

prepared by Mrs June Weston

Conflict of Interest: A 50 year history in the various facets of promoting a flawed environmental 'perception. Fuel loads in places, up to ones' armpits. No preparation, no trafficable fire trails. 1000kms of fire trails being cut ahead of the fire. The devastating consequences [for neighboring landowners] of a "green" premier ruling in a dream world. Blind subservience by successive followers in positions with unfettered power and authority, genuflecting in worship to this contrived ideology.

And in more recent decades, an irresponsible persistence by revolving departmental authorities in ignoring the warnings of practising conservationists for the inevitability of a holocaust. A certainty, conceived in the bosom of practical knowledge with the experience to know, that unless the ideology was tempered with reason and sanity, come delivery day with season and right conditions, according to the prophets and at a 'time to burn', all would be incinerated. And so it came to pass that.....

In following an unconscionable homage, the myth has been ashed in the manner of all false idols; but at what human and geophysical cost? For the anger is now: that the propaganda of the past has given way to expedient propaganda of the present, where perpetrators of the holocaust walk forward ... untouched, unblemished and politically unscathed, espousing the born again doctrine of fire and nature.

The first very gentle few drops of rain fell and the drum beaters faced the people. "See" they said "come and behold the miracle of nature. Things are not nearly so bad as you feared. Leaves are already bursting with new leaf; flowers are budding; and the animals are returning to the forest".

"Well bully for Nature" the RFS and the people they served have said. "Nature *may* in time, heal ... but 'Man' as the unforgotten human part of the equation has much to do before he can sleep without nightmares and begin to recover ... but who cares provided the propaganda is kept intact."

- This *bio-diversity* "do nothing" attitude [implicit in the foregoing paragraphs] has gathered momentum in many ways; but on the earth's driest continent with a historical propensity towards drought and fire, ignoring the reality, has to be the most criminal act of any government administration since federation. All land must be managed. Land must be respected. It must be tended. The "lock-up shut-out-don't-touch" mentality is flawed.

The National Park concept has been artificially rendered incompatible with any vestige of land-management practices beyond anything but token appearance of management; but Mother Nature sees no difference. Soil, water, vegetation and air [by any other name] is still Land.

And biodiversity [the propaganda of the phony scientist] in the last decade, is now unacceptably argued against the principles of purity. True biodiversity has to be without compromise for its integrity. There shall be no interference by man, beyond the *naturally occurring*: [original *bio-diversity* dictionary 'definition' is now revised in subordinate Environmental Legislation to remove '*man as a species*' from the equation]. **Freehold land managers do NOT accept the principle.**

An 'environmental' picture tells a thousand words but in most cases never the story: How many times have we seen the 'ball and chain' in Queensland when the film is more than 20 years old and the practice no longer followed.

How many time do we hear the propaganda that so many "football fields" are being cleared every so many minutes....when if that were the reality there would be no vegetation.

The proof is there...there is more 'vegetation' now than 200 years ago ...but the propaganda does not support it; and meanwhile an oversupply of uncontrolled vegetation in the wrong environment takes all the water from the ground [the Snowy Mts Scheme is said to be 7 years behind in water harvest].

Counter argument and rational debate to any management point of view is stifled. Propaganda wins, because the majority of people are so far removed from the practical experience of actually living on the land and working with Mother Nature on a daily basis, that they have no concept of the reality.

The most interesting factor of modern LAND MANAGEMENT theory, is that nowhere is Mother Nature accorded a position of influence in the bureaucratic decision-making.

But ask any Farmer where he places Mother Nature in his Plan of Management and he will tell you "she's the boss".

Any Inquiry should find that:

- i] Public Land managers be 'required' to dramatically revise management regimes in order that **the lives of Crown neighbors are never again so irresponsibly placed at risk** and that ii] the private and national Freehold economy is never again so recklessly compromised in the extremes of bio-diversity protection.
- If the positions were reversed from Freehold to Crown, criminal charges would be laid. The principle is the same from both sides of the fence.....so why will the Government end up by being treated differently.

Conclusion: As things stand, the Conflict of Interest in the Crown Land Management practice is one totally at odds and unacceptably incompatible with routine, responsible and established neighboring Freehold landuse management principles.

Duty of Care: A Productivity Commission document released to the media 11-5-2001 clearly enunciates

- c) that "it is a feature of the Duty of Care under common law, that irrespective of the form in which it appears, the Duty is owed to individuals, *not to the environment or any particular facet of it*". [Italics and underlining is my addition to the text].
- b) Section 20 of the Catchment and Land Protection Act [Vic] 1994 states that landholders must take all reasonable steps to
- c) i) avoid causing or contributing to land degradation that causes or may cause damage to the land of another landholder ii) must take all reasonable steps to conserve soil iii) must take all reasonable care to protect water resources and must take all reasonable steps to iv) eradicate weeds and control and eradicate noxious pests.

d) **This Duty of Care is directly enforceable as a breach of the legislation ... by civil action, criminal prosecution and / or the issue of administrative order for compliance.**

Conclusion: current Director General [Brian Gilligan] of NP&WS said in media interviews that "it is not the Aussie way" to take people to Court yet one [Ron Flanagan "Northam" Berridale] has first hand evidence of Duty of Care principles in reverse. One law for Freehold .. another for the Crown.

[see second dot point page 2]

[A small hazard reduction conducted on Freehold land inadvertently escaped onto National Park land. Ron was aggressively chastised by Park Rangers who had been informed of the incident by a third party non-affected person. He later faced charges instigated by the NP&W Service in the Cooma Local Court. The SM dismissed the charge [given the circumstances] and commented the matter was too trivial and unreasonable to "waste the time of the court".

That Ron incurred inexcusable 'costs' associated with a prepared defence was beside the point. Government Departments do not accept liability for their mistakes however this BUSH FIRE "incident" is typical of the readiness and arrogance of the various Government Departments where bureaucrats exercise *power* to "issue Notices" on their "understanding" of some "belief" that there has been a "breach of the Act".

- With the Public service being a law unto themselves landowners have no other avenue but to appear in Court, if they want to defend charges; not acquire a 'criminal record'; OR if the charge was irresponsibly made. {I have in mind here, Issue of a NOTICE with threat of \$1.1m dollars fine ... if the NOTICE is ignored and the so called 'offence' not rectified.}

Yet relevant to this Inquiry and what I am trying to convey. In this second 'incident' a rogue fire in hot windy, gale-force conditions "spotted" from Crown land onto freehold which happened to have an underground soil composition of Peat. The owner [with decades of "peat" experience] knew he had a public DUTY of CARE not to let the fire escape from *his* land onto *neighboring* properties. After properly contacting the local RFS [occupied elsewhere with other outbreaks] and being 'officially' advised that he and his family, with knowledge and experience and having the appropriate farm machinery available to them should bring the 'fire under containment and then extinguish it to avoid spread onto other lands'. The family effected containment by using the only method known on "peat soil" ie they scooped a trench to prevent fire-spread underground. In doing so a few scruffy casurinas were destroyed. The family was reported. DLWC issued a NOTICE against the landowner for having "cleared Native Vegetation" without consent of the department.

The foregoing two 'fire incidents' are exemplified especially to show that Freehold landowners are damned if they do and damned if they don't. The Crown goes Scott free.

Bush Fire Act: had this last landowner chosen not to obey the Provisions of the Rural Fires Act 1997 as I understand it, penalties apply. A RURAL LAW handbook advises that "**the law treats bushfire offences very seriously.** One must take all possible steps to extinguish any unauthorised burning during a bushfire period as soon as one becomes aware.....Failure to advise the Authority [RFS] could make one liable to a fine of \$2000.00....."

Elsewhere s76.. " if landowners clear combustible material within 6 meters of a dividing fence and the **neighbor fails in his obligation and Duty of Care,** the defaulter can be held responsible for the full cost of restoration if damage is caused by a bush fire". The Kosciusko fires started on Crown land, traveled from and spotted kms away. National Parks have done no boundary maintenance and now through 50 years of neglect in not carrying out regular hazard reduction.....boundary fencing only receives a 50/50 subsidy and internal private fencing [to date not calculated] nothing. I ask: **WHY should the Crown NOT have to pay full compensation for its Negligence in failing a "neighborly" DUTY of CARE ?**

Departmental Defensive Argument:

- There is now, an increasing litany in the 1001 predictables put forward in all the self-righteous defensive arguments countered by all personnel within all departments *except* that after decades of entrenchment, the "self-righteous" defence from those physically removed from the more "local" scene [where there is a modicum of common sense and understanding but generally powerless to act] has now given way to a noticeable over-bearing arrogance with an offensive and uncompromising dictate.
- At the end of the day, that's where the argument in any attempt to receive justice from applying the principles of a "fair-go", begins and ends.
- When the pace gets "too hot" the department initiates the established destabilizing practice of re-structuring. Personnel are moved. New and inexperienced 'authorised persons' from other departments are brought in. Files are lost; and the whole Carr-ousel begins again....until the next time.
- As always on this merry-go-round Public Servants have the last word [outside the court]. Their obstinacy is perpetuated in failure to provide even a minimum public service in the futile exercise of their either mouthing platitudes OR in their drawn out paper exchange of the written word which always concludes with this paraphrase.....*I trust that the foregoing has provided you with a new understanding of the problems and difficulties. Please do not hesitate to contact me if I can be of further assistance* when there has been no assistance and the argument is unsustainable.
- the Public Service from the Premier down intones the same mantra which is one of both contempt for the experience of rural land managers and offensively patronising in the overt application of this contempt e.g **before the holocaust**

i) hazard reduction is incompatible with bio-diversity principles;

ii] the 'conditions' on the day did/do not permit a controlled burn it's programmed for next week; next month ; next year..... never [as "negligence" in the Kosciusko National Park has revealed]

iii] the budget does not allow for the same intensity of land-management principles to be applied with the same degree of application as Freehold land [weeds, noxious animals. hazard reduction].... Control was not a "requirement" for Crown land managers until 1974 [? ? ?]

iv] the department has have to have study justification before we 'control' native animals cannot be put at risk from feral control or 'inappropriate' hazard programs....[would someone please define 'appropriate' ? ?].

v] the department is understaffed. We need to contract out for 'appropriate' personnel

vi] the Plan of Management does not place a high priority on Hazard Reduction; Feral and Weed Control.....and so it goes on.

vi] if fire trails were maintained to provide safe and ready access it would provide 'open sesame' for unrestricted vehicle access at any time.....causing soil erosion and weed infestation.

Safety Factors:

Dr Tony Flemming [NP&WS] has defended his position of power and responsibility by arguing in evidence to the Joint Select Committee June 2002 that fire-trails in the wilderness areas as well as other areas of the Kosciusko National Park were in first class order and that a large part of the Service's budget was directed to trail maintenance.

I urge this Inquiry to subpoena several RFS personnel from the Snowy River and Cooma-Monaro Shire Councils in order that those who physically faced the flames and who put their lives at risk are given a first hand opportunity [without fear of prosecution or public service persecution] to tell it like it REALLY was.

- You will get a different side of the equation where nothing was equal. Freehold landowners at least deserve this much from an inquiry.
- Until this is done and the emotion and trauma is publicly exposed the future will only be more of the same.

After 64 continuous days with incalculable private economic and emotional cost I having no qualms about voicing my opinion ... that from the Premier down, all those with either elected or appointed positions of power and authority should be made to be personally 'accountable' for the long-term consequences of their irresponsible and unacceptable actions.

For it is that elsewhere, the same negligence and dereliction of public service duty would have freehold landowners facing criminal charges resulting in convictions and goal sentences. Premiers, Ministers and Regional Directors cannot expect to be immune from prosecution when it can be proven beyond reasonable doubt that ideology has taken over from practicality and common sense.

The Kosciusko Fires burned for 64 days in an atmosphere of absolute terror with blind uncertainty. There are too many incidences that only those at the flame front could relate...and for some the emotion and effects are too horrific to recall. Volunteers don't need that sort of trauma.

- No ideology should be allowed to cloud the issues until those who perpetuate the fallacy have no conception of what the real consequences were and will be in the future unless there is a radical change.
- No ideology can ignore the influences of Mother Nature and if one seeks to show her the same contempt that the government has shown Freehold landowners, then at the end of the day she will impose her authority as she did in the 64 days of hell.
- Those without foresight have no need of hindsight. Any person who works the soil, and lives a life on the land knows/knew with absolute certainty the inevitability of what was to come.

The tragedy is not in the plethora of "we told you so"; but in the other absolute certainty that [without minimisation of fuel loads; inappropriate levels of both access and maintenance of virtual non-existent fire trails considering the size of the Kosciusko National Park; no strategically placed fire trails; no consideration to safety factors given; no respect for LOCAL knowledge and LOCAL experience; and an inhuman and unreasonable level of expectation, that the RFS would be there regardless of the risk ... as they were] that the ferocity and intensity was so great that that which the Authorities have sought to protect for 50 years, has made a level of bio-diversity recovery now almost beyond possibility.

The final assault is that man as an individual appears to be given no consideration. Vietnam veterans returned home with no level of understanding for the human tragedy and human trauma. They continued to suffer. Today, Iraq demonstrations have effectively split the Nation while on our own door step farmers are still out there trying to pick up the pieces of another kind of human sacrifice; trying to come to terms with what has happened; and paralleling, that at the end of the day, the senselessness of the inexcusable waste is no different to WAR. We *will* remember .. because we can't forget

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Precis

- *Continual hazard reduction on a regular mosaic pattern*
 - *Appropriate LAND management principles.....forget the lock – out- shut-up don't-go-near don't walk on the daises ideology.*
 - ALL LAND has to be managed..... go overseas for months and leave your quarter acre block of URBAN environment without neighbourly care for the lawn; garden and indoor plants and see what happens? multiply this by 600000 hectares plus in ONE paddock and the holocaust which had to happen did.
 - Have appropriate safety and strategically placed with REGULAR MAINTENANCE Fire Trails.... so what does it matter if other people use them on occasion.
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- Return grazing principles with regular stock agistment as a matter of urgency.
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- Think about the people who have to volunteer [and I mean volunteer] to protect our Nation. A government which does not have this responsibility does not deserve to be in government. No minister should send a volunteer in to areas where he wouldn't be prepared to go himself.

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