(Seventh 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

THE SHIRE HALL,

HEALESVILLE,

on

Friday, 10th February, 1939.

Present:

HIS HONOR: JUDE SEDDON, Royal Commissioner.

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. A. D. HARDY: Appeared on behalf of the Forests League.

JOHNATHAN CHARLES JAMES MARRIOTT, Sworn and Examined.

MR. GOWANS: You are a farmer living at Healesville?—Yes.

Where is your farm?—My homestead is at Greton Grove, near the town, but the farm runs to the Yarra Bridge on the main Healesville road.

What properties adjoin yours?—On the south west side, starting from the Yarra, there is portion of Coranderrk. Mr. Taylor
has 25 acres, and Mr. George Hume, a butcher, has 25 acres. There is a reserve for a rubbish tip for the Shire of Healesville, and there is the Rouch Saw Mill. Next to that is Mr. Ashmore's property.

THE COMMISSIONER: How close to the town does that bring us?---Following that is the Warma brick guest house.

MR. GOWANS: How far is your home from the Shire Hall?---My front gate is the last box for postal delivery. It is approximately a mile.

Have you had any fires through your property in the last twelve months?---Yes.

When were they?---The first would be last summer, down by the Yarra. The fire got off the reserve and into a small portion on the river.

Do you know the cause?---No, unless it was week-end campers.

Did you cope with that first?---We have a method of ploughing round the boundary fence or rotary hoeing.

What was the next fire you had?---The next that season was in the paddock adjacent to Rouch's timber mill.

When was that?---In the Christmas holidays twelve months ago.

What was the cause of that?---As far as we could ascertain, it got away from the sawdust heap at the timber mill.

What is the condition of the sawdust?---I have been there when it has been almost bare and when there has been a heap of sawdust as big as a house. They build a cone of loose bricks. The bricks do not touch one another, and they pile the sawdust over that. I believe they have a blast pipe or steam pipe from the boiler under the centre of the cone of bricks to provide a draught and assist the burning. The draught causes the sawdust to burn like a blacksmith's forge, with a roar from the centre. You can see the sparks going up at night time.

Does it burn all night?---It burns for weeks without cessation.

Is there protection round the heap to prevent the spread of the fire?---None whatever. Sometimes it spreads one way, and sometimes
another. Sometimes they tidy the place up, and sometimes it is left.

If you have a wind from the south west, is your property in danger from the sawdust heap?—On Sunday, the 22nd, the wind came from the south west about 2.30 o'clock and brought the fire through Ashmore's property.

Does a wind from the south west put your property in danger?—Either from the north or the south west. Rouch's property is in a sort of L of my property. If the wind came from the north, it would blow the fire on to one paddock, and if it came from the south west, it would blow it on to another paddock.

THE COMMISSIONER: The saw mill is in the angle of an L made by the boundary of your property and another property?—It is the boundary of my property on the south west and of Ashmore's property on the north west and the north east sides.

MR. GOWANS: Did you get notice from Rouch's mill when they were burning off?—They never communicated with me in any manner about the fire or anything else.

You have told us about one fire. Have there been other fires since then?—The one occurred on the 22nd of January, between 1.30 and 2 o'clock.

Was it a hot day?—Very warm.

Was it a north wind?—No. The wind came from the south west.

What happened on that day?—My brother from Mordialloc had been assisting to fight bush fires. He, his son, and a young lady who was sick came to have a look at the bush fires. When we were finishing dinner between 1.30 and 2 o'clock, the 'phone rang, and I was told that my paddock was on fire. My boys, my brother and his son got into a car and rushed to the paddock. They took water and beaters with them. I rang the police station. Mr. Slatter told me that the fire bell had been rung and that the brigade and a big crowd of people had gone up. I walked there myself.

Did you get the fire out?—When I got there, a number of people were
beating the fire out.

Did you get the fire out?—Shortly after I arrived there, they got the grass under control. It took a couple of hours to put the fencing posts out.

Was there any danger to the homestead?—If the wind had gone round, I would have lost the whole of my grass.

Was there any danger to your house?—Not at that moment.

Supposing your place had been burned, would there have been danger to the township?—If they had not subdued it, it would have gone clean through the town.

Have you made any complaint to the management?—Last year I asked them why they allowed it to go on. I did not complain to the management, but to the men in the yard.

Did you make any complaint to the police?—Not at that time, but in bush fire week, I complained to Mr. Slater. I said "Is it a fair thing for them to be burning there continuously?"

THE COMMISSIONER: Was that a fact?—It was a fact. It may still be burning now. I thought they must have had permission from the Forests Commission to burn in that manner.

MR. GOWANS: You have not approached the management itself?—Only the men working in the yard.

Did you ask the men to pass on any complaint to the management?—Not definitely.

MR. LAWRENCE: Do you know whether the mill of which you speak is within the boundaries of the township of Healesville?—It is not inside the mile distance.

THE COMMISSIONER: Not inside it?—It is not within the postal delivery.

How far do you think the saw mill is from the post office?—More than a mile.

Less than two miles?—Yes.

MR. KELSO: How far from the sawdust heap is the nearest part of your boundary?—Roughly not more than two chains to the south west side. Coming through Ashmore's, there is a 4-acre section of land which is about five chains deep on the north east side. It is about five chains to their boundary fence and six chains...
in all to the sawdust heap.

What was the greatest distance the burning sawdust was carried into your property to start a fire?—It depends on the strength of the wind and its direction at the time. When the fire was burning on Coranderrk, it was kept under control until the evening. They thought it was safe, but shortly afterwards the wind went round to the south west like a tornado, and it lifted the burnt bush over the road.

I hoped you would be able to say how far, to your knowledge, burning sawdust has been carried in starting a fire on your property?—I cannot say.

Is the area round the mill such that it would carry a fire?—When the wind is blowing, the sawdust spreads out like sand. The sawdust will drift into a big area, especially in hot wind weather. It will creep in every direction.

Burning across the sawdust?—Yes.

When the fires got into your property, they went across the burning sawdust?—It was the creeping out from the sawdust heap to the adjacent grass.

Until it reached the grass on your property?—That was on Sunday, the 22nd. Twelve months previously, it crept into the south west side.

The fire burned from the sawdust heap to your property through rubbish?—Yes, twelve months ago. This time it came through Ashmore’s property.

About how far was the sawdust blown out from the heap?—I cannot say.

I had not been round the heap for some time. Judging by the appearance afterwards, it would have been over a good area.

Would you think the distance was a chain?—I do not think a chain, but quite a few yards.

THE WITNESS WITHDRAWS.

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ELIZABETH ELLEN ASHMORE, Sworn and Examined.

MR. GOWANS: You are a married woman living with your husband in Lilydale Road, Healesville, and your property is next to the property of the previous witness?---Yes.

Does it adjoin Rouch's mill?---Yes.

Have you had any fires through your property in the last twelve months?---A fire got to the fence about December twelve months ago.

Do you know the cause of that fire?---I think it was caused by sparks from the sawdust heap.

Did it come from that direction?---Yes.

Did the burn go back to there?---It was burned round the sawdust heap.

Have you had another fire since?---No.

What about the 22nd of January this year?---I thought that was the one you were speaking of.

Did that fire go through the property?---Yes.

And it came from the sawdust heap?---Yes.

What about the fire twelve months ago?---That burned from the sawdust heap and got as far as the fence.

THE COMMISSIONER: Where did the last fire come from?---The sawdust heap.

Did it burn from it?---Yes.

MR. GOWANS: Is there any protection round the sawdust heap?---Not to my knowledge.

Does it burn at night time?---It burns all the time.

THE COMMISSIONER: Was it burning all through January?---It was put out at the fire, I think. I do not think it was right out.

MR. GOWANS: Have you or your husband received notification from the management of the mill when they were going to light the fire?---No.

Have you ever made any complaint to the management?---I leave that to Mr. Ashmore.

Was any complaint made to the police?---Not to my knowledge.

THE WITNESS WITHDREW.
HENRY ASHWORTH, Sworn and Examined.

MR. GOWANS: You are a patrol man employed by the Country Roads Board, you are the husband of the previous witness, and you live at Healesville?—Yes.

I understand that you were not at home at the time of the fire described by your wife?—I was at a paddock that was burnt out.

Were you at home at the time of the previous fire twelve months ago?—Yes.

Did you see where it came from?—It came from the mill; nothing surer.

Did you make any complaint to the management?—I did not.

Have you had any conversations with anyone connected with the management of the mill with regard to damage from fire?—Yes.

Mr. Roux came one day, and I had a yarn to him. He asked me how much damage had been caused by the fire, and I said £10. He did not like the idea of that. I told him that I had lost all the dry feed and I had to sow clover again. He said, "I will give you £3", and I said, "That is no good to me".

Did you make any complaint to the police?—We did. My wife rang the fire brigade or someone, and the police were notified.

Have you ever had any notification from the management of the mill as to the time of the lighting of fires?—No.

THE COMMISSIONER: Did it burn all through the summer until the big bush fires?—The sawdust heap has been burning all along.

Did you not consider that there was danger from it?—It is always a danger. With another day like the one we have had, no houses will be left.

Why have you not done something about it?—What could we do? We could complain perhaps.

You have not got to think that you must live in danger because someone burns sawdust next door to you. You have your rights like anyone else?—It does not seem fair to have sawdust burning like that always. I did not know what the law was.

You can always assume that the law does not allow people to create a
danger to their neighbours and possibly to burn them out.
You have not complained to anyone?---I have only complained
to neighbours. Two or three days before the fire, I
complained to the local butcher. I said, "It does not seem
a fair thing. It will get away some day."

Did you ever complain to the mill people or to the local police?---No.

MR. KELSO: To your knowledge, was this mill burned round before
Christmas to keep it safe?---Not to my knowledge.

Can you say, to your knowledge, that it was not?---Yes.

There was grass or inflammable stuff close to the sawdust heap?---Yes.

To your knowledge, that was so?---Yes.

How far did the fire have to travel to your property?---Only a few yards.

Roughly not more than half a chain.

Where is your patrol area?---From the Yarra Bridge on one side to the
territory of the Melbourne and Metropolitan Board of Works
at Gracedale on the other side.

Have you knowledge of fires in this district generally? Have there
been many fires in this district in November and December
of last year?---A fair few. I have not seen many in
that part of the year.

Did you know there was some in December?---There was the main one.

THE COMMISSIONER: We know about the main fire. You spend your life
out of doors every day, and you are asked whether you
noticed fires in the district in December?---No, I did not
notice any; only the mill heap burning.

MR. KELSO: I thought that, as one interested in fires menacing your own
property, you would notice fires in the district?---Not to
speak of.

Not to speak of?---They might have been burning off.

THE COMMISSIONER: You saw fires, but you thought they were of no
importance?---Yes.

MR. KELSO: There were little fires about, but they were not important?---

You look for dangerous fires in the dangerous period.

Which do you reckon is the danger period?---From the end of November.

Is it a fact that you can recall little fires in November and December,
but that you thought they were not dangerous?—Oh, no.

THE COMMISSIONER: Why do you not tell us what you know?—That is all I know—about the main fire.

It seems to me that at one moment you say there were fires, then you say there were none to talk about, and then you say there were none that you took notice of?—It is awkward to explain. When burning off is taking place, I might see a fire and take no notice of it.

You are asked about the danger period?—I did not see anything that you could call fires about.

What do you call fires?—I did not see any fires.

MR. KELSO: What is the fire you would call a fire?—You may be alluding to camp fires.

Get it out of your mind that I am alluding to anything special. Think of anything that throws up smoke into the air. Can you remember anything round the countryside before the big fire?—Only someone camping on the roads.

Did you see smoke out of the bush in this neighbourhood in December?—No. I am not sure about a big fire in the ranges. That might have been burning in December.

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MR. KELSO: They would forget the big fire, but what about the little fires?---I was thinking of chaps along the roads with camp fires.

THE COMMISSIONER: You are not asked to tell us whether you saw camp fires or whether you saw a man lighting a cigarette or what you saw in your kitchen?---I thought you were alluding to a fire when somebody was boiling a billy.

When did you know you were required to give evidence before the Commission?---Only yesterday. Those are the only fires I have seen.

It has been explained that we do not mean then. From November onwards, did you see any sort of fire in the bush in the sense that scrub or bush was burning dangerously?---No.

Over all the months?---No.

When did you notice any fire?---A week before the big fire came - it would have been fully a week before then.

Where did you notice it?---Coming in the other side of the Divide.

You were here from November onwards?---Yes, I am here every day.

MR. KELSO: Were you here in the first and second weeks of December?---Yes, on this patrol.

Did you see a fire in Donnelly's Creek about the 9th or 10th of December?---No, I cannot say that I did.

You were walking up and down the roads in Healesville then?---I never saw any. I don't think it got burnt until the big fire.

THE COMMISSIONER: Do you know the forest officers in this town?---

I knew the man killed in Harbethong, Mr. West.

Do you know any of the forest officers in this town?---I might know them, but I understand they are in the forest.

Don't you meet them?---We meet the Board of Works men. I know a lot of them. I might see some of the forest workers but I don't know them.

Who asked you to give evidence?---I got notified the night before last by Mr. Hollow of the Board of Works. He said, "I think you will be wanted on Friday. There is an inquiry into the bush fires".

373. H. ASHMOR.
Did anyone mention the fact that you would be wanted to give evidence?---

On Friday I saw Mr. Marriott.

MR. KELSO: Did Mr. Hollow say you would have to give evidence?---No.

I understood him to say Mr. Marriott wanted to see me.

Who is he?---

THE COMMISSIONER: He has given evidence to the Commission.

MR. KELSO: The impression you had was that Mr. Hollow was carrying a

message from Mr. Marriott?---Jim was on his own. He said,

"I called in to let you know. I think you are wanted in

the Court on Friday".

MR. GOWANS: Did you get any instructions from your superiors as to

looking out for fires or as to taking any action in connection

with them?---No. But if there is a fire and we can give a

hand we are supposed to do so.

Suppose when you are walking on your patrol you see a fire in Myer's

Creek, would you do anything?---We might notify somebody but

we could not leave our work.

Would you notify anybody?---Yes.

Whom?---The local brigade or whomever we thought best. In the case of

a fire in the Board of Works territory, we would notify the

Board men.

You would not know where the Forest Officer was?---No.

You would not know where he could be found?---I don't know where he

could be found.

Would you notify the police?---Yes.

Would you regard it as your duty to notify somebody?---Yes, if there was

a fire. Then it is only natural for you to tell somebody.

You have no definite instruction?---No.

Who is your immediate superior officer?---Mr. Loder, a consulting engineer.

Where is he situated?---He is in Melbourne.

You have no superior officer between you and Mr. Loder?---I have what
I call my boss - Mr. Selover - an engineer who travels through. I think he lives in Brighton. All the officers come from Melbourne.

Do you see him every time he comes through? --- Generally once or twice a week.

You do not report to him about the fires? --- I have not had occasion to do so.

**THE WITNESS WITHDREW.**

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**JAMES FARMER SLATTER.** Sworn and Examined.

**MR. GOWANS:** You are a senior constable stationed at Healesville and are now in charge of the Healesville district? --- Yes.

Do you know anything of a fire that got away from Rouch's mill 12 months ago, and ran into adjoining properties? --- I cannot recall the fire that got away from Rouch's mill 12 months ago.

About 12 months ago or up to the time of the recent fire, did you have any complaints about a fire at Rouch's mill? --- I had about Christmas time.

From whom? --- Mr. Marriott complained by telephone of the sawdust burning at the mill. When I was there at the Christmas holidays, you could see no sign of sawdust burning.

Was there any sawdust there? --- It had all been practically cleared up. It might have been burning underneath.

Did you give any notice to the mill people that you were going to look in? --- No.

Did you go back afterwards to see whether it was burning? --- I did not go back until there was the fire on Mr. Marriott's property. That was on the 22nd of January? --- Yes.

Were you present on the day that the fire went through his property? --- Yes.

And you took part in putting out that fire? --- Yes.

**THE COMMISSIONER:** Did the fire come from the sawdust heap? --- The indications showed that it might have done so. Can you think of any other source? --- No.
What were the indications?---From about outside the fence in the reserve the grass had burnt through the fence into Ashmore's. The sawdust was within half a chain of the grass.

Was the burning continuous?---Yes.

You put it rather weakly when you said that the indications showed that the fire might have come from the sawdust heap. The probability is that it did?---Yes, but I have no proof that it did.

MR. GOWANS: Did you consider that there was danger to Ashmore's house or Harriott's house?---Not the way the wind was blowing.

THE COMMISSIONER: Which was it blowing?---South East.

From the south east?---Yes.

MR. GOWANS: It went away from the township?---It would catch some of the township on the bottom corner.

Did you consider that there was danger if the fire was not got under control?---Yes.

Suppose the wind changed from south east to south west, would there have been greater danger to the township?---Yes.

What steps did you take after the fire?---I interviewed the manager.

Who is he?---Mr. Grant. I spoke to him about the sawdust continually burning. He said they had to get rid of it somehow. I said, "It is a danger while it is burning." I also asked who set fire to the sawdust. I interviewed several other men at the mill in trying to ascertain who lit the sawdust, but I could not get information.

Was that with a view to instituting a prosecution?---Yes.

Have you instituted a prosecution?---Not yet.

Have you any intention of doing so?---I have reported to my superior officer, Superintendent Green.

When?---Some days ago; shortly after the fire.

That is three weeks ago?---Yes.

Does it rest upon you as to whether you institute a prosecution or must you get authority from your superior officer?---They give instructions.
In every case?—In every case.

Would it be necessary for you to get authority before you institute a prosecution?—I have authority under the Forest Commission to prosecute.

Have you any authority as a police officer to prosecute when there is an infringement of the law?—Perhaps that is too wide a question. If there has been an infringement of the Police Offences Act, would you have to get authority?—All our reports and complaints are sent to superior officers for instructions.

THE COMMISSIONER: You have been asked, whether, in the case of an infringement of the Police Offences Act, you would act on your own initiative or get instructions from a superior officer?—We nearly always report any incident to the superior officer.

Where is he stationed?—In Malvern.

MR. GOWANS: When did you report about the matter?—A few days after the fire.

I thought you said a few days ago?—A few days after the fire. If I said a few days ago, it was wrong.

THE COMMISSIONER: Do you keep a copy of your report?—We keep a note in the book that we have sent in a report.

MR. GOWANS: Can you fix the day when you sent it in?—I could not tell you from memory.

Have you the book containing the record of your report?—Yes.

Can you produce it after lunch?—I think I can.

THE COMMISSIONER: What is the difficulty?—I can produce the correspondence book.

Could not Senior Constable Hutchinson get the book now?—Yes.

MR. GOWANS: Suppose you wanted to institute a prosecution against a person for having been drunk. Would it be necessary to get authority from your superior officer to do so?—If I summoned him.

If you institute a prosecution, must you always get authority from a superior officer?—In cases of offensive behaviour, when we
when we apply for a summons, we apply to the superior officer.

Is that the invariable practice?—Yes.

Then no prosecution is instituted unless authorised by Superintendent

Green, except in arrest cases?—That is so.

Did you report to your superior officer that you thought a prosecution

would not lie?—No.

Did you report that a prosecution would lie?—I sent on the facts

I had and asked for instructions. I had the file returned
to me to make further inquiries and report.

Did you make further inquiries?—I am still inquiring.

When did you get the file returned?

THE COMMISSIONER: The witness could tell definitely with a note book

before him?—I think 8 or 10 days ago.

The officer is a busy man and this is putting a tax on his memory.

MR. GOWANS: Unless you had the man who lit the fire, did you think

you could launch a prosecution?—I thought of it.

What provision did you consider a prosecution might be launched under?

I do not want the actual section?—The Police Offences Act.

That is under section 20 of that Act?—Yes.

Did you look it up?—Yes.

Did you see that it provides:

Every person (except as hereinafter mentioned) who

ignites or uses or carries when ignited any in-
flammmable material and thereby the property of any
other person is injured or destroyed or endangered
and every person who leaves any fire which he has
lighted or used in the open air before the same is
thoroughly extinguished shall be liable for every
such offence to a penalty of not more than One-
hundred pounds or to imprisonment for a term of not
more than six months.

Did it not occur to you that you could successfully launch a prosecution

against the person for having used inflammmable material and en-
dangered the property of another person?—My difficulty was in

pinning it down to the man liable.

Is not the owner of the mill a company?—Yes.

Did you not consider that you could prosecute the company for having
used inflammable material when ignited?---I am trying to find out whom to prosecute.

THE COMMISSIONER: It is rather a question of law.

MR. GOWANS: It would not have taken long to look up the section and decide whether you could launch a prosecution?---I was trying to find out who lit the fire. I failed to do that, and I was wondering who would be the responsible party.

Apart from the prosecution, did you suggest to the manager that it would be desirable for him to put some protection around the burner to prevent it from continuing to be a danger?---I discussed it with him. I said it was always a danger in its present state when any wind was blowing.

Did he make any promise?---No.

Did you ask him to make a promise?---No.

Have you visited the mills in this district or in the Marysville district?---Not for some time.

You are not familiar with the practice in Marysville as to burning off sawdust?---No.

THE COMMISSIONER: Can you tell us whether the sawdust heap has been burning continuously all the summer and part of last summer?---It has been burning for months to my knowledge. The only time I was not sure was during Christmas time, when I was there. Apart from that it has been burning for months.

You know it is not enclosed or protected?---It is not enclosed. There are a few bricks.

It burns with a naked flame?---It has only been smouldering when I have seen it.

I am not criticising you, but did it not occur to you that there was a danger that it might have wiped out Healesville on an unfavourable day?---I did not look at it in that way. There were always a lot of men working there. I understand there was a man living on the mill at night.

You know the fire got away on an occasion?---I have no record of its getting away before.
What is your rank?—Senior. I am in charge.

How many men have you under you?—I have only one man.

You have a lot to look after?—A terrible lot.

Just refresh your memory from your book about the report. What is the area under your charge?—Roughly 40 square miles.

By how many miles by how many miles?—We go through from this side of Madam Melba's to the top of the Spur and to Ben Cairn and Glenburn.

How many people are there in the town?—The population is roughly 3,000.

Is it continuous?—At times we have more people here. We have as many visitors as that in the holiday time.

Are more men sent up there then?—Yes, at Christmas time and Easter time.

You have to attend to all sorts of things?—Everything.

MR. GOWANS: I don't think the senior is doing justice to the territory under his charge?—I think the territory is 40 miles by 40 miles. I reported on 26/1/39.

May I see the entry? The latter book contains the following entry:

208 entry. Report re fire Marriott's property and Ashmore's, 1.30 p.m. 22/1/39.

A further entry is—


THE COMMISSIONER: You do not have much crime in this district?—Not much.

MR. KILCO: In this very extensive district, you have a good deal of forest area?—Yes.

Have you a fair knowledge of the fires that break out in the district? I don't mean the big fire?—Yes. We have a fair knowledge of any fire on consequence.

I don't like that modification. Do you think you clear up most of the fires?—Most of them.

Do you receive reports about the fires?—Yes.

What was the fire position in general before the big fire occurred? Had there been many fires in November and December?—I think there were two or three fires in the district.

In which parts of the district?—There was one in Donnelly's Creek,
one at Castella and a small fire on Long Gully.

Where is Long Gully?---About 12 miles out towards Yarra Glen.

What is the general attitude of the public towards these fires?---I am speaking of the ordinary public in an ordinary year and not of a time when everybody is in danger?---What do you mean?

Do the public treat the small fires seriously?---The public do not take much notice at any time unless they are asked to go and help.

Do you treat the fires seriously?---I do.

Do you go to them when they are reported?---Yes, or else I send my man.

What is done when you go to a fire that is not serious? I don't mean you personally, but tell us what the different people do?---They usually try to put out small fires.

What does that mean?---I have seen men go out. Local men have endeavoured to check fires.

Do they check the fires?---Yes, in most cases.

And some they do not?---They do not.

What happens?---I am referring to big fires.

We were talking about small fires?---I don't know of any that have not been checked.

(Continued on next page).
Does that mean they are got out?---Yes, to the best of my knowledge.

Did you ever hear of one of those fires starting up again?---Not frequently, but I have heard of them.

What happens then?---The same procedure is gone through. Men go out and endeavour to put out the fire.

Am I right in supposing that if the fire goes out they leave it?---That is correct.

Do they do anything to see that these fires are checked?---The local people do not, but there are different bodies which have men watching the fires - they are Forest Officers and Metropolitan Board of Works men.

Suppose there is a fire in the State forest or in or near the Metropolitan Board of Works area, what is done about that?---Generally men go out to it and stay there until it is out. There is no patrol afterwards.

You say that there have been only two or three fires this year. What would be the tally of fires in this district last year during the hot season?---Do you mean up to the New Year?

Take the summer through to March?---That is, twelve months ago.

Say, November, December, January, February and March?---That will be 1937-8.

Roughly speaking, how many fires were there?---There were very few fires that year. It was the freest year for the last six years.

Would you say that there were a dozen fires?---That is as many as there would have been.

Would those fires have been attended on every occasion, to your knowledge?---Everything that was reported to us would have been.

Do you think that those fires which are considered unimportant are reported to you?---Not all of them.

Is it to your knowledge that some fires burn in this district in ordinary years that are not really given much attention?---I would say that.

Some that are given attention are not patrolled to see that they are out permanently?---They are not patrolled. If anything happens
in Crown lands or similar country, where there is no one in command, people will go out to the fire, and when it is out, they will leave it.

RE-EXAMINED BY MR. GOWANS: Can you tell me whether Rouch's mill is within the town area of Healesville?---I think it is out of the town area.

What is the population of Healesville?---Three thousand.

Did you ever see one of these proclamations?---Yes. We have one outside the police station.

Did you ever read it?---Yes.

What county is Healesville in?---Evelyn.

THE COMMISSIONER: Is this a promotion examination based on knowledge of local statistics?

MR. GOWANS: No. The question is the application of the proclamation to this particular area.

THE COMMISSIONER: I am not criticising you, but I thought that you might be at cross purposes with the witness.

MR. GOWANS: I wish to find out how far the proclamation receives publicity.

(To Witness): Have you seen it anywhere else in the township than the police station?---No, I have not.

Apparently the period here is from November, the 23rd, to the 31st of March?---Yes.

The provisions of this proclamation would apparently apply to any fire within the county of Evelyn and not situated actually within the township. Apparently it would apply up at that mill, if you are correct in saying that it is outside the town area?---I think it is outside the town area.

On the face of it, it would lead to some investigation as to whether there has been an offence under this proclamation?---Yes.

MR. LAWRENCE: You stated that you had not seen a copy of the proclamation similar to this, except at the police station?---I have not.

Do you ever visit the local post office?---Yes.

Do you ever come into the front door of this shire hall at any time?---Yes.

And you have never seen a copy of the proclamation at either of those
places?---I would not say from memory; but there may be one there.

You do not look at notice boards?---I do not take a great deal of notice of them. I have not noticed any proclamation except at the police station.

THE WITNESS WITHDREW.

EDWARD CHARLES ROUGH, Sworn and Examined.

MR. GOWANG: Where do you live?---Heidelberg.

Are you a Director of Charles Rough, Pty. Ltd.?---I am.

Is that company the owner of the mill we have been speaking about?---It is. Mr. Grant is the manager.

Do you agree with the description of the sawdust heap at your mill?---Not in every respect.

In what respects do you not agree with it?---In the first place, it is situated at least one and a half to two chains away from any other property. A break has always been kept burnt and clean, and it has always been under the supervision of the men.

THE COMMISSIONER: In spite of that, the fire has got away?---I do not think so.

MR. GOWANG: Did you ever hear of the fire?---Only the one on the 22nd of January.

Is it your belief that that fire did not come from your sawdust heap?---It is possible that it could have, but not probable.

Why?---Because the space between the sawdust heap and the next door property has been kept clear. The 22nd of January was a Sunday and the fire was practically out; it would be only a small smoulder.

Do you leave men there at night time?---There is always a man there at night time.

Is it his duty to keep the sawdust burning?---No; it is left to die down at night time.

Is it blown up before the men leave at night time?---The steam is taken off before the engineer knocks off.
I suppose that you are pretty familiar with the practice of other sawmills in regard to the disposal of sawdust?—I have never been on another mill in my life. That is not quite right. I have been on other mills many years ago, but I am new to saw milling, having been only two years in the industry up here.

Don't you think it would be desirable to have some protection round the sawdust heap?—As far as I know, it is not going to cause any trouble. What had been the practice at the mill we continued when we bought it.

You do not send any notice to adjoining owners as to when you are lighting or putting out your fire?—No.

You need not answer this question if you do not want to do so. Do you know that you are liable to prosecution under the Police Offences Act if you do not take certain steps when you ignite or put out your fire?—I did not know.

You are not aware, either, that apparently you can, under the terms of the proclamation, be sued under the Forests Act?—No.

When the senior constable saw you after the 22nd of January, did it not occur to you that something would be done about it?—I have never spoken to or seen the constable in my life.

Perhaps it was your manager?—It might have been.

Did you hear of it?—Mr. Grant mentioned it, but I did not know what day it was. He said that the constable had been down and made inquiries about the fire, but there was no great importance attached to it. The matter was casually mentioned to me by Mr. Grant.

You attached no great importance to it?—I would not say that. While the fires were burning in this district, I made a special journey up every day when there was danger. That was in order to keep our eyes on things in general, not only at our own mill, but in the bush. I was continually about the place trying to do what I could.

Was your fire going at the sawdust heap during that period?—You could not say it was going, because all the steam was turned off and a
spray of water was continually playing on it.

Have you ever seen a sawdust burner?---No.

MR. KEELSG: You cut your timber in sundry places around this district?---We fall logs in several places.

What is your practice in disposing of the heads, that is the pieces of trees that you do not take?---Last winter where we had been falling the trees and logging, the bush men cut certain portions of the heads so that they would burn, and burnt most of them.

You have on occasions not burnt the heads?---We have not burnt since early in the spring.

From what date?---I should say some time in November.

So that anything that has been cut since then has not been burnt?---That is so.

Can you recall the dates on which you cut certain timber on the property of the Melbourne and Metropolitan Board of Works?---I have been informed that it was the property of the Board, but I could not tell you that.

When would it have been?---It was in wet weather; I was there myself.

Would it have been somewhere about August?---A bit like that.

What was done about heads?---I do not know that anything was done. We were told that the men were in the Board's property, and they were immediately taken away.

Would I be incorrect if I said that the heads were burnt?---I could not say. I have not been up there to see, but I guess that they are burnt now.

Would you be in a position to say whether a fire was started by the burning of those heads long before the big fire and was put out by the Board's men?---It would be almost impossible. I could almost say that they were burnt before the big fire, but I could not swear that directly. There was a fire below where they were, and cleaned all that part of the bush somewhere about October or November.

Where did that fire start?---I do not know where it originated, but all round
the Hermitage was burnt light early in the spring. That was one of the reasons why we saved the Hermitage. I was up there on the Wednesday after the Tuesday and we had no trouble in checking it.

Were you there when the fire that saved the Hermitage was burnt around it?---I was driving up there one day to inspect the bush and I noticed that a fire was burning all around the Hermitage. That was in the spring - about the end of October or November.

Do you think that that fire ran up into this patch of timber we are talking about?---Yes.

Was it under control?---Yes. It was nothing to do with our men.

I am asking for something that you know. That fire was under control, but nevertheless ran up into this area, which is the Board's property. Is that a fact?---I did not know whether it was actually in the Board's area, but it was making up that way.

Was it deliberately allowed to do that?---I think so.

Were you there while they were burning it?---I saw it burning.

How many men were there working on it?---There were several, but I never stopped to see. It was one of those things that are usually done. The weather was cold and wet, and there was no danger.

Wet weather in October?---Yes. The ground was quite wet at the time.

The fire was allowed to run up the hill above the Hermitage?---Yes.

Entirely outside the area of the Hermitage?---I do not know exactly where the area of the Hermitage starts and ends.

Was it in the State forest and in the Melbourne and Metropolitan Board of Works' property?---It was leading to the Board's property. All along the road from St. Ronan's Well they burned all the ferns and undergrowth leading up towards the hill in the direction of your property. That was some time in October, as near as I can tell.

What is your knowledge of the fires around this district in November and December? Did you see much of them?---We saw only that one fire in the bush.

Are you up here much?---About once a week.

Would you feel that it was an important matter for yourself if you saw a
little smoke over on the hill? Would you look at it and say "That may be dangerous to someone"; I mean, before you had the experience of a big fire?---I have regarded fire as a very dangerous thing and so did my father. We have been timber people all our lives. All precautions are taken around our mill. Hoses are everywhere and we have never had a fire since we have been in business, which is a record for most timber merchants.

THE COMMISSIONER: The depression did not affect you very much?---I should like you to see our balance sheets during the depression.

MR. KELSO: Did you see fires in the hills at all during your visits in November and December?---I have mentioned the only one I have been close to.

You may see fires in the hills ten or fifteen miles away?---I have noticed fires from time to time. I noticed one in November, which appeared rather dangerous. It came from the direction of the Nyora estate, burned down towards Woori Yallock way, and it came up the hill and burned round about a place called Roberts.

You saw that the next day. Was it out?---Yes.

What do you call "out"?---You could see no signs of it except the black remains.

Was there any smoke?---No; it was out very quickly. I mentioned the matter to Robert that day, and he said it was a bit early in the year for any danger. That was about November.

Did you see any other fires in and around the districts?---I saw one over towards the Ben Cairn about the same time; I saw smoke only. It might have been in November?---Or in December. It was not after December, because we had finished logging up there.

Are the heads of the timber you took in that direction still there?---As far as I know. They were left there.

Now you are bringing the matter more into mind, have you any recollection of other fires?---I think I have told you all I can.
THE COMMISSIONER: Your knowledge on these matters is confined to the
district round here?—Yes.

Were you over the Spur and towards Marysville?—I was.

Were you as far as Marysville last December and January?—Only the
other side of Narbethong.

Did you see any fires in the hills there in, say, December?—Not that
I can recollect.

Did you see any smoke?—There was a lot of smoke. When I was up on
the top of the Spur I saw it. I cannot remember the
date. I think it would be in December.

In what direction was it?—I could place it roughly as being somewhere
near Buxton.

Past Marysville?—It would be more in the Buxton direction. May I
ask my manager, who is present? (Consults with manager)

It was before Mr. Grant took over; that would be at the
end of October.

How far from Marysville would the smoke have been?—I was only on top
of the Spur. I should say that it would have been about
five or six miles from Marysville.

You know the locality?—More or less.

Do you think that the smoke would have been visible in Marysville?—I
should think so.

Which way was it going?—It was going direct towards Narbethong.

In a southerly direction?—Yes.

Everyone has his own idea as to what is serious or is not serious.

Was it such a fire as would arouse the attention of any
person interested in our forests or in the bush generally?—
The bush men I was with remarked that it was a pretty bad
fire down that way.

You were not up again between that time and the big fire?—I have been
up here practically every week — up as far as the top of
the Spur, as far as Narbethong.

Since then have you seen any sign of other fires in the Marysville
district generally?—More to the east I have noticed several
fires burning; that is to say, I have seen smoke.
How far away?—They seemed to be south of Marysville. I do not know exactly to a point of the compass where Marysville lies.

I should think that the smoke would have been more in the direction of Anderson's mill, if you know where that is. Looking from the top of the Spur in that direction, I have seen smoke several times.

What is your idea regarding the prevention of bush fires?—I have been in the bush only for the last two years.

You said that you and your father were in the business for years?—We were only city millers.

Mr. Lawrence: Some time towards the end of October you were on top of the Spur and you have told His Honor that you saw a fairly big fire over in the direction of Marysville?—Yes. I said that it was more towards Buxton—more to the left hand side, about north west of Marysville.

Could you fix the date at all?—No. I am only being guided by the gentleman I have in the room with me, and he took on his work about the last time I was up with the last manager.

Do you know where Marysville is located?—Not to the point of the compass.

Do you know the distance from Marysville to Buxton?—I should say that it was between six and seven miles.

Looking across from the Spur in the direction of Buxton, would you not be looking very much to the west of the Marysville direction?—Slightly. Marysville lies out there (indicating on a map). There is Buxton, and there is Marysville, just a point to the right. I would be standing here on the Spur. (indicating).

The Commissioner: That is how you described it originally?—As near as I could.

Mr. Lawrence: That fire could reasonably have been fixed as somewhere in the locality between Buxton and Marysville?—No, it would be more to the west of Marysville.

But Buxton is to the west?—It is north west.

It would not be west of Buxton?—No. As near as I could tell, it would
be in a direct line with the Spur and Buxton.

Do you think that you could fix the date?—I have given it as near as I can. I have done my best.

That is to say, towards the end of October?—There is no reason for keeping the dates of things of that kind.

Do you think there is any possibility that it could have been between the 19th and the 23rd of October?—It is quite possible that it could have been.

Do you know what milling areas are situated in that locality?—There was a man named Padgett in that direction.

(Continued on page 392).
Padgett's mill is on the Black range to the west of Buxton?---I have not been to that mill, although I started to go in on the track. Look at the map and see if you can find the mill approximately in that area?---(Witness indicated a point about three-fourths of the distance in a direct line from the Spur to Buxton).

What is the title under which you hold the land for your mill?---Leasehold.

From a private owner?---Yes.

It is definitely private property?---Yes.

Has any forestry officer ever inspected your mill?---There has often been a forestry officer there, but I do not know whether he was on a visit of inspection.

Do you know whether the Forests Commission has control over your mill?---I definitely think they have not.

Do you obtain all your logs from the Crown?---Yes.

Where is your present logging area?---Behind the Hermitage on the Black's Spur.

Does that area adjoin the Board of Works territory?---It is on the east of it.

I understand from evidence that there was some trespass on the Board's territory?---Yes.

How did you come to get into the Board's territory?---We went over the boundary a few chains by a misunderstanding.

MR. KELSO: I would point out that a prosecution is pending in this matter. I do not know whether Your Honor would consider that there is any reason to refrain from discussing that matter.

THE COMMISSIONER: Has the information been issued and served?

MR. ANDREWARTHA: It has not been issued and served. It is with our solicitors at the present moment.

THE COMMISSIONER: I do not think we need take note of that.

MR. ZWANS: This matter does not seem to me to be at this stage relevant to the inquiry. As a prosecution is in the offing, Your Honor might consider whether it is relevant.
THE COMMISSIONER: The question of relevance is outweighed by other considerations.

MR. LAWRENCE: I do not propose to proceed with the point.

THE COMMISSIONER: It is not a legal attitude, but it is the proper attitude.

MR. LAWRENCE (To Witness) - I am interested in your statement about a fire in October and in the vicinity of the Hermitage. Do you know where it originated? - No.

Have you heard who lit it? - It is only hearsay. I saw it burning.

I said to men in the bush, "I saw a fire burning down there. Did you light it?" They said "No", and I asked who did. They said they supposed it was the Hermitage people burning off.

From what you have heard, it was a protective burn? - Yes.

From what you know of that neighborhood, do you think that that protective burn was necessary for the protection of the Hermitage? - I think it was.

Did it occur early or late in October? - I have given all the information I can. I have no record of the date.

How long was the fire burning? - I think just a day.

Was there at any time in October a bad fire in the vicinity of the Hermitage? - I would not call it a bad fire. It might have been put out at any time they wanted to put it out.

MR. GOWANS: You have said that you consider the fire that burned through Ashmore's and Marriott's properties was probably not caused by your sawdust heap. Do you adhere to that? - Certainly.

But you offered Mr. Ashmore £3 in satisfaction? - Not in satisfaction.

But you offered him £3? - I did.

What for? - My manager told me that Mr. Ashmore considered that our fire had got away into his place. I examined it, and it seemed to me that the fire started on Ashmore's property.

Why did you offer him £3? - He said he was a poor working man and had no money to fight me. He said he had been subjected to that damage and I said I would not like to think that any man had been made poorer by any action of mine. I do not
think that the fire came from our place. I said to him
"You have not suffered more than £2 or £3 worth of damage,
and I will give you that, if you like, to help you".

You thought that possibly the fire might have come from your property?---
Fire is always a danger.
It might have come from your sawdust heap?---It was not very likely.
The Commissioner: You were not sure, and you wanted to quieten him?---
No, he was a poor man and I was willing to help him. I offered him £3 without prejudice. He would not take it.
There was a feeling in your mind that he might have been right?---I did not want him to have a bad opinion of the mill. I did not think he was right. It was out of goodness of heart, if I may say so, that I made the offer.

The Witness withersy.
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THOMAS HERMAN GRANT, Sworn and Examined.

MR. GODFREY: You live at Healesville, and you manage Rouch's mill?---Yes.
How long have you been manager?---Since early October.
Consequently you have no personal knowledge of any previous fire round there in the previous twelve months?---No.

Have you heard of any?---No.
You know of the fire of the 22nd of January?---Yes.
Prior to that day, you heard Mr. Marriott complain about the sawdust heap?---No.
Did the men tell you anything about it?---No.

Had you any reason to suspect it?---No.
After the fire, Constable Slatter saw you?---Yes, in the afternoon.
What was the purpose of his seeing you?---The men had left word that there had been a fire. I went down and Constable Slatter was there. We had a conversation together.

What did he tell you?---He said the fire in Ashmore's property was said to have been caused by the sawdust heap.
What did you say?---I said that could have not been so. I said I was there at 1 o'clock and the sawdust was burning but there was no danger.

Is there a man in charge of the sawdust heap at night time?---He is not
definitely in charge, but there are two men at the mill.

What do they do there?---They are camped there.

Are they on duty?---Not necessarily on duty.

If the mill was burned down, would they tell somebody?---Certainly.

Are they night watchmen?---Not official.

Officially or unofficially?---They take it on themselves to look round the mill before retiring.

Is it their job to keep the sawdust burning until the following morning?---Not at all.

Did you report the result of your conversation with Constable Slatter to Mr. Rouch?---I said that Constable Slatter had informed me that the sawdust heap had caused the fire.

After that, did you consider the sawdust heap a possible danger?---He said it might have come from there. I told Mr. Rouch that it seemed all right at 1 o'clock.

Did you hear complaints regarding previous fires?---No.

Did you take steps after the fire to make the sawdust heap safer?---We could not very well do that.

Have you managed other saw mills?---Yes.

Do you know the practice in Marysville district?---I have not been here until this year.

Have you seen a sawdust burner?---I have heard of them.

Would it be well to make inquiries about them?---They might be better than the present method.

Can we take it that you will be directing your attention to that from now on?---Probably.

What does that mean?---It is a matter for Mr. Rouch.

THE COMMISSIONER: You are the gentleman that Constable Slatter had the conversation with?---He wanted to find out who lit the fire, but I could not tell him.

Did you avoid telling him?---No.

When he asked you who lit the fire, what did you tell him?---I said the fire was burning when I took over the management of the mill, and that it had been burning ever since.

You do not realize that you light the fire every time you put another
spadeful of sawdust on?---It had not occurred to me in that way. Did you recognise that there was any danger in burning in that way?---There is a certain element of danger. You get so familiar with it that you do not realise it. That is the whole trouble with the outlook on bush fires. Familiarity breeds contempt.

MR. GOWANS: Have you any idea what would be the cost of putting a brick enclosure with a top on it round the sawdust heap?---No, I have no idea.

THE WITNESS WITHDREW.

CHARLES MICHAEL BEAUMONT HAYLON, Recalled and Further Examined.

THE COMMISSIONER: You gave evidence at the last sitting of the Commission in Healesville?---Yes.

You are on oath and have been sworn?---Yes.

MR. GOWANS: I do not wish to examine you further at this stage, but I understand that you have some further evidence to offer to Mr. Kelso.

MR. KELSO: The witness said that he had a suggestion to make as to future policy in the forest and Board of Works areas. I asked him what the suggestion was, and he said he would report it to the Commission after consultation with me. We have had a brief consultation, and I assume he is here to report his views.

THE WITNESS: I have elaborated the plan on a tourist map of Healesville, Marysville and Warburton districts, after showing it to Mr. Kelso.

I submit it to the Commission.

.................Exhibit "A".................Marked map of Healesville, Marysville and Warburton districts.

I have marked in red the areas for spring burning to safeguard Healesville. I did not indicate in the statement I made the general principles on which I propose to proceed in protecting the district from the union of a number of fires in a general conflagration. The fires mostly start in the messmate country and along the roads. The messmate
grows mainly in the foothills rather than in the high country. The fires start from the roadside sometimes after a vehicle has passed, and sometimes after someone has boiled a billy. My idea is to subdivide the district by burning off strips of country in the spring. I have noticed that country burnt in the spring remains green in the ensuing summer. Fire does not travel so fast through it, and sparks will not light it. Country burned in the summer may remain bare and blackened for two or more succeeding summers.

The effect of spring burning is to increase the density of the undergrowth. That acts as a check in a hot season. Consider the fire that started in the vicinity of Kinglake. My idea is to interpose between that fire and Healesville a break. I would burn strips of country of varying width, according to the type of country. I do not want to see more of the forest destroyed than is necessary. I think the width of a fire break might be determined on a mathematical basis, according to the height of the timber, with a variable coefficient for the slope of the land. I have noticed that a fire in timber about 30 or 40 feet high will project flame in a gusty wind about as many yards as the timber is high in feet. I am referring to a hot flame. It might throw sparks a much longer distance, but a man could not stand nearer than 40 yards to burning timber 40 feet high. It is best to have a logical basis for these things, and it is better than unnecessarily clearing out valuable timber.

THE COMMISSIONER: Do you think that bush fires are amenable to logic?—

It is recognised that a bush fire will travel faster up hill than downhill.

If you adopt any sort of formula, you must calculate it to meet the worst conceivable conditions?—Yes. Consider a fire travelling up the northern slope of Mount Hoddle with a north wind behind it. It would be almost impossible to stop such a fire with a narrow break. It would need a
mile break, but the same fire travelling down the southern slope might be stopped by a quarter mile break. Of course, sometimes a fire will jump over a gap and come back again. It would be wasting valuable timber to clear a strip on the south side.

MR. GOWANS: You claim that your plan would not injure the mountain ash?—
I have arrived at my conclusions on a geological basis. Silurian country generally grows messmate, and volcanic country the more valuable mountain ash. After arriving at my conclusions on a geological plan, I checked them from my own memory and observation and by the opinion of others in the locality. I found that the geological plan gave a very fair idea of the class of timber. I had previously found that out in travelling over the country.

The areas indicated on the map are, roughly, silurian country?—There is a north-south line to the west of Toolangi passing through Kinglake, and there is a north-north-easterly line to the west of Marysville.

Do you consider that the idea could be applied for the protection of most of the country towns in Victoria?—In Gippsland, most of the towns are situated where they would be surrounded by stringy bark and messmate.

Do you consider that there is any greater virtue in spring burning than in autumn burning?—I have had experience of spring burning, particularly in a recent case. I cannot say that I can recall a case of autumn burning in relation to fire protection.

MR. KELSO: The general idea behind your proposal is the preparation of breaks in suitable places to protect settlements?—That is so, and to protect watersheds for protective purposes?—Yes.

The breaks are to be preferably in those forests that consist of messmate or similar timber on the ground that messmate is usually found on silurian country?—I think you have rather reversed it. It is on the ground that that class of
timber is not permanently injured by burning.

You have shown on the plan the position of suitable fire breaks?—

Tentatively.

Your emphasis is on fire breaks rather than on broadcast burning?—On areas for spring burning. They would be strips from a quarter of a mile to half a mile wide.

You advocate the burning of fire breaks. It is not a question of the burning of wide areas of country?—No.

MR. KELSO: (To the Commissioner): There was some suggestion that I should confer with the witness, and I can say straight out that it is the Board of Works policy to burn fire breaks in suitable places. The question is whether a particular place is a suitable place. I have no comment to make on whether the places suggested as suitable are suitable, without going over the proposal very carefully, but I have no objection to raise as a matter of policy against protective fire breaks.

MR. LAWRENCE: (To Witness): The location of your proposed fire breaks is based upon the topography of the country?—Partly on the topography of the country and partly on the class of timber. In certain circumstances, you would depart altogether from any main spur or watershed and carry your strip of burnt country in a north, south, east or west direction wherever the condition of the timber suggests it?—I would try to avoid destroying valuable timber.

What is the position regarding spring burning? If we strike a dry year with an early dry spring, with all except mountain ash country it is apparently dangerous to burn as early as October. In other words, you cannot burn then with safety?—In the first place, it is not intended to burn on these areas every year. They will be burned in rotation at the most suitable times and according to the season.

The whole scheme hangs upon its effectiveness and efficiency when the
dry season comes along.—Quite. I have observed that country burned three years previously has some effect in slowing down a fire. If burned a few months before, it remains quite green and does not catch fire when the adjoining paddocks are burnt out.

(Continued on page 402).
MR. LAWRENCE: We take it that the prime objectives of the scheme is
the protection of a community of which Healesville is
specified?—In this case it cannot affect the watershed
as a whole.

What are you going to do about protective burns in the case of unimproved
lands held by absentee landowners or by resident landowners
which project this community into what we may term a major
fire hazard?—Legislation might be necessary to deal with
them but I cannot say.

(THE WITNESS WITHDRAW)

EDWARD LEEDER: Sworn and examined:

MR. GOWANS: You are a farmer and contractor living in Healesville?—Yes.
I understand that you favour the idea of burning off in autumn rather
than in spring?—I do.

Why?—May I make a little speech?

THE COMMISSIONER: Yes?—I was born in Fernshaw nearly 70 years ago.
I always take great notice of fires. From my earliest
recollections I remember that every year there were fires
in the mountains. They were caused by splitters. I don't
mean cattle men. They kept the tops of the ridges and the
surrounding slopes clear. The fires never extended to the
gullies. I consider that is the proper way to burn. At
that time, the forests around Fernshaw had hardly a dry
tree in them. That lasted until 1898 when the big
gippsland fires started. We had left Fernshaw then. The
splitters had been out of the bush for 16 or 17 years.
Growth had accumulated. The consequence was that when these
fires came along they killed big stretches of mountain
ash which were most beautiful. I was given to understand
that the forests never grew again. After smaller fires,
I used to notice that the mountain ash would always
come up in some cases like a crop of maize with no scrub,
but a big fire took it all. Then we had a long run.
From 1898 to 1926 and everybody knows what happened then. Therefore I maintain that the burning of ridges and slopes should be done by experienced men of course at the proper season. I consider the autumn is the best time for burning. After a spring burning, it is possible that the leaves will fall within 2 or 3 weeks or else will hang on the saplings and the country will not be cleared up and a fire will be possible. A place that has been burnt well lasts for three or four years without your being able to fire it or to put a fire through it. Also I consider that the settlers should have more opportunity of burning. At present you have to wait until the end of March. The date used to be the beginning of March, so I understand. A lot of settlers are anxiously waiting to burn off. If they know they cannot burn at the time when they can get a good burn, they are likely to set fires going at the dangerous period of the year. I think the Forests Commission should co-operate with the settlers and give them a chance of getting rid of their rubbish and scrub. I should like to stress the point that a person is liable to prosecution if he lights a fire on a few square feet of ground where there is very little grass. The consequence is that persons cannot keep their places clean. They are breaking the law to do so.

MR. GOWANS: You know that they can get the authority of the forest officer to have a fire?—I suggest that there is a great deal of red tape.

Do you know where the forest officer lives in Mealesville?—Yes.

Do you know who he is?—Yes.

Have you finished what you wished to say?—I should you to ask me a few things.

I don't understand your suggestion about the period of burning off. Do you suggest that it should be extended?—No.

Curtailed?—Yes, decidedly.

Don't you think that in a season like this if people burned later it
might lead to danger?—They can always issue a special proclamation.

They do issue special proclamations?—I have been caught with them. I will tell you about it, if you will listen. It will be about 8 years when I had a little patch of blackberries. I made inquiries of the local police. I had the blackberries cut and they were dry. The local police told me that I could burn. It was the 1st of March. In the meantime, a special proclamation was issued. I suppose I did not read the newspapers, and so I started to burn off, but I was stopped. I was not threatened with a prosecution but I had to go and explain. There was no possible chance of the fire getting away from the rubbish that I was burning. I had burned about three parts of about 7 acres. I had to leave the remaining 3 acres and it cost me a great deal of trouble and expense to get rid of the blackberries from the 3 acres. I am trying to drive home what the settlers are up against. I had to cut the blackberry out on the road every year. I have my paddocks clean now but I cannot burn off. When I am allowed to burn off they will not burn, I maintain that the settlers should have a chance to burn when they are certain that there is no danger.

You agree that the forest officer should have some control?—Yes.
The forest officer did live 10 miles from Healesville, and he is a busy man.

Do you think they have enough forest officers in the area?—When a patch of grass or something like that is to be burned, I think there should be some local authority in the township who could be consulted and who could give the necessary permission.

You feel the difficulty is that it is not always easy to catch the forest officer when you want to do some small burn?—He might want to go and inspect the place where it would take only half an hour to run a fire. That is the position, and
it should be made easier.

Is it not a matter of the forest officer's practice?—I don't want to criticise anybody or any public body. I am just putting what I think would help the community as a whole; that id how I want to be understood.

Have you given any thought to the possibility of causing damage to timber?—I have given thought to it.

You realize that there would be great danger of damaging mountain ash by excessive burning off?—Not if you keep it burnt off. I don't agree with you. If it is burnt off before it accumulates too much, I say definitely no.

You think that a light fire does not even mountain ash?—You might lose a little. I will not say you can put a fire through a mix of forest of young trees and do no harm, but it is better to lose a few than to have a fire like the last one.

Are you suggesting a general burning off through the forests or the burning of tracks?—I suggest a general burning off by experienced men at the right time of the year. I consider that the autumn is the time. When I was a boy, I have seen fires started at Christmas time. I am thinking of a fire that started at Mount Honda and ran to Mt. Juliet. I don't think any dead timber was left behind. The fire burnt intermittently for three months.

Fires may be caused by carelessness, by camp fires and by the throwing away of lighted matches. What do you consider is the main cause of bush fires in this area?—I explained that some are started by settlers.

Carelessness in burning off?—Sometimes through burning off in the wrong time of the year. I gave you my idea of it. If the settlers could burn when they could get a reasonable burn, they would probably not do that sort of thing.

Do you think it is possible for fires to be lit accidently?—There is that possibility.

Do you know of any cases of that kind?—I was talking to two brothers the day before yesterday and they assured me they saw it
What happened?—They saw a tree fall and slide along another tree and
start a fire by friction.

Who are the brothers?—The Harreys. They are available. They live
about a quarter of a mile from here.

In what street?—Fernshaw Road.

Are they in town to-day?—I have not seen them. I saw them last night.
They are not working at the present time. They assured me
that they saw that happen in the Toolangi district.

How long ago?—I did not ask them that. Another way in which it might
happen would be through one limb rubbing against another. If
it happened to be a messmate tree and one tree rubbed against
another, there would be a distinct possibility of fire.

You don't know of any actual happening of that kind?—Mr. Bansell who
gave evidence here told me that he knew of a place where two
limbs were rubbing against one another on a certain windy
day and a fire started in that direction. There was no
track near that and no persons had been in the vicinity. The
day was windy and he saw the fire start.

He might not have been able to give a definite explanation for the fire
and so he put it down to that the limbs rubbed one against
the other?—Yes. He only surmised, but the brothers saw
it with their own eyes.

MR. KELSO: Your recollection of the forests goes back a long time.
When did you come into this country?—I was born in Fernshaw
68 years ago.

Do you remember clearly what the forest floor was like in the early days?—
Yes.

Tell us about it?—It was practically clean except on the ridges and some
of the slopes. The floor was clean in the timber country.

There was none of the bush?—No.

The forest was in the natural condition it was before white men went
to it?—Yes.

You call them clean forests?—We could walk anywhere in the forest itself. There were shrubs on some of the ridges and slopes and fires used to be lit there.

If you kept out fires for a long time, would you be able to get rid of the fire scrub without burning?—When the ridges are kept clean, if a fire comes along it has not the chance to generate intense heat, and to burn through the forests.

I am sure that you are right that there was not much fire in the forests when they were clean. You also say that the fire scrub was produced by fire. If you stop the fires altogether would you get rid of the scrub and get the forest back to its natural condition?—I am afraid you would not. Have you noticed where there is mountain ash and a severe fire goes through, it will largely grow rubbish. I don't think the forest will come back unless it is planted.

Suppose you got a forest of fine big trees by a special procedure, would they not choke out the fire patch?—Have you seen trees beat bracken?—Yes.

When we took over the forests, they were in a natural condition?—Ridges had been burned.

That is at the beginning of your experience?—Yes. As I have said, the splitters kept them clean.

The ridges had fire scrubs?—Will you mention some? Bracken, dogwood, and cabbage bush?—Yes.

Have you seen the way in which the forest does destroy bracken? Have you seen bracken killed by the growth of good forest?—I suppose if you can get it to encroach on the bracken, it might beat it. I have not thought that out. I suppose there is something in it.

That is one way in which we can hope to keep the forests clean if we can keep the fires out?—I am afraid there is no possibility of that.

But if we could do it?—You might. You remember I said I am certain that the mountain ash will not come again of itself.
I hope you are wrong?—I hope I am too. I mentioned that the mountain ash has not come again in the forests where the fires have been severe; for instance, on the other side of Mt. Hondo.

I know a lot of the bracken areas. What did the splitters do in the old days? Did they wage fires and see that they did not spread?—They let them run. I don't think they entertained a thought of danger. They burned patches of scrub.

and the bracken came up?—No, I don't agree with you. I have seen a fire run through mountain ash country. It would not get to the gullies. Where there has been a forest fire the bush came on the ridges but not in the forest.

You described the fire running from Mt. Hondo to Mt. Juliet?—I happened to remember that fire, but I don't know why.

Would that be the condition of the bush for a few years?—We used to look out from Fernshaw and see smoke.

You were not a splitter?—No, my father kept horses at Fernshaw a few miles this way.

Do you think that sort of fire would destroy the mountain ash seedlings?—It would destroy some but not the lot. A fire like that does not clean up the gullies. It runs here and there. It will not take everything in the face. It would destroy some seedlings but it would not do the forest much harm.

Don't you think that the damage which occurred in the forest by 1890 resulted from the killing of so many young trees and leaving the old trees?—Definitely no.

You don't think that?—No.

Did you describe the forest as clean after the splitters had been in?—They split in patches. When the settlers were there, the splitters were driven out, and the scrub had a chance to accumulate.

That is the scrub that resulted from their burning?—No. I will not have that.
Have you been watchful for fires around Healesville?—I have been, but my memory for dates is poor.

Will you give me some idea of what you think is the number of fires that you generally see in the bush in the summer? I don't mean big fires?—Plenty of years will go by without fires. In plenty of years you could not burn the forest.

You are thinking of big fires. What is the position in regard to little fires in the hills?—You will always see fires around the foothills.

Plenty of them in the summer time?—Yes.

What do you think about them? Do you worry about them?—I do.

You think they are a danger?—I would like to tell you something. In 1926 a fire came in from Chum Creek and travelled to Myer's Creek. Forest men controlled it for sometime, but there was a big tree in Myer's Creek that kept alight for 10 days. The 10th day was Black Sunday. I used to watch that tree every morning. It was a big dry messmate. On Black Sunday morning the fires spread from that tree.

The fire got away after 10 days?—Yes. Fires should be put out if possible during December, January and February.

From your knowledge of what goes on in the district, are those fires put out, even the little fires?—No, they are not.

They are allowed to run in the bush?—To a certain extent.

Is that a wise thing to do?—Not in those months but in the earlier months or the later months it would be immaterial. The scrub must be in a position to burn. I should like to say something about that. Did not a fire sweep through your territory about the 8th of December?

I am not answering questions?—Somewhere about that time, a fire swept through but it did very little damage. The bush was not in a fit condition for a fire to go through, hence although it was a bad day, the fire did very little damage.

The fire was got out?—It was put out. My meaning is that you cannot burn the bush at any time. It is seldom that you can get a big fire through it.
My point is that if you let the fires go in the bush, a dangerous position will be created?—-I agree with you there. They should be put out during the summer months.

And they are not put out ordinarily?—-No.

MR. LAWRENCE: What parts of the bush are those to which you have referred in answering Mr. Kelso?—-I don't know whether it is a forest area or Crown lands, but it is situated on the foothills and scrub land.

Where?—-At Glen and the other side of Toolangi.

In what months have you seen fires?—-I have seen them in November and December.

Last year?—-Yes.

And other years too?—-Yes.

MR. GOWANS: Have you ever before seen the district so burnt out as it is now?—-No.

Were you speaking of a special fire that went through from Mt. Hondo to Mt. Juliet?—-That is one of the fires I can remember. I happened to remember it, but it was only a trickle compared with the big fire.

It was not a hot fire?—-No.

It went through Watt's catchment area?—-It took a narrow strip. It seemed to keep along the crown of the ridge.

The area you mentioned usually grew again?—-Partly.

Did it not recover afterwards?—-It did not carry any timber so far as I could see from Fennahaw.

(The Witness Withdraws)

JOSEPH HARRISON, Sworn and Examined:

MR. GOWANS: You are a farmer at Yarra Glen?—-Yes.

How long have you been there?—-55 years.

You are a councillor at Eltham?—-Yes.

I understand that you have had 40 year's experience in the Toolangi country timber cutting?—-Yes.

The opinion has been expressed that 90 per cent of the fires in these
areas are caused by campers?—No doubt fires are caused by campers, but I think there are other causes too.

Do you think that 90 per cent of the fires are caused by campers?—No.

Or anywhere near that percentage?—No.

What is the main cause of bush fires?—I think a lot get away from people through carelessness.

That is they get away when burning off?—Yes.

You believe in burning off?—Yes, at the proper period.

Are you in favour of burning off in the spring or the autumn?—We used to burn off in the spring and autumn in the bush. I went to Toolangi before a break was cut there. I know the bush from A to Z. I was a splitter and we used to burn to protect the palings.

Was it your practice to light pieces of bush when they would light at the proper time?—We burnt pieces of bush in the spring before there was danger, and likewise in the autumn.

Would you go through the bush in the spring lighting fires wherever you went?—Each bushman would burn around his area.

Did it do much damage to the timber?—Not the light fires.

They were mainly light fires?—At that period.

Did you hear them of any big fire getting away from control?—No. I have not heard of any getting away from splitters. I happened to be in the Plenty district and I have been in a Gippsland district.

Do you think fires were due to burning off in the wrong time?—In Gallownes in Gippsland the selectors used to burn off at the end of the year.

Has it been your experience that the fire scrub springs up after light burning off?—I never knew it to do so. I never saw fires originate like that.

I did not say that fires originated like that. Was it your experience after light fires that the fire scrub sprang up?—There was a certain amount of undergrowth.

It was not worse after the light fires than before?—No.
Has your experience brought you into connection with sawmillers?—Yes,
I know sawmillers. I think that to a certain extent if they were not kept under regulations with licences and burning their debris and fallen timber, they would create the menace of fire.

Do you know anything of their practices in the last few years?—I think it has been neglectful.

What makes you say that?—I have seen it in the bush.

You are speaking of the burning off of heads?—Large trees fall in Toolangi.
That is in the Toolangi district?—Yes.

In what other districts have you seen them?—In Calligne where I was paling splitting. That is years ago.

You came into contact with officers of the Board of Works and of the Forest Commission?—I know Mr. Engel and Mr. Galbraith.

I knew Mr. Denby, the forest officer who was burnt.

Have you found them ready to work in conjunction with one another?—I think that if there were a little more co-operation between the Board of Works and the Forest Commission it would be better.

Co-operation in respect of burning off?—Yes.

Do you find that one body does not desire to burn off when the other does?—I was given to understand that one wants to go this way and the other the other way. They should come a little closer together. They would get better results.

Have you had personal experience of the lack of co-ordination?—No, it is what I have learned and heard.

Is it a matter of common gossip of the subject of conversation in this area that you speak of?—I would not like to put it that way, but if there was a little more practical knowledge used in the forests I don't think we would have fires. I admit that this is an exceptional year for fires anywhere.

I am not suggesting this as an actual fact, but you say that you have heard of a lack of co-ordination co-operation and co-ordination.
between the two bodies and their officers. Have the incidents
told you been isolated or have they been matters of common
knowledge?—I think the Board was harsh in the Plenty.
I came from the Plenty to Toolangi. I thought they were
very drastic.

THE COMMISSIONER: How many years ago is that?—About 55 years.
That hardly concerns their present conduct?—I would not say anything
of their present conduct, but I am given to understand that
they are combining more with one another in trying to
check the fires.

(CONTINUED ON PAGE 413)
MR. GOWANS: Do you know that as a general rule millers do carry out the terms of their licences?---I know that they have not carried them out.

In what respect?---From what I have seen in the bush.

You are referring to the burning off of heads?---That is the principal thing.

Is there anything else?---Only the debris that they create.

THE COMMISSIONER: Is that your recent observation?---Yes.

MR. GOWANS: How long is it since you were down Toolangi way?---A little more than twelve months.

You observed these things then?---Yes, but I noticed them prior to that.

I was at the head of Dickson's Creek, in the National Park about three months ago.

Did you find any signs of a similar nature up there then?---There was any amount of scrub. One man had burnt at the head of Dickson's Creek some time before that.

Whose area was that in?---Berryman's. That is private property.

MR. KELSO: What were those drastic actions that the Melbourne and Metropolitan Board of Works took fifty-five years ago?---They would hardly let you fell a tree. I had been in the Plenty at that period and I came here from there.

You knew the Plenty area fifty-five years ago. Did any of the mountain ash forest look like that (Exhibiting photograph to witness) in those days?---I did not know of anything like it.

You would not agree that that was the result of splitters operating in the Wallaby Creek area?---What part is this?

If that is a photograph of a mountain ash forest in the Plenty area a great number of years ago, would you be in a position to say that it is dissimilar from anything you knew?---I did not know anything like that. I know the Wallaby Creek.

Are there any areas like that there?---No.

Do you consider that that is not a photograph of mountain ash forest in the Wallaby Creek area?---It might be on the outskirts of it.

I helped in the clearing work when they took the stone for the pitchers.
Does Your Honour wish the photograph to be made an exhibit?---

THE COMMISSIONER: You have to prove that it was a photograph. It will be put in for identification. What is it alleged to be?

MR. KEILSO: It is a photograph of a mountain ash forest at wallaby Creek.

THE COMMISSIONER: About what date?

MR. KEILSO: I shall have to get the exact date. It was taken many years ago.

---EXHIBIT "S" ---Photograph of mountain ash forest.

MR. LAWRENCE: With reference to your statement regarding mill heads in the Toolangi area, have you seen mill heads there recently?——Not right in the Toolangi area; but I saw some twelve months ago down past Castella way.

You have not been into any mill areas within the forest?——Not of late years. I had a brother who had a mill in the Toolangi forest.

You are speaking of something that occurred some time ago?——He was in the forest some time ago. I might mention that I have made certain provision at my place. Here is the timber right to the boundary (indicating), and there were only four of us to combat the last fire. You can see all the dead timber and I am not burnt out.

MR. COHANS: To what do you attribute your safety?——I made a double break before the fire came along. I saw the fire a quarter of a mile away and I burnt back into it. That is my principle in fighting a fire.

MR. KEILSO: Are you aware that fifty-five years ago there was no Melbourne and Metropolitan Board of Works?——But there was a watershed at that period.

But were you aware that the Board of Works was not in existence fifty-five years ago?——I am quite sure of that.

The WITNESS WITHDREW.

(Luncheon Adjournment).

414. J. B. SHOOLEY.
MR. GOWANS: You are a constable of police stationed at Healesville?—
That is so.
Do you know of some fires in the Myers Creek valley back in December?—
Early in December.
Was there some report made to you by some of the local residents about
those fires?—Not that I can remember.
Did you conduct any investigations into the origin of those fires?—No,
I did not.
Do you know if anyone else stationed with or connected with the police
conducted any such inquiries?—Senior Constable Slater may
have done so, but I could not say for sure.
You are quite definite that you had no report from any inhabitant of that
area about them?—No that I know of.

MR. KELSO: Are you sure that you did not receive a report from Mr. Hunt
about fires in the early part of December?—Not that I can
bring to my mind.
You cannot remember having had such a report?—No.

THE WITNESS WITHDREW.

MR. GOWANS: Where do you live?—At No. 18 Balmerino Avenue, Toorak.
You are a civil engineer?—Yes.
Have you some connections at Yarra Glen?—I am the owner of property at
Yarra Glen which I am at present afforesting with pinus radiata.
Were you in the district at the time of the fires in January?—I was in
the district on Boxing Day and again during the New Year.
Was your property endangered?—Not at that period, but later on.
At what time subsequently?—On the 13th of January and the 14th of
January.
Was it the same fire?—On Boxing Day I saw a small fire start up in
the valley north east, approximately, from my property. I
telephoned to the constable at Yarra Glen and advised him
that I would supply a truck, a man and equipment to put it
He informed me that the fire was in Mitchell’s paddock, that it was being watched, and that nothing was being done which would require any truck.

Did that fire remain under control?—That fire by the 1st of January had spread to very much larger proportions, and I believe it was that fire that afterwards spread into my own property and endangered it.

Have you the full name of the person referred to as "Mitchell"?—No; I am not acquainted with that owner.

What was the name of the police officer you mentioned?—Constable O’Melscher, at Yarra Glen. He had been doing remarkably good work during the whole of the bush fire period.

Have you spoken to him at all since this happening?—Not in reference to the fire. I have spoken to him in reference to a number of other matters, such as fire protection.

Is it your belief that, if that fire had been carefully watched and controlled, your place would not have been endangered?—If it was that fire which endangered my place, I believe it would not have been in danger if the fire had been watched. I am unable to give evidence as to whether it was that fire or another which ultimately endangered my property.

Did it come from that direction?—It did.

Were there other fires in the district at the time?—I could not say whether there were other fires between the 2nd of January and the 13th of January. That was the only one I saw.

On Boxing Day, was there any other fire in the neighbourhood?—Not that I can remember.

Do you desire to put forward any views on the prevention or the control of bush fires, for the assistance of this Commission?—I have quite a number of views expressed in writing which I am prepared to put forward either this afternoon or at any other time. I also desire to put forward a possible design of a fire resisting house, suggestions for improvements in fire fighting equipment, and suggestions for mitigating the present danger of fires in the Kinglake National Park.
THE COMMISSIONER: I think it would be better if we had the witness’s notes to consider first. I think, Mr. Lang, it would be preferable for the gentlemen at the table to have access to your notes and subsequently to ask you to attend for the purpose of discussing the matter more fully.

MR. GOWANS: Have you the statement of your evidence with you?—-I have. Would you produce it, and I will have it put in as evidence at this stage?—-I will. (Notes produced)


This seems to be in the nature of a thesis and I have put in the whole of the statement with the attached notes as one exhibit.

THE COMMISSIONER: Are there any further copies available?—-I could supply them.

You would not have to get them typed?—-They are already carboned.

Another copy or so would be of great convenience to us?—-I can leave them this afternoon.

MR. GOWANS: Would it be convenient for you to attend at Melbourne at a later date?—-On any date the Commission fixes.

You could be communicated with at the address you have given?—-Yes.

THE COMMISSIONER: You have been inconvenienced by having to come all the way from Melbourne; but we did not know what form your evidence would take?—-I deemed it necessary to give evidence on account of the continual danger experienced in my own district owing to fires that are started up, and which burn over some weeks, apparently without any control whatsoever.

I have alluded to the fact that you have been brought all the way to Healesville and that we are not going into your evidence today. We did not know that it would take this particular form. We shall get into touch with you again after your return to Melbourne. I thank you for your attendance.

THE WITNESS WITHDREW.

JOSEPH BASTIAN COOK, Sworn and Examined.

MR. GOWANS: You are a guest house proprietor, residing at Healesville, and a councillor of this shire?—-Yes.

Have you a statement that you desire to read?—-I should like to do so.
Will you now give it?—Yes. I have had actual experience in fighting fires. I was in Healesville during the 1926 fires, and in that year I was in at Toolangi when the fires went through there, and at the various outbreaks since. As I have been at those fires, I can speak from experience. Prior to 1926 we were, I suggest, living in a fool's paradise. After 1926, I would suggest that we and this community continued to live in a fool's paradise, and I have no doubt that, unless constructive action is taken as the result of this inquiry, we shall continue to live in a fool's paradise.

I would suggest that in view of the disastrous loss of life and property by fires—in that connection I would say that the loss of house property and to business, apart altogether from loss of life in this district, would amount to £60,000 over that period—the matter of providing adequate fire fighting equipment, which at present is nobody's business, should be made a municipal matter, and that the municipality be allowed to purchase and borrow money for the purpose of purchasing fire fighting equipment, and using same if necessary. I would also suggest the introduction of legislation to compel property owners to keep inflammable material away from houses and also to remedy any dangerous condition of their holdings. In that regard I could point out a holding on the Fernshaw Road which is in a disgraceful condition. If a spark got there, the consequences to other houses in the neighbourhood might be disastrous. At present apparently nobody has power to say "Clean them out"—and it is not cleaned out. I would also suggest that it be made compulsory for shires to have a bush fire brigade organization with experienced captains, lieutenants, runners, etc., so that the labour available is put to the best use and fires are fought to a plan. At present the men perhaps best able to give directions are actually fighting a fire and labour is wasted.

418. J.B. COOK.
as a matter of fact, if a man is capable of directing, he should not be exhausting himself by actually fighting a fire, because, when an emergency arises, he has not the physical energy left to tackle it. I would also suggest a central office in the district, and that nobody be sent out to a fire without approval from that central office. I would also suggest a central office in Melbourne, and that no volunteers be sent from Melbourne without approval from that office. I would make it a punishable offence for any broadcasting station to broadcast an appeal for volunteers without approval from the central office. That would stop a lot of alarmist reports, and also stop men going away to the country on a false mission. The weakness of the present system is that, unless fire is actually threatening an area, it is not tackled. When danger is actually threatened, volunteers are rushed out; but from my own experience I would say that there is no systematic patrolling to prevent a recurrence of the fires, and the fighting often has to be done all over again. One of the difficulties is that volunteers are usually men who have to drop their occupations to fight fires, and, while in an emergency practically the whole population does this, it is nobody's business to look beyond the task of getting the present outbreak under control. When once it has been checked, men should be employed to control the fire and make it safe. Ordinary men have to make a living, and they cannot afford to leave their work and give days of labour for nothing. I propose later to suggest how that should be financed. You will see in the press pictures of men fighting fires, and it looks very terrible. You see men with branches in their hands attacking a fire on its front, and to me it looks ridiculous; there is no plan in fighting that fire and no equipment. That is a reflection also on the people in charge of the particular area. I have been at fires and have seen men work hard, apparently check the fire, and then I have seen them congregate together and have a yarn.
In the meantime, the fire has burn up the road, where perhaps there are 300 yards left unattended. That is not my style. I have seen a fire actually jump over and cause another outbreak. This is a matter for organisation. If there was someone in charge to direct others to deal with the situation, such things would not occur. Again, you will seldom see at a fire a rake, which is a very handy tool to have. As regards financing these suggestions, both as to material and labour, I would suggest that in this district there are at least four bodies vitally interested; namely, the Municipal Council, the Melbourne and Metropolitan Board of Works, the Forests Commission, and the Insurance companies. If the matter of adequate equipment is tackled along proper lines by those bodies combined, it would not be a great burden on any one of them. When it came to employing labour - if that was necessary to make a district safe - the cost of that could be borne by those bodies. Perhaps it would be a matter of arbitration as to what proportion should be paid by each. When we read of damage to the extent of millions of pounds being caused by fire, it seems ridiculous that nobody should have power to spend up to £100, if necessary, to check a fire. I have not worked out the actual annual cost, but it would depend a great deal on the extent of the outbreaks. I have merely made suggestions and I am willing to answer any questions.

Have you any suggestions to make in regard to setting up a fire spotting organisation as distinct from a fire fighting organisation? That would go hand in hand with the fire fighting organisation. Do you consider that that body should be under the control of the forest officer for the district, or do you suggest some kind of local committee? I should think that a great deal would depend on the district it was in. In a district where there were mainly forests, I should think that it would be the forestry officer's job. In a district like this, perhaps not.
in any case, I think the forestry officer would be the best man to control it.

Would you see any objection to a local committee consisting of representatives of, say, the Forests Commission, the Melbourne and Metropolitan Board of Works, the Council, the Insurance companies, and perhaps local inhabitants controlling the fire spotting and fire fighting activities in the town?—I think I would agree if you substituted for the local inhabitants the Bush Fire Brigade organization.

There is no bush fire brigades organization here?—There is not. There is the ordinary fire brigade, but in my opinion its technique is more suited to fighting house fires. From what I have seen, there seems to be an inclination, when the fire brigade reached the scene of the fire, for a lot of people to think that they can fold their arms. That is ridiculous.

Do you find in general that the local fire brigade turns out to bush fires?—It does, but it also has the task of fighting house fires. I understand that the extent of the brigade's area is limited. That area cannot be protected while the brigade is away seven or eight miles to fight the bush fire.

what has been your experience in regard to the usefulness of volunteers from the city?—I have not had a great deal of experience of them. I have seen them, and I think they are willing to work; but I have been mainly fighting fires, and I cannot say that I have had much experience of working with volunteers. Those I have had with me have been mainly local men. At the same time, I think that volunteers from the city, if properly organized, would be very valuable.

Do you think it would be a good idea to have a register consisting of the names of suitable volunteers?—I think so. As regards the question of suitable men, it would be all the better if they had previously been living in the country and had had actual experience of fire fighting. The man who does not know what he is doing is not a great deal of use.
Do you consider that there should be some kind of central fire warning organization for the whole state?—I have not considered that at all.

Have you any views in regard to the desirability of legislation to compel owners to clean up their properties?—I have already expressed the opinion that that is very desirable. A man should not be allowed to have his holding in such a condition as to be a menace to his neighbour.

MR. ELSJO: I gather that you think that fires in this district are not tackled very promptly in a general sort of way?—When they actually threaten a particular area, they are tackled. But if a fire happens to be burning in a piece of waste country two or three miles away, nowhere near a house, the inclination, in my opinion, is to let it burn along until it becomes threatening. That is not good policy.

I am asking you particularly about the Melbourne and Metropolitan Board of Works area in this case. Would you consider, from what you know, that fires are not tackled promptly when they break out in that area?—I think the Board has a very competent team of men and patrols its area very well. At the same time, I think that, owing to the way rubbish is allowed to accumulate in the forests and on the Board of Works area, it will be only an interval of years before you will get a fire there, regardless of all your precautions. I think the 1926 and 1939 fires have proved that.

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When you say there is rubbish in that area, do you know very much about it? Are you familiar with it?—I have been in it at Fernshaw, this side of Fernshaw, and around the Maroondah Dam. It is mostly along the places where the public have access that you have seen what you call "rubbish"?—No. I am talking about leaves, bark, and that sort of thing. The natural forest debris?—Yes; I am not suggesting any cure for that. You do not apply your comment about no systematic patrolling to watch for fires to the Board of Works?—I do not.

You agree that the Board of Works patrol is pretty effective?—I do.

MR. S. B. HOWLES: I told the Commission on Tuesday last that at the request of the local council I called a public meeting to form a bush fire brigade. I told the Commission, too, that the only people who attended the meeting were the secretary, myself, and Mr. Ure, a forestry officer from Taggerty, who came to talk to would be attendants. I was sorry to have to tell the Commission that there was no response. I thought it my duty here to explain that, seeing that Councillor Cook has good ideas of what should be done.

THE COMMISSIONER: Councillor Cook, not having been at the meeting, can corroborate that it was a failure.

MR. S. B. HOWLES: There were a mover and a seconder to the resolution. I should not like to say who the mover was.

WITNESS: The basis of my suggestion is that the matter of a brigade should be made compulsory. If there was proper fire fighting equipment and someone was given charge with the rank of captain or lieutenant, some pride might be taken in it. At present there is no organization.

MR. LAWRENCE: You said that it appeared to you that there was a general disinclination to attend to fires until they had assumed dangerous proportions?—That is so.

On whose part?—I would say on everybody's part. Fighting fires
seems to be nobody's business.

THE WITNESS WITHDREW.

(The name of Mr. Saunders was called, but there was no response.)

THE COMMISSIONER: Is Mr. Saunders' evidence material?

MR. GOWANS: It is merely, I think, of a general nature. He was here the other day, but his evidence could not be taken.

THE COMMISSIONER: I do not want to inconvenience anyone.

MR. LAWRENCE: Would it please Your Honour to tender me some little advice on which I merely desire Your Honour's reference?

THE COMMISSIONER: I am afraid I cannot advise you. I will hear what it is you wish to say first.

MR. LAWRENCE: In the course of yesterday's session of the Commission at Healesville, Your Honour had cause to make reference to the appearance of witnesses before the Commission, and Your Honour chose to make use of the adjective "hand picked". There is a very great possibility that, as that report has now been published in the press, where it is removed altogether from the tempo of the Court, the real meaning of Your Honour's reference may be lost. A very distinct inference has cropped up in the public press that Your Honour was referring to the Forests Commission's methods of bringing witnesses before you. I feel that Your Honour had no such intention. I feel that in making such a reference you were referring to the fact that certain bodies who are presenting cases before you were, in accordance with ordinary legal practices, bringing forward witnesses to substantiate their cases, and that you were disappointed at the absence from that session of disinterested persons.

THE COMMISSIONER: Do you wish me to say anything?

MR. LAWRENCE: I should like Your Honour to do so.

THE COMMISSIONER: I have noted what you have said, and I should like to know the purpose of the statement.

MR. LAWRENCE: A very distinct reference exists at the moment that the Forests Commission has acted irregularly in the way in which
it has brought witnesses before the Commission, and, for my personal protection, I should like to have something put on the records of the Commission, so that Your Honour's view of yesterday's proceedings may be clarified.

THE COMMISSIONER: I see that point very clearly, and I will say this much, Mr. Lawrence, that, as I have watched the work of yourself and of Mr. Kelse, and have noted the difficulties you have had to deal with in this Commission, I have been astonished to observe the skill with which you have been presenting your respective cases, especially as neither of you is a lawyer. That statement is quite true, and I think the Commission is fortunate in having you two gentlemen to assist it. The fact that two gentlemen without legal training have done so well makes one wonder if legal training is of as much value as lawyers think it is. As far as you personally are concerned, and as far as Mr. Kelse is concerned, I would say that you have both done as much as counsel of good standing could have done. Your personal conduct was not the thought present in my mind when I made my remarks. What was present in my mind was an idea which has been growing since the first day, when evidence was taken by the Commission in Melbourne from a gentleman who is a sawmiller. That evidence gave me a certain feeling, and that feeling has been supported since, until I am now quite satisfied that without pointing the remark too much or naming anybody, certain bodies are working together not for the purpose of eliciting the truth — I will not say for the purpose of suppressing the truth — but for the purpose of supporting each other to their utmost. I have seen that; I am aware of it, and I know where it is coming from. I do not want you to think that yesterday, although it was hot, I was asleep, and that you could do anything without my noticing it. No personal reflection was present in my mind, but the contrary was the fact. Personally I think you
would be well advised to leave the matter now; consider whether you want to say something at a future date, but do not say it now.

MR. GOWANS: It would be of great assistance to me if I could obtain from officers of the Forests Commission a list of the mills and mill owners throughout Victoria, and the location of those mills.

THE COMMISSIONER: That seems to be a very good suggestion. The information would be of great assistance to the Commission.

MR. LAWRENCE: I should be pleased to arrange for that, or for any other information that Your Honour may direct should be made available, to be made available to the Commission.

MR. KELSO: I feel that, perhaps, at this stage I should not assume that Your Honour's remarks did not refer to me, but I think I should assure you that any case I have tried to put before you, and more particularly the purpose of my cross examination of witnesses, have been definitely done not merely to support any particular view the Board of Works may have, but to try and bring out for the benefit of the Commission such truths as I myself accept. There has been no desire to shield any person or any body. I hope that Your Honour, who referred in complimentary terms to my actions, will realise that that is so. I hope that you will feel that there has been no such desire to perform according to a schedule, but that I am merely endeavouring to expose the truth as I know it.

THE COMMISSIONER: I think that the matter is something which neither you nor Mr. Lawrence has any control. I do not think that either of you personally is implicated in it, but that you are merely mouthpieces. There are forces behind you. I am saying this with particularity, but so far I have not been sure enough to name the people. Therefore, I refrain now from doing anything more about it. It is a little early to generalise with any degree of certainty further on that point.

At 3 p.m., the Commission adjourned to Alexandra, on Tuesday, February 14, at 11 a.m.
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