they worried about?' I would like to know where these 12 fallback positions are. Certainly Howitt Road was a fallback position but the fuel build-up in the snowgrass there is such that I would suggest it could be as high as five to six times the volume of the extreme category. I will enlarge on that. It is the extreme category on the scale of where we measure fuel loads. I am accredited to do that. You poke down a ruler and measure the height.

If you have double the volume, you will get a fire of approximately four times the intensity. If you have four times the volume, you are looking at a fire of approximately six times the intensity. There would be very little of that country out there that would not be four times the volume of fuel. Most of it, I imagine, would be between four and six times. That is one of the places they planned to have a fallback position.

The only other one I could think of would be some tracks out around Mount Selwyn. They were not having any success holding the fire out there. It was a fallback. The fire comes through. Here is our next fallback position. There is a walking track which is about that wide and overgrown. If they could not burn back from the Macalister River, how the hell were they going to burn back from a bloody walking track? There are probably one or two jeep tracks in the Caledonia, which is closing the stable door after the horse has gone. We still have a way to go before we are up to 12.

I do not want to be too critical of the CFA because it comes down to individual people there. I have got a lot of respect for the area manager, Ian Symonds. I have tremendous respect for our previous regional officer. I hardly know the new regional officer. We had people coming up supposedly advising on safety at Licola telling us not to worry about fibreglass roofing sections and what they are calling a fire refuge for up to 250 kids and however many tourists come in there. They were telling them—I have documented this in a statutory declaration—'Don't worry about the water supply coming down there in a fire. Polypipe won't burn if it's full of water.' There is a bit of polypipe. This is the opinion of their experts. Kevin Higgins's place brought water supply down. It was full of water in the Caledonia fire. I can get a land rover load of this. It does not look too good to me. I am not an expert on polypipe.

Mr SCHULTZ—Can we just get back to the comment you made in your submission: 'It was for these reasons we kept our fire plan secret.'

Mr Barraclough—Yes, okay. We were noting how they were not letting people burn back. When they held the brigade meeting up there—I am leaving out the bad language—they had very little to say. They were not prepared to have an incompetent bunch like this lot burning us

all out because we are not accustomed to being burnt out. There are three areas up there. One is a wind tunnel. It is going to be bloody hot in there. It is farmland. It was burnt out in 1938, not 1939. We knew exactly what happened in there. We decided that we would have our own plan. After two weeks I did nothing but make up drip torches. I do not have to tell them up there. They know how to use drip torches. We had drip torches with everybody I trusted up there. You cannot just give one of these things to somebody that does not know what they are doing. But some of these families have been there since the 1860s.

Mr SCHULTZ—So to protect life and property you used locals with local knowledge to do back-burns that were not approved by the DSE—

Mr Barraclough—No. We did not do them. We were preparing to do them.

Mr SCHULTZ—So you were preparing to do them in the interests of saving lives and property in the community?

Mr Barraclough—Yes, absolutely.

Mr SCHULTZ—Because the DSE had a history of not listening to or acting upon—

Mr Barraclough—And stopping people from doing the very things that needed to be done. I mean, we were learning this from people up in the north-east. There is also a very serious concern. I have brigade people asking me on a regular basis, ‘Does the government have a deliberate policy here to burn us out so they can get rid of us and make the whole area a national park?’ I have no answer to that. I really do not know if that is the case. But if it is, if they do want to get rid of us and make the area a national park, they have a bloody good policy to achieve it.

Mr SCHULTZ—Thank you for that. I now move to paragraph 3 of your submission under section 3 headed ‘Lead-up and 2003 fires’ where you say:

For years, the DSE had concentrated its efforts around the gravy train that followed large fires with a policy of throwing money at the fire until it rained. This was propped up with—

and I just want you to think very carefully about this -

careful media spin-doctoring and scathing attacks on anyone trying to expose the truth.

Would you like to elaborate on those two sentences? There is one relating to the DSE concentrating its efforts around the gravy train that followed large fires. I presume that that is when an emergency situation is called which triggers an amount of money. Could you also elaborate for this inquiry’s benefit on your statement that this was propped up with careful media spin-doctoring and scathing attacks on anyone trying to expose the truth.

Mr Barraclough—I have not documented the scathing attacks on me. However, for anybody listening to the media before they got the upper hand and they started to ignore me because they did not have any answers, I can assure you that I had more than one or two scathing attacks on me. When the media rings up and says—and this is what the media people are feeding back to

me—‘We’ve got this story from Ralph Barraclough. What’s your comments?’ the media people are coming back to me and saying, ‘Look, that fellow’s been discredited.’ Now I do not believe I have been discredited once. They say, ‘No, we’re not commenting on that.’ They are also just denying there is a problem. They are also saying that the criticism that I have handed out to them is harsh and unjustified. I do not believe it is. What was the next one?

Mr SCHULTZ—The first one was with regard to the DSE concentrating its efforts around the gravy train.

Mr Barraclough—Well, you only had to look at what came into Licola. They went for nothing. They had everything there. There was just money rolling around left, right and centre. What happened? On 6 January, I think, the local people did a count of them. Out of 600, about 30 of them came in dirty. I have always understood firefighting to be a dirty business.

Mr SCHULTZ—Finally, in the same document under the same heading, at the bottom of the page it says:

The information blackout and misleading information about what was going on at the beginning of a fire burning in from the National Park was also a big worry.

Would you like to acquaint the committee with what you were referring to there?

Mr Barraclough—Absolutely. They were broadcasting messages over ABC Radio—I mean, where else—saying that private property was not being threatened when private property, from what I have been able to find out, was actually burning. This about 10 or 10.30 in the morning on 2 January 1998. They were also saying that the fire they expected on 2 January would be contained in the Caledonia Valley when they were fighting that fire approximately 10 miles outside the Caledonia Valley somewhere between two and three o’clock the previous day. That was the DSE people. I want to say that this information, while it was a damned nuisance—it was certainly a damned nuisance to people that did not know what was going on—to us personally, we had seen very rapidly when we saw what was going on that we needed to have our own information line. We did not have it quite organised at that stage. For us at Licola it was a damned nuisance. For the actual people out there threatened by it, they had been in the bush all their lives. It did not put them at great risk at all. It was a bloody nuisance for us as a fire brigade, but not for the actual land-holders on the ground. They were able to work out for themselves what was going on, and nobody would believe those buggers anyway.

Mr SCHULTZ—So could the inquiry deduce from what you have just told us that the reason you were quoting these historical happenings from 1998 to 2003 was to illustrate the point that the culture you were concerned about with regard to DSE and other government agencies has not changed?

Mr Barraclough—I think John Scales’s submission adequately sums that up. With respect to this little fire, 10,000 hectares was the wording in the submission.

Mr McARTHUR—I require just a couple of brief answers. Some of the material has been dealt with. Is the Licola fire brigade happy with your submission? Do they support what you are saying in that?

Mr Barraclough—It has been read by not all members but members of the fire brigade. We set up a committee because there is so much of this stuff going out. I asked that a committee be set up to vet the material that I was sending out. They set this committee up. It has been running for quite some time.

Mr McARTHUR—So with respect to your fairly lengthy document, the Licola fire brigade agrees with the comments you made in that?

Mr Barraclough—The committee that has read that has agreed with that.

Mr McARTHUR—So it is a genuine position of the Licola fire brigade?

Mr Barraclough—I would hope so. I do not believe I would have any trouble getting a motion of support for that document whatsoever.

Mr McARTHUR—People have read it and they have not commented adversely on the material you are putting forward?

Mr Barraclough—Not one solitary thing. I would not be interested in putting anything in a submission where brigade members were commenting adversely on it. It does not mean to say that that is not liable to happen, but, no.

Mr McARTHUR—Thank you. It is just proving the bona fide nature of the document. I also notice that you were an environmentalist in the Franklin Dam era. So you do have—

Mr Barraclough—And I have been associated with the bushwalking industry for over 30 years now. I am very proud of it.

Mr McARTHUR—So you are a committed environmentalist?

Mr Barraclough—Absolutely.

Mr McARTHUR—You talk about three recommendations. There is the great alpine fire fiasco in 2002. I will run through them quickly. You have covered a couple of these things. You state:

In 1998 and again in 2003 Parks/DSE were completely incapable of fighting a large fire in the environment created with excessive fuel in a National Park.

So you are referring to two things: excessive fuel and that they were incapable of fighting a fire. Could you give a quick comment on those two things. They are pretty strong recommendations.

Mr Barraclough—What exactly do you want me to comment on?

Mr McARTHUR—You are saying there was an excessive build-up in the park.

Mr Barraclough—A frightening build-up.

Mr McARTHUR—And they were incapable of fighting the fire. That is what you are suggesting.

Mr Barraclough—Yes, incapable of fighting the fire in that environment with the way they go about it. Yes, I think that has been more than adequately demonstrated.

Mr McARTHUR—In the second one you talk about the information blackout. You have answered other members on the panel about that. In the third one, you suggest that in 1998 and 2003 Parks and DSE were not extinguishing fires when this should have happened. Are you saying that they should have put the fires out in the first instance and they could have done that?

Mr Barraclough—With the Caledonia fire, it is common knowledge that they were not trying to put that fire out. I was not there, but I have had person after person on the ground from the department, bulldozer drivers and contractors, telling me that they do not believe they were trying to put that Caledonia fire out.

Mr McARTHUR—What was the rationale for not putting the fire out?

Mr Barraclough—You would have to ask them that. But I do note that within a handful of days there was a very well-oiled plan in place for getting rid of cattle grazing and any group they disliked out of the park. God, they put that plan together very fast.

Mr McARTHUR—Let's go back to the first 48 hours of the fire. Are you saying there is pretty good evidence that people did not aggressively try and put the fire out?

Mr Barraclough—I am being told repeatedly by people from the department and contractors that were there at the time that they do not believe they were trying to put that fire out.

Mr McARTHUR—What would have been your experience as the fire captain of Licola? What would you have done with a lightning strike or an early fire outcome?

Mr Barraclough—I would not have stuffed around trying to keep a bulldozer out of there for hours on end for environmental reasons. I certainly would not have been trying to have bulldozer drivers trying to remove the leaf mould and just sticks off the ground but not put their blade into the soil. This got away, I believe, because they would not allow a bulldozer to go into a riparian zone, which is the thickets along creeks, to just put a firebreak in there. It was absolute bungling. They had a government bulldozer sitting up around Mount Tamboritha for hours and hours before they were allowed to go down there. The first bulldozer, I am told, to arrive there—there is just a little bit of doubt about this—was a bulldozer driven by Document O'Doherty, owned by John Elliott. It got there at about two o'clock in the morning.

Mr McARTHUR—Thank you.

Mr HAWKER—In your submission, you talk about water pollution. This is back on the Caledonian fire. You followed up on a political basis with Minister Garbutt. You state:

Minister Garbutt has also said (when in opposition) in a letter (3 June 1999), "As you would know, I have written several letters to the Minister for Conservation and Land Management (Marie Tehan) and raised this issue in Parliament, and I have not received a satisfactory reply either."

Then you go on to say:

After repeated attempts to find the Hansard record and repeated requests to Minister Garbutt for the Hansard references, she admitted in a letter (11 Asia-Pacific region 2000), "*When I wrote to you earlier last year it was my intention to raise these matters in Parliament. Unfortunately, the opportunity did not subsequently arise. I apologise for any subsequent confusion on your part.*"

What was the confusion on your part?

Mr Barraclough—The only confusion I could possibly have is believing that she had brought it up in parliament, which she had not. I can assure you that, after dealing with a minister who had asked me to stop faxing the health concerns of women and children suffering serious problems from being burnt and so forth, none of this surprised me whatsoever.

Mr HAWKER—Thank you.

CHAIR—Mr Barraclough, thank you very much for your evidence today, your submission and the additional information you have provided to us. It is very valuable evidence for our inquiry.

Mr Barraclough—Thank you, gentlemen. I really do want to say how much I appreciate this. It is far better seeing a thing like this going on than all this coming up within litigation, because it has to come out in the open and this is a much better way to see it happen. I congratulate you, and I congratulate you on the way you have conducted this.

CHAIR—Thanks very much. We will have a short break for a cup of tea. We will then have the open forum. There are a number of people who have their name down for that.

Proceedings suspended from 10.44 a.m. to 10.57 a.m.

INGRAM, Mr Craig, Member for Gippsland East

CHAIR—We have a number of people who have indicated that they would like to present to the committee. We have a little less than an hour. I will try to accommodate everybody as best we can. If people could keep to about five minutes. We will see how much time we have for some questions as we go. Welcome, Mr Ingram. Would you like to make a statement?

Mr Ingram—Chairman and members, I would like to briefly welcome you to East Gippsland. I witnessed the presentations yesterday. I know it is a very important part of the process to have the open public hearings that you are conducting as an opportunity for people to vent some of their frustration and anger at the fires that really ravaged our area in this last summer. There are a couple of issues. You have copies of my submission that I presented. There are a number of issues that are very important in there, particularly the lead-up to the fires and the lack of fuel reduction burning that has historically taken place right across this area.

This is not something that I just started raising after the fires. This is something I have been very passionate about for a number of years. I have tried to get through to decision makers that we have got a major catastrophe on our hands and that the current land management is causing the intensity of the fires to be much greater than it really should be. We are really following a problem that happened in the United States. We are supposed to be intelligent beings as humans; we should learn from our mistakes. Unfortunately, we do not seem to be able to learn from the mistakes in this area.

Recently, just before the fires, we had a forum at Bairnsdale, where we had representatives from the DNRE, from Parks Victoria, flora and fauna experts and the CFA. The interesting thing that was put forward there from the head of the department's firefighting crew was that if we had the amount of money that it cost to bring one Erikson sky crane here every year for fire prevention, we would not have anywhere near the problem we currently have. But there are enormous amounts of fire suppression. As soon as a fire starts, we put it out. One of the first things that is cut from the budget every year is fire prevention—actually going out there doing the fuel reduction burns.

I have given you a list of the proposed fuel management programs for Gippsland in my submission. That indicates how often the burning should be. They are the department's own figures. It also has the actual fire fuel reduction and ecological burning achievements over the last decade. Even with the figures that were discussed at that forum, the DNRE indicated that that is probably not an accurate figure because the achievement is probably less than that. When they do a fuel reduction burn on a block, it will not necessarily burn the entire block out. So it is actually less than that. The flora and fauna experts there from both Parks Victoria and DNRE indicate that for ecological purposes we probably should be doing a lot more in the more isolated areas. We should be doing more burning in the fuel management program.

So I think there are a number of issues that have been raised. I think most of the farmers and people who live in this region would say living next to public land in this area is like living next to the neighbour from hell because of what they are doing. They have not managed their land. They have actually increased the intensity of these fires and the risk on my constituents.

CHAIR—Thanks, Craig. Can I just ask you to clarify these figures for the actual achievements. You say they are averages for the last 10 years. Is that the average per year for the last 10 years or is that the average for the whole 10 years?

Mr Ingram—That is the average yearly figure. It directly relates to what is in the top file. Zone one has the areas that are the most important for the protection of human life and property. The average annual target for the Gippsland fire management region is 17,879 hectares. The actual achievement in that area is 6,576. That is over a decade. It is simply a lack of resources. We do not have the manpower or the financial resources dedicated to the task so they could achieve them. That is what David Tainsh said at that forum. If we had the manpower, we would be able to go close to achieving the important things. Unfortunately in the past, DNRE, CFA and local landholders have not necessarily worked well together. There seems to be a bit of a view that, ‘This is our land. We will do without the assistance from the other landholders.’ One of the things we tried to do before these fires in one area in particular near Bairnsdale is try to get the CFA local landholders and the DNRE working together so that they could work together. You cannot do these fuel reduction burns in those zone one areas without a risk to that private property unless you have everyone working together because there are going to be risks. Occasionally you are going to lose fences.

Another issue that has really come forward is that a lot of our fire prevention tracks and zones around private property have been neglected over a number of years. On one of the issues, one of the fallback positions near Briagolong, one of my constituents came to me. The road that was put in as a firebreak at the northern edge of that area has been allowed to overgrow through native vegetation, trees and grassland, so that has actually become a fire risk. So even our firebreaks that used to be on the northern extremities or surrounding private land have been allowed to overgrow so they are now a fire risk, which is equally concerning.

CHAIR—I want to get my understanding correct. In the most high-risk area, which is zone one, their own targets demonstrate that they would hazard reduce 0.69 per cent per annum but in effect over the last 10 years they would have achieved barely 0.25 per cent. Those figures are probably, as you said, overstated because it will include a general area even though a small part of it may have only been burnt. Is that correct?

Mr Ingram—That is correct. It is around 40 per cent of the areas they say they should be burning for the protection of human life and property right across the Gippsland region.

Mr McARTHUR—Thank you for your contribution. This committee has received 450 submissions. We are at a loss as to why state governments and state departments have not put a submission forward, both in New South Wales and Victoria particularly. Have you been advocating that the state governments and the departments make a submission to this wide-ranging committee that has been prepared to go out and meet with the people?

Mr Ingram—I initially pushed very hard. I wrote a letter to the Premier very soon after the conclusion of the fires saying that there should be a parliamentary inquiry into this. The reason I believe there should have been a state parliamentary inquiry is that we have the power to subpoena state government employees. I believe there is a lot of information that should have been made available in the public domain because there are people behind me and also in Omeo

that have lost substantial assets and put their personal businesses at great financial pressure because of, in my view—

Mr McARTHUR—We have an open inquiry here. People can put forward submissions. We have 450. We just find it surprising that Parks, DSE and the state government have not put a submission forward. Have you got a comment on that? Have you been asking them to put one forward or advocating that publicly?

Mr Ingram—I have been advocating publicly that that information from the department should be made available. I could suggest why it will not be made available. I believe the government and the department have breached their duty of care to the landholders and that any information that becomes public could potentially be used as litigation, as evidence in litigation. I think that would be the reason why—

Mr McARTHUR—I have one quick question on the reduction burning. You suggest it is a matter of resources. Evidence before this committee indicates it is the myriad of statutes and regulations built up over many years that prevents various authorities, be it the CFA or DSE, from burning, given a window of opportunity. It does not seem to be a matter of resources; it is a matter of meeting the regulations. What is your comment on that?

Mr Ingram—It is a bit of both. I think there are limitations that have been put on by legislative constraints. That is an additional problem. They try to burn all in that autumn burning period, which is such a short time period. If you had the manpower, even in that narrow time frame, you could burn. I think there are environmental constraints and legislation constraints that restrict the amount of burning that can take place.

Mr McARTHUR—A number of witnesses have said to us that it is almost impossible to get permission to do a fuel reduction burn because of the legislative and statute structure.

Mr Ingram—Basically they are saying you cannot have fuel dryness, wind and daytime temperature. To have them is very limited.

Mr McARTHUR—This committee notes that there has been a lot of fuel reduction burning before the legislation and it was achieved 15 or 20 years ago with great success in Canberra, southern New South Wales and in this region. Other witnesses say it has been achieved.

Mr Ingram—I think in the past local landholders used to be able to burn. The DNRE were all given a box of matches and told at particular times of the year, ‘Go and light them.’ I know a parks ranger at Mallacoota when I was growing up used to encourage my father, when he was riding a horse through the bush, to drop matches wherever he could through the winter. That was to reduce the amount of fuel in those areas. It is also for an ecological purpose. We have changed the biodiversity of our forests through a lack of fire. Most of our forest types are designed.

CHAIR—Thank you very much for that additional information and clarification on those points. We appreciate your submission. Thanks.

[11.10 a.m.]

GRANT, Mr Robert George, Farmer, National Park Interface; and Chair, Bushfire Task Force Inc.

STASTRA, Mr Stewart, Member, Bushfire Task Force Inc.

CHAIR—Welcome. We heard from Mr Grant yesterday in Omeo. We also have Mr Stastra's submission as well. We have about five minutes or so.

Mr Grant—Just to lead in, Mr Barraclough did mention some of the snow gums that had huge stemmings. Tubular coppicing been occurring since and probably for over 100 years. He said that since the 1939 fires the ecological systems and biodiversities have been altered by the incorrect methods of management by European people, being us. I would like to read a letter to the effect of an input I had. It reads:

As a Member of the Bushfire Task Force Inc., and local beef-producer in East Gippsland, I along with Mr Fred Ward, Public Relations Officer, and over 130 concerned residents, held a Farm-Forum in 2001, highlighting the need for ecological and fuel-reduction burns at our interface abutments and State Forests and National Parks.

Present, and also well briefed from N.R.E.

Tony Edgar	Glen McLeod
John McDonald	Anthony Costigan
David Tainsh	Ben Rankin
John Davies	Brian Cotter
Joe Stephens	Mark Reid C.F.A.

As a result, and through assistance by the Honourable Mr Craig Ingram, Independent M.P., further Forums were held.

I will not go into detail, but only to say that, out came the white-board and pointer-stick. Staff immediately moved into a comfort zone, and as each hour ticked by they had 55 minutes delivering "spin doctor", we had 5 minutes, and some left the Rostrum too quickly to be questioned on their methodology.

Exactly as we knew this holocaust Wildfire in 2002/2003 was predictable, even down to its path and rate of progress, we warned "hit it fast, it hit hard" "Don't let it come over Mount Blowhard", "Night crews—rake it out on Birregun, Dog's Grave and Mt. Phipps!"

I feel, to a large extent, this advice was ignored. *At horrific cost to us all.*

Flora and fauna protection zone-prescriptions for management, flew out the window. The code of practice set out to preserve them in hindsight, must be a hood-wink. They went up in smoke in a lot of cases, due to intensity of fire. Remember also, eucalyptus and water is a volatile fuel. Add air, heat, also wind—and look out.

In reference to Bruce Esplin the letter reads:

Bruce, now that the smoke has cleared, I would like you to convene an Advisory Council, of which I nominate to be a Regional member, so that a balance of Management of Private and State Reserve can be achieved.

I would like to meet you personally, so all the issues can be calmly gone over. Also, that no diatribe is delivered, and better fire-management can be achieved—before the fact and not after the fact.

To everyone who has been involved with this disaster, “age will weary them, but in the end we will not condemn them, hopefully”.

There is a certain amount of condemning going on. Perhaps we are aware of that. Whether we call it hoodwinking or spinning, within Parks Victoria, NRE, DPI and CFA, it has been chaos.

It was interesting that, when I spoke to some of them at their regional control area in Dargo, I spoke to an American at the time and he did not know where the fire was. For five days, we had visually seen it when under the conditions given out by the Bureau of Meteorology the wind directions were totally different as given on the five days that I phoned Dargo. For a week and a half, dozing crews, being Chub Kennedy, Laurie Lind and another chap that was there at the time, were on standby while even night crews would have gone out at that time. I think the other driver was a Shane Strickland, from memory. In those times, we looked at that fire and it could have been night raked because the inversion of cool air was bringing it from only a 20-metre pluming area down to ground level. It would not have endangered staff. Out of the seven weeks that we drove around and watched that fire, on many, many occasions it was down at ground level and could have been raked out and stopped. There were perhaps three holocaust days where, as Mark Reid said, when it got into Suggan Buggan and Wulgulmerang that was the biggest run in any single day that it took. Yes, that was predictable on those days when it came out of Native Dog, Native Cat and up towards the lift into Wombargo and then down into Mount Seldom Seen.

CHAIR—Thank you for that. I think David might have a question for Mr Stastra.

Mr HAWKER—Mr Stastra, thank you for your submission. I want to pick up on a point. In the earlier part of your submission you said when politics joined with the radical conservation movement, the stage was set for one of the biggest frauds to take place in our country’s history. Later on you make comparisons with the United States. You say it was found that the legally literate within the conservation movement had instigated lawsuits to stop many fuel reduction burns, claiming it was an ecological threat. This was denied until the US government revealed the documentation that showed that this had been done. Do you have any examples in Australia along those lines?

Mr Stastra—I could not give them to you directly. But from speaking to people over the years within different departments on a private conversation basis, you most definitely get this impression. First of all, you cannot get the information. They seem to just lock it up. Unless you

are ringing them to ask where a good camping spot might be or the best trout fishing might be or something like that, you get past that point and into any scientific talk. They just hold on to it. You cannot get information. They bottle up. There seems to be an underlying theme of preservation that has been carried over from the 1970s, which is just totally ludicrous. It is this lock-it-up mentality which is often spoken about. It seems to have been carried on to this day.

I feel, due to the lack of burning that has taken place in the past few decades, it really has not come to the fore. It has not become obvious. If you look at prescriptions that have been put down in documents like the Flora and Fauna Guarantee Act, they seem to hobble attempts to get fuel reduction going. I can understand that science is an important thing, but they seem to totally rely on this scientific modelling process or development offered. Quite often, as far as I see it, it is not needed. The horse has bolted. The fuel loads are so high out there that that must come to the fore as being an obvious observation. It needs to be rectified. The ecological state out there is way out of balance already. I often feel that even some of the ecological input that is being developed now is based on an unbalanced state of affairs. They are trying to make it look as if it is balanced, like in subalpine regions.

Mr Grant—They need a cross-examination of the methodology as they have stated.

Mr Stastra—It goes right across the board. In the subalpine areas, they have said, ‘No burning whatsoever.’ But that seemed to have developed from the 1970s again. It would seem to me that fire is very much a part of the subalpine regions as well.

Mr HAWKER—Can you just say who has said that?

Mr Grant—We have quoted from the manual of methodologies. It is from page 68, the quote on alpine national parks. It will only take you a second. It is very damning.

Mr Stastra—This quote is from the alpine area Bogong Planning Unit proposed management plan, Department of Conservation, Forests and Lands, Victoria, February 1989, fire policy: alpine national parks, contiguous national parks. Page 68 states:

In general, fuel reduction burning will not take place in alpine and sub-alpine vegetation (Conservation A zone), Snow Gum Forest or Alpine Ash forest. Where a specific asset or value needs protection, or where a logical burning boundary such as a ridge necessitates inclusion of these vegetation types, small areas may be burnt.

It continues:

This National Parks and Wildlife’s Policy, reveals the real cause of the error of bad management of fuel control in National Parks.

This Policy as revealed on page 56 of the NATURAL RESOURCES AND ENVIRONMENT FIRE PROTECTION PLAN, places NRE as subservient to National Parks and Wildlife in sub-alpine fire fuel.

It is a self-destructive Policy.

Mr HAWKER—Are you aware of that policy? Is it still current?

Mr Stastra—I believe it is, yes.

Mr Grant—I do not think legislation has altered it. Mr Ingram might be aware, but I do not know otherwise.

Mr SCHULTZ—Mr Stastra, in your submission on page 38, you were critical of the maintenance of fire trails. Given the comments just made with regard to the legislative processes of the state departments that you quoted, could you provide us with concrete examples of where in your experience poorly maintained fire trails had compromised the effectiveness of firefighting efforts and, indeed, safety of firefighters.

Mr Stastra—As I stated in my submission, I am a pretty keen prospector. As you have heard, the cattlemen and farmers et cetera will have knowledge of their local areas. As a prospector, you are somewhat nomadic, if you are as keen as I was. I have travelled many hundreds of kilometres over vast areas of the mountains now since Ash Wednesday. Progressively I have seen in that time—I cannot give specific tracks, but I will take it on notice and I will be able to give it to you—tracks deteriorate over entire areas, and not just in national parks. In national parks, they just seem to shut them down full stop and revegetate or they just let them go to revegetate naturally. But there is a vast network of tracks out there, as you might realise, and there is a vast number of them that have been let deteriorate. They become heavily rutted, and even with the most competent four-wheel drive with diff lockers and everything, you would have to be somewhat crazy to be using some of these tracks now. They just deteriorate.

Getting towards the late 1980s, early 1990s, that was often used as a reason to shut the track down—because it had deteriorated so much. As far as I see it, they have deliberately let it happen so they get to the point where they would say, ‘Due to a lack of funding or staff or something like that and lack of usage maybe, we feel this track is no longer needed for management purposes’, or something like that. Therefore, it is shut down. They might put logs across it or dig big ditches across it or something like that to stop people using that track.

Mr SCHULTZ—Regardless of where the tracks were, and we do take on notice the point you made about supplying any detail that you can on that issue, in your opinion, with your sighting of those particular tracks, would they and did they create a situation where people’s lives, particularly volunteer firefighters or firefighters in general, could have been put at risk as a result of the obstructions that were in their way, be it overgrown undergrowth or logs or whatever?

Mr Stastra—I would expect so. And tourists could have been put at risk as well. You might have a map and have worked out a plan of getting into an area maybe pre fire, but with the erratic nature and the spotting of fires et cetera, you might be in an emergency situation all of a sudden and some of those tracks which are on maps give you no indication of their state. You might, in a split-second decision, decide to use a different means of getting out of the area. You will run into a track where you would need to be a very, very capable four-wheel driver to get up or down that track. I suppose you would have some pretty nasty situations occur where you would have tracks being blocked by a vehicle that has maybe overturned or got stuck or something like that.

Yes, I would see that in an emergency situation—not to mention the tourists, who do not even know areas. There seems to be absolutely no information, which particularly worries me because

of tourism being pushed so heavily into these areas deep into the mountains. I can see a situation when we have the next fire—which will happen—in the southern areas, which I know pretty well, where you are going to have families dying in there. They will have used one road to get in, but when the fires go through maybe fallen trees will have blocked the means of exit, which was where they came through initially. So they will not be able to get out of the area.

Mr McARTHUR—I commend you on your submission and its quality and the amount of work you have put into that. Could you just tell the committee and the gathering your interpretation of the change in the American political and environmental attitudes towards national parks because of the catastrophic fires that have appeared in that country. You seem to be very aware of changing circumstances there. Could you enlighten us as to how you interpret that and how it might apply to the Australian conditions?

Mr Stastra—I call myself a bit of a greenie, but there seems to be a bit of an underlying dark green movement which has carried on from the 1970s. They do not seem to rely on fact. They seem to avoid long-term experience often going back in families, back into the 1800s, similar to here, and they just refuse to be questioned on things. This is quite apparent in the United States, it seems. But of course when you get a catastrophic fire like wildfire, it becomes such public knowledge that everyone's ears prick up and they start taking more note of people who are often called greenie bashers.

But they begin to see these same facts repeated about the spin-doctoring and everything that has been going on. But as you pointed out, there have had some pretty big fires over there. They have had the Montana fires and the Los Alamos fires. They were huge fires. It became obvious that something had to be done. Even if you had concerns for endangered species, it would become obvious that these fires were becoming so large that they were just going to be wiped out, regardless of your point of view. You did not need to be an ecologist or a rocket scientist—none of that. Politicians, everybody, could see it. It was wiping out entire areas.

Mr McARTHUR—Do you think these fires have drawn a similar experience here in Australia? They were pretty extensive.

Mr Stastra—Like I said, I have been through Ash Wednesday. After that, I just felt that it seemed to be that there was not blame as such but the responsibility was totally put on people who lived in the area. But there were also forests in that area and they just got wiped out. There was nothing but sticks 12 inches thick standing up after that. It was just wiped out. Those areas have regrown. I have been there in the last few years going back over old areas, which I do every now and again, and there is tea-tree 14 feet high. It is going to happen again. People's memories are so short. Things have become so politically adversarial in the background that I cannot answer your question. I would hope that people will finally sit down—

Mr McARTHUR—We might leave it at that. You hope there might be a change.

Mr Stastra—I hope so.

CHAIR—Thank you both for providing the additional information and thank you for the submission.

[11.29 a.m.]

LIVINGSTONE, Mr Bill (Private capacity)

LIVINGSTONE, Mrs Sandra (Private capacity)

McGAURAN, Mr Peter, Federal Member for Gippsland

CHAIR—Welcome.

Mr McGauran—The events of 30 January were harrowing and traumatic for Bill and Sandra Livingstone. They would ask me to make a statement, at least initially. They are from Wulgulmerang and were therefore caught in the full front of the fire. It was a miraculous escape, as you will shortly hear, for Bill. It was only by keeping his coolness in a crisis and a great deal of luck that he is alive today to tell the story. I will start the statement:

As landholders, and as neighbours of crown land which is under the direct control of the Victorian State Gov. and is managed by Department of Sustainability and Environment (DSE)/Parks Vic, we believe these governing bodies to be responsible for the uncontrolled fire of January. 30th 2003. This fire razed our communities while DSE and Country Fire Authority (CFA) departments were protected at Karoonda Park—

Which was several kilometres away from the fire front. The statement is in two parts. The first deals with the land management issue and the second deals with the events of the day itself. It continues:

Over a time frame of approximately 10 years, this Dept has forgone its own recommendations with regard to fuel reduction burning quotas. And instead, has shown a complete lack of regard for its responsibilities to landholders and the wider community. The reason this fire was uncontrolled (and uncontrollable) was due to the fact that the prescribed burning policy, which this dept itself sets, was not adhered to. In Gippsland the total area designated as burning zone one encompasses 89,000-odd hectares, yet DSE has an average target of 17,879 hectares and over the last decade, has managed to burn only 6,576 hectares as their prescribed burning quota.

There is then detail, from their own first-hand knowledge and experience as long-time residents of Wulgulmerang, of the effect that has on fuel hazard and the build-up. It states:

Cool burns are the only way to ensure the safety and protection of our population. We must not pander to the popular environmental theories that it is sacrilege to actually manage our environment. This type of non-management has contributed in a major way, to the extraordinary and massive build-up of fuel on our forest floors and has given credence to the flames, and virtually overcome any hope of extinguishing this fire.

The policy of locking up vast tracts of bush, over periods of 15 years or more has given way to a negative situation which meant that tracks which should have been opened and maintained have been closed and neglected, leaving these roads and tracks inaccessible to fighters of this fire during this state of emergency.

A devastatingly hot burn, such as this recent fire has left nothing on the forest floor except sterile, bare dirt. These areas are devoid of seeds and animals and will remain so for quite some time.

Many species of flora and fauna have been virtually decimated. Lyre bird colonies, Red wallabies, Eastern grey kangaroo, various species of possum, lizards, numerous types of bird life and in particular the critically endangered Brush Tailed Rock Wallaby have all been placed in an undesirable position of fighting for their very existence.

I turn now to the events of 30 January:

Untold numbers of humans placed themselves in serious jeopardy under the false belief that CFA and DSE would be available to help protect their assets—but more importantly, their lives. My husband Bill was very nearly killed when this fire-storm came through Wulgulmerang. This was due to that fact that CFA and DSE personnel were absent during the peak danger periods, both pre, during and post fire. We believe DSE/Parks VIC to be severely lacking in their duty of care to our local communities. We strongly feel that a legal case of this regard would be successful in a court of law.

It continues:

The day the fire storm came through the Wulgulmerang area, the CFA gave people false hope that they would be available to help protect people's assets. We had been advised that the CFA and DSE would not be able to stop the fire but would be instead, in asset protection mode. This, in turn, gave people the false belief that they would receive help to try to save sheds, buildings etc.

CFA had a convoy of trucks (approx. 10) patrol past our property at approx 9 am., they stopped several kilometres up the road and waited for information on the fire front. After approx 3 hours, they ventured back past our property. Bill was putting in fire breaks around our front fence with our grader. He was in full view of these trucks and they did not bother to stop and give him any information in regard to the position of the fire. The time was approx. 11.00-11.30 am. These people were on their way back down the mountain to have lunch at Karoonda Park. (Why did they not have their lunches packed with them?? **Fires do not have lunch breaks!!** Bill thought the situation must have been in hand and upon seeing these trucks patrolling the road he hoped that they would be in there in his hour of need—

if it were to eventuate—

This was the last Bill saw of those CFA personnel. The same day, at approx 3 pm, Bill could hear the fire approaching. He immediately rang me—

Sandra—

to tell me that the fire probably wasn't very far away. I was at Buchan looking after our other farm. I was very concerned about Bill being alone, especially when he told me he could hear such a terrible sound. He said it sounded like a freight train. (There was still no sign of the CFA trucks we had been promised.) I rang the Nowa Nowa branch of the DSE to inform them that Bill was alone and needed help. I was aware that the DSE had crews at Karoonda Park, which is only 15 mins away from our property at Wulgulmerang. I spoke to a fellow named Michael—I told him of Bill's situation and asked that someone be sent to help Bill protect both his life and our assets. (We believe the DSE had approx. 1 hour from this time to deliver a crew to Bill.) Michael stated that he would contact Chris Marshall, the fellow in charge at Wulgulmerang/Gelantipy (DSE). Bill received no help from either CFA nor DSE. They had declared this area too dangerous to enter—but they omitted to inform the local residents of this dire situation. So Bill was trapped. He had no escape and even though he was well prepared he had no chance against this fire on his own. Cyclonic winds fanned this fire to a state of extreme danger. Bill kept a vigil on spot fires, putting them out as the fire approached. The sky became black like the dead of night but simultaneously large embers of red hot coals were being thrown horizontally at Bill. The ground was on fire even though there was nothing but bare earth to burn. Finally Bill had to retreat to the safety of our house. This proved to be a bad choice as the house caught fire and exploded around Bill. He had no choice then except to

wrap a blanket around himself and make a run for his life—through the flames of the house and into the fire outside. This placed Bill in a very dicey situation as the fire front had not yet passed. Bill had extreme difficulty catching even the smallest breath. He planned to run down to the next house but saw it disappearing in front of his very eyes. He then turned his focus on the shearing shed. But it too had become enveloped by the torrent of flame. His only chance of survival was to crouch down behind the wheel of our grader and catch small breaths of air as he was able. Bill has found it difficult to breathe at times since the fire. Bill also injured his knee whilst he was escaping the house inferno. He is—

understandably—

scarred by this experience in a physical and emotional way. He feels utterly betrayed by the CFA and DSE.

Following Thursday 30th January 2003 we have found, to our disgust, that the local fire tanker was commandeered by CFA and all local knowledge had been disregarded. We also discovered the DSE officer in charge of controlling the fire at Wulgulmerang/Gelantipy had driven up to Mount Seldom Seen Fire Tower the morning of the firestorm. What he saw apparently caused him to be awestruck. He drove straight down to Karoonda Park and neglected to warn any of the locals—who were trying to protect their assets—of the location and intensity of this fire. The words attempted manslaughter spring to mind, along with failing duty of care, neglect and at least gross stupidity. This particular officer had at least 3-4 hours notice of what was to come. It seems that Chris Marshall bunkered down in the relative safety at Karoonda Park and left the local community to its own defences. To this day no-one from the Nowa Nowa DSE has contacted either myself or Bill to discover if Bill is alive or not. As one can imagine, this attitude does nothing to endear DSE to us.

In summary, we are of the firm belief that DSE not only contributed to this fire by way of neglect of our public lands, but also, through lack of company-ordination and common sense, placed our local district in an undesirable position of danger during the January 30th 2003 firestorm at Wulgulmerang.

We are trying to re build our lives and our assets at present and over the past 4 months have been totally focused on feeding our remaining stock, cleaning away debris, erecting fencing, fighting the State Gov. for adequate funding for our fences, dealing with service groups, trying to rebuild our homes, sheds and basically function as human beings again ... We anticipate you will comprehend the essence of our thoughts on this topic and can only hope recommendations will be put in place to ensure another situation of this magnitude will never occur again.

The letter is signed by Bill and Sandra Livingstone.

CHAIR—Thank you for that and thank you to Bill and Sandra for putting together that. We have said on a number of occasions it is important for the committee to get this sort of first-hand experiences. That is what is dominating the evidence before this committee. Has anybody got any questions?

Mr SCHULTZ—I would just like to say that it must have been a very, very terrifying experience for Mr Livingstone. Perhaps Mr Livingstone may be able to find the strength to tell this inquiry of some of his personal feelings during the very difficult period that he experienced and about which he and his family believes he would not have been placed in if help had been given to him in the early stages of the oncoming fire.

Mr Livingstone—I find it very difficult to know why people are put in charge of a situation when—it is hard to describe—they are useless people in charge. I cannot understand why they put people in charge that cannot handle the situation when it is under pressure. They should not

be there. They should have people that can handle it. As far as I can see, from what has happened to us, it has been one stuff-up after another. They just have wrong people in charge. Those people are still there today, so it is just waiting to happen again.

Mr SCHULTZ—Have you had any approaches at all by any government individual or agency with regard to the very dire situation and life threatening situation that you were placed in as a result of what you have just described?

Mr Livingstone—No.

CHAIR—The statement that Mr McGauran read on your behalf is in line with the submission you have made to the Victorian bushfire inquiry, I understand?

Mr Livingstone—Yes, that is right.

CHAIR—Has there been any follow-up as part of that inquiry at all?

Mr Livingstone—They did have a meeting at Wulgulmerang to get local input into it after the submissions were put in.

CHAIR—Was that a public meeting?

Mr Livingstone—It was a public meeting, yes.

CHAIR—By the inquiry committee?

Mr Livingstone—Yes, it was Bruce Esplin himself and his members. But that has been the only thing that I have heard.

Mr McARTHUR—Did they comment on the public record at that meeting?

Mr Livingstone—I imagine it would have been. I think there would have to be, yes.

Mr McARTHUR—You imagine it would have been?

Mr Livingstone—I have not heard anything back. It was just a local meeting. They were just taking comments from locals.

Mr McARTHUR—The comments of the locals were recorded accurately and reported back to the commissioner?

Mr Livingstone—There were notes taken at the meeting.

Mr McARTHUR—But you have not seen an interpretation of the meeting?

Mr Livingstone—I have not heard any minutes of the meeting, no.

Mr McARTHUR—Are you hopeful you might get an interpretation of the meeting?

Mr Livingstone—It would be good if we could. I have no hopes of it.

Mr SCHULTZ—Did you write to the inquiry about the state of mind and health that you are in at the moment and what your attitude would be in the future with regard to any future possible catastrophes as great as this particular one you have experienced?

Mr Livingstone—If it ever happened again, I hope I would not be there. If it did, I would totally disregard any CFA, DSE warning and just do my own thing, be it legal or not. I would just do my own thing.

CHAIR—Finally, have you put a dollar value on your losses?

Mr Livingstone—We sat down and put pensioner to paper just after the fires came through. We had a sum of over half a million dollars. Now, in hindsight, it would be in excess of \$1 million; it would have to be. It is over a period of years. It is not just then and there; it is ongoing. It is going to take years to recover.

CHAIR—Are you likely to get any assistance out of the state government at all?

Mr Livingstone—I am very doubtful. We are waiting.

CHAIR—In what areas is there a possibility?

Mr Livingstone—There is a lot of ways they could help us just by fencing materials, fencing, just the simple things. We have had no help from local government. They seem to be using up all the clubs, the rotary clubs, and those types of service clubs to do all their dirty work for them. They have been terrific, all the service clubs. We have had materials donated and subsidised and things like that whereas the state government has done nothing.

Mr SCHULTZ—What possible hope have you got, if any, of mounting any private litigation against the state government for the loss that you have suffered and the personal risk that their policies, in your words, had placed you in?

Mr Livingstone—We have looked into it briefly, but the way it looks is that the government has more money than we have got. They would fight it tooth and nail. We do stand a chance, but it is a very slim chance. We have spoken to a few different law firms. They are very hesitant. But time will tell.

Mr SCHULTZ—Do you think there is a case for perhaps the consideration by governments, both federal and state, of making available to people such as yourselves, who are not in a position to fight a large government department, legal aid or something of that description to make it much more easy for you to get justice for what you have experienced?

Mr Livingstone—That would be a terrific thing to happen, but we were aiming it at our local farming group, which is the VFF, which does have a fighting fund—it comes from the NFF—to try to draw on their money to help us fight. But we have heard nothing back yet. That was one of

our hopes of being able to get funding towards it. But, as you say, if we could get government funding to fight the government, that would be one way of going about it.

Mr SCHULTZ—Just finally, have you approached your local members, both federal and state, for their assistance? Have you contemplated approaching your federal and state government for their assistance in perhaps, on your family's behalf, writing to the NFF or any other agency to stress the urgency of your problem?

Mr Livingstone—We have not as yet. We have been too busy just getting our own selves together. But these are all possibilities of things that could be done.

Mr SCHULTZ—I do not know whether this is outside the guidelines of this inquiry, but can I suggest very strongly that you do that.

Mr Livingstone—Thank you.

CHAIR—Thank you for your time. We appreciate your coming forward.

[11.49 a.m.]

PACKHAM, Mr David Roy OAM, (Private capacity)

CHAIR—Welcome.

Mr Packham—I am currently a grower of grapes and maker of wine. But come next December I will have been involved in the scientific side of bushfire research for just on 45 years. My first bleeding in this area was to be involved with some fire behaviour experiments with Mr Allan McArthur in Black Mountain in 1958 and, subsequently on their return to Melbourne, in some extraordinarily large fires in East Gippsland, Cann River and areas like that.

I wish to support some of the statements made by previous people. I can just say the fire behaviour, whilst certainly interesting for a young fellow, was nothing like I can imagine it has been here, mostly because up to that time there had been a lot of grazier activity and a lot of burning in that area, so the fire behaviour was mitigated and the effects were mitigated as well.

In my time, I have therefore had 45 years of fire research. I have five minutes now. That is one minute per year. I will not cover those things that I have been involved in. I have published over 50 papers, usually in refereed scientific papers. They would have to be included in that one minute as well.

I was engaged by the Victorian coroner, through the WorkCover authority, to provide the scientific brief for him on the Linton inquiry. That I did. That report was, I believe, although I have never been advised, a suppressed document. However, the attachments to that document upon which I relied for the contents of my report were not suppressed and are therefore in the public arena.

I will not go into so many of the aspects I could go into. My very good colleague from the Western Australian forest department, as it was then, Mr George Peet, was also honoured with an Order of Australia medal for undertaking fuel reduction by aircraft in particular in the Western Australian forests. The Western Australian forests had had a policy of fire exclusion up to the disastrous 1962 Dwellingup fires. The Western Australian government decided that they could no longer withstand that destruction to the environment and to their forest assets. Through the commissioner or the conservator of forests, who was immediately dismissed, and a man called A.G. Harris, who was put in his place and told to fix it, he passed that requirement down to a brilliant fellow called Wally Eastman, who passed it on to my friend called George Peet and said, 'Fix it'. I was a slightly renegade chemist who had had slight experience in the explosives factory. I sort of knew how to, I believe, drop fire successfully out of aircraft in a safe fashion.

The Western Australians believed at that stage that 25 per cent of their dry sclerophyll forests had to be burnt each year—and we did—to achieve a degree of fire safety. That generated a problem with smoke. Five CSIRO senior scientists undertook 10 years of study of smoke. We flew through smoke. We did everything you could possibly think about in the Division of Applied Chemistry, so that science was particularly powerful. We found ways of coping with the smoke.

I did an around-the-world trip in 1969. At that stage, the Americans were very antagonistic to fuel reduction burning. Their excuse was the excuse we hear now, which is that the smoke is a problem. The smoke is not a problem. It can be handled. I say that because for about eight years I was the supervising meteorologist of the Bureau of Meteorology responsible for rural fire weather services in Australia. Just incidentally, there are two things I must say in defence of some of my colleagues. First, not all foresters are as we have heard. I believe some of the foresters and some of the policies pushed upon them are disgraceful. I feel, however, that by and large the foresters do understand the necessity of, and look forward to, undertaking precision prescribed burning with enthusiasm. They are restrained, to my horror. I suspect you will hear when you go to Western Australia that they have retreated from their fuel management program. They are now in the same boat as the rest of Australia.

In other words, we now have in Australia, I believe, the highest fuel concentrations we have had for some 60,000 years, or whenever it was the Indigenous people first arrived. There has never been a more dangerous situation than what we have confronted. We have had a small example of what can happen. We have heard what has happened to the water catchments. You would probably have had evidence on the effect of the water yield from now on for the next 50 years in the areas that have been burnt. It is, in short, cut in half. If that happens in and around Melbourne as it has happened in and around Sydney and it has happened in and around Canberra. If and when it happens in Melbourne, we are going to face a very substantial economic threat to the state that no numbers of Commonwealth grants will overcome.

In terms of the alteration of meteorological forecasts during this fire event, I live just south of Rosedale just north of the Mullendung fire and just to the west of the Holey Plains fire. It just shows that I have learnt something after 40 years. Both of them were safe sectors. With access to the computer and into the bureau's site and a fair knowledge of fire weather meteorology, I was able to predict almost precisely the spread of the fire every day, which was confirmed by the available satellite photos sent to me—my computer is steam driven—from a man with a very fast computer. He would fax that or mail it to me each day. There was nothing unexpected about these fires. In fact, on 27 July last year, I wrote letters to the *Herald* and *Weekly Times*. Copies went to various state ministers and others saying exactly what was going to happen. Unfortunately, it did. All I have to do today, unless these wonderful rains continue, is to just change the date.

There are large numbers of areas that I could cover here. I did give evidence to the excellent House of Representatives Standing Committee on the Environment after the Ash Wednesday fires. It would be interesting to go back and read them about 20 years later.

There are two things I ask the committee to consider. I have been denigrated and attacked from a public point of view, publicly in the paper, over my Linton report. I believe my only sin has been to tell it as it is. Those were the things I saw. Those were the things that I observed. Those were the things I could measure or could calculate. I do not appreciate being attacked because of the truth I tell, but that is how it is and that is how it continues. I thoroughly believe that I have been—the word 'discredited' has been liberally used around the place. I am fairly confident I could write to almost any minister now and have it consigned directly to his waste bin. It would not even have to go past anybody of any degree of seniority.

I ask two things. I gave evidence to the Esplin inquiry. As far as I could tell, there was no public record. There was a person taking notes. I had a private audience. He was using a CFA pen at the time, I noticed. I have seen an email document from a person to whom this has happened. The two experts to the Esplin royal commission not only had to be satisfactory to the CFA and the DSE but they had to be approved by them as well before they could become experts to the committee. There is no independence in it. However, I have been assured by Bruce Esplin that the Premier himself takes the matter extraordinarily seriously and things will change. I will wait and I will hope that we do not have this conversation again.

The only way we will achieve anything, as happened after the Hobart fires, the 1939 fires and the fires in Western Australia, is there has to be either a royal commission or something similar to achieve a degree of truth. That has got to be well-supported by thoroughly trustable experts because it is an extraordinarily technical matter, fuel reduction, heat and mass transfer in fires and the modelling of fires. These are very technical things which cannot be resolved without the help of expertise. The other area—

CHAIR—Please finish up on this.

Mr Packham—Yes, I shall. I believe the federal government in itself has dropped the ball. It has dropped the ball because there is no federal agency or part of the federal government that takes an interest in the bushfire situation in Australia. I was at the Bureau of Meteorology head office; I had nobody to talk to at the Commonwealth government level. Interest from overseas would come in. It would come in probably to the Department of Prime Minister and Cabinet. It would go to CSIRO, who would declare the national policy. Now it comes in and it goes to the Australian Fire Authority Council. There are two individuals in Australia—who I call the Murdoch and Packer of the fire situation—who now, behind the scenes, have almost total control of the whole situation. The federal government has got to establish high quality interest in this area. Thank you.

CHAIR—Do you want to name the two people?

Mr Packham—Am I protected?

CHAIR—You are protected by parliamentary privilege.

Mr Packham—Mr Koperberg and Mr Len Foster.

CHAIR—Thanks, Mr Packham. You made reference to published papers that you have done. Perhaps we might get a copy of those at a relevant point in time. Perhaps we could get references to them if they are publicly available.

Mr Packham—I can certainly give you a list of references, yes. But as for the actual copies, I have a box which only has one copy, and that is about it.

CHAIR—A list of references that we could access would be useful. We may come back to you about that as well.

Mr HAWKER—You were talking about the use of meteorological reports and the fact that you could predict exactly the path of the fires. Yesterday the committee heard from someone who had been involved from the media covering the fires who had reason to believe that the meteorological reports were being doctored for the benefit of DSE to try and portray themselves as somewhat more great saviours, I suppose. From where you were, do you think there is anything to support that?

Mr Packham—The Bureau of Meteorology forecasts that I saw, I believe, were remarkably accurate. I was most interested in this because it was my responsibility for a number of years to ensure that the various states did give forecasts that were very accurate. I think they were extremely accurate. However, the interpretation of a forecast is not an easy thing. There are situations where you can have 45 knots of north-westerlies sitting over the top an alpine area or just above an inversion that is totally calm on the ground.

In the Sydney fires, there were outposted forecasters. I arranged that they be there. I spoke to them afterwards. They were having enormous forecasting problems. At one end of the fire, it would be a south-easterly wind. At the other end of the fire, it would be a north-westerly wind. Now what sort of forecast do you put out for that? The forecasts were extremely accurate. During that time, my son-in-law's brother, who was up in the north-east and surrounded by fire and chaos and could not get any information at all, contacted me every day. I gave him very accurate fire behaviour forecasts for that situation. I had never seen the area. Time and time again, I accurately predicted what the fire was going to do in his area. That is in fact how it turned out. The science is known. It is there. I do not believe it is being correctly used. Now whether the forecasts are being misinterpreted or not I do not know. I do know that in the Linton case—this is in my attachment, so it is on the public record—the information did not get back from the incident control centre into the regional forecasting centre. If some of that information had gone back, they would have seriously amended the forecast. I think there is trickery going on.

Mr HAWKER—Trickery by who, would you like to suggest?

Mr Packham—I am giving an opinion now, not fact. Everything I have said before has been a fact, but this is an opinion. I think a lot of stuff is being massaged either accidentally or on purpose by the fire management people for various purposes. Maybe it is political. Maybe, and more likely, it is because I just do not think they know what they are doing. They do not know what they are doing. I have been through a number of fires. The last one was Ash Wednesday in 1983. That was 20 years ago. There may not be people in positions now who have ever been through a big fire. Each one is a learning experience for them.

CHAIR—Thank you very much for input today. We appreciate that.

[12.06 p.m.]

ADAMS, Mr Hugh William (Private capacity)

CHAIR—Welcome. We are getting tighter and tighter on time, I am sorry. I am trying to give everybody an opportunity as best we can.

Mr Adams—Thank you very much for the opportunity. I live in Orbost. We operate a farming property at Black Mountain and Wulgulmerang. I would like to briefly state what happened to us in the fire of Thursday, 30 January. We were overtaken by a firestorm—I think it would be truthful to say it was a firestorm—whereby mid-afternoon and the next morning the whole place had been burnt. We operate about 3,500 acres of country of which about 300 acres was not burnt. We lost 300 head of cattle, five haysheds, 1,000 bales of hay and 50 to 60 kilometres of fencing. That happened in the one afternoon.

I will not go into the mechanics of the fire on the day. I think that has been adequately covered by other people. I want to try to confine my comments to what I believe are the fundamental reasons for the fire in the first place. A lot has been stated about fuel load. Fire runs on fuel. To illustrate that point, I would like to quickly go through an example. As a primary producer, I have been involved in a scheme called Beef Cheque, where we have to be able to assess the amount of feed that is on the ground for our livestock. When that feed dries out, it also becomes fire fuel. In the grazing situation that we were in on that season, we had been battling low rainfall bordering on a drought at that stage for some months. The fuel load on the ground that we estimated we had on the day of the fire would be about 600 kilos of dry matter per hectare. If you add a few fence posts and a bit of remnant vegetation to that, it may be a tonne. I am led to believe that a light fire fuel load in a forest is 10 tonnes. Lots of forest that has been unfuel reduced contained loads between 50 and 100 tonnes.

It is not hard to understand why a fire burns so hot in a forest. In East Gippsland, where there is large amounts of forest, a fire can burn uncontrolled in there for many, many days or weeks. We looked at the fire that burnt us out for at least a month. It started somewhere on the other side of the divide but eventually got over to us. We watched it for a month and it wiped us out in an afternoon.

I want to give great emphasis to the fact that it is not much point in having a really well-trained fire brigade. It is not much point in having well-trained people if you stand them in front of a fire that is beyond their capacity to deal with. There is not much point in having a park to preserve flora and fauna if it is going to be totally devastated because it is not managed correctly and there is no access in there and there is no fire prevention measures taken to protect it.

I think I will leave it there. I believe that to change the situation there needs to be a cultural change in the whole of the community. I will give you two examples of that. In the La Trobe Valley only six weeks ago, there was a report from the EPA which stated that the air quality in the La Trobe Valley had improved markedly in the past 12 months, we will say it was—I am not sure of the time—except for one period while there was a lot of pollution caused by fuel reduction burning. Now here we have this culture being perpetuated by the EPA. Everybody in

this room is saying we need fuel reduction burning and the EPA is saying that it destroys air quality.

Another more recent example was that there was a fire close to the Prince's Highway at Tostaree probably a fortnight ago. I drove past there this morning on my way to get here. I was surprised at the small amount of bush that had actually been burnt, yet the smoke from that fire, according to the CFA fire officer, required that the highway be closed for an hour. It made the news that a fire had been lit by somebody on a day that was totally unsuitable for a fire for a burn-off and it was a dangerous thing to do.

I will back-track a little. My wife and I were in Black Mountain and Wulgulmerang on the day of the fire. We left there to drive back to Orbost. We drove for two hours through or adjacent to bushland to get back to Orbost. My property in Orbost adjoins state forest. I looked north, and 50 to 60 kilometres north of me there was unfuel reduced, unprotected bush with no fire hazard reduction, no firebreaks and no access tracks to speak of. This was 4 February. That is not a good look, let me tell you, having been totally burnt out three days before.

We have had the driest winter this year that most people can remember in this area and very, very, very little fuel reduction burning has been done. If we go through a dry spring, by the middle of November to December, we will face the same situation in Orbost as we faced on 4 and 5 February this year. That is something to think about. Complacency is another word. There was a meeting at a hall not so long ago. The CFA chief got up and said that farmers were complacent and did not disc around their haysheds and they do not take the measures they used to take. That might be so. Let me make this statement. If you live somewhere within two to three kilometres of a forest which has a fuel load somewhere in excess of 50 tonnes to the hectare and there is a strong wind blowing, let me tell that you a bit of discing around the hayshed does not do a hell of a lot of good because the sparks that come in from the top are totally overwhelming.

CHAIR—I will have to ask you to wind up, Mr Adams.

Mr Adams—I have one more point that I want to make quickly. There has been a lot of talk about the conflict between land owners and government departments. I have a theory about why that is. Some time ago, regional forest agreements were negotiated with the federal government and sawmillers. What happened in the case, to cut the story really short, was that sawmillers were given resource security over resources that they do not own. At the same time, native vegetation legislation was brought into the Victorian government and, I believe, other state governments which prevents the removal of vegetation from private property which in actual fact removes resource security from people who actually own it. That is symptomatic of the double standard that exists between government departments and private individuals. We see it all the time. The DNRE can cut down woodchips a hundred acres at a time. If you want to go and clear a fence line, you are totally restricted on how much timber you can remove. I believe that that is one of the great difficulties we see between getting cooperation between land owners and government departments. Thank you for your time.

CHAIR—Many thanks.

[12.16 p.m.]

BUCKLAND, Mrs Eileen (Private capacity)

Mrs Buckland—I am from Mallacoota. Thank you for the opportunity. I have put in a submission. For the last 20 years I have been begging and pleading and doing everything in my power to get ministers, councillors, everybody, to cool control burn. Mallacoota did not burn in 1983 because the fire went across the lake. But the town side of Mallacoota did not have anything. We have quite a few greenies up there and everything. But I probably burn illegally every year, because I do not think you are allowed to burn within a kilometre of national park. My property borders two sides of national park. But we burn, we rake, we mow, we slash. Nobody is listening. I attended that many emergency meetings this January and February, but I am told now I have to wait until next autumn because I am still not on their 10-year plan. I was assured a dozer would come about March. I was then told that they were not allowed to have a dozer. Apparently one man controls what gets burnt in East Gippsland, and that is far too big a job for one man. He just said to me the other day that one of my messages must have got onto somebody's desk, because I have a dozer coming shortly.

But I feel very sorry for the ones who have been through it. I have to go another summer through it. If the tourists knew what a tinder box we are around far East Gippsland, they would not come. I just hope that your inquiry will make somebody sit down and take notice and listen to the locals. I have only nothing but praise for our local volunteer firefighters. The government bureaucrats should be put in front of the dozer.

CHAIR—Thank you, Mrs Buckland. I can assure you that probably the overwhelming number one thing that this committee has been told is: 'Please listen to the locals and respect local knowledge and experience'. We have certainly heard that not only in Victoria but everywhere we have been.

[12.19 p.m.]

LIVINGSTONE, Mrs Heather (Private capacity)

Mrs H. Livingstone—Thank you for the opportunity. I am president of the Buchan-Gelantipy branch of the VFF. My family were completely burnt out. Bill is part of the family farming enterprise. There was at Wulgulmerang nothing really was left except a few animals. We have had visits from every government except the Victorian state government. As far as I know, nobody has come to see or talk or anything like that.

We feel we are pretty neglected. Except for \$500,000 for hay which was distributed by the VFF from funding from the state government, that is all we have seen. Not one cent, as far as I know, has come our way. We feel that the fire was entirely their fault. We are not looking for charity. We are looking for justice and some compensation. There is absolutely no response whatsoever.

I have a few dot points here, which will probably be quicker. They promised help with fencing, but the fencing is not practical. It has to be a dog fence. As Nick said about dog fences, it is to their stipulations, their regulations. If we put a dog fence up and other people do not need a dog fence, well, it is just a waste of time. They have very poor funding. We have been eaten out with wild dogs attacking sheep for years now. What we asked for is pasture renovation, assistance with fencing. They said it would create a precedent if they gave us boundary fencing assistance because that was just not on.

I feel they are trying to sort of get away from being sued or anything like that. We want pasture renovation and help with fencing. We wanted help with stock out of the burnt areas. There was a tremendous amount of burnt stock that went to markets. The vets gave permission for them to go to markets. People had to unload. We have had drought, we have had floods, we have had drought again, we have had the fire followed by drought again. And there is no fodder; all the fodder has to be brought in. So we would have appreciated some help there. But the thing is this state government is responsible through a lack of action. You have heard all that about what should be done.

We feel that their attitude to farmers is deplorable. From the press we get really, really bad vibes from the Minister for Agriculture. He just does not like farmers at all. They say they are giving us help, and they are not at all. It does not eventuate as any money on the ground. Government really were responsible for the ferocity of the fire because they would not let anybody burn close to adjoining public lands. They locked up the public lands to preserve wildlife. It has had the opposite effect. As one person said, all the mosses and lichens in the high country and the soft grasses that filter the water and make those crystal clear streams are all gone. He feels that it might be many, many years before that is back again. So our water supplies are going to be affected.

Now with the fire levies—and this is what we are very, very angry about—our premium is \$2,880 insurance. We get stamp duty of \$355. The fire levies are \$347. We never even saw a fire

tanker on the place or anybody else up there in Wulgulmerang plateau. So what happens to the levies? It is just hopeless. That needs investigation.

There was a lack of consultation with the people in the fire area. Before the fire there had been nothing. They do not even recognise us. The lack of communication is really a bad thing. I do not know whether that is a federal issue or not. But you cannot even use your CDMA up there. Take that one on board.

There was the refusal of the NRE to give information on the fires. I rang them up several times in the immediate time of the fire. They were not allowed to give us any information. There was a lot of misinformation. Bureaucratic red tape and regulations are strangling us. The land clearing and land management laws are now being sneaked. There was a tract in the paper from Cameron saying that they will help us with pastures as long as we fence it in and look after it. So native vegetation is being thrust upon us like some sort of a way of saying they are helping us. They are not. I would not touch it.

They would be better looking after their mismanaged public land than interfering with private land. We are concerned that the fire of 30 January was the fault of government mismanagement. That is very strongly felt. We are convinced also that the government should be responsible for compensation. They said the \$5.7 million package for fencing was new money. We are led to believe it was already in existence because on the good neighbour policy you could apply to have some of that funding. It is not new money at all. They said there was \$69.4 million in this bushfire relief package, but \$64 million has been directed to restoring assets and the ecology in parks and forests. I think mother nature has to take its course and fix that. I do not think anybody can, unless they aerial seed or something. I do not know.

There is nothing for the huge amount of damage for fire victims. We are carrying it. Reports go out of the support we are getting. It is all lies. I really mean it is lies. It is not the truth. It is changing things around to make it sound to the city as if we are getting lots of support. We are getting nothing, not one cent. The only help has been service clubs, and the government bodies are taking the glory of what the service clubs have been doing. They have been quite fantastic. They have saved our sanity. Everybody must have felt like cutting their throats in the first fortnight or so up there. The service clubs were right on the spot. The VFF went to the government and got half a million dollars. That is all the money we got, but they got it straight on the ground the day after the fires, which was wonderful.

We have been really, really put upon by the state government and we are being kicked; that is how I feel. We are still sitting on a time bomb. There is lots of country that is still going to burn. It could be burnt now because there are enough firebreaks in between burnt places and unburnt places. I think a lot could be done. Money is being wasted in bureaucracy. They seem to be employing a lot more people. They are stating that there is a lot of employment in Gippsland now, but it is all shiny bums on seats. They cannot do anything because there is no funding for anything. That is my story. They are not willing to take any notice. Thank you very much for this opportunity. I do not know whether it was any good.

CHAIR—Thank you. We really appreciate that first-hand information.

[12.27 p.m.]

BENTON, Mrs Elizabeth Bronte (Private capacity)

Mrs Benton—I live in the Timbarra Valley, which is about 45 kilometres north-west of Buchan. One of the things I want to pick up on was the fact that we pay our fire levy on our insurance. At 10.15 one evening, we were informed that the CFA would not come in to protect us. It is quite a little community. They also would not come in to protect the Gillingal area. We were left by ourselves to cope with whatever was to come.

When we did actually see spot fires in the area and reported them, it took up to seven hours for them to respond to what we had seen. They told us that we were not seeing spot fires at all, that the planes had not seen it in the morning. The reality was that we were watching them burning probably about one kilometre away from us. This happened a couple of times. The last time it happened I actually lost my cool with them and told them that they were breaching their duty of care and if they did not do something we would sue them if the fire came through these two areas. That is when they decided we had a fire in the area. So it is just unbelievable, the lack of not listening to locals. My husband has lived in this area most of his life. They do not take any notice of what we say. We saw things. We did not see them, according to the incident control centre. It was just frustrating. The whole time it was a frustrating thing.

CHAIR—Was it Swifts Creek?

Mrs Benton—No, it was Orbost. Swifts Creek kept us sane. We knew what was going on. We could ring them up and say, 'Look, we see a fire at such and such', because in Timbarra we are surrounded by hills. We are in the bottom of a basin. You could just see the fire going on around you. We could ring up and say, 'At such and such a direction we can see smoke. What is it?' Within about half an hour, they would get back and say, 'It is this.' Orbost constantly said, 'No, there is nothing there.'

CHAIR—Local knowledge aspect again. Thank you for that.

Mrs Benton—You're welcome.

[12.30 p.m.]

TROTTER, Mrs Gina (Private capacity)

CHAIR—Welcome.

Mrs Trotter—I am a volunteer firefighter. I spent a lot of the time up at Mount Hotham and Dinner Plain. I was here on 30 January when Wulgulmerang went up. It was horrific, it really was. It was quite terrifying. But the firefighters on the ground were as frustrated as what the residents here were. We were prevented from doing things that we wanted to do. We were sitting in trucks and told to wait. This happened to the firefighters that were here that wanted to go up to Wulgulmerang. I know they wanted to go up there, but the hierarchy said we had to sit back and wait. The same thing happened at Dinner Plain and Mount Hotham. The same happened with the DNRE on-the-ground workers as well. I know several of them that objected to the orders they were given. They were disciplined for it.

The people who were trying to do the work really did want to get in there and fight the fires. The frustration on the ground was just phenomenal. Having to sit back and watch these fires when you have a tanker-load of water there is enormously frustrating. I believe that, as everybody else has said, the hierarchy needs to get themselves together. If they take themselves out of their offices and get down on the ground and really look at what is going on, I am not sure whether that is the answer. But they need to listen to the people who are actually on the ground and understand that if we say, 'This is possible. We can do it', to let the people do it and not say, 'Occupational health and safety. You can't go in there', and you have to stand there and watch your house burn down. There is only one way in and they will not let you go. That is all I want to say. Thank you very much for your time.

CHAIR—Thank you. I can probably say on behalf of my colleagues on the committee that we are somewhat priding ourselves on the fact that we are ensuring that we are listening to the local information, the local experience. We have gone to a lot of locations and we still have a lot of locations to go before we complete this inquiry. But I really appreciate here today the number of people that have given us their information and the general interest that the region has obviously shown and the importance of it. Perhaps some of the people reporting these hearings might stress that aspect. Perhaps in that way we might be able to get some of the authorities in this state to actually cooperate and have some input into this inquiry so that we can get the best possible result out of it that we can.

Resolved (on motion by **Mr Hawker**):

That this committee authorises publication of the proof transcript of the evidence given before it at public hearing this day.

Committee adjourned at 12.34 p.m.