(Sixth Day)

TRANSCRIPT OF EVIDENCE,

given before
the

ROYAL COMMISSION APPOINTED TO ENQUIRE INTO THE CAUSES AND ORIGINS AND OTHER MATTERS ARISING OUT OF BUSH FIRES IN VICTORIA DURING JANUARY, 1939.

Held at

MARYSVILLE

on

Thursday, 9th February, 1939.

Present:

HIS HONOUR JUDGE STRETTON, Royal Commissioner.

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MR. GREGORY GOWANS appeared to assist the Commission.

MR. A. KELSO appeared on behalf of the Melbourne and Metropolitan Board of Works.

MR. A. O. LAWRENCE appeared on behalf of the Forests Commission.

MR. W. SWINDON appeared on behalf of the Victorian Bush Fire Brigades Association.

MR. A. D. HARDY appeared on behalf of the Forests League.

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FREDERICK JOHN BARTON, Sworn and Examined.

MR. GOWANS: You are a general storekeeper residing at Marysville?—Yes.
And a justice of the peace?—Yes.
And a councillor of Healesville Shire?—Yes.
Are you also the owner or part owner of a mill in the district?—Yes.
Where is your mill?—On the north side of the road between here and
Buxton.

How far out?—By road seven miles from here.

Did you see any signs of fire in this district a few weeks before Christmas?—There was a lot of smoke. It was utterly impossible to see where the fire was. The first real symptom of fire that I noticed was on the Sunday, when the big blaze occurred.

New Year's Day?—The week after, on the 8th of January.

Were you any idea where the fires were prior to the big blaze?—I knew there was one in Toolangi direction. We know that fire started about the 1st of January.

Were there any fires you know of in Marysville district before that?—There was not a fire anywhere in this district. We were quite clear of fires.

About what time on the 8th of January did the Toolangi fire occur?—I was down at my farm, four miles from here, on the Buxton road. Looking across in Toolangi direction, there was terrific smoke about 11 o'clock on the Sunday morning.

How far away would the fire be?—I think in a direct line, about 15 miles. Burnt bark and burnt leaves were dropping on the farm at that time.

You are quite sure that there was no nearer fire than that?—There was not.

Regarding the bark and charred leaves, were they causing risk of fire in your district?—I was in great fear that they would cause a fire. The grass was particularly dry and liable to light at any minute.

Was the wind direction generally that day from the north?—Yes.

Had the fire reached your farm before you returned to Marysville?—No.

Did it reach your farm at all?—No.

You did come back to Marysville that day?—Yes, for dinner.

When did the fire reach Marysville?—As soon as I got home, I received word that Mr. Anderson from the mill and the forests foreman, Mr. Gill, and several others were fighting a fire on the Acheron hill. The fire had jumped across to there. We
presume it was the Toolangi fire. It sprung out without warning on the Acheron hill.

As far as you know, was that the fire that was responsible for the deaths on the Acheron hill?—I would say so definitely.

About how far out was the Kerslake family?—I think about three miles on the Acheron Way. They were actually working five or six miles out, and in attempting to get through they were overtaken half way back by the flames.

Was it on the Buxton road that they were burned?—No, the Acheron Way.

Where is Feiglin's No. 1 mill?—On the Acheron Way.

Did the fire reach your mill?—No. We had not a fire there except on the eastern extremity. The Rubicon fire eventually caught the eastern end of our area, but only just.

Did the Rubicon fire join up with the Toolangi fire?—No, the Rubicon fire joined up beyond Cumberland with the Warrburton fire.

How many men were employed in your mill at the time?—About twenty-two.

We had started work on Monday morning and had to close the mill and employ the men to patrol the area and look after the property.

Did you have a dug-out?—No, not at the mill. We are practically on the main road. There is a first class motor road up to the mill, and there is a river almost against the mill and water is laid on everywhere.

How wide is the motor road?—Wide enough for two-way traffic.

There is always danger of a tree falling and blocking the road?—It is very open country. We have only to go a mile, and we are in cultivated paddocks.

Do you know of other mills besides yours in the vicinity of Marysville?—There is the Vic Oak, about one and a half miles on the Buxton road.

Do you know if there is a dug-out there?—They are only 100 yards off the main road.

What other mills are there in the vicinity of Marysville?—There are No. 1 and No. 2 Anderson's mills. You go into them about two miles back along the Melbourne road. They are about a mile.
off the main road.

Are they in timbered country?—Yes.

Do they have dug-outs?—Several of them.

Have you been in them?—I have looked at them from the surface. I know

some of the mills have quite good dug-outs. Some of the

men have built dug-outs behind their own homes.

Regarding Feiglin's No.1 and No.2 mills, are there dug-outs there?—

They have very good dug-outs there. The people who lost

their lives would have been safe if they had remained in

the dug-outs.

Is it your opinion that if they had stayed there, they would have

escaped?—I do not think there is any doubt about it.

Do you know why they left?—I suppose they got panicky.

Was there anything in the nature of the dug-out that would make them

think it would be unsafe to remain there?—No. I have

had a look at the big one since the fire, and it seemed to

me to be a very good dug-out.

In your view, it was an unreasonable panic on their part?—I would not

say that. There are people who are quite brave otherwise,

but who are frightened of a bush fire.

I am not suggesting anything like that, but it was unreasonable of

them to think that they would not be safe if they remained

in the dug-out at the mill?—They thought they could get

out. Had they thought they were going to be trapped, they

would have stayed there.

Have you any opinion as to whether it would be desirable to cut back the

timber on the sides of the main roads to prevent the roads

becoming traps in a bush fire?—That would be a big and
difficult job. My opinion is that spring burning is

utterly futile for several reasons. The Forests Commission

quite properly will not allow burning once the weather

becomes warm. In most seasons burning cannot be done in

October and November, when you are permitted to burn. If

it does burn, the ferns and scrub are only scorched, and,

when a bush fire comes along later, the stuff is dry and

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An autumn fire will not do that, and will not promote growth of bracken like a spring fire does. On top of that, autumn days are shorter and the nights are colder, and there is more chance of rain. A fire can be controlled much more easily in the autumn than in the spring, when hotter weather is coming. After spring burning, a log may smoulder for weeks, until January or February, when it may break out into a bush fire. In the autumn, that cannot happen, as there is the winter to face. I am for autumn burning every time.

There must be circumstances in every district when it is possible to burn off adequately and carefully in the spring?—My view is that there is always a danger point, and that the danger comes invariably from the north. This time the fire that endangered the township came from an easterly direction. If the mills and the townships were protected from that direction, a lot of the danger would be eliminated.

Do you know if steps have been taken recently in Marysville to make the town safer?—This year we had a good burn in November on the northern side under the supervision of Forestry Officers. Even then it was hot, and the fire took some checking. That action subsequently saved the township. It would have been difficult to save the buildings at the Buxton end but for that burn.

Did you find that the burn left the forest in that area dried up so as to be a possible danger?—Not so much so this year. It was dry and burned cleaner than spring burning usually does.

Are there any other suggestions you can put forward to make townships such as Marysville safer?—There is another point that I think is important. I read that a Forestry Officer at Healesville advocated 2-chain breaks. I do not think anything of that. They would be far too costly, and in the last fires they would have been useless. I suggest narrower breaks and more of them. From those breaks it would be possible to burn.
back. If the breaks were six feet wide, and there were plenty of them, the men could be got out. The important consideration in a big fire is to get the men out; therefore, I suggest that there should be plenty of tracks rather than breaks. A track is as good as a break.

Do you not think that, although a small break might be of value in stopping an ordinary fire, it would be of no use in a fire of the dimensions of the recent fire?---Yes; but to make breaks two chains wide would be costly. If the breaks were six feet, many more of them could be provided. To get men out of the bush is the real problem.

Do you think that wide breaks would be of some assistance in the immediate vicinity of townships?---I should not think so.

Have you any bush fire organisation in Marysville?---A bush fire brigade has been formed. The men belonging to it live here and are available when wanted. Every man who could use an axe, a shovel, or a slasher was out during the last fires.

Was there any control?---It was well controlled.

Whom by?---By forestry officers and by several of the older residents who knew the locality and had had experience before. We took control of gangs in various parts.

Did you have enough people to assist you?---As it happened, we did not, but in ordinary circumstances we would have had plenty.

Have you any organisation for spotting and putting out fires?---No, but they are not hard to see. At the Vic Oak, the men working there report if they see smoke.

Whom will they report to?---To their boss at the mill, Mr. Howell, who immediately broadcasts the news. If my men see a fire, they let us know, and we tell the forestry officers.

If the fire is not in a forest area, do the forestry officers go out and fight it?---They have never refused.

Is it anybody's job to ask them to do it?---I do not know.

Do you know that there is a fire in the Acheron valley this morning?---
If anyone saw that, to whom would he report?—Generally, he would ring up Mr. Ure, of Taggerty, who would ring the officer here.

The organisation centres around the forestry officers?—Yes.

What part does the police station play?—I cannot say that exactly, but when the fires were on the police left no stone unturned. The local constable worked day and night.

I do not doubt that, but I am asking you whether police officers take any part in spotting bush fires?—The usual procedure is to report to the forest officer, and if he wants help, it is forthcoming.

Do you find that there is apathy among people if the fire happens to be far away from the township?—Yes. They seem to think it will not reach them, but this time they have had their eyes opened to the fact that if there is a fire anywhere they are not safe.

MR. KELSO: You have spoken of burning off in November. That would be a fairly light burn?—Yes.

You favour burning in autumn, because the burn then would not be so hot?—Principally. In November, there is nothing to prevent a fire burning in an old stump and breaking out later into a bush fire. In the autumn that possibility is eliminated.

A hot burn also destroys the saplings. Do you regard that as so?—A spring burn would destroy them more than an autumn burn. When burning is done in the spring, there is the summer to face with a scorching sun and, perhaps, no rain.

When do you consider autumn begins?—If this year runs true to a hot summer, when would you start burning?—About the middle of April.

We might have cold weather by then?—We would have to be guided by the year. This year it looks as if it will not rain very early. In a normal year, about the middle of March would be ideal for burning. It is then getting cold at night and fires can be checked on a cold night.

If you leave autumn burning too late, you miss, and if you leave spring
burning too late, you miss, but for different reasons?—I know the question is surrounded with difficulties.

I suggest that there is one big difficulty about burning off in autumn. You leave dangerous stuff that will burn in the spring?—If burning is done in the autumn, the dangerous material is absent in the spring.

You would expect to burn every autumn?—We can burn most autumns. Would you set out as a policy to burn every autumn?—In certain places, but not indiscriminately.

You would burn fairly extensive fire breaks?—Yes.

Autumn burning in your mind presupposes burning frequently, if not every year?—Yes.

Might it not be a defeat in autumn burning that the dangerous material would be there in the preceding summer?—I suggest that autumn burning is worth trying.

Have you tried it?—Yes, we burn as much as we can in the autumn.

Do you leave your mill heads to the autumn?—We have to. We burn what is there in the spring, and they accumulate during the summer.

Then exclusive autumn burning is not in your private practice applied to mill heads?—We are afraid to leave it all until the autumn.

That is precisely what I am suggesting. Is your mill not about due east of Toolangi?—Yes.

The debris was being carried on a westerly wind?—The wind was choppy. It was mostly a northerly gale.

You were about 15 miles due east of the fire?—Yes.

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WITNESS (CONTINUING): It seemed as though the fire was coming against the wind. At times the wind was blowing in any direction.

MR. KELSO: Was debris falling all the time?—while I was there I picked up some burnt leaves and burnt bark.

It seems that if the leaves came from Toolangi they would have travelled 15 miles across the wind?—I think that the Toolangi fire was travelling at such a pace that it was lighting other fires. It created a kind of willywilly that scattered the burnt bark and leaves everywhere.

Fifteen miles is a long distance?—Yes.

THE COMMISSIONER: How far have you known lighted fragments to be carried, not necessarily this year, but in your experience?—Easily 3 or 4 miles.

They were sufficiently hot to ignite when they landed?—Yes.

MR. KELSO: I think there is a difference as to the distance.

THE COMMISSIONER: You cannot get anything very accurate about the distance, but you can get an impression. (To Witness) Your impression was that the leaves had come a long distance?—From the Acheron hill unless the fire was deliberately lighted, but I am sure it was not.

MR. KELSO: It has been stated that there was a fire in the valley on the day before. A witness said he saw it and was told by motorists that it was on the Acheron way on the 9th.—My son was there the morning when the people got burnt.

That was the next day. It was stated by a witness that he saw a small fire in the Acheron Valley. You say that you could make a greater length of six-feet five breaks than you could of two-chain fire breaks. Do you feel that the existing organisation is such that, if you had breaks 15 miles out, you would be able to get to a fire by using those six-foot breaks?—Yes, I think you could do a great lot.

Q.—Do you think that is the practice now? Suppose a fire started there, would you be sufficiently organised to get to it?—Of course you have not enough forest officers to deal with any menacing fire.
Leaving out the forest officers, actually there are not enough persons to get to fires when they are a long way off?—I think the people generally are willing to work.

To reach many parts of the forest is not a matter merely of a few miles. Might not a fire progress for some days before any one would take notice of it?—It might.

Suppose you had the choice between a six-foot break and a two-chain break, might not the two-chain break stop a fire?—In certain circumstances the two-chain break might stop a fire.

It has merit?—Yes.

Suppose you went to one of those fires and were working on a six-foot break when suddenly the wind changed. Would you like to be on the six-foot break?—I should not like to be on the two-chain break then.

Then the six-foot break would not be much help?—There would be nothing to prevent you from making some dug-outs in that country with the money that you had saved in putting down the six-foot fire break.

You would want a sufficient number of men?—We have only one forest officer here, but the district is too big. I don't know how one man is expected to look after this district.

MR. LAWRENCE: When a protective burn was carried out at Marysville by the local residents, were not the conditions very dry? Would you suggest that in no circumstances a protective burn would be dangerous?—As it turned out it did not prove to be dangerous, but in such a year as last year, it was dangerous to burn at the end of November. Then it was summer time here.

Did the Marysville residents appeal to the local forest officer to supervise that burn?—I could not say about that. Where the protective fire was carried out, it was more or less protecting one big guest house on the Buxton road. I think they got the permission and assistance of the forest officers in the burning.

Permission was obtained from the forest officer to conduct the burn?—I
That the forest officer supervised the burning? — I think so.
That was on the basis of town protection? — Yes.

Has anybody approached the forest officer for permission to create a protective burn around your mill or property and been refused? —
No. We get permission to burn at our mill. What we burnt saved us.

Generally speaking you find that the Forest Commission on being approached are ready to help in supervising protective burns? —
Definitely yes.

MR. GOWANS: On what day did the fire occur on the Acheron hill? — That was on Sunday, the 8th of January.

There seems to be some misconception as to the question asked by Mr. Kelso.

MR. KELSO: I thought it was Tuesday? — On Sunday, about midday.

MR. GOWANS: Would there be any reason for a person lighting a fire on the Acheron hill? — No one but a lunatic would have lit a fire on that day. That fire must have been started from the Toolangi side. To give an idea of the pace at which a fire travels, Constable Bently and I went from Harbethong to Buxton. The Toolangi fire burned from Harbethong to Buxton in a few hours.

MR. GOWANS: That would be on Sunday? — Yes.

You say that the Rubicon fire joined with that fire? — No, there was a big fire at Buxton on Sunday.

A distinct fire? — Yes.

I have the police report which says that on the 10th of January the Rubicon fire was joined in the Blue ranges by the Kinglake fire. You say that cannot be right? — No.

How near did the Toolangi fire get to Marysville? — It went through the town.
What saved the township? — Good luck more than anything else.

Was it a change of wind? — No. the fire came in with such terrific pace that it got past the houses before it was expected. The houses were built of fibrous cement and that warded off the flames which went past the houses quickly. One house was burnt.
Another big guest house was on fire. There was a swimming pool and with reinforcements we were able to put out the fire. I look on Marysville as safe except from the north end.

But you were nearly burned out from the western end. Does that change your view? It makes you think that you are not ever safe.

Have you any suggestions to make in regard to making Marysville safe? There is rough scrub country at the north end. I would burn that as frequently as it would burn. Nineteen out of twenty times that is the danger end. I am not frightened of any fire except a northern fire.

Could anything be done to make Marysville safe against the fire from the west?—No. On Sunday night we were burning and all day Monday I had a big body of men on the western end of the township cutting and burning breaks. On Monday the fire jumped over everything we had done.

In burning out on the western end, can you do anything to preserve the conditions? There is a good place for a fire break straight up along the bush creek which runs parallel with the township. The face of that hill would be a good place to get burned. There is no timber of any value there.

On whom will it depend in Marysville to take the initiative to burn a break there?—The forest officer could get local help. If the suggestion does not come from the forest officer, it will not be put into operation?—No. I suppose the forest officer would look to the town people to take the lead in protecting themselves.

Have you a progress association?—Yes.

Does it concern itself with the safety of the township?—Yes.

Would not the initiative be taken by the progress association?—Our tourist association should take the initiative and ask for permission to burn in that direction.
THE COMMISSIONER: Does the forest officer visit all the fires in the district?—You have to notify him and he will immediately go to see what he can do.

If there is a fire in inaccessible country or in dense bush, what happens then?—This year when there have been fires in areas they have not known much about, they have got the assistance of local bushmen to go out to investigate. Is that since the threat of danger or since the big fire?—Since the big fire.

I am talking about the general practice at the moment. In other years, would you say that the forest officer goes out to every fire that takes place within a reasonable distance?—We have not had fires in the district since the 1926 fires. Then no forest officer was stationed in Marysville. I and the constable took the initiative at that time. The fire came from Warburton. We lived at Cumberland for about a fortnight and stopped that fire.

Do you know of any cases of sawmillers having lost licenses to get timber?—No.

I understand that the Forest Commission licenses persons to cut timber?—Yes.

Have you heard of a man losing his license?—No.

What is the arrangement as to payments?—We pay a fee.

Is it a matter of a set principle?—We pay licenses and supply monthly returns as to the amount of timber taken, either in the round or over the timber measurement. A forest officer visits the mill and takes figures every week.

It is left to you to make the return?—We have to give a consignment note to the driver of every waggon that leaves the mill. He cannot go on the road without that note. There is a duplicate for the forest officer.

What becomes of the consignment note that goes with the waggon?—The driver has two—one for himself and one for the Railway Department.

Does the Railway Department keep one of the notes?—Yes. There is one
at the mill for the Forests Commission.

Where does the note for the Railway Department go? Is it held by the local stationmaster?—I am not clear on that point.

Apart from your mill, which is favourably situated, can you tell me, speaking generally, what is done in the case of a mill in the heart of the bush as a protective measure to prevent the outbreak of fire or the encroachment of fire on the mill and the mill works?—If I had a mill in a dense area, I should have the scrub cleared for several hundreds of yards all around the mill.

Would you narrow everything down in sight?—I would cut the scrub.

We have done that around our mill which is not in a dense area.

Under your scheme, would any timber be left standing?—It would depend on the timber. If it is messmate, you would want to fell everything within several hundred yards of the mill. You are not safe anywhere with messmate. There is not very much danger from ash.

You would clear out every such area?—Yes.

Despite these precautions, if a fire breaks out at the mill or if the bush is alight, would there be a sufficiently clear area for the workers?—Having seen dug-outs, I think they are excellent. Some of them have been constructed roughly. I think you are perfectly safe in a proper dugout. They should be dug out in the solid earth. They should not be cut in and timber put in and earth thrown on them. Then there is danger.

You favour a hill site?—Yes. If you went into a slope with a cross-cut and tunnels leading off, that would be sufficient.

What about ventilation?—I don’t believe that people would have to stay long enough in a dug-out to take harm. It would be a bad fire that would last an hour or two.

Would you clear away the timber?—Yes. It would be a death trap if you left it.

I have heard the suggestion that there should be a cylinder of oxygen in the dugout, but it has dangers. Have you considered
anything of that sort?—I would not think it necessary.

How would you keep out the smoke?—It wants a decent fire-proof door.

I have seen some doors made of wood, but that is inviting disaster.

Is there any chance of keeping water in a dug-out?—If water were laid on it would be an excellent idea. Most mills have a water supply and could have one laid on to the dugout if they want to that trouble. It is not costly to lay pipes.

What is a fair sized mill in Victoria? How many persons including the hands and their wives and children live on the spot?—The average mill would have from 25 to 30 men. Generally there are from 8 to 10 families. Take our mill. We have about 18 women and children apart from the men. At our mill there are roughly 44 or 45 persons.

That is where you have 25 workers?—Yes.

It depends on the country where you are working as to the cost of getting dugouts. Would the provision of dugouts be an expensive item?—No.

Could not the men make dugouts under direction?—It would depend on the layout of the country. If you are on the side of a hill, it could be dug deeply. If you are on flat country you would have to put down a shaft.

I know that you cannot name any amount, but it is not beyond the bounds of possibilities for mill owners to have dugouts constructed?—No. We have not one because we are in a good position.

If I thought one was necessary, I should not hesitate a minute.

If you employed ordinary bush men to make the dugout, it would merely be the loss of wages while they were employed on its construction?—We could put in one and it would not cost more than £25.

Do you favour a timbered top covered with earth? Is not the earth a good protection?—I do not think it good protection with timber underneath.
You would avoid timber at the top?—Yes.
If you had a shaft in flat country you would have to use timber?—Yes.
There would be no roof?—No.
Apart from the mills, what can be done for the ordinary settler in the
hills? Has he to take his chance?—It is too big a
problem. It is difficult to know what to do to make the
settler safe.
They must have a good track and a sense of danger to clear out early
enough?—Yes.
MR. GOWANS: In regard to dugouts, do you know if the dugouts constructed
at Peiglin's mills are constructed with shafts and tunnels?
They are on the side of a hill.
I was told that they are on flat country?—I have been to only one of
those mills - the one near Somers Park. That is the
No.1 mill.
How many people were saved at that mill?—Men told me that there were
about 25 persons in that dugout.
Did they use corrugated iron in building that dugout?—I think they
had a corrugated iron door. It was dug out on a bank.
I think they had a wooden top which was well protected
with dirt. There was about 4 feet of dirt.
Is there not great danger that any timber becoming hot would ignite?—
Yes. I would not favour the use of timber.
Can you use asbestos?—Something like fibrous cement or some other
such material would be the right thing to use.
If uprights become necessary to support rafters, what should be used
in place of timber?—Iron pipes.
Should a dugout measure about 12 x 10?—The dugout at Peiglin's mill
was pretty big.
Apart from the big fire, have there been many fires in the Marysville
district?—We have been practically free of fires for years.
I wish you to listen to some statements made by a correspondent who
wrote to the Commission. He said:
"I stayed at Marysville for two weeks from the 5th to 19th November last. On the latter date, I visited the Taggerty Falls. About half a mile from the end of the drive, along the pedestrian track to the falls, and about a quarter of a mile apart, two fires had burnt a small area between the track and the river. These fires had crossed the track in two places but had burned out or been extinguished at the outer boundary and stopped by the river on the other side. Within the burnt area a few yards from the river logs and stumps were burning, a man with a bucket could have extinguished them quickly.

Did you know of that fire?—That fire was reported to me. I can only imagine that it was started through some one throwing down a lighted cigarette. The only people who go along these roads are tourists. Tourists would not deliberately start fires. A lighted cigarette must have been the cause of the fire or else a match after it had been used to light a cigarette. That fire was reported to me and the local officer, Mr. Gill, went out and put it out.

It was put out?—Yes.

Have you known a fire to be caused by a lighted cigarette butt?—I have not actually seen one.

The correspondent also wrote:—

"Returning to Melbourne the same day, about 6 p.m., on the Aberon Way and about half a mile from the Marysville Road turnoff and within 50 yards of the track, a dry stump about 10 feet high was smoking from top to bottom."

What have you to say to that?—That is in the vicinity of Hermon's mill. I know the area was burnt before Christmas. By whom?—I don't know. I think it was burnt to protect against fire. As a fire break?—Yes.

How far from Hermon's mill?—I don't know. I heard that the triangle in which Hermon's mill stands was burnt before the big fire went through. The big fire went through again and burnt the mill. That shows that the earlier burn dried up stuff for another fire.

It would not be too bad on the 19th of November?—Ordinarily, no, but this year it was hot.

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It must have been very hot?—I burnt well there but despite that, the area burnt again.

The correspondent also said:

"During the previous fortnight at Marysville I walked along the Woods Point Road nearly every evening." From a clear space about 1½ miles beyond Marysville the view extends to the Acheron Valley and the Cathedral range embracing the Rubicon Area. Five or six scattered fires were burning in the forest. Looking back over Marysville from this road and towards Mount Strickland a large fire was burning. For one day a large fire was burning close to the Buxton Road near the Golf Course, 1½ miles from Marysville. There was a smoke haze interfering with visibility on several days."

Did you know anything about the 5 or 6 scattered fires?—It would be on Jock's Lookout on the Cumberland Road. The correspondent would see smoke coming from several miles, and would think the smoke came from a bush fire. Sawdust burners are going all day and anyone would think that they are bushfires, but it is only rubbish at the mills being burned.

You use a sawdust burner?—We have a sawdust burner going all the time. We have an old boiler casing which we converted into a sawdust burner. Creepers elevate the sawdust into the boiler. Pipes from the engine keep the sawdust burning as fast as it goes in. When the mill closes there is no more sawdust to be burnt.

There is no danger?—No. I think it is compulsory to have sawdust burners. The old style was to dump the sawdust which was a source of danger.

Are the mills required to have sawdust burners?—Yes.

Under what regulation?—I don't know whether it is compulsory, but the Forest Commission asked us to have one.

Is it a condition of the licence?—I don't think so. They usually lock to you to put in one.

That is in an area where the Forests Commission has jurisdiction?—Yes. You would regard it as a danger if you found sawdust dumped outside the burner?—The sawdust smoulders for so long.

THE COMMISSIONER: Have you heard of a fire being caused from a sawdust
heap?—I don't say that I have heard of one, but the forest officer in insisting on our putting in a burner emphasised the danger of their starting fires.  
The forest officer has expressed that opinion?—Yes.  
Would the forced draught be more dangerous than the old smouldering heap?—When the mill stops in the evening the fire is finished.  
That is where you consume the sawdust as you go on?—Yes.  
But where you have the forced draught, what is the position?—There is a menace.

(CONTINUED ON PAGE 325)
When it is blowing, it will blow a naked flame?—Yes. When the mill stops, the fire stops. We have buckets of water posted around the burner, and we have to keep going on that the whole day. Fires are lighting the whole time around the burner and the stacks. We have to keep the boys going round nearly all the time.

MR. GOWANS: I suppose at all events you would disapprove of a sawdust heap being left alight and unattended at night?—I think it would be a source of danger. I should not like to have it there.

Can you give the Commission a list of mills within a radius of, say, 10 miles of Marysville?—Yes.

Would you give the list to the Secretary afterwards?—Yes.

You remember the fire referred to by this correspondent as burning close to the Buxton road, near the golf course?—That is the fire I spoke of. It was lit earlier in the year to protect that guest house on the road. It was lit and controlled.

MR. KELSO: Would it be your opinion that even if a particle of burning sawdust got into that bush that was in a critical condition, it would start a fire?—I would think so.

With regard to these fires in November, it was stated during the course of your examination that there were five or six. How many mills would there be in the Buxton direction?—There were four you could easily get smoke from in that particular area.

Would you think it might be burning of heads in the bush?—It could be—but when did they say these fires occurred?

The 19th of November?—At that time it would be quite likely. We were all burning bad places and accumulations.

You might have a lot of trouble in controlling these fires this year?—Yes. At one time a fire nearly got out of hand with us. We told all our men not on any account to light any more fires, either to boil their billies or for anything else.

Would you follow the practice of watching the places you have burnt for a while afterwards?—Yes.

What would you do in that matter?—Suppose you had a paddock in which you
had dropped 20 or 30 trees, what would you do after the day you had the burning?—Those sprinklers are an excellent idea. They hold two or three gallons of water, and you can do wonders with them.

Have you any of those sprinklers at your mill?—No.

What would you have done in November?—If it is a bad tree on fire, we fall it. If it is only a stump and we can carry water to it, we put it out that way, or it can be put out with dirt.

Did you patrol the area every fortnight afterwards?—We did not exactly patrol it, but we watched it very carefully. If there was any sign of smoke we sent someone to investigate and report on it.

And if you saw no signs of smoke?—I took it for granted that it was all right.

In the letter that was read to you it was stated that at this time also there was a big fire towards Mount Strickland. Do you think that a fire described in that way would be due to those causes. No. He would be looking across from Jock’s Lookout in the direction of Mount Strickland. Anderson’s No.2 mill is at the foot of Mount Strickland, and that would be creating smoke there.

The big fire suggested might have been out of hand?—No. There was not any fire there, other than what had been burning at the mill.

Are you speaking now as a fact?—As a fact. I know there was no fire there on this day in November.

Are you in a position to assure the Commission that at no time around that day there was any big fire there?—Yes.

That is your personal knowledge?—Yes.

Do you go on to that area?—I visit these mills, and I know Mr. Anderson personally. I know that he is most careful and cautious, and that he is afraid of fires.

It is stated as a fact that there was a big fire there at this date in November. Would that be due to burning off, or was there
no fire at all?—I can say pretty definitely that there was no fire at all, except at the mill.

How often have you visited the area?—I am round about these mills about once a week.

It might have occurred in between your visits?—It could have. From the township you look all over these hills. We saw no sign of smoke coming from that direction.

Have you much experience in earth works, apart from timber works?—What do you mean.

I am coming back to the matter of dug-outs. I believe you said that you did not think that timber should be used.

THE COMMISSIONER: For the roof.

MR. KELSE: I suppose the argument really applies at any timber. If the use of timber is dangerous, then it is dangerous in the logs.

(To Witness) I gathered from you that you thought dug-outs should be constructed without any supports. Do you think you could construct a 10-feet span, that is, an opening 10 feet wide, without a support of some sort for the roof?—You might want support for it.

In rock you would not want it?—It would be no trouble for anyone to make a concrete block for the middle.

I gathered from you that you thought that a dug-out of the size mentioned could be made without supports. Do you think it could be done?—Yes.

Have you ever seen one?—No, I have not.

We are agreed that it could be done with rock?—Yes.

If you cannot use timber, and supposing you did not have to support the ground, you are forced back to concrete or steel?—Yes, I suppose so.

THE COMMISSIONER: What would be the danger of timber underground if it was properly covered?—Out at Feiglin's mill, where there was a good dug-out, the roof was only timber—split saplings. That kind of think does not last indefinitely. Timber seen from the outside is very liable to be burnt.
I was talking about the timbering of underground works for support. Would you be wrong if you used timber instead of a concrete column?—As long as it was definitely underground, it would be all right.

MR. KELSO: I think that if the timber is under three or four feet of earth, there would be no risk whatever.

THE COMMISSIONER: We were talking about holding a 10 feet span. Why could you not timber that? I thought you were suggesting that using timber as a method of support was dangerous, because if the legs were burnt, the roof would collapse.

MR. KELSO: I was given the impression that you thought the use of timber in the roof was the only question. Personally I would not question it, if it is well covered by earth. But it must not be overlooked that at the entrance the timber is not well covered, and if the entrance caves in, that would not be satisfactory. I believe that the entrance should be supported for some distance in by fire resistant material. After that it would be quite safe to use sturdy timber. It should not be overlooked also that our ordinary mountain timbers do not last much more than 10 or 15 years. The timber would have to be renewed frequently, and it might be more economical to utilise steel joists or concrete. I do not think that at the moment there is any asbestos cement substance suitable for the purpose; it could be made. An unsupported dug-out would be unsafe.

MR. GOWANS: Do you know that you can obtain timber treated in such a way as to be unburnable?—No.

You have never made any inquiries from the Hardwood Millers Association about that?—I heard that there was a paint that when applied would make the timber unburnable. I do not know whether it is successful, or whether it is expensive.

MR. LAWRENCE: I understand from your evidence that you were burning heads of trees on your area about the 19th of November?—About that time. I should not like to state a date.

About the middle of November, when conditions were apparently becoming
rather dangerous?—They were too dangerous; we stopped it.

What was your reason for burning so late?—We reasoned that it was a second drought year and a highly dangerous year. We were trying to afford some protection to ourselves. We had it well under supervision, but even then it nearly got away with us and we were afraid to light any more, knowing that it was a second drought year, and that the bush and the trees were highly inflammable.

I should like to ask your Honour whether you would advise the witness that I wish to ask a question, the answer to which I hope will not incriminate him.

THE COMMISSIONER: I cannot advise him that. If he thinks that his answer will incriminate him, he can appeal for protection.

I do not want to dissuade you in any way, Mr. Lawrence, but I would point out that most counsel would feel a heavy sense of responsibility in putting such a question and would be sure of the ground before they did so. You cannot lightly make suggestions against persons with a good conscience.

I take it that you have good instructions and are satisfied that you have a reasonable basis for the question.

(To Witness) There is a question to be put by Mr. Lawrence. If you think you will be incriminated in any way, that is to say, that your answer will amount to an admission of having done something for which you might be prosecuted, or that it may supply a clue for somebody to take up, leading along a line of inquiry that might result in your prosecution, you may say that you do not wish to answer the question—on the ground that it may incriminate you. I should point out to you that nothing you say in these proceedings can be used directly against you in any other proceedings. Furthermore you have the right not to say anything that would incriminate you.

MR. LAWRENCE: In connection with this matter of burning off heads of logs on your area, I take it that that was within the forest?—
Do you know that under the Forests Act no burning is permitted within a forest area after the 1st of November in any year? — I know that there is a proclaimed date which has been altered to suit the conditions of the season. In some seasons it has been nearly Christmas before that ban has been put on.

You are referring to the proclamation? — Yes. This year — to be perfectly candid — I was not aware of the exact date it was put on, and I would not be sure of the exact date we were burning down there. When you mentioned the 19th of November a while ago, I said that I was not sure about the date.

I know that it was some time about November. It might have have been the 1st or the 19th — I could not say.

Are you aware that, irrespective entirely of the proclamation, the forest law disallows any burning within a forest between the 1st of November and the 31st of March in any year? — I was not quite aware of that.

THE COMMISSIONER: Has the Forests Commission taken any steps to acquaint mill owners and other bush people of this side of the law? — Mr. Gerraty, who was the leading Forests Officer in this district for a long while, was out on our mill about November, and, as a matter of fact, asked us to burn around the mill area, because the position was highly dangerous.

MR. LAWRENCE: That was in November of this year? — Yes.

Then you morally had the authority of the Forests Commission? — We definitely did. We did not do any burning there without their authority.

MR. GOWANS: I direct attention to the exact wording of the section, and wish to read it. Section 60 of the Forests Act provides:

"Every person......who, during the months of November December January February or March, or, in any part or parts of Victoria......which is or are specified for the purposes of this section by order or orders published in the Government Gazette, during such additional month or months
before November or after March (as the case may be) or before November and after March as the Governor in Council by the said order or orders or by any subsequent order or orders so published determines with respect to any period of twelve months specified in the order or orders, within any reserved forest, or within any portions of any protected forest which are specified for the purposes of this section by order of the Governor in Council published in the Government Gazette, or within half a mile of the boundary of such reserved forest of any such portion of a protected forest and without being authorised in writing by a forest officer to do so —

(a) lights or kindles or knowingly causes to be lighted or kindled any fire in consequence of the lighting or kindling of which any forest produce is burnt or injured or is in danger of being burnt or injured; or

(b) leaves any fire lighted or kindled by him or to his knowledge by his agent or employe or otherwise without previously taking all reasonable precautions to prevent it spreading or causing injury,

shall be liable to the penalties prescribed.

THE COMMISSIONER: Do you know whether the Forests Commission has advised mill owners or any other persons in the bush of this side of the law? Has it ever sent them out notices or anything of that kind?—No.

Do you get an annual notice about the proclamation?—It is just advertised.

MR. GOWANS: There are certain months during which burning cannot be done in reserved forests.

THE COMMISSIONER: That is static and statutory. There is a yearly proclamation as to special days. Do you get a copy?—I would suggest that a poster of every proclamation be put up every year.

Do you get it?—No. There are no other means of knowing except what
a Forest Officer tells us.

You suggest that it could be put up in a prominent part of the town or on the roadside?—Yes. At a hotel, for instance.

That might be a good place. It is where you hear all the news, as a rule. However, if you are working in the bush, you have to find out the law?—Yes. It is no trouble to find out if you want to do so. I was not aware that the date was the 1st of November every year definitely. I thought that they could alter it according to the climatic conditions of the season.

Is the Forests Commission in communication with millers during the year?—Only through the local officers. They visit the mills every week.

They could deliver notices of that sort?—Yes.

MR. GOWANS: Has Your Honour looked at the section recently? The more I read of it, the more difficulty I find in understanding what it means. The point I am making is that, even if Mr. Barton did know the existence of the section, it would be very doubtful whether he would know exactly what his obligations were.

THE WITNESS WITHDREW.

(Luncheon Adjournment)

(Continued on page 333)
JOHN RUSSELL POWELL GILL, Sworn and Examined.

MR. GOWANS: You are an employee of the Forests Commission stationed at Marysville?—Correct.

You are employed as a Foreman Forester?—Yes.

You have been employed by the Forests Commission for eight years?—That is so.

You have to carry out the duties of a fire guard?—Yes.

It is part of your duty to look for fires in the areas under the jurisdiction of the Forests Commission, and to put them out when necessary?—That is so.

We have heard something this morning about fires in the Marysville and Narbethong districts in November and December of last year.

Which were they?—There were various fires right from October.

A fair number of them?—Yes; not in the forests, but on private properties adjoining the forests.

Did you have any in forest areas?—Yes.

Where?—At Barton and Cameron's mill.

Was that extensive?—No.

When did it occur?—On the 19th of October.

Did you find out the cause of it?—Yes. They were burning heads at the mill, and the fire got away.

How long after it got away did you get on to it?—Immediately, as soon as we saw smoke.

How long did it take you to put it out?—We were there for four days.

Did any prosecution follow?—No. It was before the Act was proclaimed, before the 1st of November.

It was quite a lawful fire?—I should say it was.

Was it dangerous to burn off at that time?—This year it could have got away, which to some extent it did.

Were there any precautions that could have been taken that were not taken to prevent it getting away?—It occurred in October.

Usually October it is impossible to burn. They did not think the fire would get away.
Was that the only fire you had in forest areas?—Yes.

What are the main ones you had in other areas of any size?—Several private properties were burned, practically from Buxton to Narbethong.

Were they accidental fires resulting from burning off?—They were evidently lit because no one gave us a hand to put them out.

They were not within your area?—Yes, they were.

You mean, they came into your area?—No. My area round Marysville extends to Buxton and Narbethong.

Did you cause any inquiries to be made?—Detective Craig made inquiries.

Did any prosecutions follow?—Not that I know of.

Is Detective Craig stationed in this area?—He was brought here by the Forests Commission to investigate.

About what time was he here?—That I cannot tell you.

Before Christmas?—Yes.

Do you know of a fire near Herron’s mill?—Yes, I attended it.

What caused it?—I would not like to say definitely. It was on private property and Forests Commission employees put it out.

Were inquiries made with regard to it?—Yes, I think by Detective Craig.

About what date was that?—About the 14th of November.

Do you think it would be still burning about the 19th of November?—It could have been smouldering. We were there for four or five days. Some of the Commission's employees would be there on the 19th of November.

Did you get it out ultimately?—It was safe. It could never be put out without rain.

Did you not take steps to put it out with water?—Yes. All burning stumps were sprayed with pumps and men were left to patrol the area.

You heard me this morning read from a letter sent to the Commission to the effect that on the 19th of November a stump 10 feet high was burning apparently from this fire. I suppose you would put that out if you saw it?—If it was inside the burn, it would be put out that night.

Do you know anything about the fire towards Mount Strickland?—That was,
I dare say, the same fire.

They are referred to as separate fires. Do you think they were possibly the same fire?—Yes.

Are Anderson’s mills up that way?—In a direct line. The smoke from them and the Acheron fire could be misleading.

How far is Anderson’s from Hermon’s mill?—In a direct line, two miles.

Was visibility affected by smoke?—Yes. Visibility was not too good.

Can you understand anyone saying that there were practically no fires in the district at that time?—No, I cannot, unless they did not go out.

Do you know the fire near the Buxton road?—Yes.

That was burning off under your supervision?—I did not give permission to burn off.

Did you make inquiries about it?—I found out that it was burning.

I patrolled it, and rain came that night and extinguished it.

When you find that a fire has been started without permission from you, what do you do?—See what information I can get about it.

Do you find out who lit it?—The District Officer, Mr. Ure, of Taggerty, does that.

Do you know the result of any action he took?—I do not know.

Do you know of any prosecutions that followed?—No.

Do you find the people in Marysville ready to render assistance when you go out to fires?—To tell you the truth, they have not been. This is the only fire at which they have given assistance.

When you want assistance, to whom do you apply?—I ring up the District Officer immediately, and go to the mill and commandeer the mill men.

Do you pay them?—The Commission pays them if they are commandeered.

Are you sure of that?—Positive. I am instructed by the District Superintendent to call on mill hands for assistance.

I mean, are you sure the men are paid?—I do not know about the pay at all.

If you want more men, to whom do you apply?—I have never had occasion to until this year. Then I went to the police.

Why do you not go to the police at the start?—Then there are Forest
Officers in the district, they attend to fires. The police are there in case there are no forestry officers.

Is it because you find that you do not get assistance from the police that you do not go to them?—Certainly not. When there is no forestry officer, the police are always notified. When the forestry officer is notified first, he goes to the police.

Do you get all the assistance you require from the police?—Absolutely. And you find general apathy on the part of the local inhabitants?—That is so.

Can you suggest any organisation that will help you?—No, I cannot.

Do you know whether representations have ever been made to the Forests League regarding the burning of breaks around the township?—I do not; I have never applied to them.

I suppose you were concerned with the fire that came through here on the 8th of January?—Yes.

Where were you?—At the foot of Mount Gordon.

What direction is that?—West. It is a range running north and south.

Between here and Healesville?—Yes.

What position relative to Black's Spur?—North east.

Do you know how that fire started?—I do not know for sure, but I have my opinion.

Can you express your opinion without mentioning names?—I definitely think it came from Toolangi.

When did you go there?—About the 8th.

About what time?—At 1 o'clock I was on Mount Strickland, and there was no fire in the district. The fire came from Toolangi, 15 miles away, between 2 and 3 o'clock. Burning bark was raining on the town all Sunday morning.

Are you of opinion that the whole of the fires in this area on Sunday, the 8th, came from Toolangi? What about the Rubicon fire?—I cannot say. One could not see more than a few hundred yards.

Have you been able to form an opinion as to whether the Rubicon fire joined with the Toolangi fire?—I think so, but I have not formed a
definite opinion.

Did you have enough men in the circumstances for fighting operations?---

We had it under control on the Monday.

When did it get away?---On Tuesday, about noon, under the influence of a
north westerly wind.

What were the conditions on that day?---Bad.

Did you have your own men with you on the Sunday?---Yes.

Anyone else?---About 33 of Anderson's men, some of Feiglin's men, and as
many more as we liked to call on.

They were men from the mills?---Correct.

Did they come of their own free will?---We did not have to call on them.

Do you know most of the mills round this area?---Yes.

Have most of them dug-outs?---No.

What are the names of these that have dug-outs?---Feiglin's No. 1 and 2,
and Anderson's are all I know of.

Tell me the names of some that have not dug-outs?---I cannot say that they
have not dug-outs, but I have not seen them.

Tell me the names of some of the mills where you have not seen dug-outs?---
Barton and Cameron, Vic Oak, the Northern Saw Milling Company,
Fadgett, Bromfield, and the Buxton Saw Milling Company.

You have no power to require them to put in dug-outs?---No. That is the
affair of the District Forestry Officer.

In your opinion, should those mills have dug-outs?---Yes.

All of them?---All but one, the Vic Oak.

Why do you except that?---It is on the main road and the river passes by
it and there is a golf links opposite covering 60 to 100 acres
of land.

Did you hear Mr. Barton say that they did not require a dug-out?---I think
that is right, too. I do not think a dug-out is necessary
there.

You have some doubt about it?---Yes, I do not think with this fire it was
safe.

Assuming the mill went up in a blaze, do you think there is sufficient
safety in the river to enable the people to hide?---There are
roads and fire breaks and no big timber.
Would fire breaks be any good?—In this year, they would not provide complete safety anywhere.

If there was another fire like this one, would a dug-out be needed at Barton’s mill?—They would be a good deal better off with it.

Have you any idea as to the construction of dug-outs?—No. I do not know much about mining. There should be no timber about a dug-out, and the pillars should be of concrete for preference.

(Continued on page 343).
MR. GOWANS: You did not inspect those dug-outs?—No.
The provision of dug-outs could be made a condition of the licence?—
It could be.
You have given no instruction to see that there are dug-outs?—These
things are for the district officer.
How far did the fire go in your area in this direction?—It went 3 or
4 miles.
Did it go to Warburton?—There was a lot of Board of Works country
not burnt.
Is it necessary to have more breaks around Marysville to ensure its
safety?—Now that it is burnt, the Crown land is a
menace. That is, the Crown land northerly and
westerly. The only place the Forest Commission touches
is southerly and it should be cleared up.
It is unoccupied?—There is Crown land and there is the natural scrub
growth.
It is pretty thick?—Reasonably thick.
MR. KELSO: I am puzzled about the direction of the fire. Marysville
is north east from Toolangi. Toolangi is nearly south-west
of Marysville. Your theory is that the fire was driven
from Toolangi by a northerly wind?—It was a westerly on
Sunday.
Was the wind south by west?—I didn’t take that much notice. Smoke
was coming over Marysville in thick volume from the Toolangi
area.
Was the wind westerly or south-westerly?—It chopped around.
You see the Board of Works area marked on this map?—Yes, there.
It is much nearer to Toolangi. From Toolangi it lies south east, and
is marked there, (indicating on map)?—Yes.
On Sunday if the wind was northerly and inflammable stuff was picked up,
why was it not deposited in the watershed?—Perhaps the
wind did not take it there.
If we assume that the wind was westerly, you would expect the area
which is nearer to Toolangi to be burnt?---Yes.

Have you any way of explaining this?---The way the plan is is different from the way in which the fire was. That would make it due west from here.

There is Mt. Strickland (indicating). Marysville is north of Mt. Strickland?---Debris was falling in this town.

Did you see any on Mt. Strickland?---No.

Can you explain how a fire from Toolangi could have ignited the bush in the vicinity of Mt. Strickland and not ignited the bush in the Board of Works area which is in a direct line on the map and is very much closer to Toolangi?---It did not light up Mt. Strickland. It hit the plantation and travelled over the range and Mt. Gordon.

Did the fire go near Mt. Strickland - near Anderson's Hill?---The main fire came up from Mt. Strickland. It was not blown from Toolangi.

How did the fire in the Acheron Way which went into Anderson's originate?

In my opinion it went from Toolangi.

On what day?---It did not go into Mt. Strickland until Tuesday.

Is the witness correct who stated that there was a fire in the Acheron Valley on Sunday?---I was there.

Was there a fire in the Acheron Valley on Sunday?---There was no fire on Sunday to my knowledge. You are not getting mixed up with the Acheron Way and the Acheron Valley?

I mean any part of the Valley?---I thought you meant up the Acheron Valley.

Any part of the Valley up to the Gap?---There was nothing in the Valley on Sunday to my knowledge.

It was stated by a previous witness that the fire at Chum got away and was fought on Sunday the 8th of October?---You mean the 8th of January. That is Mt. Gordon; that is not near the Acheron Way.

Then there was no fire in the Valley south of Narbethong towards O'Shanassy on Sunday?---South of Narbethong?
Many part of the Valley?---There was no fire nearer Mt. Gordon.

You know where you cross the Acheron river.

Is Mt. Gordon near the plantation?---No. You know where Anderson's is.

Perhaps a forest officer can clear this matter up?---It is the last hill coming into Marysville as you cross the Acheron.

There seems to be a misunderstanding but I think I shall leave it.

Was there any burning in this area in November?---There was on private property in November.

And many trees were burnt in that month?---Yes, on private property on the Acheron Way.

Was there a fire at Mr. Barton's mill?---Not in November but in October.

Were you satisfied that the burn in the Acheron Way on private property was safe?---Yes.

Although a fire got away in October?---Yes. One got away before we got control. No fire that we have controlled had broken out again.

In ordinary years, how often have you taken action to call for mill men to assist in putting out fires?---This is the first year that I have had to call on mill hands; we have about 40 in the district.

Are they regular employees every year?---Yes, or there is that number.

And men who work in the plantation and Narbethong district?---Yes.

Mr. Cowans: You have suitable equipment for fighting fires?---Yes.

How do you get on for transport to take men out to distant fires?---There is the Forest Commission's trucks. There are two trucks. A man who works for the Commission is paid to cart men out.

And the Commission pays even when it is a case of going to fires outside its area?---Yes.

Mr. Lawrence: Do you engage on fire patrol duties during the dangerous months?---Yes.

Will you tell us what that involves?---Riding on horses over the
highest ridges. Whenever smoke is seen, the district survey officer is notified by telephone and men proceed to the spot immediately.

Do you proceed to the scene of the outbreak immediately?---After I have rung up the district officer.

Do you give any indication of the number of men you want?---Usually it is a little fire and we get on to it before it reaches any dimensions.

Do you make contact with the police?---I could telephone the local police officer. I have authority to take out mill men.

Is that the limit of your instructions?---From the Forest Commission, but I can commandeer the men or trucks required.

What do you mean by "commandeer"? Is that used in a military sense?---Ask them to go.

If they will not go?---They are compelled to go.

If they asked to be paid, what happens?---The Forest Commission would pay.

Have any of the mills in this district got saw dust retorts?---All the mills in this district.

Are any of the burners operating with forced draughts?---Two.

Have you ever known a fire to get away from one of those burners?---Not from a forced draught burner.

Is there the remotest possibility of that happening?---It is very doubtful. I don't think so.

You think there is a remote possibility?---No, I don't think there is that. They are enclosed.

THE COMMISSIONER: There might be some overflow from the enclosure?---Not in this district.

Why are they different in this district?---I can't say.

Is there any reason?---Their burners may be better. Some are bricked out, and others are boiler cases.

The sawdust is never exposed to the wind?---No.

What would the enclosure be?---There must have been a forced draught at Hermon's.
What was wrong there?---It was an open dust heap. The fire ran over and straight into the bush. That was on private land.

The fire went over the sawdust heap straight into the bush.

When did that happen?---That was last year. I am pointing out that last summer they got away from the open dust heap.

And the fire escaped into the bush?---Yes.

What do you think of a man of 40 years' standing who said he had never seen a fire get away from a sawdust heap?---I say that is impossible.

(Continued on Page 353)
MR. LAWRENCE: You are speaking of your experience in your own district?---

That is so.

THE COMMISSIONER: A much shorter experience than in the other case. I can see what is happening in this inquiry, Mr. Lawrence. The evidence confirms what I thought previously. It is not much good bringing forward these hand-picked witnesses, each one patting the other on the back. We are not getting anywhere near the truth.

MR. LAWRENCE: We are definitely offering the evidence of most reliable men, and I am quite prepared to call any officer that Your Honor wishes to be called.

THE COMMISSIONER: It is a solemn farce going on day after day with the sort of witnesses we have had. Some witnesses have departed from previous evidence, and so on. I am not referring particularly to the present witness. However, you may proceed.

MR. LAWRENCE (To Witness): Are any mills in this district operating on private land?---Yes, but not at present. There was one - Herson's on the Acheron Way; the mill was located and cutting on private land.

Did that mill have a sawdust burner?---No.

What is the position regarding the disposal, by burning, of mill heads on private land?---There is none that I know of.

MR. GOWANS: You told us that the sawdust heap had caused a fire on Herson's mill twelve months ago?---It may have been longer than that.

As the result of there being no burner?---That is right.

And that is still the position?---They have shifted their mill, but there is no burner where they are at present.

Do you know if any action was taken to see that they had a burner?---There was none that I know of.

Have you any idea who job that is?---The District Officer or Forest Officer.

In this case, it was on private land?---Yes.

May we take it that you people would have no jurisdiction to require them to do anything?---I think the Commission has the power.
How far away from this mill is the Commission's area?---It adjoins it.
Is it a reserved forest adjoining?---A permanent forest.
I suppose it would be obvious that so long as there was no burner at that mill there would always be danger so far as the Commission's forest is concerned?---That is so.
I suppose it would not be your responsibility to do anything but report it?---I would report it, and then go and attempt to put it out.
To whom would you report?---The District Forest Officer.
Mr. Ure?---I fancy that Mr. Ure was here at that time, but I would not be sure of that. I would report either to him or Mr. Gerraty.
Do you know if the fire which occurred at Hemans in November last year had anything to do with the sawdust heap?---I do not think it did. The dust heap was not burning to my knowledge.
Mr. Kelso: Would you explain for the information of the Commission the practice in the mills of which you have knowledge in disposing of the mill waste - the off-cuts?---The edgings are burnt at the side of the mill.
When?---As they come off the saw.
During the summer?---Yes.
Would that be right throughout the summer?---Yes.
In view of that, do you think that the elaborate precautions taken about sawdust are justified?---There has to be a draught to burn wet sawdust, but not so with edgings.
They will burn easily?---Yes.
So that the purpose of the equipment for the dust is to make it burn?---It is to dispose of the dust.
These off-cuts are burnt in the open throughout the summer?---Yes.
Is there any risk of that getting into the bush and starting a fire?---Very little. Usually there are clearings.
Apart from that, is there any risk?---I think there is a remote chance, but not to my knowledge has anything got away.

THE WITNESS WITHDREW.
MR. GOWANS: You live on the Blacks Spur near Narbethong?—Yes. I am Assistant to the Forest Officer stationed at Taggerty.
I am stationed at Narbethong. I have had three years school experience.

What qualifications must you have to become an Assistant Forest Officer?—It is a period of service and experience.

Do you mind telling us what experience you had before you became an Assistant Forest Officer?—I had three years training at the Forestry School, Creswick. I had been stationed at Bendigo for a short period, and I had been under Mr. McRae and Mr. Kitchener at Yarrum for two years. I have been up in the Taggerty and Narbethong districts for approximately sixteen months.

Where did you come from originally?—I am a city boy.

Do you know the mills round here?—I do.

These mills were all burnt out—Anderson and Rowe No. 1, Feiglin's No. 1 and No. 2, Hornon's, Padgetts' and the Srica Hardwood Company?—I am not certain about the last.

I understand these mills were not burnt out—Anderson and Rowe No. 2, Mens, Bromfield's, Drain's, Cameron and Barton, Vic. Oak and Murdoch's Little Wonder?—That last one is commonly called the Narbethong Saw Mill.

Of those which were burnt out, how many did not have dug-outs? Did Anderson and Rowe No. 1 mill have a dug-out?—I cannot say definitely.

Did Padgetts'?—He had none that I know of.

We know that Feiglin's No. 1 and No. 2 had dug-outs?—Yes.

Do you know if Anderson and Rowe No. 2, the mill which survived, has a dug-out?—I do not think it has.

Has Mens's mill?—Not that I know of.

Are you prepared to express an opinion as to whether Anderson and Rowe No. 2 mill and Mens's mill require dug-outs?—Yes. In my opinion, they definitely need dug-outs.
THE COMMISSIONER: What age are you?—Twenty-three years.

I am not suggesting that that makes your evidence any the less valuable.

MR. GOWANS: Do you think that Bromfield's mill needs a dug-out?—I think it would be advisable.

Have they any water in the neighborhood?—There are two creeks, and it is reasonably clear.

Does Drain's place need a dug-out?—I am not familiar with that.

What do you say about Cameron and Barton's mill? Do you think that needs a dug-out?—It is doubtful. I would certainly be happier if there were one. If I was doing it, I think I would have one. I do not think that Vic. Oak needs one.

And Narbethong Saw Mills?—I would advise one there.

Do you know if the Forests Commission takes any steps to make these mill owners provide dug-outs?—Yes. I personally, under instructions from the district officer, have requested that they do so.

Have you requested all these mill owners to provide dug-outs?—At various times.

What have you done when they did not do so?—I have reported it to the district officer.

How long ago would it be since you received that instruction from the district officer to require these people to provide dug-outs?—I do not know that I received it in this district, but in other districts I have been in it has always been the custom to request dug-outs or to have a look for them.

You have definitely gone round for the purpose of seeing whether these people in this district have dug-outs?—Yes.

Have you reported the fact that many of them have not?—Only verbally.

Were you given any instructions as to what to do?—I have had no instructions given me.

So far as you are concerned, that is the way the matter has dropped. You have simply reported it to Mr. Ure, and received no further instructions since. Many mills are still without?—Yes, that is so.

THE COMMISSIONER: Do you know whether anything has been done following your report concerning the lack of dugouts?—I have heard nothing
Something may have been done but you may not have heard of it?---Yes.

MR. GOWANS: Do you know that it is still the position that these places you have mentioned have not got dug-outs; how long is it since you have seen them?---I visited the mills up to a week of the big fire.

Can you say how long ago it was that you verbally reported this matter to your superior officer?---I could not.

Was it one, two or three years ago?---Within the last twelve months. I should like to make it clear that these reports have been in the nature of personal conversations - just a remark to the effect "Have so-and-so a dug-out? I have not seen it", or something like that. It was not a formal notification of lack of dug-outs.

THE COMMISSIONER: Just sufficient to bring it to your officer's mind?---Yes.

Without perhaps impressing it with sufficient force?---Yes.

Apart from your report, would he in any case have known that for some time past they had not had dug-outs and that you were merely reporting that they still had not got them?---I think so.

MR. GOWANS: Are you able to say that he was still considering it as a matter of importance?---I am not able to say.

I understand you carried out fire fighting operations here during the big fires in January?---I did.

Did you have all the men you wanted?---Yes.

Why did you hesitate in replying to my questions?---I am in a rather peculiar position. I am responsible to the District Forest Officer, and at that time I had no possible chance of controlling any fire in my district, under the weather conditions. You see, I have needed several thousand men, on a conservative basis, to put out the fires in my district.

I was not putting the matter to you in that way. Did you have enough men for the purpose for which you required them?---Yes.

Were they all Forest Officers, or men of the Forests Commission?---Yes.

What has been your experience in regard to local inhabitants at
Marysville? Have they always been prepared to give assistance or have you found them apathetic?—What little experience I have had with them, they have been apathetic.

Did you have sufficient equipment to fight your fires in January?—Yes.

You followed the track of the fire which came across from Toolangi?—Yes, I did.

It was that fire which burnt Feiglin's No. 1 mill?—I believe so.

Mr. Kelso: Did you observe or go along the Acheron Way on Sunday, the 8th, or Monday, the 9th?—No.

You did not even observe the position there from the distance?—I was passing the mouth of the Acheron Way both on the Sunday and on the Monday.

When you say "the mouth", can we be clear that that is where the big overhead notice board is?—Yes.

On either the Sunday or the Monday, did you see any sign of fire at all in the Acheron Way, looking along it from that board?—No.

The visibility was limited to 300 or 400 yards.

Was it as bad as that on the Monday?—I would say so.

(Continued on page 359).
If a witness says that Monday was clear, is that wrong?—Not necessarily.
Conditions varied in different parts of the district on that day. I was at Taggerty and came back through Marysville.
Some of the places on the route were very dense, and others were comparatively clear.

Did you go as far as Black’s Spur on Monday?—No.

When do you suppose the fire jumped from Toolangii into Feiglin’s No. 1?—On Tuesday.

It is your belief that there was no fire within a few miles of that locality on Monday, the 9th?—Not at all.

What is your belief?—The Narbethong plantations are in a straight line from Feiglin’s No. 1. It would not be more than three miles, in my estimation.

How far from the overhead notice at the entrance to the Acheron Way is the entrance to Feiglin’s No. 1 mill?—Approaching three miles.

Excepting entirely the Narbethong plantations, which are not under conditions, is it your opinion that there was no fire in the Acheron Valley upstream of the overhead gate on the 9th?—That is my opinion.

MR. LAWRENCE: Did you leave Narbethong this morning to come to Marysville?—Yes.

What route did you follow?—To St. Fillan’s turnoff, and about one and a half miles to the north of Narbethong over the Acheron hill.

Did you see a fire burning on the western side of Narbethong near St. Fillan’s on the Taggerty road?—I did.

Did you take any steps to investigate?—Not this morning.

Why?—Because I had previously given permission to men to burn.

Had they sought permission?—Yes.

Did you inspect the site before you gave permission?—I did.

Have you advised the District Officer?—Yes.

And consulted with him on the matter?—Yes.

THE COMMISSIONER: When did you know that you would be wanted to give evidence?—Yesterday morning.

THE WITNESS WITHDREW.
HAROLD BENTLEY, First Constable of Police stationed at Marysville, Sworn and Examined.

MR. GOWANS: Have you been here very long?—This is my second occasion here. I was here in 1929, 1930 and 1931, and I have now been here since 1934.

Have you, prior to this, had experience of fire fighting and of the taking of precautions against fire?—Not in this class of country, but more in grass country.

What are your instructions generally with regard to assisting in fire prevention and fire control?—In the event of a fire breaking out, our duty is to try and find the culprit.

Have you any duties with regard to giving assistance in regard to controlling fires?—We have. Protection of life is the first consideration, and then protection of property. We also endeavour to organise parties to cope with the fire.

When you receive information that a fire has broken out some distance from the town, do you always take some steps in connection with it?—Yes.

What steps do you take?—In the present circumstances in Marysville, I generally get into touch with the local forestry officer, and then endeavour to organise a party to cope with the fire.

You have no definite fire fighting body here?—No. There is no brigade actually, and the only equipment is that of the Forests Commission.

Does it amount to asking individuals to come with you?—Yes. Usually they supply their own tools when forestry tools are not available.

Do you know of any arrangement for their payment?—No.

Do you find difficulty in obtaining the services of people for a fire some distance away?—It depends entirely on the class of fire. If there is any possible danger, I can usually obtain people.

Do you regard the putting out of a fire as your responsibility first, or as the responsibility of the forestry officer?—Actually,
the forestry officer.

We know that a number of fires broke out in this district prior to Christmas. Did you make any investigations into their cause?---No fires were reported to me as having broken out before Christmas.

What about the one at Hermon's mill?---No.

Did you know of any fires in your area?---I knew of one at Hermon's mill on the Acheron Way.

Did you make an investigation into the origin of that fire?---Yes.

Did you find out the cause?---No.

Was not anyone able to give you any suggestions as to the cause?---I think they were of opinion that it might have come from the sawdust heap, but that was only theory.

Was there an open sawdust heap?---Yes.

Did you report that to anyone?---No.

Did you regard it as a source of danger?---The Forests Commission controls the mills, and we do not usually touch them.

Was this mill working on private property?---Yes.

Did you know that forestry officers have no direct control over that?---I did not. I thought they controlled all mills.

No one seems to have any definite idea who has control in this district.

Is that your experience?---That is so.

You have heard of fires on Mount Strickland in November. Was that the same as the Hermon's mill fire?---I cannot say.

Did you hear of that fire?---I did not.

Apart from Hermon's, did you make any investigation, apart from any report you may have presented?---No.

Would not that come within the purview of your duty?---If there is a fire about, I get into touch with the forestry officer, and if he has given permission for the fire to be lit, we leave it at that.

Do you know whether permission was given by forestry officers for any of these fires to be lit?---I do not know.

What about the fire on the Buxton road in November, near the big guest
house? Was that lit with the authority of the forestry officer?---I was led to believe it was.

Who led you to believe that?---Nobody reported to me of its having been lit. It is usual in the event of a forestry officer not having given permission to notify me.

Did you hear Mr. Gill say that no authority was given?---I did not, as a matter of fact.

Have you been to various mills in the neighborhood of Marysville?---Yes.

Have you found many open sawdust heaps?---No.

Any at all?---No, other than Hermon's.

Do you concern yourself about the provision of dug-outs?---I do not.

THE WITNESS WITHDRAW.

THE COMMISSIONER: Have you any further evidence to call this afternoon, Mr. Gowans?

MR. GOWANS: I have another witness here, but as his evidence would be corroborative of evidence already given, I do not think it is necessary for me to call him.

THE COMMISSIONER: I have no wish to overload the Commission by piling up corroborative evidence. Have you knowledge of the purport of his evidence?

MR. GOWANS: Yes. From my point of view, it would be entirely corroborative.

THE COMMISSIONER: Is he an expert witness?

MR. GOWANS: Yes. He is an officer of the Forests Commission of long experience.

MR. LAWRENCE: The Forests Commission has further witnesses who can be made available if this Commission wishes to hear them. It is a matter for the Commission.

THE COMMISSIONER: I do not think you need call the witness now.

At 3.25 p.m. The Commission adjourned until 10 a.m. on the following day at Healesville.
Pre fire Measures in Forest Areas

Control Burning.
Marginal breaks.
Land resumption.
Fire breaks and trails.
Roads and tracks.
Water Conservation (dams).
Dug Outs.
Top Disposal.
Mill waste (sawdust and edgings).

Detection.

Observation:
(a) Lookouts.
(b) Forest patrol.
(c) Aerial spotting.

Communication:
(a) Telephones.
(b) Wireless.

Forecasts.

Suppression.

Equipment - Type Distribution.

Men Power
(a) Permanent Labor
(b) Labor Reserve

Transport.

Grazing Control.
Mining Control.
Control of Tourists.
Silviculture in relation to fire protection.
Control of burning by landholders.
Control of visitors in relation to fire.
Author/s: Victoria. Parliament

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Date: 1939

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