(Ninth 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

ALEXANDRA

on

Wednesday, 15th February, 1939.

PRESENT:

HIS HONOR, JUDGE STRETTON, Royal Commissioner.

MR. GREGORY GOVANS: Appeared to assist the Commission.

MR. A. E. KELSO: Appeared on behalf of the Melbourne and Metropolitan Board of Works.

MR. A. O. LAWRENCE: Appeared on behalf of the Forests Commission.

BERNARD JAMES O'BRIEN, Recalled and further examined.

MR. GOVANS: You have been sworn. Yesterday you produced for the
information of the Commission some communications and licences
relating to saw milling rights in the Rubicon area?---Yes.

I propose to read extracts from those documents rather than to put them
in as evidence, since some are documents of title in effect.

THE COMMISSIONER: I should like to be able to read them at my leisure,

MR. GOVANS: There are some conditions attached to the documents, which

I propose to read.
MR. LAWRENCE: In any case, if you so desire, the Forests Commission will be pleased to submit copies of the licences.

MR. GOWANS: The first letter to which I refer is dated the 18th of March, 1931, from the Forests Commission of Victoria to the Director, Clark and Pearce, Pty. Ltd. Alexandra. It is as follows:-

"Referring to your communication of the 15th ult. renewing your application for saw milling rights over the Blue Range area, I beg to inform you that such application has now been approved by the Commission, strictly subject to the following conditions."

Then follow certain conditions, and I shall quote the relevant conditions.

"(2) Before commencing operations a sawdust retort of a type to be approved by the Commission, or other effective means to be approved by the Commission, for the proper disposal of sawdust as a result of milling operations, to be provided.

(3) All scrub, undergrowth and debris for a distance of 2 chain at least round the mill shed to be cleared and permanently kept so cleared in order to provide a safety zone in case of forest fires occurring. An approved system of water supply to the mill for safety purposes in case of fire, such system not to be dependent on wooden supports or fluming, also to be provided. Water piping to be installed at mill with sufficient hose to reach all parts of the mill, including shed.

(4) Suitable and effective dug-out accommodation to be provided at or in the vicinity of the mill site for all employees and their families who are resident at the mill site. This accommodation to be provided before the commencement of despatches of sawn timber from the mill."
"(8) Provisions of the Forests Act and Regulations thereunder to be fully observed and complied with.

As a guarantee that each and every one of the above conditions will be fully complied with, you are required to lodge at this office, within fourteen days from the date hereof, a deposit of Ten pounds. A provisional allotment as referred to above will be for a period of three years from the date hereof. The timber covered by the provisional allotment is that which is now mature and suitable for milling purposes. Subject to satisfactory tenancy during the three years just referred to, your licence in this respect will be renewed by the Commission. Royalty will be subject to review at the discretion of the Commission at the expiration of the three year period. The boundaries of the area allotted as above will be defined on the ground by the Inspector in Charge of the District, Mr. F. G. Gerraty, of Taggerty, as and when required. Before commencing any clearing work in connection with tramway or plant, it will be necessary for you to consult with the officer just referred to.

Yours faithfully,

Correspondence No. 36/519.

A. Strahan, Secretary."

The next document produced is a saw mill site licence, under Section 58 of the Forests Act 1928, and dated the 1st of January, 1937.

After the formal portion of the licence, there appears this note:

"The continuance of this licence for the term fixed is absolutely subject to the faithful observance by the licensee of all its conditions as set forth on the back hereof, especially those relating to the controlling of fires."

On the back of the licence there appears certain conditions headed "Conditions under which Licence is issued", and there are certain special conditions, so headed, which appear to be relevant:
"(13) The removal or carriage of mill sawdust by water is prohibited. The sawdust must be removed by belts, fans, vehicles, trucks or barrows, and burnt in approved retorts, and must not pollute any stream, spring or pool of fresh water.

(14) The licensee shall thoroughly and effectively protect the forest reserve within the boundaries of and adjacent to his licensed area from fire, and shall extinguish any fire which may break out on such or may spread to it. Failure or neglect to carry out this duty will render this licence subject to immediate cancellation by the Commission.

(15) In the event of the area being damaged by fire, the licence may be cancelled, unless the licensee satisfies the Commission that neither he, nor his workmen, nor servants, directly or indirectly, were in any way responsible therefor.

The next document produced is headed "Renewal Certificate" and is dated the 31st December, 1937. In short form, it is to this effect:

"This is to certify that the under noted licence of this Commission has been renewed for the period stated."

Then is set out the rental for twelve months, from the 1st of June, 1938, at a fee of Four pounds. At the bottom is a note:

"This renewal certificate is issued subject to strict compliance by the licensee with the conditions of licence, and is not valid unless signed by the Secretary."

The fourth document is headed "Timber Licence", and purports to be issued at Taggerty on the 3rd of December, 1938, and is signed "A. C. Ure, per F.H.Y." as Issuing Officer.

The duration of the licence is from noon on the 31st of December, 1938, to noon on the 1st of January, 1939. (To Witness) Can you tell the Commission whether the letter
of the 18th March, 1936 - that is the first document I read containing the various conditions - related today one mill or to the whole of the mills owned by the Ruoak Timbers, Pty. Ltd?—That is termed the Letter of Allotment for the last area allotted - for No. 2 mill.

It relates solely to that area?—Yes. Previous allotments were made many years ago. That is the most recent allotment, and there all the conditions of allotment are shown.

Can you tell us from your recollection whether, in the case of previous allotments, these conditions, or conditions of a similar type were incorporated?—I cannot recall that point. That allotment was only issued in the last two or three years, while the others have been issued for many years.

Yesterday we heard evidence with regard to the circumstances under which the dug-out at No. 3 mill was actually constructed. Do you know something of those circumstances?—Yes. Yesterday Your Honor asked one of our mill managers if he knew anything about a strike prior to the dug-out being constructed at the mill, and he said "Yes, at No. 3 mill".

THE COMMISSIONER: I did not ask him that. I asked him had he heard of any case where a strike had been threatened before a dug-out was installed. I asked him a perfectly general question, not a specific application, and he said, "Yes, at No. 3 mill"?—I should like to explain the circumstances. The dug-out at No. 3 mill was put in at the time when a general request was made; all the dug-outs were put in about the same time. About twelve months after the dug-out had been constructed there, the steward of the Union called a meeting of the men, and he was instructed to request the manager to have the dug-out enlarged. The men did not consider the dug-out large enough to hold the people at the mill. The steward requested the manager to have the dug-out enlarged, the work was started the next morning, and the dug-out was enlarged to their satisfaction. That was about eighteen months ago. After that, there was no query by the men, by the Union, or
by the Forests Commission regarding this dug-out. It was regarded as satisfactory. That was the instance where the strike question came in. At that time, the men may have said "If it is not going to be enlarged, we will strike". But it did not actually come to a strike, because when the request was made, the work was started next day.

I had heard from various sources that the dug-out had been installed only after a threat of a strike. I had not heard about your mill, or any particular mill. It was a chance question, that is how the manager answered it, but I had no information about it?---All the dug-outs were constructed at our mills two and a half years before this fire came along, and in every case where people sheltered in dug-outs in the Rubicon - and up to 60 people sheltered in the dug-outs there - they all survived and no lives were lost.

MR. GOWANS: Did any question arise as to the construction of a dug-out at the winch in connection with No. 3 mill?---At that same time, when they asked for the mill dug-out to be enlarged, the men did make a request that a dug-out be put up at the haulage winch. They considered that a most dangerous part, that a fire would cut them off from the mill. After the dug-out had been enlarged at the mill, the men went on, and built this dug-out to the men's satisfaction at the haulage.

That was at No. 3 mill?---Yes.

From evidence given yesterday, we know there was no dug-out at the haulage winch in connection with the No. 2 mill winch?---That is so.

Do you know how it came about that a dug-out was regarded as necessary in the case of the No. 3 mill but was not regarded as necessary in the case of the No. 2 mill?---Apart from the No. 3 mill, a request was not made by the men, or by the Union, or by the Forests Commission that a dug-out should be put in at the bush. The impression was that in the case of the No. 2 mill, the most dangerous fire would drive them into the mill. No. 3 mill is on one side of the range, and No. 2 mill is on the opposite side.
Does that mean that in the case of the No. 2 mill the haulage winch would be to the north of the mill?—I could not tell you that, exactly.

I want to find out what you meant by saying that in the case of the No. 2 mill a fire would drive the men from the winch into the mill?—That is a fire with a north wind behind it. That would be coming towards the mill.

I appreciate that, but does it also mean that the haulage winch is on the north side of the mill and that a north wind would drive the men from that winch into the mill?—That is so.

Is that the only reason why your men considered it unnecessary to construct a dug-out at the No. 2 mill winch?—Apparently they did not consider there was any danger to the men in the bush there, or they would have asked for it.

There was no request, either by the men or by an officer of the Forests Commission, that a dug-out should be constructed?—No.

Although now you know it was at the No. 2 mill winch that eight men were burned to death?—Yes, at the haulage winch.

The Commissioner: What is the distinction. You draw a distinction by inserting the word "haulage"?—The haulage winch is about two miles from the mill and the logging winch is practically three miles away. The haulage winch is where only one man was working. He lowers the logs down the incline. The bush men would work at the logging winch, some distance away. In the case of the men at No. 2 mill, there was a clearance at the logging winch. It had been burned two days before, and the men knew of the clearance. From where they were found, evidently they were making to there for safety, but the fire came so rapidly that they did not have time to make the distance.

Mr. Gowans: If there had been a dug-out at the winch, they could have reached that much more easily than the clearing?—No, the clearance would have been just as near as the dug-out. They would not put a dug-out at the haulage winch, because there was only one man working there. If a dug-out had been
constructed, it would have been at the logging winch, where the men were working.

That was further out?—Yes.

Do not you think it necessary to put a dug-out even where one man is stationed?—No.

Even though that man is stationed there for fifteen or eighteen months?—Yes. In the case of the haulage winch, it is there permanently but in the case of a logging winch, it is shifted periodically. As one witness said yesterday the logging winch may be in one place for three months or nine months, and then that winch would be shifted further on to another site.

Would it be feasible to provide some means of safety at the logging winch?—No doubt there would be means of providing some safety for them, I suppose.

What do you suggest about it?—As I have not been in the bush, I should not like to offer any suggestion.

The Commissioner: For how long during the year do milling operations go on in the Rubicon district?—Generally for the full twelve months, but in winter there is certain lost time on account of the snow.

That is not for very long?—No, it may be for a week or two.

It is not snow country?—It depends on the year. Sometimes the men may lose anything up to four or five weeks during the winter on account of snow.

Would it not be a good idea to give some sort of protection there on the site where the men would be engaged in summer?—It would appear from our experience in January that something should be done.

I appreciate your manager saying that they move about so much that it is difficult to do anything in a practicable way. You would not have to bother about protection in the spring, winter or autumn?—No, it would just be for the dangerous period of the year—the summer. Wherever they happen to be working, that is where it would be necessary to provide shelter.
It would not be necessary to have a dug-out at the winch all the time.

MR. GOWANS: In view of Mr. Lawrence's offer to have copies of the various documents I referred to made available to the Commission, it will not be necessary to put them in as evidence. I take it Your Honor will want to see copies of those documents.

THE COMMISSIONER: Yes.

MR. LAWRENCE: At this stage, would Your Honor hear me on the question of the relevancy of these various matters, or would you rather hear me later?

THE COMMISSIONER: If you consider a matter is not relevant, the time to submit your objection is when the evidence is tendered.

MR. LAWRENCE: I thought it would help the Commission if I explained that in any milling operation in a reserved forest two authorities are necessary before operations can be conducted. One authority is the licence to occupy the site. That obtains when the mill is situated within a reserved forest area. If a saw mill is cutting into a reserved forest area, but is not located within the area itself, there is no necessity for the issue of such an authority. The second is the authorization to cut, and in this particular case, and in all cases, that authority to cut is covered by what is known as an "A" licence, a copy of which I produce. That is similar to the fourth document read by Mr. Gowans. In this case, an "A" licence is issued monthly. That is not a matter of a Commission instruction, it is apparently a matter of district procedure. In general, the "A" licences are issued on a quarterly basis, and the amount of timber which is cut during the currency of that licence is not definitely specified. For example, the wording on the licence is "quantity cut during the currency of this licence". The wording in that case is simply for audit purposes. The actual control of the forest operation is covered by the duration of the licence.
THE COMMISSIONER: What is the point of relevancy?

MR. LAWRENCE: I thought an explanation might help the Commission, if I made the point clear at this stage.

THE COMMISSIONER: I thought you were going to protest that the documents had no bearing on the subject matter of the inquiry, in view of your use of the word "relevancy".

MR. LAWRENCE: My remarks were intended to aid rather than to detract from the evidence.

MR. GOMANS: What is the period covered by an "A" licence?

MR. LAWRENCE: One calendar month.

THE COMMISSIONER: What is the purpose of issuing it monthly, to have a continual check on the mill?

MR. LAWRENCE: Yes. Mr. Ure will give sworn evidence on it. I take it an arrangement exists whereby the saw miller submits a monthly statement or check covering his timber.

THE COMMISSIONER: Is the licence issued to him every month?

MR. LAWRENCE: Yes. In this district it is, but in other places sometimes the licence is issued quarterly.

THE COMMISSIONER: It would have the same result if it were to cover a five year period.

MR. LAWRENCE: No. Under the Forests Act, the Commission is only allowed to issue a licence for a period not exceeding three years. In the second place, if the Commission were to issue a licence for a period of three years, it would not have intensive control over a saw miller with whom it might experience difficulty, such as it would have by issuing a licence for a much shorter period.

THE COMMISSIONER: It is not very material.

THE WITNESS WITHDREW.

ARCHIBALD JOHN CALLIMAN Sworn and Examined.

MR. GOMANS: Your name is Archibald John Calliman, and you are at present living at Rubicon?---Yes.

You were formerly manager of the No. 6 mill owned by the Ruok Timbers, Pty. Ltd?---That is so.

You were manager at the time of the big fire in that area in January last,
and were you actually at the mill on the 10th of January?---Yes.
Along with a number of others, you took refuge in the dug-out at the mill?---Yes.
How many people were in the dug-out?---Twenty-six.
Did that include women and children?---There was one woman, and her two daughters, one was about 17 years of age, and the other about 10 years.
How many people would there usually be at the mill?---Usually thirty-three, counting the children.
In ordinary circumstances, do you consider that the dug-out would have been large enough to include everybody?---Yes.
Will you tell us something of the conditions in the dug-out on the day you were there?---They were not very pleasant towards the finish. The first hour was not too bad. We were there about three hours, I should say, and after that the smoke began to drift into it. The atmosphere was very close, and the smoke did not help.

How did you close the opening?---We had blankets over the opening.
Wet blankets?---I had a hose running over the front of the doorway. That lasted for about one hour, and while the water was running, I held a blanket so that the water ran down over it. Then the water got hot, the hose burnt through, and we had to bring the blankets inside.
Did you have any other water in the dug-out?---We had put cans of water in there previously, about three or four hours before, when I thought the fire was coming.

How far away from the dug-out was the source of water supply?---We had a dam about 15 chains above the dug-out, above the mill. That was the mill supply, and it was piped with a 4 inch pipe underground to the mill. The outlet from that 4 inch pipe was about 2 chains from the dug-out.
You had a 2-chain hose?---We had three hoses coupled together.
Did the dug-out catch on fire?---No.
In the light of your experiences on that day, can you suggest any
improvements for dug-outs?---Yes.

Tell us what you think would be an improvement in the construction of

dug-outs?---For a start, the best way to go about it is to

choose the best position. If you get an ideal position, it

is not a very difficult matter.

What do you think is an ideal position?---If you could get on the side of

a hill, or on the point of a hill. I should say you should

cut a trench, about 6 feet deep and about 3 feet wide, through

the point of the hill. You could then take the entrance
to the dug-out off that trench for about 6 feet or 8 feet,

and then open out into the room. By cutting the trench in

front, you form a means of draught, and instead of the smoke

drifting into the dug-out, the draught goes along the trench

and would take the smoke away from you.

Is that based on the principle that you are liable to find cooler air

nearer the ground. When you go in through the entrance

tunnel, I suppose it is of no great importance whether you

have the T-shaped room at the end, or a room leading off

from that tunnel, as long as you have one leading off from

it?---I should think it would make any difference.

Is there any way by which ventilation could be provided for?---First of

all by going into the side of an average hill, under those

conditions you would have about 7 feet or 8 feet of solid

dirt above you. It would be a simple matter to bore down

through that and put a vent down into the room.

That has been suggested, but the objection has been taken that it might

let smoke in?---I think more smoke would go out than would

come in, because the draught will always go up.

Provided you have a good draught at the front, probably you would then

be able to drive the smoke up through the vent at the back?---

I think so. I am not very well up in the matter, and I

would sooner leave it to somebody who understand more about

it.

Did you build this place?---No, I understand a man named Schmidt, who was

in charge of the mill before I went there, built it.
You had no idea about dug-outs when you went there?—I had previously built one at the Royston mill.

Had you ever had to use it in a fire?—No, but it was used successfully in this fire.

Prior to that, I suppose you knew nothing about building dug-outs?—No; as a matter of fact, the position was this before the fire—as I stated at the inquest—the dug-out system was looked on with a certain amount of contempt by many mill people, including myself. We did not realise the value of them, until this fire, but since then we have changed our opinion.

Do you mean mill hands?—Timber workers generally.

Including mill managers?—Well, I was included in it.

I suppose you realise the value of having some sort of water supply which is not on the surface of the ground?—Yes.

Is there anything else that it is necessary to put in a dug-out to provide for a number of people having to use it for three or four hours?—I think an adequate water supply is all that would be necessary.

I understand that in some mills furniture was brought into the dug-out; did you hear of that?—Yes, I have heard of it, but there was none in our dug-out.

Did you hear of the instance where a kapok mattress was brought in and it caught alight?—Yes, in No. 1 mill.

You would not approve of that?—Some of my chaps wanted to put their blankets in the dug-out, but the position was that there was no room, for one thing, and I did not think it a fair thing to let them put them there. There happened to be a hole dug in the ground, in which the men placed most of their gear and covered it up. They were the men who were camping there, and did not have their homes at the mill.

How near was the nearest building to the entrance of your dug-out?—It was approximately one chain away, but the entrance was facing in an opposite direction to any building. It was facing to ground that had been cleared previous to Christmas and burnt.
Under whose instructions had that been done?—Under mine.

Was it in order to provide safety in the event of your going into the dug-out?—It is the usual thing to do around a mill every year, to clear a break around a mill and burn it up, where possible.

What area do you burn around the mill?—It depends on the situation of the buildings and the mill, whether there are creeks near it, and so on. In the case of No. 6 mill, where I was, I should say the break would cover about five acres, in a circular direction.

What would be the radius of the circle?—Four or five chains, I should think. I did not measure it, and that is a rough guess.

Was it absolutely cleared?—There were logs lying about in the clearing, but there was little scrub on it. There was only short bracken fern that had grown since it was cut.

When did you do that?—About early in November.

Did you have to get authority from the forestry officer?—I had to get authority from the forestry officer to burn it. The proclamation had gone out, and I asked him about it one night. He said he thought it would be all right. A night or two afterwards we had a heavy fall of rain, and we burnt immediately after that.

Who was that—Mr. Simmons?—Mr. Ure and Mr. Simons were both there when I asked.

Do you find in general that the forestry officers are requiring and urging you to take these safety precautions, or do you usually do that yourself, — go and ask their permission?—No I have been asked by forestry officers at different times to do it, to clean up around the mill, and so on. It is more or less a suggestion, rather than a request. They suggest that it would be a good idea if you would cut the scrub and clear it, and we generally do it.

THE COMMISSIONER: If you do not do it, what happens?—I cannot say; I have always done it.

Always?—Yes, when it has been suggested to me.
You never missed once?---I might have delayed a week or so, because it would depend on whether I had the men available at the minute. If I did not cut it out straight away, I was only waiting until I had someone available for it.

You have always acted on every suggestion by a forestry officer in that respect?---In that respect, yes.

Mr. Gorang: What practice do you follow with regard to the burning of heads around your mill?---I have only been there since last Easter, and I burnt the heads at that mill at the end of the autumn.

Last autumn?---Yes.

Did somebody suggest you should do that?---No, I did it myself.

Did you speak to the forestry officer before you did it?---No.

When you say at the end of autumn, that would be about April?---I think it might have been a little later than that; it might have been about May.

You did not need to get permission from anybody?---No. Well, I did not ask for it, but just went ahead and burnt them.

Does that mean you burnt all the heads around your mill?---Not all around the mill. Where we were logging at that time would be from one half to three quarters of a mile from the mill.

You burnt the heads around there?---Yes.

Do you know when the previous burn had taken place?---Right around the mill the heads had been burnt as they had been logged—every year, or something like that. There had been a fire through that part of the bush in which any logging had been done, previous to my going there.

Where had you been before you went to No. 6 mill?---I was at the Royston mill. That is not one of Clark and Pearce's mills, and it is toward the head of the Royston River. It is owned by the Royston Saw Milling Company, of which Mr. Cecil is the managing director.

Do you say the tops were burnt every year, as far as you know, at the mills you were at?---Not at all the mills I have been on.

They were at No. 6 mill?---Yes.
Were the tops burnt at Brown and Cecil's mill?—I did burn them one year.

I think that would be about 1934.

When did you leave Brown and Cecil's mill?—Just before last Easter, in 1938.

Had there been no burning of heads between 1934 and 1938 where that mill was operating?—No, I do not think so; but I could not be sure about it.

What was the condition of the bush around there if the heads were left lying about?—At that mill, we were in a high area and there was very little undergrowth in the bush. It was a woolly butt area. I know the Forests Commission does not like you to burn off unless it is absolutely necessary, on account of the young seedlings. We like to work in together as much as we can, and I do not think it necessary that the heads should be burnt.

You referred to the undergrowth: what has that to do with the burning of heads?—The more severe your fire, the more damage you do to your seedlings, naturally.

You said that there was not much undergrowth at Brown and Cecil's mill?—There was very little.

That being so, would it not have been possible to burn off the heads without grave danger of a hot fire?—There was no need to burn them off.

Why was that?—There was not enough litter on the ground to cause a severe fire. It was thin, scattered bush.

THE COMMISSIONER: You are asked about the heads and why (ahah) you did not burn them?—I did not think it necessary to burn them.

Were they thick on the ground—a good many about?—Not very many, but in parts there were.

MR. GOWAN: There were some heads, but not much scrub. There is scrub in the vicinity of the other mills, I suppose?—Yes.

Is it ever cut?—Not before it had been logged, but where the Forests Commission had thinned it out, it had been cut.

What happened to the scrub that was cut?—It was left there.

Do you remember making a statement to Detective North for the purpose of
the inquest?---Yes.

Do you remember saying this, "I have no real knowledge of how the bush fire started, but the fires were much more serious than they would have been if we had been allowed by the Forests Commission to burn the tops, and if the scrub which had been cut over a period of years through this range had been burnt as it was cut?"---Yes.

Is that still your opinion?---Not quite. Since then, I have had different talks with forestry officers and others, and different things have been explained to me. I have changed my opinion a bit since that statement was taken.

THE COMMISSIONER: You told us this morning that you did not burn the heads because you thought it unnecessary at the time. I want to get this clear. You said that you did not burn the heads in the past because you did not think it necessary, but in that statement just read, you said they contributed to the fire?---I should like to explain it. There are parts of the bush heavily timbered, where the trees are growing close together, and there are other parts where the trees are, perhaps, half a chain or a chain a part. In a case like that, where you have the scattered bush, you naturally do not have anywhere near the litter you would have where the bush is heavily timbered.

You have a mixture of the two sorts?---Parts of the bush at Royston are heavily timbered, but other parts are lightly timbered.

Do not you think you ought to burn in heavily timbered parts?---In the heavily timbered parts, yes.

MR. GOVANS: Did you, in fact, burn at the heavily timbered parts near the Royston mill?---On one occasion, I did.

In 1934?---I think it was later than that. I went there in 1934, but I cannot remember whether it was the first year or the second year I was there when I burnt.

It would be either 1934 or 1935, and there has been no burn since then?---Part of it has been burnt, where they have been putting in tram lines.

Would not there be some milling in heavily timbered areas in that time?---
Not much of it; in fact, very little of it. Most of the area in which they have been milling since then is in thin, scattered bush.

Why would you not be milling in a fairly heavily timbered area where there was timber to cut?—You would run your tram lines out in a certain direction. For instance, you might have four or five miles of your boundary of the bush, and if you ran the tram line two miles out towards that boundary, you would not leave that tram line there and go in another direction into the heavily timbered stuff, because the tram line would deteriorate if it were not used. Naturally, you would carry on with that line. If you came into bush that was not heavily timbered, you would just have to put up with it. You have to mill it as you go along.

You said there was some milling done in the heavily timbered areas?—

Yes.

Would that be done away from the tram track?—No, your tram line goes on to it and through it.

Why did not you cut it out?—We did, as far as we could reach with our ropes. As a rule, the ropes reach for 30 or 40 chains, and we log on each side of our tramline.

Do you think you went through any such heavily timbered areas since 1935?—

No, we did not. We have been getting into the higher country all the time, and as you go up, the higher you go, the thinner the bush gets.

If that is the case, what led you to make this statement to Detective North, that the fires were more severe than they would have been if you had been allowed to burn your tops?—What I meant was that if we had been allowed to burn the tops in the springtime. Since then, I have had a talk with forestry officers, and they have explained to me that their idea is to burn in the autumn, on account of the seedlings. The seedlings come up above the ground. At some time or other every tree is about half an inch
high with two delicate leaves, and if you burn in the springtime, when the seedlings are coming through, you destroy your future forests.

THE COMMISSIONER: Now you are off the track; just answer the question, and do not get on to something else! I am doing my best to answer it.

MR. GRAVES: You told the Commission that since 1935 you have not gone through heavily timbered areas, and that, as far as the tops you cut were concerned, they were in thinly timbered areas?---Yes.

In those circumstances, naturally it must have occurred to you that it was not quite so necessary to burn off the tops?---Yes.

Then how did you come to say to Detective North, "The fires were much more serious than they would have been if we had been allowed by the Forests Commission to burn the tops"?---Then I said that, I was speaking generally, not only of my mill but right throughout the whole bush - to burn the tops in the springtime, when they would burn.

Would it make any difference at all, from the point of view of making that statement, if you were allowed to burn the tops in spring, autumn, or at any other time, if they were there to be burnt?---They would burn better in the springtime.

I am suggesting that if the tops were there to be burnt, and they were not burnt, and if you were of the opinion that leaving the tops there caused the fires to be more serious, does it make any difference, so far as you can see, whether you were allowed to burn in the spring or in the autumn?---You would get a better burn in the spring.

Now you say your statement did not relate to the mill that you were on, but that it related to other mills?---Just generally, I meant.

If it did not relate to your mill, to what areas did it relate?---There is quite a good deal of the Robinson more heavily timbered than in the Boyton bush.

For instance, the No. 6 mill bush
in one area.

Very well, take the No. 6 mill; were the heads left in the bush there, as far as you know?---They had been burnt.

Then you could not have had that in mind when you made this statement.

What other area were you thinking of?---The position is this; when I made that statement, what I meant was that the Forests Commission do not stop you from burning at all, but you cannot get a clean burn when they like to burn.

THE COMMISSIONER: Will you read that passage from the statement again?

MR. GOWANS: "I have no real knowledge of how the bush fire started, but the fires were much more serious than they would have been if we had been allowed by the Forests Commission to burn the tops, and if the scrub which had been cut over a period of years through this range had been burnt, as it was cut"?---Perhaps I should have added to the first part of the statement, after "if we had been allowed to burn" the words "when it would burn properly".

THE COMMISSIONER: I would not trouble any further, Mr. Gowans.

(To witness) You told us this morning that you altered your view because you have been talking to certain people. Who have you been talking to?---I have had a conversation with Mr. Gerraty. Last Sunday we went through the bush up here and discussed the whole thing.

MR. GOWANS: That is, since the inquest?---That was last Sunday.

Had you given this evidence at the inquest?---Some of it, but there was nothing said about that matter at all at the inquest. I was not asked anything about it.

THE COMMISSIONER: What did you say at the inquest, the evidence you are giving now or the statement you gave to Detective North?---They just asked a few questions on what happened on the night of the fire, and I answered them.

They did not ask for your opinion on the cause of it?---No.

What did you discuss with Mr. Gerraty?---We discussed the fire problem generally, as we were going through the forest, and while we were having lunch. We also discussed different types
of dug-outs.

Did you discuss the statement you had given to Detective North?—It was never mentioned.

So you completely altered your opinion after one conversation with Mr. Gerraty?—Not completely.

It could not have been much more complete. I am not blaming Mr. Gerraty, but I want to know how you came by this sudden conversion?—We discussed things, I gave my views on the thing, Mr. Gerraty gave his views on different things. I did not entirely agree with everything he said, and he does not agree with me, either. I have just thought out different things for myself since.

Is it wrong to say now that you were not allowed to burn by the Forests Commission?—To say "at no time to burn" is wrong, because they allow burning at certain periods.

One of those periods comes every year?—Yes.

Why have you not burnt in that district? Were you not allowed by the Forests Commission to do it?—I was never stopped, but I did not think it was necessary.

Why did you tell the detective you were not allowed to burn?—What I should have told the detective, or what I meant to tell him, was that we were not allowed to burn when we could get a good, clean burn.

Are there many heads about the Rubicon; is it thick?—Portion of it is very thick.

When was a fire last in there, to your recollection?—A bush fire.

Any sort of fire, deliberate or bush fire, whichever you like?—Quite a good bit of it was burnt two years ago, where they were logging.

Was that by accident, or otherwise?—Burnt by the managers.

What proportion of the Rubicon area would that be?—It would be a small proportion, in comparison with the whole size of it.

Have you talked with any other people apart from the gentleman you mentioned?—I have discussed the thing with different chaps at night time, talking, yarning, etcetera.
THE COMMISSIONER: Did they help to convert you that your statement was wrong?—Some disagreed with me and some agreed with me.

MR. GOWANS: What was the object of this Sunday visit of yours with Mr. Gerraty?—He went to inspect some timber up the Rubicon and I offered to go with him as I knew the track better than he did. Since the fires I have been backwards and forwards to the mills a few times. He had to find new tracks around the bridges and creeks.

Were you asked to go or did you volunteer?—I volunteered.

Do you remember seeing the Secretary of the Commission on Monday?—Yes.

Do you remember expressing this opinion "The Forestry Commission is not cleaning out sufficiently"?—Yes.

Is that your view?—Yes. That was not entirely what I said was it. There are some other remarks there?

Did you say that?—I said that much.

What did you mean?—As I understand it, there is so much money allotted each year to the Forests Commission for cleaning out, and naturally they try to do as much as they can with the money allotted to them. They are more or less hampered through lack of funds. They do not go far enough with the job.

What do you say about cleaning out. Do you mean cutting scrub?—Cleaning out young stuff.

Not cleaning out the heads?—No.

Did you say "If they had more men, especially practical men, they would thin out the forests better"?—Yes.

That is your view?—Yes, cleaning out the young stuff and cutting wider breaks.

You said further "The Forests Commission says that the debris should lie there to form humus to aid new growth"?—Yes.

You said further "More men are required to make wider breaks to combat fires"?—Yes.
That is giving your view?---Yes.

Do you also consider that the breaks in the Rubicon area are insufficient either in number or width?---I do not think they are wide enough.

What is the width?---About 18 ft.

How wide would you make them?---I think they would want to be at least two chains. Most of the severe fires come with the north wind, that is on the average. I think that under those circumstances the fire breaks would be better if they were to run east and west. On the Rubicon most of the breaks are running in the general direction of north and south.

What do you consider is the main value of the breaks - to get from place to place or to stop the fire?---They will not stop the fire but they enable you to burn back. They also enable you to get through the bush a lot quicker.

When did you first come to the Rubicon?---About 1925, but I have been away for a period since then. I was away for five or six years.

Was there any fire in that area in 1926?---There was a small fire, or small in comparison to this, at the back of the Rubicon.

Was there any fire in 1932?---I was not here.

How do you compare the condition of the bush up there now to what it was in 1926?---There is considerably more undergrowth there now than there was then.

Do you think that had anything to do with the intensity of the fires?---Naturally it would, I think.

MR. LAWRENCE: Is the whole bush woolly butt country?---No.

How long have they been cutting woolly butt there?---As a matter of fact we have cut very little of our woolly butt yet; we have been cutting messmate, ash and gum.

Is the country you have been telling us about woolly butt country?---No, that is at Royston.
How much of that is Cecil & Brown's area?--- Practically the whole of it;
there was a little bit of ash on the bottom area and a little
bit of gum.
Is that country of yours at Royston typical woolly butt area?---Yes.
Can you tell the Commission in your own words how a woolly butt forest
in general compares with an Ash forest, referring to the density
of the timber, the undergrowth, and the roughness of the country?---
From what I know about it, the woolly butt will never grow much
below the snow line. There is nowhere near the same amount of
undergrowth such as scrub in woolly butt country that there is in
ash country. The floor of the forest is usually much cleaner.
Generally speaking, can you see clearly through all your woolly butt forest?---
Yes, as a rule.
In general, can you pick up the ground, see it?---Yes.
On an average, how many trees per acre do you estimate you mill. I am
trying to get at the 'thinness' of the trees. I want you to
put in specific terms if you can, the thinness of this woolly
butt forest. How many trees per acre do you put on the
ground?---There are parts of that Royston forest where it would
only cut about six trees to the acre, and there are other parts
where it would go round about 40 or 50 trees to the acre.
Taking an average over that area of Brown & Cecil's, how many trees per
acre have you put on the ground since 1934?---That is asking a
big thing. At a rough guess I should say somewhere about 15.
It might go to 20, but am very doubtful.
How does that compare with an average ash bush in the Rubicon?---It is
not near so thick.
On an average, how many trees do you think are put on the ground in ash
bush in the Rubicon?---I should say about 35.
You told the Commission that you considered it was unnecessary to burn
the heads.  What was the basis of your consideration.

Is that in Brown & Cecil's area, and why was it unnecessary?---

In that particular spot the bush was quite thin and there was no undergrowth.  I thought it better to leave them there.

I always knew that the Forest officers did not like you to burn on account of the young seedlings coming up.  Naturally, you like to work in with them as much as you can.

Then the basis of your consideration is for the young forests?---Yes.

Were there any such seedlings coming up?---Quite a few.

That is on the old logging areas behind you?---And where we were logging then, also.

A general fire through those heads would have caused wide-spread damage?---

I should think so.  Probably there would be a few that would escape.

Do you find that generally forest officers rely upon your personal judgment as to when is the best time to burn, around the mill, for instance?---I think you said you carried out burning operations round No. 6 mill?---Yes.

The forest officer had suggested to you that it should be done but he did not specify when?---No.

You did that job when you thought fit?---The position was this - I was working for a company and they had a man employed on that job.  He was doing all the mills and I happened to be the last mill that he came to.  The Forest Officer said to me one day "I would get that scrub cut and burnt if I were you".  I said "I expect the man over next week."  He came two or three days afterwards and did the job immediately.

Taking the attitude of forest officers in general, do they order you around in an abrupt and immediate way to get on with the job and do it at once or do they handle you in such a way as to suggest that it is desirable for a certain thing to be done, saying, in effect, "You are the man on the spot; you know when and how to do it"?---I have always found that the majority of the Forestry officers have been very reasonable...
and fair so far as I was concerned. They have treated me
very well and we have always got on well together.

That is not exactly the question.

THE COMMISSIONER: Never mind; do not stop him. He wants to say that.

MR. LAWRENCE: Does the forest officer insist upon his decision and say
"I think that should be done; do it now" or is his attitude
"I think it would be desirable to do that; do it when you
think it is a fit and proper time."?--No, they always see
that what they say is done, as a rule.

Is the decision as to the time to do the job left with you?--No.

Who decides when to do it?--They ask you to do it and we generally do
it, or I do.

THE COMMISSIONER: What about the cases of mills where no dug-outs have
yet been constructed. Would that apply to them. Have
you heard of those cases?--I have heard of them.

There would not be any peremptory direction there?--No.

There is a matter that I wanted to find out the other day. You may
have more experience of it. How are the royalties which
the millers have to pay to the Commission assessed?--I
would not be too sure. I have nothing to do with that.
As far as I know it is over the sawn timber that goes over
the bench.

Were you not a manager?--Yes, but that is all done at the office.

Who keeps the tally?--It is sent from the mill into the office.

Who keeps it at the mill?--I keep it.

You keep it at the mill and send it to the office?--Yes.

What check is made as to whether your tally is correct?--As far as I
know they are taken off the office books. I would not
be too sure. I am not clear on that point at all.

You are managing the milling operations; not the office?--That is
correct.

Do you know to whom those returns are made. Is it to the District
Officer or to the (inked) Forests Commission if Melbourne?--
I have no idea.
Mr. Lawrence, I thought this gentleman would have known the practice, but apparently he does not.

MR. LAWRENCE: Did you know the object of Mr. Gerraty's visit here last Sunday?---Yes. As I understand it, it was to go up there and see how much timber had not been burnt on the Snob's Creek side.

THE COMMISSIONER: What milling area would that be?---No. 6 and part of the Royston.

MR. LAWRENCE: Would your Company have any interest in his investigations?---I do not think so.

THE COMMISSIONER: Do they generally work on Sundays in those offices?---If it is necessary when fire fighting and so on.

Is it not a rather long trip?---It was a pretty big day. It was rather late when we got away.

What was the urgency of that trip?---I could not say.

How long were you out on the journey?---We left about 10 or 11 a.m. and got home between 9.30 and 10 p.m.

Was anybody else with you?---The Forest Ranger from Rubicon, Mr. Simmons.

MR. LAWRENCE: When did you know that you were to give evidence before this Commission?---On Monday.

Did you have any idea on Sunday that you were going to give evidence?---None whatever.

Did you remark to Mr. Gerraty that you would like to give evidence?---No.

Did he ask you to give evidence?---No.

When Forestry Officers come around, and particularly senior officers, is it their custom to discuss general points of bush practice with you?---Not as a rule.

Have they ever done it before?---I was rather friendly with one Forest Officer.

THE COMMISSIONER: Have they ever done it before?---Yes, once.

What did they discuss with you that time?---General bush practice.
You may misunderstand Mr. Lawrence.

MR. LAWRENCE: What would you call general bush practice - all matters appertain- 
taining to bush-craft and the winning of timber?---How the logs are bushed, where to run sawmills, and the best way to go about it, how to cut your timber when you get it - just more or less a general discussion.

Surely you must discuss that with them a good deal?---Very little.

THE COMMISSIONER: It is no use expressing surprise, Mr. Lawrence; the witness is on oath. The answer may not be what you expected, but there it is.

MR. LAWRENCE: Where were you with them on Sunday?---At Rubicon.

That was Mr. Gerraty's week-end?---Yes.

MR. KELSO: When you talk about this average woolly butt country, how wide would you estimate the head of a woolly butt tree to be when on the ground?---On the average I should somewhere about 25 to 30 ft. It depends quite a lot on the shape of the tree.

That is the width?---Yes.

How long would it be?---You mean how much of the head would be left?

No, the shape of the head on the ground is something like this (indicating with a rough sketch). You say it is 25 or 30 ft. across. How much would it go this way (indicating)?---They vary a good deal but on the average I think they would be 35 ft; maybe 40 ft.

How far apart are the trees that go 15 to the acre. You said that some went 15 to the acre and some went 40 to the acre. Do not try and work it out because it is pretty hard to do so, but go by your recollection?---Some of the trees at that particular spot would be about one chain apart.

If you drop trees one chain apart and their heads are half a chain wide and three-quarters of a chain long, what is the floor of the forest like after that has been done over a big area.

Is it not practically covered with heads very nearly touching
The general practice when falling trees is to keep the heads together as much as possible. We fall them into one another and then there is a big clear space around with no heads in it.

If you have any clear spaces you must have the heads piled up on one another in a heap?—More or less.

When you get into timber that has 40 trees to the acre it is twice as bad?—Yes.

Do you suggest now, no matter what anyone has said to you, that that would not make a bush fire much more serious?—I do not know.

Do you seriously suggest that having a heap of timber that high or else having the whole of the forest floor practically covered with heads of trees would not make a bush fire more serious?—It would make it more serious, definitely.

In relation to the woolly butt country I understand you to say that what you said to Detective North was in fact not correct—that it was not serious in that Woolly-butt country if the forest was not burnt?—After the heads have been down a while the leaves die off and they all sink down.

How long does it take for that to happen?—It sinks down considerably in 12 months.

Would it be less inflammable in 12 months than when the trees were dropped?—No.

So that for 12 months the position is that if you get a bush fire through it, the fire actually burns much more seriously?—Yes, admittedly.

That does not seem to be quite in accordance with what you said in your previous evidence, but we will leave that. What is the practice in forest thinning?—The Commission thins out the young stuff through forest that is already milled. They cut the scrub and so on and leave it lying on the ground.

How much do they leave standing and how much do they cut?—I suppose
saplings are about every 4 or 5 feet.

The previous witness said they would cut ten and leave one. Is that in accordance with your impression?—No, I do not think they would cut quite that many.

Would they cut five and leave one?—That would be more about it.

Is it your recollection that that stuff which is cut is burned as a practice?—Not as a general practice.

Is that in Mountain Ash country as well as in Woolly Butt country?—I have never seen them do any thinning out in woolly butt timber.

Have you seen it in Mountain Ash?—Yes.

Have you seen it in messmate?—Yes.

The practice is to leave the thinning on the ground unburnt?—Yes, I would say so roughly speaking.

What would you say about that as a fire risk?—Naturally it is a big risk.

In that respect also what you said to Detective North is correct?—Yes.

Although you have now said something else?—Not entirely.

I am not saying anything about when they are burnt. They are in fact not burnt, is that so?—That is correct.

You would say for the benefit of the Commission now that the practice of leaving thinning in the bush is liable to make bush fires worse?—Providing they do not out the breaks wider.

I am not talking about breaks at all. It is a question of whether leaving the thinning is liable to make fires worse?—Yes, definitely.

What was the meaning of your statement. You said "The Commission does not want the burning off only to save the seedlings." Is that really your opinion, that they do not want you to burn off in order to save the seedlings?—They do not want us to burn off in the springtime. They want us to burn off in the autumn.

Is it actually your experience that the Commission has wanted you to burn off
in the autumn and has not wanted you to burn off in the spring?—
I know they would prefer it that way.

Is that from some direction you have had?—I would not say a direction; I would say a discussion.

With whom?—With both Mr. Simmons and Mr. Gerraty.

One of those rare discussions that you say happened once before?—This was on Sunday.

I am going back to what has been the practice over the last ten years.

Where did you get this idea that the Commission did not want you to burn off?—It just seemed to be the general opinion of the whole place that they did not like you to burn off.

On what sort of information or words have you got that impression?—It just seemed to be general knowledge around Rubicon that they did not want you to burn off in the springtime.

Or in the autumn?—No, they did not mind you burning in the Autumn.

Is that so for seedlings?—I understand that.

The lightest and easiest fire would destroy the seedlings?—Yes, it would.

If you have the idea that all seedlings can be saved, can you burn at any time?—It seems a pretty hard thing to think out. I do not know whether they could be saved or not.

The kind of burning necessary to burn these heads is not a quiet fire, is it?—Naturally it is not if the heads are thick.

If you are to save the seedlings, you cannot burn the heads at all?—That is what is appears like to me.

Is the impression you have got not to burn the heads at all to save the seedlings. Is that your impression from the Commission policy?—

If you want to save your seedlings, you must not burn the heads.

I am asking you what you think is the Commission’s policy; you are a miller and you have been working in the areas. If you think back you know what is actually the practice. Is it in fact the Commission’s practice or desire not to burn these heads.
in order to save the seedlings?—I would not like to say that.

THE COMMISSIONER: Why would you not like to say it?—I do not believe it is so.

MR. KELSO: You have gathered their policy; or what you understand to be their policy. you at least know their practice?—As I understand it they like you to burn in the autumn.

How do you get that understanding. You say it is known throughout the Rubicon. Have you ever discussed it with any of the Forestry officers?—Yes, I have had discussions at different times.

Have they told you then that they like you to burn in the autumn?—They have said that they prefer you to burn in the autumn.

Have they shown you how burning in the autumn will save the seedlings?—No.

Then what do you think yourself when you say they do not burn in order to save the seedlings. Can they burn this heaped up rubbish from thinning and this piled up rubbish from heads in the spring, in the summer or in the autumn, or at any time and save the seedlings?—It does not seem like it to me.

If you think they do not burn only to save the seedlings you must think they do not ever burn?—No.

What is your impression of that?—In what respect.

In regard to whether they ever burn?—By burning in the autumn—

THE COMMISSIONER: That is not the question. Just listen. I know you are having a bad time, but it is your own fault. Just listen carefully.

MR. KELSO: If you cannot burn in either the spring, the summer, or the autumn because you will destroy the seedlings, then when you say that the Commission does not burn only to save the seedlings, does that not mean that they do not want to burn at all?—It looks like it.

What is your recollection of what the position is, not what it looks like.
We look to you as a man who has been working in this forest to tell us what you do in the forest; not what the position looks like. When we have a thick patch of heads we burn in the autumn sometimes, and sometimes in the spring. If we get a good burn in the autumn, we do not bother further but if we do not, we burn in the spring.

Is that in the Ash country? Yes.

And you destroy the seeds? They tell us we do.

Is that contrary to the wishes of the local Forestry Officer in view of the fact that you say they want you to save the seedlings? It is not contrary to their orders. They do not order us not to burn.

Do you believe that they do not like you to do that? That is what I believe. That they prefer to leave the heads in the bush? I would not like to say that. I do not think any of them would like to see the heads left in the bush if they could possibly burn them without doing too much damage.

It is a fact that when you were working in the woolly butt country you did not burn? That is correct.

It is a fact that that material has been piled up as you have described it? Yes, but you have asked me questions on technical points that we never look at, such as how wide a head is. I have never measured one in my life, and I cannot tell you how close they are together, except as a rough guess from memory. There are any amount of places in the woolly butt area where there is not one head in three or four chains.

I accept that, but when you gave us --- You are trying to make out that the floor of the forest was literally covered, and it was not.

You did tell us that in some places there were 40 trees to the acre? Yes.

I am talking about the woolly butt country. You told us that there
were 15 trees to the acre on the average?---Yes.
You told us the size of the head of the woolly butt trees from your recollection?---Yes.
You told us how they would look when they were felled and piled up?---Yes.
You have now told us that they do not burn the heads in that country?---Yes.

MR. LAWRENCE: In speaking of the thinning operations do you refer to operations in general or in some specific area?---I was referring to the thinning operations carried out on the middle range and on the Royston Range on the Rubicon.
You have a personal knowledge of those areas?---I have been through some of them and I have seen most of them from the tramlines and from the edges of where the channel runs through.
Were you in Court yesterday when a witness gave evidence on this matter?---No, I was not in Court at all yesterday.
Is the material which you said was cut down just left lying there or littered all over the ground?---Some is heaped up and some is just lying there, from what I have seen of it.
Do you think on the basis of the evidence you have already given that if that had been burnt all the young trees would have suffered?---I think they would have suffered.
We know you were present on the 10th January when the fire swept through the area?---Yes.
You have a very definite knowledge of the intensity of that fire?---Yes.
Do you think that if the material which was cut in thinning had not been there the fire over the whole or even that particular part of the area would have been less intense?---I think it would have been a little less intense.
To what extent do you mean by a "little"?---Naturally the more debris you have on the ground, the more intense the fire is going to be, is it not; I would say so.
You were there on that particular day; knowing the facts, the wind
velocity, the temperature, and the general conditions which existed on that day, do you think that if that material and these thinnings had not been on the ground, even that little piece of dense forest itself would have been saved from that fire?---No, I do not think anything would have saved it, and nothing would have stopped the fire. On the pace it had on, nothing would stop it.

I understand that the woolly butt area of Brown & Cecil's is high up somewhere near the head of Snob's Creek?---Getting up that way.

By the time the fire reached there, it had a tremendous way on it?---It must have, I was not there.

From your knowledge of the area, of the fire, and of the practice which prevails, if there had not been any milled tops unburned on that area, would the damage have been any less intense on that day and in that fire?---I do not think so.

MR. GOWANS: In those circumstances, what did you mean when you told Detective North that you thought the fire was much more serious than it would have been if you had been allowed by the Forestry Commission to burn the forest?---I tried to explain that to you once before.

Do you really think that that statement is consistent with the answer you have just given to Mr. Lawrence. Do you think the two statements can stand side by side?---It would be consistent if you would allow me to add a little further to that statement.

THE COMMISSIONER: Mr. Gowans, would you mind reading that passage containing the actual words stated to Detective North?

MR. GOWANS: You have just told Mr. Lawrence that on that day and in those circumstances the existence of tops and scrub up in that area made no difference to the fire?---Not when the fire reached there.

Do you think that is consistent with this statement "The fires were much more serious than they would have been" if you had been
allowed by the Forests Commission to burn tops and if the scrub which had been cut over a period of years through these ranges had been burned as it was cut?—No, it is not consistent. I would like to add a little to that statement. If we had been allowed to burn our tops then they would burn cleaner than at a later period of the year.

THE COMMISSIONER: You would not burn them at all, would you?—At times you burn them.

You would not count it as a burn; it made no impression of the general position?—Not very much.

What is the good of taking that point?—I am trying to show that if we burn them in the late spring they would burn much better than in the Autumn.

How do you square the two statements, the statement to Detective North and the one elicited by Mr. Lawrence, the advocate for the Forests Commission, at some pains, as it appeared to me. It is obvious that you cannot do so and I would advise you not to get further into the morass.

MR. GOWANS: I think you told Mr. Kelso that the practice was to link up the heads. Was that practice actually followed by you in the neighbourhood of Brown and Cecil's mill?—It is not done in every case but it is a general practice.

Was that practice actually followed by you in the neighbourhood of Brown & Cecil's mills?—In parts of the bush, yes.

In other parts it was not?—No.

Which areas were the more numerous, the parts where they were heaped up or the parts where they were not?—The parts where they were heaped. I should say that there were about six or seven trees at a time.

Do you think there were more areas where the tops were heaped or where the tops were not heaped up?—Do you mean on an acreage basis? On an acreage basis I would say the areas were more numerous where they were not heaped up.

Was this view that it was dangerous to the young seedlings to burn the
tops except in the Autumn a new point of view to you?—It was.

And you had not thought it yourself before last Sunday?—No; until it was explained to me my views were a little bit the other way.

This particular point of view that it was dangerous to seedlings to burn at any time other than in the autumn was something that was put to you on Sunday and has not occurred to you before?—That is correct.

THE COMMISSIONER: I do not think you quite appreciate the question.

MR. GOWANS: Is it really a fact that the point of view that it was dangerous to the seedlings to burn tops except in the autumn was something that was new to you when you heard this conversation on Sunday. It had not occurred to you before?—No, I do not think it had.

What do you mean by telling Mr. Kelso that you always believed that the Forestry Officers did not like to burn because of the young seedlings?—They liked you to burn in the autumn.

THE COMMISSIONER: You only heard this on Sunday; how do you say that?—Yes, I heard it on Sunday.

Is that the first time you heard it?—No, I always realised it, but I did not know the reason why they liked you to burn in the autumn.

Did you hear for the first time on Sunday that they did not like you to burn in springtime because of the injury to the seedlings?—That is correct.

MR. GOWANS: Take the last six months of last year. How many times did you have the forest officer up at No. 6 mill?—He comes up there on an average about every three or four weeks.

Mr. Simmons?—Yes.

Used he to go up to the area where you were cutting?—Yes.

Under those circumstances would he see these heads around the cutting area?—Yes.

And in the other places where you had been cutting?—Yes.

I suppose he would see all of those heads had been left there for years?
Not for years.

I am taking the last six months at the No. 6 mill?---Yes.

Go back to the time when you were at Brown & Cecil's; would the same position be experienced there, that the forest officer would come out to the cutting area?---Yes.

In that case he must have seen that you had not burned these heads for years?---Yes, he could not help but see it.

Did he ever make any comments to you about it?---No.

MR. KELSO: In regard to this fire which was so bad when it reached your area that it could not have been any worse, I suppose you would agree that the fact that it had been going for miles through bush in that condition was instrumental in it being so bad?---Yes, I should think it would be.

THE COMMISSIONER: I want to say something to you. You have been guilty this morning, without the slightest shadow of doubt, of willful prevarication. If this had occurred in a Court where I was sitting as Judge I would have dealt with you on the spot in a way that you deserve. As it is, I will consider what I will do with you. If you know of anybody else who may have it in mind to act as you have, you should warn them that it will not go down?---I am sorry ---

Do not be sorry; do not talk that nonsense. You may be sorry now that you have been found out. You may leave.

THE WITNESS WITHDREW.

JOHN JENNINGS LOVE: Sworn and examined.

MR. GOANS: Your full name is John Jenning Love?---Yes, and I now live at No. 4 mill at Rubicon.

No. 4 mill is not destroyed?---No.

You were the manager of it?---Yes.

And you are still the manager?---Yes.

It is not working at present?---No.

Have you any men there now?---Not working.
How did it come about that this mill was not burned; have you any views about that?—I do not know. I think it was more by good luck than by anything else.

Is the forest very thick about it?—Yes, it is the average forest around there.

What did the good luck consist of—a change of wind or anything of that nature?—No, if the wind had not changed it would not have come on us at all.

When it did come on you, how did you get out of it?—We had a good water supply and the mill was new. It had never worked much. I do not suppose it worked more than about six or seven months.

What is the significance of that; how would that help?—All the timber that the mill was built on was new and sort of green, I suppose. It would not catch fire as easily as an old mill.

When you said that it had not worked much, were you referring to the state of the forest?—No, they had built it—it was about last November 12 months when they started it. They ran it from about November to Easter. Then it was closed down until roughly about the end of September last.

It was not working at the time of the fire?—Yes, we were working there that day.

How many men did you have there?—About twenty-one.

Were there any women and children?—Yes, there were five women and five children.

The No. 4 mill was the furthest one away from the Rubicon?—No. 5 was just about the same. There is not much difference between them, about a quarter of a mile. There is one on either side of the river.

Did you get into the dug-out?—The women and children did and a few of the men. If they got overcome by the smoke they used to come into the dugout and have a spell.

The fire was apparently not as fierce around there as at the other mills?—No, it may not have been, but it was bad enough.

We had a clearing.
Did you have a good clearing?—Yes, fairly good.

What about the dug-out; did you have water there?—Yes, we had plenty of water in them and water close to them. At the dug-out at No. 4 mill, where the women and children were, the main pipe line right past outside the dugout and there was a tap there.

How far was it away from the entrance?—About 7 yards.

It would have been too far away if the mill had caught fire?—No, it would not have been. Apart from that we had seven or eight kerosene tins and another oil drum full of water for fear it was needed.

Did you have any hose in to the dugout?—No, there were two or three blankets and a mattress which was put there for a baby more than anything else. There was a baby six or seven months old. Everybody took something to cover themselves up with but there were no encumbrances in the dug-out at all.

In the light of your experience on that day in this dugout, have you any suggestions to make as to how dugouts should be constructed?—No, the one we were in happened to be a good one. There was only one thing that I can mention; I think the entrances should all face the south.

When you say it happened to be a good one; was it any better than the other dugouts?—No, what I meant by saying that it happened to be a good one was that nothing happened in it. It was built to the best of our ability.

Who built it?—Mr. Joe Cherry.

What was the condition of the scrub around the No. 4 mill?—It was not very scrubby. There was not much scrub there, only just on the top side. That was about four chains away from the mill.

That is on the west side?—Yes.

What about down on the river bank?—The river bank was fairly clear; it never got burnt and it is not burnt now.

What did you do with the tops up there?—It was not very often that
I did anything with them.

How long did you say the mill had been working altogether?—No. 4 mill worked for about seven or eight months.

Did you burn off any tops during that time?—Yes.

When did you burn?—In October.

Did you consult any of the forest officers about burning in October?—No. Mr. Simmons said to me one day when I was there "Mr. Ure said that if you have any burning to do you must do it before (I think) November."

Before the proclamation?—Yes.

And you did it?—Yes, I did it then.

Did you clean up most of the tops that you had cut in the previous eight months?—Yes, it cleaned up all the tops that we had cut over the time before. We were just starting then.

Did you get a pretty good burn?—Yes, a wonderfully good burn.

Were you under the impression that the forest officers wanted you to burn in the autumn?—No never.

Did you find any common idea like that such as the previous witness spoke of?—No, I had not got any of those.

Your view then is that the forest officers might have you burn in the spring as well as in the autumn?—No. We cut the scrub that you see around these mills. It was the first time it had been left there. I went to that mill in 1934.

It was all cut and had been burned in the spring—-not the spring, in the autumn before there was any danger in lighting a fire, and it was all cleared. It had been burnt there before I went there. That is when Anderson went in.

It was at No. 5 mill, the only mill there then.

Had you been at No. 5 prior to going to No. 4?—Yes.

You went from No. 5 to No. 4?—I went between the two.

When No. 5 stopped working you took on No. 4?—Yes.

Did you burn off heads around the No. 5 mill?—Yes, I had burnt off a few; but more than anything I burned out along the tramline where the logs come to the mills. I cleared
around the bridges. That was early. In fact we used to have a job to get them to burn a little. They would not burn and they would not for years before.

Is there any kind of regular practice about burning the heads each year?---

No, I have never heard of any.

Did you find that the heads were left for any considerable time?---

Yes, there had been some heads since I went there in 1934.

Did the forest officer come up to your mill, either to No. 4 or to No. 5 regularly?---Yes, he comes regularly.

How often?---I have often seen him up there fortnightly, or once in three weeks, and sometimes monthly. He always goes out to the cutting area.

Would he see those heads?---Yes, he would see them. He sees the men falling the timber.

Prior to this last occasion in October when you were asked to burn off the heads, can you remember the last time before it when you were told to burn off; when it was suggested to you that you ought to burn off?---Yes, by a forest officer who was there before Mr. Brown. He suggested to me at some one time that I should burn a little bit around while it was safe in the early part when summer was coming on.

Do you remember what year that was?---I think it must have been about 1935.

Throwing your mind back, can you remember any forest officer telling you to burn off the heads anytime between 1935 and 1938?---

No.

Would you go so far as to say that you were not told?---I was not told to burn them.

(Page 573 follows)
Where was this Mr. Brown's place?---He used to be a Forestry Officer where Mr. Simmons is now.

Do you know his first name?---I think it is Stanley.

Did you see the forest people cutting scrub up around your area at all?---No.

Did you cut any yourselves?---Yes.

Along what area, and for what purpose?---We cut out this area around the mill and right down around where the men's huts were, from the Noyston River right up past the mills where all the huts were.

Were you told to do that by anybody or did you just do it yourself?---A chap who was working out there with a gang of men on construction work started them cutting the scrub.

Was it one of your men?---No, he was building tramlines.

He was employed by the Company?---Yes, by the Rucak Company.

What happened to the scrub that was cut down?---We burnt it.

That was the burn you had in October?---We burnt it a little before that where we burnt the heads.

What kind of timber did you get in No. 4 and No. 6?---Woolly butt and gum.

Have you any idea as to how many trees you would fell to the acre?---No, I would not attempt to say. I have no idea.

Have you any idea of the area covered by an average head of woolly-butt?---I have never taken any notice of that either. That is hard to say as some of them are big and some are small. I would not make any remark on that, because I do not know.

THE WITNESS WITHDREW.

ROBERT VICTOR CECIL: Sworn and Examined.

MR. GOWANS: Your full name is ROBERT VICTOR CECIL?---Yes. I am one of the owners of the Brown & Cecil Mill, and live in Alexandra.

Who was the manager of your mill at the time of the fire on January 16th?---Alexander Mason.

Where is he now?---Tasmania.

Is your partner in this area?---No.
Do you visit your mill frequently?---Periodically. Perhaps I would go every week for a while, and then it would be every second week.

That was on an average throughout the year?---Yes.

Did you go out to where the men were cutting?---Yes, but not always.

As a rule I made it a point to go out to the bush.

You were present this morning and heard some evidence as to the disposal of heads and the condition of the forest around the cutting area. Have you any comment to make on that?---I think the estimate of 15 trees to the acre was considerably more than would be on our area.

About what number would you take?---Eight to ten. Those are trees actually felled. Of course, you have to leave some trees that are not suitable for milling. Trees felled and brought in from the bush would not exceed ten.

Would you like to hazard an estimate of the area covered by the average woolly-butt?---No, I would not like to be responsible for that as they vary so. You will get trees that are long and slim with very little head, and other trees branchy and big limbs. I consider it is impossible to estimate the amount of ground covered.

Have you any idea of the amount of ground that would be covered by a very large woolly-butt head?---It would only be guessing.

Apart from the estimate of 15 trees to the acre, have you anything to say about the practice of burning off heads in your area?---No, I left that portion of the work to the bush boss as distinct from the Mill boss.

Who was the bush boss?---A man named James McLean.

Where is he now?---He is in the Rubicon Forest in my employ.

Is it your suggestion that the bush boss is the person responsible for the burning of heads?---Directly.

Do you agree with the view expressed that there was a fair amount of unburnt heads in your area?---I should think that would be correct.

Do you know whether you ever got written notice yourself or to your office, as distinct from the men on the spot, to burn
off heads?—It is my recollection I have been notified to burn heads, but it is a considerable time ago. I have received a slip saying that heads should be burnt before a certain date. Occasionally it would be done. I have gone up there and found where they had burnt a patch of heads.

Did you find them piled up or spread about?—That was at the discretion of the fellers. If they thought they could make a better job by felling from different spots and getting the heads in the same place, they did that.

Was there any practice that you know of, of piling them up in heaps?—Where possible I should say that would be done for their own ease in getting logs out, but you will understand where we have cut one and left three it is almost impossible to burn heads because the forest would be such a distance away.

Do you agree with Mr. Callinan that in general the areas where they were not piled up were greater in number than where they were piled up?—I should think so.

I suppose you are fairly familiar with the whole of the Rubicon area?—Yes, but the whole of my own portion in particular.

I do not want to ask you details about it, but in general what do you find with regard to burnt off heads. Is the forest fairly clear of them or not?—I could not speak about areas other than my own. My practice is to go directly to my milling area, stay as long as I can, and come back. I would not be on other areas once in two years unless I had some particular reason.

You told the Commission you had notice from the Forestry Officer to burn off heads some time ago? How long ago would that be?—It would be a matter of years. It is quite a hazy memory with me. To the best of my belief I received a slip stating that heads were to be burnt before a certain date. That was relating to that particular year?—Yes.
As far as your memory goes, have you had any such notice since then?—No.

I understand you had about 16 men employed in your mill?—Correct.

There were 4 women and 5 children?—Yes.

They all used the dugout?—No, not all those men. There were four of

of the bushmen who, instead of coming back with me on the

Tuesday, went down taking Mrs. McLean and a small infant

with them. It was considered safer.

You had no deaths at all at your mill?—No.

In the light of what happened, would you like to make any suggestions

with regard to the safety of people either at the mill or

out in the milling area?—I should think that firebreaks

and dugouts are about the only things to do, unless you can

arrange for a cessation of the weather conditions such as

we had; but that is rather hard to do.

Is it possible to dig dugouts at the cutting areas?—No, that would be

rather hard. The winch is moved so frequently that you

would be digging dugouts all the time.

THE COMMISSIONER: Is not that overstating the position a little?—Yes,

it is overstating it a little.

They stay for 8 or 9 months?—Occasionally. That is considered a good

cut.

What is the shortest time?—6 or 5 months.

How many would be on the crew, 8 or 9?—2 Fellers, 1 Drayman, 1 Whistler,

1 Log-Spragger, 2 Winch-drivers, about 7 men and a woodcutter.

A pretty small dugout would accommodate them?—It would not be very large.

How long would it take to build it?—Possibly a fortnight. It is in

bad country; there is a lot of rock there. It is not just

a matter of quarrying cut earth.

What would that cost you?—It would not be so severe, perhaps £10.

It would be done in about 2 weeks.

With 3 moves a year that would be £30 a year. That would be something

tangible to preserve the lives of 7 men. You would not

call that a high cost would you?—No.
I am not suggesting it should be done, but you seem to recoil from the
suggestion?---I did, but when I considered the cost I think
I should agree that it should be done.

MR. GROABS: These mills are usually covered by workmen's Compensation
Insurance?---Yes.

That being so, do you think there would be any chance of an agreement
with the Insurance Company to take the protective measures?---
That is a suggestion that is worth following up. You mean
they should dig the dugsout?

Yes?---I will certainly take notice of that.

THE COMMISSIONER: I suppose your premises would go up?---I went out after
the fire and there was no damout there. If there had been
one there, unless it was something exceptional, they would
have been all dead because the ground was searched. It
was almost impossible to make a dugsout at this particular
spot. My method was to bring them out. I went out hours
before the fire came.

MR. GROABS: Was that because of the nature of the ground?---It was
largely because it was so rocky, and below the winch site
there was a mass of debris that had been caused by felling.
There was bare, scrub and so on; a great deal of highly
inflammable vegetable matter.

How did it come about that you constructed a dugsout at your mill?---We
were requested to do so by the Forests Commission Officer,
I think by Mr. Garraty. It was at their request that our
dugsout was built.

Was it made a condition of your licence at all?---No.

Were you given any directions as to the manner in which it should be done?---

No.

As far as you know, neither you, your manager, nor anybody connected
with the construction of it had any idea of how it should be
done?---No, I think they just used their bush common sense,
and ran a tunnel into a hill. It was walled out into a room.
well underground and that served the purpose.
You have heard the opinion expressed that the fires were much more serious
than they would have been had you been allowed to burn the tops
that had been cut. What do you think of that?---I could not
express an opinion on that; it is out of my territory.
You have no opinion about it at all?---No.

THE COMMISSIONER: How long have you been interested in Milling?---30 years.
And you have no opinion on that?---I can say as far as the burning of
heads and that kind of thing is concerned that if they are
burnt in the period before the fire risk is supposed to
have taken place, there is certainly less inflammable matter
in the bush.

Why did you tell us you had no opinion on the matter?---That is only
an opinion.

What is behind your mind: why did you say you had no opinion. You are
well capable of forming and expressing opinion. You are also
well qualified to, with 30 years experience. Tell me what
was behind that, if anything?---There it is, if there is scrub
in the bush and you burn it before a big burn comes along -
this is my view of it - you avoid a larger burn.

Quite so.

MR. GOWANS: Have you any opinion about this; if the forest is to be
left in a natural state, are we going to expect the fires
periodically?---You mean if they are not milled.

No, I mean if they are not burnt through periodically?---Yes, I should
think so.

On the other hand, you are well aware of the principle of the Forests
Commission policy of leaving the humus on the ground?---Yes.

Have you any view of which is more desirable, to leave that humus on the
ground where possible, or to burn through periodically as
suggested by graziers here yesterday?---There seems to be
two schools of thought. One party believes in leaving the
humus on the ground as a means of holding the water, and the other seems to think that if you leave it there you are inviting disastrous fires.

Do you adhere to either of those schools?—I am inclined to be in favour of leaving the humus. There have only been two serious fires in Rubicon, one in 1926 and one this year. They were both very serious?—The 1926 fire was not as widespread as this one was. It only burnt the Royston valley. There was a small fire in the Rubicon Valley earlier, which cleaned out the scrub, but it did no material damage. There was not much there to burn.

There is not much to burn there now?—No, you would have a job to get a fire to burn now.

There is not much to mill?—Yes. The milling areas do not appear to have been harmed. The maiden bush appears to me to be left untouched.

Is there much of it left?—Yes, there is a fair bit of my area left, four or five years cutting, and perhaps more.

MR. KEILG: Mr. Gowans, in questioning you, asked if you were in favour of leaving the humus, and you said you were. There is a big distinction of leaving a forest with the humus and leaving the forest with a mass of inflammable debris that has been artificially formed?—What would you call "artificial inflammable debris".

Heads which have been cut from the trees?—Would they be any more artificial than the droppings of bark.

I will suggest to you there are two states of a forest, one that is in its natural state without man having done industrial operations in it, and the other after man has done industrial operations and left it with heads and thinnings. When Mr. Gowans asked you the question he did not make that clear. You said that you were in favour of leaving the humus, which is there in the natural condition. Are you also in favour of leaving the heads of trees and the thinnings of trees without clearing them up?—I think the heads should be burnt.
I am making that distinction for the benefit of your evidence. I now have a suggestion to make to you. These acute periods, as you have stated, occur at about ten-yearly intervals. They are probably further apart than that, but there have been two of them with a gap of about ten years. That acute period may be for two or three months. One thing that is troublesome in that time is that there are people in the bush and their lives are in danger. The second thing that is troublesome at that time, even if the heads were burnt in September, is that the heads that are cut after September are still there. From an economic basis what do you think of the suggestion that, in that critical period occurring only at that frequency and for that time, the industrial operations in the forest should cease, that the people who would be in danger in the forest should be taken away from it, and all operations which unavoidably set up the risk of fire—that is the production of inflammable debris and fires in the mills—should cease for that period, thereby eliminating most of the real trouble associated with the industrial operations of the forest. When we see, as we can see in October or November, we will have an extreme year, what would be your view as a mill owner, of the economic effect on the industry of doing that?—How are you going to know. It was only by good luck we dodged this last year.

We all knew about October or November; did you not know?—It seemed very likely, but we did not know what was ahead of us in the way of a change.

If we did know, and if it affected the industry for that limited period, do you think it would be economically dangerous to the industry?—I should not think so, but there are a lot of views about that.
I am afraid there will be a lot of views. You would not think the economic position would be very serious?—If we had to close down and put off approximately 30 men, the economic position as far as they were concerned, would be rather severe. As far as our own business goes, it would go to the pack.

Even at that spacing?—Yes. When we came to resume operations we found the eyes picked out of our customers.

Suppose everybody did it?—Where would you get the hardwood to build houses.

You have the right to say you think supplies of hardwood would fail?—There it is in other words.

When that danger period arrives, patrol men are needed and also men to fight fires; suppose the men from the mills were not thrown out of work but taken over by a central authority, and instead of producing inflammable debris were in fact watching for fires and putting them out in the areas in which you and they are interested?—The only thing that saved them on the Tuesday was that they were gathered in spots where they were safe. If there had been a man to every tree the fire could not have been stopped.

THE COMMISSIONER: Mr. Kelso suggests the fires should be stopped at their source?—They would need to be super men.

MR. KELSO: I think you suggested you believed in putting out fires and preventing them. Suppose we had enough men to put those fires out and prevent them spreading. Would that not be a good way of getting experienced men?—That has been done from time to time. It was done this year.

Is it not a fact they were only brought in to fight the fire after it had got well established?—No, I was not referring to the big fire, I was referring to the fire that occurred at No. 3 winch before that.

It is to get the benefit of your view as a mill owner about the economic aspect, that I am asking these questions. If you will
say, for the benefit of the Commission, what you think about that proposal, that only for those months while the danger would last — it may be three months once in ten years — that all operations of industry in the forest should stop; that all men engaged in those industries should be drafted to protect the forests, and all people in the forest working in the saw mills who would be in danger, should be removed from that area? — That is the first time I have heard it suggested, but the scheme has certain advantages. You would then eliminate any fires that would be caused by human agency.

I am afraid not, but it would go a long way to eliminating some of them.

Your Honor, I have not the right to make these comments, but it is helpful to discuss them with the witness.

THE COMMISSIONER: Yes.

MR. KELSO: Perhaps that is an idea you would prefer to think about, but I thought you may tell the Commission whether you thought it would ruin the industry? — I will be frank. The first time a dugout was proposed I was of the opinion that if men had to crawl into a hole to escape, the best thing we could do was to shut down for two or three months.

MR. LAWRENCE: During the period of your long experience, on how many occasions have you known a serious fire to start up within the industrial section of the forest, that is within the milling areas? — Not very frequently. I had a minor bush fire or two in the Haytesbury Forest years ago; we had one fairly serious fire at Castella; we had this burn in 1936, but that really did not affect the industrial area. My experience of a sweeping fire that really affected the industrial milling area was on the 10th of last month — that was my main experience.

This year, and in general, what has been your experience of the region of origin of disastrous fires? — That I could not say. It
seemed to be impossible to find out how any of the fires started.

I am not asking for causes; I am asking for region of origin?---

Occasionally we would have a fire that started in the Falls and burnt off. I think the 1926 fire occurred there. On this occasion I was not present when the fire occurred in Rubicon, but I understand there were two fires, one above the Commission's haulage, and one above the Falls of the Rubicon River. That would be the answer to the question on the region of the fire.

Are you speaking from hearsay or personal knowledge?---Yes. I am in regard to the last fires.

Over the whole of your experience, have fires in general started up within the forest area, or have they come into the forest area?---In my experience they have started in the forest area.

THE COMMISSIONER: Can you tell me how the royalty payable by the miller to the Forests Commission is assessed and paid, and what checks there are upon its accuracy?---The rate of royalty is usually agreed upon when you take over an area. If it is land you tender for, you tender for a certain amount.

So much per foot?---So much per hundred super feet. In our case there is a definite rate for boards, that is selected timber, a lower rate for scantlings, a lower rate still for cases and smalls. The timber is checked and loaded at the mill and a docket is sent down with each load.

Who checks it at the mill?---The tally man and loader.

Is he an employee of the miller?---Yes. That docket is sent from the mill down to the railway siding.

For whose information is that?---That is for my information. I am at present in Alexandra, and I check the amount. We then truck such timber away, making out a duplicate invoice which is sent to the Forests Commission Officers.

In any business you do not leave it to the man who is buying to say how
much is bought. What check is there on that. I am not suggesting the millers would anything wrong, but I want to know how it works?—This check which is obtained by taking the total of your deliveries at the yard, can be easily ascertained by reason of the fact that contractors bring the stuff in.

Who can ascertain that?—The Forestry Officer can find that out by application to the contractor's office, and then by looking up his own invoices which are forwarded fortnightly. Then, by getting the railway consignment to find out how much you have sent away.

Where are these invoices sent to?—In our case to the Forestry Officer at Taggerty. A statement is sent monthly to him and the Secretary in Melbourne.

From the Forests Commission point of view, he is the real check on the amount that is coming out of the forest and the amount that is being paid for?—He is.

Have you ever had any of your quantities questioned or tested by the Forests Commission?—No.

Not in all those years?—No, I have had a pretty clean sheet that way. In fact, I have had a perfectly clean sheet.

Do you know of any millers who have had their quantities ever questioned by a Forestry Officer?—No, not personally, but I have heard of cases, where it was suggested that timber had been taken away without paying the royalty.

I presume that could easily be done?—Yes, it is possible.

MR. KELSO: Who stamps the stumps in the bush?—No one in our bush.

THE COMMISSIONER: Mr. Kelso, to what are you referring?

MR. KELSO: I have seen the stamp of a Forestry Officer on a stump in the bush, and it is some form of tally on the spot by the Forestry Officer. I gather it is only done when the royalty is paid on the round instead of over the saw.

THE COMMISSIONER: Mr. Lawrence, I am not asking these questions in any way to question the internal management of the Forests
Commission. I am not concerned with that in my Commission.

MR. LAWRENCE: Would you like me to assist you?

THE COMMISSIONER: You cannot, you do not know what is in my mind.

However, you might if you asked some further questions on those lines.

MR. LAWRENCE: What is the general nature of the system under which you pay royalty. Is it termed in the round or over the saw?---Over the saw. Incidentally, that is wrong. It should be over the bench.

THE COMMISSIONER: I do not want to get any technical details.

MR. LAWRENCE: That is the basis of it.

THE COMMISSIONER: Unless you can define what I have in my mind, it is not much use.

THE WITNESS WITHDRAW.

HERBERT CHARLES SIMMONS: Sworn and Examined.

MR. GOWANS: What is your full name?---Herbert Charles Simmonds, and I am a Forestry Foreman in the employ of the Forests Commission stationed at Rubicon. I also live there.

Do you come under the control of Mr. Ure?---Yes.

He is officer in charge of the district?---That is right.

What other officers were there at Rubicon prior to the big fire on the 10th?---I have only been there under Mr. Ure.

Were there any other officers there besides yourself?---Mr. Brown was there before me.

Was he in your place?---Yes.

Was he a forest foreman?---I could not say whether he was a foreman or not, but he was stationed at Rubicon.

Where is he now?---I could not say. I think he is working for the Forests Commission.

Was there any other officer stationed with you?---No.

Where was your nearest neighbor officer, Taggerty?---Yes.

That is Mr. Ure himself?---Yes.

Did you have any men under your control at Rubicon?---At times.
Under what circumstances would you get men up there?—For clearing breaks and doing work about the forest.

Who would you apply to to get them?—Mr. Ure.

I suppose you would have to apply for men when it came to fire-fighting?—

---Yes. I generally have two or three men up there, and I used to get them. If I wanted more I would ring Mr. Ure.

Who were those men?—They were working on the roads for the Forest Commission.

Subject to your superior officers, did you have control of the whole of the areas covered by the seven Clark & Pearce Mills and the Brown & Cecil Mills?—Yes.

How long had you been there in that position?—Only 3 years.

Where had you been before that?—I was at Murrindindi on the Black Range.

In the same kind of position?—No.

What were you there?—I was practically a labourer and a fire hand in the fire season.

How long had you been in that position?—About 3 years.

What had you been before that?—I was with the S.E.C. at Murrindindi as an assistant patrolman.

Had you been in the bush all your life?—Practically. I had done mill work before I went to the S.E.C.

What kind of mill work?—Practically all sorts; in the mill and in the bush.

Sawyer?—No, I did not do any sawing.

Cutting?—Felling.

During the last 6 years, you have actually been concerned with forest practice?—Yes.

I take it you had no theoretical training?—No, none at all.

Were you at the fire on the 7th January?—Yes, I was the first one there on the 7th.

What time did you get there on the 7th?—I would not be sure of the time, but I think somewhere about 6 or half past.
When did you first hear of the fire?—The S.E.O. brought word there was a fire. We heard a crack of thunder and I reckon it was ten minutes or a quarter of an hour after that that the S.E.O. men told me.

You heard some evidence given at the inquest the other day, to the effect the stroke of lightning was somewhere about 4.30 or 5 p.m.—I do not think it would be that early.

Do you remember Bruce Finlay saying that?—Yes, I fancy I do. He was playing cricket at Thornton.

Was that right?—I do not think it would be that early, because we were having tea at the time, and we would not be having tea at half past four.

You mean at the time you heard it?—At the time I heard the clap of thunder.

How do you know it was the same clap?—I do not know it was.

I think it was suggested at the inquest, it was somewhere about 5 o'clock he saw the fire?—Yes.

Are you quite sure it was not until half past 6 or so that you got there?—I should reckon it was about that time. We had tea and came out with the S.E.O. men. It would not take him long to drive about 2½ miles.

Did you leave straight away?—Yes, we got the horses and went straight to it.

When he saw you, did he tell you it looked pretty serious, that it might spread?—No, he did not think it was serious.

Who went along with you?—Mr. West.

Is he a forest man?—He is one of the men who got burnt at No. 3. He was not in the employ of the Forests Commission?—Yes.

What as?—He was in charge of a gang of men on the road job.

Where did you pick him up?—He was at my place having tea.

Did you take anybody else besides Mr. West?—No, only the two of us went.

When you got there, what did you find?—We did not notice at the start that the tree had been struck by lightning. Of course, all we wanted to do was to stop the fire.

How big was it?—It would be only 10 or 12 yards across when we got there.
What did you do when you went along and found that it was only 10 or 12 yards?—We put a break round it.

Just the two of you?—No, there were 6 or 8 S.E.C. men who walked up. We had ridden the horses up a certain distance and then walked the rest.

By the time you got the break around it, what time would it be?—It might have been half past nine or ten o'clock; it might have been later.

When you got the break around it, what did you do?—The S.E.C. men reckoned it would be quite all right for them to go home. We had it stopped, and it was only a matter of the logs and the trees burning. We reckoned it was quite safe.

Did you go home?—No, we stopped there until half past two. We ran out of drinking water and there was none handy to put the logs out. At half past two we decided we would go home and bring some water back with the pumps.

When you left for this fire, did you have any equipment?—Yes.

What did you have?—Rakes and fern hooks.

Did you have any haversack sprinklers?—We did not have them with us when we went.

Where would they be?—At my place at Rubicon.

That was where you were having tea?—Yes.

You could have taken them?—Yes, but we had no water. If you understand, it is not much good taking a haversack to put the fire out. It is right enough to put the logs and stumps out afterwards.

I appreciate that. I am not suggesting it would be of any use; but perhaps would it not be of some use when the fire was small, to put out the logs?—Yes, but there was no water handy.

It was on top of the Blue Range, and to my knowledge there was no water under one and a half miles.

How many haversack sprinklers did you have available?—There must have been six or eight.

Would it be impossible to fill them and carry them up with you?—It would
not be, but the quicker you get there to put a break around it, the better.

It would not have taken long to fill them up?—No, but it would have taken a long while to carry them up. There are four gallons in them and it is steep country.

You thought you had it under control at half past nine?—We did have it stopped.

You mean it was not spreading?—No. We had it absolutely safe.

You thought you had it safe?—We evidently thought we had it safe.

What did you do the rest of the night?—We patrolled around. We stopped there because it was very steep, and occasionally a log would burn through, start a stone rolling, knock coals on to the bottom side and start up. However, it was really nothing on the bottom side, because we could hold it.

Was it on a steep slope?—Yes, very steep.

How many of you stayed?—Jack West and myself stopped there.

Did you stay there all night?—Until half past two.

What was the position then?—She was pretty good. The logs had burnt down, and we reckoned it was safe to leave it.

What was the next thing you heard about?—We went home, got the pumps and came practically straight back. We had something to eat, gave our horses a feed and went back again.

What time did you get back?—We left to go back at half past four.

What time did you get there?—It might have been 6 o'clock or perhaps a little after.

Was West still with you?—Yes.

Anybody else?—No; only the two of us.

Did you take water with you that time?—Yes, two tanks.

Two of these haversacks?—Yes.

Did you think those two would help you put it out?—We thought so.

Why did you not take them before?—We did not think they would be necessary.

What did you find when you got up there in the morning?—It had got away on the bottom side but it was not serious.
Did you know of that before you left?—No.

What did you do with it when you got out there?—We put another break around it.

Just the two of you?—Yes.

That would be a bit of a job for two of you?—No, it was a very small area.

What did you do after that?—We put a break around the fire and Jack West said to me "I think I will go around the top and see how it is going on the top." The wind had got a bit stronger from the north. He came back and said it was quite all right. We were watching the bottom where the stones were rolling down and knocking the charcoal down. He went away a second time, and he sang out to me. We got up there and found she had got away on us.

About what time would that be?—I should reckon it was about 9 o'clock.

Do you think if you had more men that it would have got away from you?—No. I reckon if we had more men we might possibly have stopped it. It was very rocky and stony, and under ordinary circumstances we would have been quite all right. The stony nature of the ground made it impossible to break it cleanly.

Suppose you had wanted more men at that time of the night, when you went up the second time. Where would you have got them?—I suppose I could have got them from Rabieon. That would have been the nearest.

You seem to have some doubt about that. What would have been your difficulty, taking men out at that time of the night to fight fires? Do you find they are not very keen?—I do not blame them for that, I suppose.

Would they get paid for it?—I think the S.S.C. pays them.

What about the Forests Commission?—I could not say. I do not think so.

We heard some evidence the other day that arrangements are made to pay men who are brought in like that to fight fires. Have you ever heard about that?—Yes, I think they all get paid.
Do you think they get paid by the Forests Commission?—Any that the
Forests Commission put on, they pay.

Supposing you had gone along and asked these men to leave their beds
and fight it. Do you think they would have been paid?—No.

I do not think the 3½ men would have been.

Do you yourself, remember ever arranging to pay men to fight fires?—No.

I have never had occasion to put them on myself.

Not in your six years, with the Forests Commission?—I have not been
6 years in the position I am in now.

Not in the three years you have been foreman?—No, we have had no
serious fires during that time until this one.

Are you supposed to be on duty all the time and get out at any time
of the night?—Yes.

Do you get paid overtime for that?—No.

Do you know if you are supposed to?—I do not think so.

Have you ever worried about it?—It is no good worrying about it.

What about West, would he be paid overtime?—Yes.

You are quite sure that is the position, even men in the forests
Commission employ are paid overtime when they are asked
to stay up all night to fight a fire?—Yes, other than
staff men and foremen.

Are you quite sure that is so, or are you only guessing?—No, I am
pretty sure.

When the fire got away from you, what happened next?—We practically
worked ourselves to a standstill to try and stop it, but it
beat us. I thought the best thing to do was to come down
and get more men. When I came down I met Mr. Ure and Mr.
Ken. Andrews at the foot of the hill. Mr. Andrews and I
went back again, and Mr. Ure went away and got more men.

Where did he get them from?—From Taggerty, I think.

Did he ring up, from the Rubicon?—He had a truck, and I think he
went down with the truck to get them.
What time did he get back with those other men?—I really could not say. I think two or three of them came about dinner time or a little after.

Do you know when it was the truck got back?—I do not know; I was up on top.

Were you there the whole of the 8th January?—I was there from about 6 o'clock Saturday night until about 7 o'clock Sunday night to the best of my recollection.

What were you doing?—Fighting the fires.

How were you fighting them?—With rakes. Raking a break around it.

Of course there was no scrub or undergrowth. It was practically only the leaves on the ground, because we had burnt a boundary break right around the year before, and it was practically on that burn where the tree got struck.

Even though the fire got away from you at that time, was it very serious on the Sunday?—No, it was not very serious, but with the wind it was moving along.

Did you get it under control either that day or the next day?—No.

What was the wind condition that day?—It was pretty strong north wind.

What is your view, was it that fire that burnt through the Rubicon Forest?—I should not think so. I think it was the fire that came over from the Cathedral way. Of course, I should say they joined up at No.2 bush.

On what date, the 10th?—On the Tuesday.
On what do you base that opinion, from what you saw or what you have been told?—From what I saw myself.

The fire that you have described as the lightning fire reached the No. 2 mill bush on the Tuesday, and the other fire from the Cathedral Range reached there about the same time; are you sure of that?—I could not be sure of that. We had nothing to do with the other fire, as we were on the lightning fire on the Sunday night.

You communicated with a number of men, of the managers at the mills, and suggested that some of them should get out?—Yes, I spoke to Mr. Tait at No. 1 mill and Mr. Sims at No. 2 mill, on the Monday. They came down in front of our fire to put a break in, from the Rubicon area. They had walked right around it and came back to the Tin Hut. I told Mr. Tait that I thought it would be a good idea to get the women and children off the mills and out of the way on the Monday. That referred to the No. 1 and No. 2 mills.

Did you find any difficulty in communicating with the men at the mills, or to get them out?—We did not think things were going to be as serious as they were. Up to the time when the fire came over the Blue Range, we were holding our fire in check.

When was it you first knew about the fire coming over the Blue Range?—Not until it came over; on the Tuesday, about 4.30 p.m.

(Luncheon Adjournment).

ON RESUMING AT 2.15 P.M.

MR. GOWANS: When fighting this fire between the 7th of January and the 10th of January, did you burn breaks?—No, we did not.

Would it have been of any value to have burnt breaks?—Absolutely no value at all.

Or to burn back into the fire?—Not until Tuesday morning, when we burnt breaks on the southern side of it.

Were there any breaks in the way of the fire, or any cut from which you could have burnt back?—Yes, but the fire started not a
great distance away from the main break on the Blue Range. It got over that break before we realised it had.

When did it get over that break?—Some time on the Sunday.

You cannot remember at what time it was?—No, but I went home about 7 p.m. on Sunday.

Would it have been feasible to burn back into it from that break?—I do not think so, with the wind that was blowing.

You can burn back into a fire against the wind, can you not?—You can, with the weather conditions in your favour, and then it would be quite all right.

What weather conditions do you want?—You want a strong north wind.

Even when you have a strong north wind against you, if the fire is coming towards you and has sufficient heat to create a break draught, you can burn back?—Yes, but you would want a terribly wide break. The fire runs up the messmate trees very quickly, and it would depend on the country you are in.

What was the width of the break you were in; I refer to the main break about which you have spoken?—About 18 feet or 20 feet.

Was it your view that the break was not sufficiently wide to take that action, in the circumstances?—I reckoned it would want to be half a mile wide, then.

Were there any other breaks from which you could have burnt back?—None at all.

Was the main break running east and west?—No, it would be pretty well north and south, along the main Blue Range.

Does it run along or across?—It is east and west at the northern end, and it then turns to the south.

Where did the fire cross the break, where it is running east and west or where it is running north and south?—I should reckon it crossed where the break was running east and west.

If you had had a wider break at that point, you could have burnt back?—I do not think so under the conditions.

Where is the next break running east and west in the path of that fire?—that would be the next break to the south?—It is a long way back, along Elephant's Spur.
Would it have helped you to have had another break running east and west further back?—You can only build breaks on country that is suitable for them. It is no use building a break on the side of a hill, where the trees would burn down and across the break. You must have the breaks on top of the spurs. Were there any suitable spurs on which breaks could have been made?—There were breaks on every suitable spur. Were there any suitable spurs south of that break where another break could have been constructed?—There were breaks to the south. Were they running east and west?—I could not tell you exactly which way they were running, but I should imagine they would be in that direction.

You know where all the breaks are in your area, do you not?—Yes, I have a lot of them, but I could not tell exactly in which direction they are running.

From whom do you take your orders when you receive orders?—Mr. Ure. I did not put in any breaks myself; they were all there before I came on to the Rubicon.

The main control of that area, from the point of view of cutting breaks, would be in Mr. Ure’s hands?—I think before Mr. Ure came there all the breaks were out.

If Mr. Ure thought a break should be cut anywhere in that area, he would make the decision, not you?—Yes.

In whose hands would lie the control of the mill owners in the Rubicon forest, from the point of view of burning off?—In Mr. Ure’s hands.

Would you never give a direction to the mill owners without consulting Mr. Ure?—No.

Would you never tell them they should burn off or they should not burn off?—Only around their mills. Sometimes I took it on my own, when I thought it was necessary to clear and burn off around a mill area, to have the scrub cut and burnt.

That is the scrub right up against the mill sites?—Around the various mills.
Whose responsibility is it to see that the heads are burnt off in the cutting areas. Is it your responsibility, or the responsibility of Mr. Ure?—I should say Mr. Ure.

Have you any doubt about that?—I know I have no authority to order them to burn off.

You are quite satisfied about that?—Yes.

May we take it that, during the three years you were there, you would not regard it as your responsibility to tell them to burn off the heads of tops unless Mr. Ure told you to?—No.

What instruction did you receive last year from Mr. Ure in connection with the burning of tops?—I did not get any instruction at all.

When did you last get any instruction from Mr. Ure about burning the tops in the Rubicon area?—I did not get any from him at all.

Not in the other years that you were in that area?—No.

Can we take it that you have said that you have never given orders, or instructions, or have not suggested to mill owners anything about that burning off of heads?—They have suggested that they would burn off, and, as far as I was concerned, I gave them my permission. As long as they saw Mr. Ure and got his permission, it was all right. Mr. Love burnt off around the No.4 and No.5 mills.

Did you always tell them that they would have to see Mr. Ure to get his permission?—Mr. Ure is the man, certainly.

Did you always tell them that?—They knew that, without my telling them.

May we take it that you did not tell them?—No, I did not.

You have heard some of the evidence this morning as to the condition in some of the areas in relation to tops for the last two or three years. Do you or do you not agree with that evidence?—In what way.

Were the tops cut down and allowed to lie there for periods of a year or two years?—Not a great many of them.

Some of them?—I think Brown and Cecil's mill is the only mill that has not had a fire within the last three years.

Brown and Cecil's mill did not have a fire?—No.
You have been up there and seen tops around the mill?—Yes.
Did you consider it was not necessary to burn them, or did you think it was not your responsibility?—It was not my responsibility, I did not reckon.
Did you form any opinion as to whether or not it was necessary?—I reckoned it would be all the better if they burnt straight after they felled, as soon as they had finished a patch.
Did you think it desirable to report to Mr. Ure that that was your opinion?—No, I did not.
Did Mr. Ure visit with you the areas referred to around Brown and Cecil's cutting area?—Yes, I have been through there with him.
Did you hear him giving any instructions about burning at Brown and Cecil's cutting area?—No, I have heard him give instructions in other places, but not actually at Brown and Cecil's mill.
Where did you think the tops were worst in the whole of the Rubicon area?—I should say at Brown and Cecil's mill. They had more tops then anywhere else, because the others had been burnt.
It was woolly butt country, was it not?—Yes.
It was fairly thinly timbered?—Yes, very sparsely timbered, very poor bush.
Leaving Brown and Cecil's area at present, where were the other places at which you saw tops lying about?—Out at No.1 mill there were a fair number of tops, but the winch was right amongst them. They would have burned but they reckoned it would not be safe, that they might have burnt the winch and the fire might have got away from them.
How long was it since there had been a burn around that area?—There was a fire there last year.
Was it burnt there?—Yes.
At what time last year?—I think it was in December.
Do you mean December, 1937— the year before last?—Yes, I fancy so, but I am not sure of the date.
Was it an accidental fire?—It was supposed to have been accidental.
Have you any doubt about it?—I do not know, and I would not like to say.
Did you make any enquiries?---Yes, but I got nowhere.

You had a pretty good idea that some of the men thought it would be safer if they burnt off the heads, scrub and so on, stuff that is cut and left lying about?---Yes, I suppose it would have been safer.

Do not you think the men thought that too?---They never said it to me.

Did you have any opinion about it?---Naturally I thought it would be safer if they burnt.

Why did you not do something about it, either in the way of a report to Mr. Ure, or doing what you could yourself?---I thought it was the mill manager's place to ask Mr. Ure himself when he was up there. He was up there pretty often.

That is what I thought may be the answer. Your view was it was the responsibility of the mill owners or the mill managers?

The mill managers.

Have you ever heard of the mill owners being notified in writing to burn off?---No, not of late years.

Not in the three years that you have been in the Rubicon?---No.

You had heard of it being done before you were there?---When I was at the various mills myself, we used to get orders every year to burn our heads.

That practice has been changed in the last few years?---I have only been here for the last three years, and I have had no orders to notify the mill owners or managers.

Do you remember an occasion when employees of the State Electricity Commission wanted to burn back and spoke to you about it?---No, I do not.

You cannot remember such an occasion?---Not State Electricity Commission men.

THE COMMISSIONER: Who was it?---Nobody that I know of.

MR. GOWANS: You said "Not State Electricity Commission men"; were you thinking of anybody else?

MR. LAWRENCE: There is a difference in the nature of the question asked. Mr. Gowans meant to say "burn off" not "burn back".

MR. GOWANS: I shall ask the question again. Do you remember an occasion when some State Electricity Commission men asked you for permission to burn off?---No, I cannot.
Do you remember any occasion when they asked for permission to burn heads or scrub lying about?—Whether it was last year or the year before I cannot recollect, but we burnt a lot of the scrub. That was taken on the break along the channel beyond Skinner's old mill, with the State Electricity Commission; I do not know if that is the year you refer to. You did burn it on that occasion?—We burnt it. I am referring to an occasion when State Electricity Commission men asked permission from you to burn off, and you refused it. Do you remember any such occasion?—No. Were there any occasions when you asked Mr. Ure for permission to burn either heads or tops and it was refused?—No.

Was there any occasion on which you asked for permission from Mr. Ure to burn heads and tops, or burn off?—That is practically the same question, is it not?

No, the first time I asked if you remembered an occasion when it was refused, and now I ask do you remember asking him at all?—No.

Did you get any instructions from anybody in the Forests Commission with regard to your duties and what they were, about permitting burning off or the burning of heads or tops?—No, I always referred them to Mr. Ure.

You were up here as the man in charge of this forest, from the Forests Commission point of view, and subject to the control of the District Officer, but you had no instructions at all about it?—Not about burning off, no. Or burning anything?—Around the mills, it was a regular thing for them to cut the scrub and burn it off, for the safety of the mills, and people around there, but not the heads out in the bush.

MR. LAWRENCE: Did you ever receive instructions from Mr. Ure that you were not to allow any mill owners or bush bosses to burn other than during the fire season?—No.

You were never told that you were to instruct mill owners that they
were not to burn?—No.

Did you on any occasion, on your own part, assist a mill owner or a bush
boss to burn?—Yes, on one occasion, with Mr. Boyce, but around the mill only. We tried to burn it, but we could not burn it at the beginning of the summer.

Were you present this morning?—Yes.

Did not you hear the evidence given by one man that you did assist him
to burn?—No, there was no evidence like that. Mr. Sims gave it at the inquest that he tried to burn off around the mill, but that he could not do it as it was too damp. It was never burnt around the mill. He had the blackberries and scrub out, but he did not go on with it.

Never on any occasion did you assist a bush boss or mill employe to burn
off heads in the bush?—Not to my knowledge.

You do not remember that?—No.

Did you ever do it of your own free will? Did you ever put a match under
mill heads and burn off?—No, not mill heads. We have cleared up our own breaks, but never interfered in the fallen areas.

Did you ever carry out any patch burning operations in the Rubicon?—No, Mr. Fitzroy did that.

You have never done it yourself?—No.

Were you ever with Mr. Fitzroy when he did it?—We did a little along a
break, where the lightning fire started last year. We burnt off a break through from the Rubicon road practically to Shitty's mill and the Little River.

What distance would that be?—I have never been through to it, but I
should say five to six miles.

Was that a continued strip of burnt country for that distance?—At some
places it went for chains up the hill, but at other places it did not. It all depends on the nature of the ground, on the undergrowth, ferns, scrub and so on.

What would be the maximum width of the burn?—From what I have seen of
it, I should say two or three chains.

What would be the average width over the five or six miles?—I could not
say, because I was not at the other end. I should reckon that at the other end it was half a mile or a mile wide.

The fire got away and went right up to the top.

In what month was that burn carried out?—At the end of October, 1937.

You have been through the Rubicon country since the last fire?—Only one part of it.

Were you anywhere along that burnt strip?—Yes, I was up there with the detectives when they took a photograph of the tree that was struck by lightning.

On your observations, to what extent did that burnt strip assist in either checking the fire or reducing its intensity at that spot?—There is no difference, from what I could see.

What do you mean?—It is just the same as if it had not been there.

Your observation was that the burnt strip had in no way checked the fire or reduced its intensity?—It may have reduced its intensity, but it never stopped the fire. The fire went over it, just the same.

MR. GOVAN: Is Mr. Fitzroy an assistant with you, or was he a Forestry Officer in another district?—He was practically a leading hand for the Forests Commission.

That is a lower rank than yours, as foreman?—Yes.

He would not do any burning in your area without speaking to you about it?—When he got his orders from Mr. Ure, I would let him. It was not done through me.

Would he not let you know?—Naturally, I would know he was doing it.

But you would be satisfied if he told you that Mr. Ure told him to do it?—Yes.

You told us you never interfered with the mill people so far as the question of burning is concerned. Is that what you really meant to say. Have you never interfered with the mill bosses on the question of burning off heads?—They took it on their own to burn.

In your view, your honest view was that it was not your job to see that it was done?—No, certainly not.

And they could leave the heads there, or not leave them there, as they thought fit, and take the responsibility?—Yes, they were
under a certain amount of responsibility if they burned in there. They were supposed to be responsible, to look after it, and not to let it get away. From what I could see, they would light it, but if it got away, it was an accident; but if it did not get away, it was quite all right, they lit it. Were you not in charge to see that the forest regulations were carried out?—That was not a forest regulation, as far as I knew. Did not you consider at your job to see that the conditions in their licenses and in the Regulations in general were carried out in your area?—No, it was not my job to do that.

Have you any special area?—I have all the mills—the eight mills in the district—to look over and report anything I thought was not right.

That being so, why did not you report the fact that some of the heads were not burnt off when you thought they might be a danger?—There were none of the heads—they were always miles out from the mill.

I thought you told us before you did really consider them a danger?—Not exactly a danger, but I reckoned they would be all the better burnt up.

Did not you consider you should have reported that?—No, I did not think it was my place.

Do you think it was now?—No.

THE COMMISSIONER: Did another officer superior to you see that condition of affairs?—Yes.

You knew he had seen it?—Yes, he used to come up with me occasionally, and we would go around the mills. There was practically only Brown and Cecil's mill that had not had the heads burnt, except No.1 mill. They had a big fire out there previously, but there were a number of heads around their winch.

MR. GOWANS: Taking the situation around the No.1 mill winch, the reason why the heads were not burnt there was that it may have endangered the winch?—Certainly.

Did not you consider it might have been an even greater danger to the
forest in general if those heads were not burnt?—I could not say anything about that.

Did you think that you were qualified to form an opinion as to whether or not it was proper to burn those heads?—I suppose there was nothing to stop me having an opinion about it.

Do you think you could form a good opinion about it?—I do not know whether I did or not. I ask whether you have any doubt about your own qualifications?—I am only a foreman, not a staff man.

I accept that answer: that is the view you took, that you were only a foreman and not a forestry officer?—No.

THE COMMISSIONER: What were your duties?—To see that they did not waste any timber at the mills, to see that they cut out their bush properly and did not leave any trees in their area. My duty was just to go over their bush and to bring them back to fell trees that I thought good enough to go into the mill.

MR. KELSO: You said that if a fire got away, they would say they did not light it; but if it did not get away, they would own up to having lit it?—I only surmise that.

Am I to gather from that that sometimes these fires did get away?—If they got away, we went over and put them out.

Is it a fact that fires did get away sometimes?—They might have, and on such occasions we would have to go out with our men and put breaks around them.

I was asking for facts, from your knowledge. Is it a fact, to your knowledge, that this burning of heads got away sometimes?—No, not to my knowledge.

Then why did you say that if they got away, they would say they did not light them?—I surmise that.

Then the statement had no meaning at all. You have never known of a case where the fire got away, at any rate?—What I meant was, if they asked permission from the Forests Commission to burn, we would have to go out there and see to it. But they did not, they used to light them.
You said that at a particular place, for instance, there was a burn of the heads in the timber; was that an accidental burn?—

It was supposed to be an accidental burn.

Nobody would admit lighting it?—No.

That fire got away?—Yes.

Why did you say you did not know of a fire getting away, when that one got away?—They had been burning the heads in December, and that was a bit late in the year.

That was the question, whether, in fact, the lighting of the so-called burning of the heads was accidental burning and not done deliberately to burn the heads. In that case, the bush caught on fire by mistake and the heads were burned, is that correct?—It might have.

You are not prepared to say, from your knowledge?—No, certainly not.

Mr. GOMANS: Do you remember a gang employed by the Forests Commission cutting scrub, I think by the aqueduct?—Yes.

When was that?—It must be over two years since they were there cutting that scrub.

Was it in your time?—Yes.

Did you direct them to do it?—No, a gang came up there, I suppose under Mr. Ure or Mr. Gerraty. It was at the beginning of my term here, or just after I came here.

What happened to the scrub that was cut, do you remember?—It was left lying on the ground. It was cut down flat and left lying there. It was all through the young ash saplings that were thinned out.

For how long was it left there?—Until the fire burnt it up.

There is no doubt about the fact that that was a gang sent up by a forestry officer?—Yes, unemployed men from Melbourne and local men from Alexandra.

THE WITNESS WITHDREW.

(Continued on page 503.)
TO MR. GOWANS: My full name is Arthur Carlyle Ure and I am a forest officer employed by the Forests Commission and situated at Taggerty.

What is your particular rank?—Forestier. My district is Niagara-on-the-Lake.

The whole of the Niagara district?—Yes. It included Rubicon, Marysville, and the Niagara Range.

What is the area of the district?—It contains approximately 200,000 acres of State forest. I cannot say the area of Crown land because I have never taken it out.

Do Crown lands come under your control as well?—Only insofar as the timber on them is concerned.

You see that nobody cuts that timber without permission?—That is correct.

You have an assistant, Mr. Thompson of Shapel?—Yes.

Is he your next in command?—No, not exactly. At the present time I have an assistant at Taggerty named Jones. He is next in command.

How long has he been there?—He has been stationed there temporarily since just before Christmas. He was only sent to the district during the fire season, temporarily.

You have a cadet forestry officer as well?—Yes, he is still there.

He is stationed at Taggerty.

You have a forest overseer, Mr. Andrews, at Taggerty, too?—Yes.

The next officers are foreman Mill of Marysville, Mr. Hausser, foreman at Murrindindi, Mr. Simmons, foreman at Rubicon. They are the only officers you have in the district except a clerk at Taggerty?—That is correct.

I understand that there are 300,000 acres of reserve forest in your district and 186,000 acres of protected forest. That would be Crown lands. Would that be about right?—Yes.

So far as the Rubicon area is concerned, the man immediately in charge is Mr. Simmons, the last witness?—Yes.
He would be under your control?—That is correct.

How often would you be at the Rubicon area?—It depends entirely on the circumstances, and whether there a lot of men employed there. For instance, only recently, we had up to 50 relief workers there. I frequently have to go over and settle little disputes and things like that. On normal occasions, I would say that I visit there about once a fortnight to once in three weeks.

When you went there you would see Mr. Simmons at the tin hut?—I rarely went there without seeing him.

Do you make any tour of inspection of the district or would you go there for some specific purpose?—Usually for some specific purpose such as to inspect the mill winch.

On whom would you rely for information as to whether that was needed or not?—Mr. Simmons.

Do you agree with him that in general it was not his duty to enforce forest regulations throughout that area?—Only up to a point.

Mr. Simmons was inclined to refer to me for quite a number of things. When he came in at night he would ring me up on the telephone and ask me for instructions about matters.

I do not think you quite answered my question. Do you agree that it was not his duty in general to enforce forest regulations on his own initiative; was it his job to get in touch with you and report when a decision was made?—That is rather a difficult question.

I take it that you should know what are the duties of your subordinate officers?—Generally, I have looked on him to perform these duties; firstly, to look after the mill cutting areas and report any irregularities to me; secondly, to look after fire breaks and get in touch with me about anything that should be required in the way of clearing them or affecting improvements. I may go over there today and see
a certain section of it whereas he sees it perhaps three or four times in a month.

Having heard his evidence do you now think that the system has broken down?—It appears like that does it not?

On the occasions when you went out, I suppose you would frequently go to where they were cutting and the winch was operating?—

Yes.

When did you last visit Brown and Cecil's cutting area?—Approximately three to four months ago.

What do you think about the condition of the forest from the point of view of the heads and tops lying around there?—I had seen worse places. One particular point about Brown and Cecil's area was that following the 1926 fires a large amount of young woolly butt timber had come up. We had frequently looked at it and spoken about it. I have also spoken to Mr. Cecil about it and he was rather proud of this young timber in this area. It did not extend right out into the bush. As far as Brown and Cecil's area is concerned, it is getting up towards being one of the highest in the Rubicon. That is approximately; there was less scrub on it and in my opinion it was cleaner than most of the others.

Assuming that is a fact, did you consider that there were less heads on it?—It was patchy. In some places there was good straight timber where almost every tree had a log in it. In other places there would be about one or two acres with practically nothing on them. It certainly gave you the opinion by the cleaner places that the area was not as dirty as you would think.

How long would you spend in the cutting area at a place like Brown & Cecil's?—Sometimes we would leave at 6 a.m. in the wintertime and get there about dinner time. We would look round for a couple of hours and then come out again.

The object was to view the particular thing you had come about?—Yes.
Did you ever make any remark to Mr. Simmons about those things?—Not that I can recall.

Did you ever say anything to Mr. Cecil about them?—No. I had been out there with Mr. Cecil, too.

Or to his manager?—No.

Did you regard it as your responsibility to see that the heads were burned off regularly?—You are now speaking about Cecil's. Yes?—Insofar as that particular area is concerned, it is more of less at the end of the Rubicon. Below it you come into the Big River country, and practically no people ever go out there at all. From a fire protection point of view I never heard of any big fires coming from the south and I did not consider that there was much danger.

You did not think it was a danger area?—No.

Is it not the general policy, or at all events the practice, of the Forests Commission and its officers to see that the mill owners keep the forests clean?—Getting away from the Rubicon and speaking generally, when I go round the mills I generally have a talk with the miller or the manager and matters like that are brought up. If we feel it is reasonable to burn them, or if they require to do any burning, we arrange to do it there and then.

So far as Brown & Cecil's area is concerned everybody seems to agree that it was fairly dirty with these heads and tops?—I would not say it was clean; I would not say it was particularly dirty.

You have seen worse areas?—Yes.

Where?—Down in the Otways.

Did you take steps to see that they were cleaned up?—Yes. I have rarely sent out notices. I have always discussed the matter verbally with them.

How long have you been up in the Taggerty area?—I came here in August 1936.

Did you know that there was a practice here once of sending written
notices to mill owners to clean their property?—-I cannot recall that I did know that. I have an idea that I did see a notice in some old correspondence one day.

Did you deliberately intend to change the practice or did it come as a surprise to you that such notices were sent out?—-No, I just prefer to do it my own way. In all applications, no matter what they may be, I always endeavour to look into them myself if they are major matters concerning the district. I may not always do it but I generally do.

You would not regard the periodical burning off of heads as a major matter?—-No, not generally in such small milling areas.

Is it not one of your conditions of license that the heads have to be burned off periodically?—-Yes, I believe it is.

I suppose that under those circumstances you would try to see that it was carried out?—-I told you a while ago that I came here in 1936. When you come into a new district you have to feel your way around for a while. You do not know the local conditions in the forest parts of the district. It was particularly wet in 1936. The following two years had been dry. I never really had a chance to judge things properly.

Was it your view that the practice to be adopted was to interfere as little as possible in the arrangements?—-Yes, that has been my general idea.

Did you get any instructions about that?—-Not that I can remember.

MR. GERRATY is your superior officer?—-Yes.

Did you ever have a talk with him about this general practice?—-Yes, I had a talk with him about the Rubicon. His idea was that any burning that occurred over there was to be confined and not to be allowed to get away into any young timber because the young timber might be damaged.

Was his idea, as you understood it, that there was to be as little
burning as possible for the sake of the young timber?—The only burning that was to be carried out was to be controlled burning.

I understand that. Even in the case of controlled burning, was there to be as little burning as possible in order to save the timber?—That is correct. If it was to interfere with any young timber, it was not to be done.

It was that understanding of yours that led to your requiring as little burning to be done in the Rabilon area as you could. I do not want to lead you into this. I want you to form your own ideas?—I just do not get the point.

You told me that your understanding from what Mr. Gerraty had told you was that there was to be as little burning as possible, even controlled burning, if it was going to affect that timber?—His idea as it was conveyed to me was that the burning was to be done where it was in accord with common sense. If there would be only a few saplings damaged, I would do it, but if there was to be a lot of saplings damaged, I would not do it.

Was it his view as far as you understood it that the prime consideration was the preservation of the trees?—Yes, I thought that was his view.

And that cleaning up the forest was a secondary consideration?—I do not know whether I should say what he wanted.

I only want your idea?—He wanted to conserve soil moisture. Being north of the dividing range and subject to hot northerly winds for a long period of the year, he considered that the ground would eventually dry up if it was subjected to these winds, and therefore it was better to preserve all the cover possible.

Do you remember the last occasion upon which you told a mill boss or anybody connected with the mills that they had to burn off their heads?—The last occasion on which I spoke to anyone about any burning was when I spoke to one of the witnesses.
here this morning, Mr. Callinan. That was in connection with burning around the mill itself.

When was that?---As near as I can recollect, it was some time in November last.

Before or after the proclaimed period?---I have an idea it was just about the time the proclamation came in. I remember that I told him he was to be very careful. He pointed out the location - I knew where the mill was - and said that he always had difficulty in getting a burn. I said that providing he left it until night time and watched it I had no objection to him doing it.

Did you find Mr. Callinan to be a careful man in that respect?---Yes, I have never had anything against him.

Can you remember the previous occasion when you spoke to anybody about burning?---That is rather a difficult question because I have often spoken to people. I can remember that I met Mr. Callinan over at the Rubicon one day. I remember that on one occasion I spoke to the Construction Manager for Ruok Timbers, Mr. Cherry, and told him that I had no objection to his burning off around his winches providing he took reasonable precautions not to let the fire get away. That was in the correct time of the year, you understand that.

I quite appreciate that. I think you said you had no objection to this burning; is that so?---That is correct. He was talking about a specific instance. We were near the winch when it was discussed and that is how it came up.

Did you know or did you feel that the mill bosses - the managers - were relying upon you people to tell them when to burn?---I am afraid that I did not.

We have had evidence during the last couple of days that somewhat suggests that. Is that something new to you?---Yes. When you consider that there 24 mills under my control - you are speaking about the Rubicon now.
YES?—I was not altogether at the pulse of everything that was going on. Sometime I might go to one mill twice a month and I might not see the other chap for two or three months. It all depends on the circumstances. If it was in the middle of winter, probably they never mentioned fires and if you get in there cold, you might forget about it, too. It would be the last thing you would be thinking about?—You get the two extremes in the Rubicon.

Leaving the Rubicon, you say you had 24 mills under your control. How many of them had dug-outs at the beginning of this year?—You can speak roughly about it?—All the Rubicon mills and about four others.

One dozen altogether?—Yes, approximately one dozen.

The remainder did not?—That is so.

Have you had any instructions from any superior officers as to the dug-outs being put in?—No, the only instructions I have ever received have been contained in allotment letters to millers and in a general way I suppose I should say that they have been carried out. Insofar as the mills out of the Rubicon area are concerned, until now at any rate, I have not seen any real danger.

Do you remember your assistant, Mr. Thompson, ever drawing your attention to the fact that a number of mills in the Marysville area did not have dug-outs and saying that he thought they should have them?—I cannot honestly say that I can remember that.

He seems to have recollected having some conversation, perhaps not in an official way, in an informal way, to that effect?—I am afraid that I cannot remember it.

Do you control Matlock, too?—No.

What district is that in?—Woods Point.

What is your view now—that dug-outs should be the rule rather than the exception, I suppose?—I have never had any experience.
in them. When I was at No.2 mill at Rubicon and was 
trapped, I took to the dam for preference.

The dam was not very far away?—No.

I suppose everybody would take to the dam in those circumstances. It 
would be cooler than in the dug-out but they have not all 
got dams?—No.

Can you suggest any alternative to dug-outs?—In places where the mills 
were close to the road — I can instance Bramfield's mill 

near Burton — when the fire was approaching, a number of 
cars were always there. They never hesitated. They just 
put the women and children in and rushed to the road and 
down to the hotel. Except in this one particular case, I 
consider that is the best way.

Do Feiglan's No.1 and No.2 mills come under your control?—Yes.

In which one of those mills did the Kerslakes live?—Approximately 
half way in between in a little house in the side of the 
roadside. Kerslake was an employe at No.2 mill which is 
at the Warburton end.

That is off the road?—Yes, roughly half a mile off the road and 
connected by our road to that road.

Have you seen the dug-out there?—No, I have not.

You cannot express any opinion as to whether the Kerslakes were reason- 
able in not going into the dug-out ?—The wife of Kerslake 

was living on the road. I do not know the full story but 
they were living in the house down on the Acheron Way.

THE COMMISSIONER: I suppose the road is all right if it leads you to 
some township or cleared space of safety?—Yes.

If it was a last minute attempt to get to safety, was not the road a 
danger spot?—It is in some instances. It really depends 
on the circumstances of the individual cases.

Of course, it depends on the road and the amount of timber that there 
is about it?—Yes, the point is that some of those millers 
do not want any delay in getting their timber out
so they keep an eye on these trees at the side of the road. If any are dangerous, they are frequently felled. On the other hand some millers are not particular about that sort of thing at all.

MR. GOWANS: Can you tell me whether it is the practice to pay volunteers when they are brought in to fight fires?—It definitely is not the practice unless we specially engage them to do it.

Supposing you get a man out of bed and ask him to come along and give you a hand in the fires, would you regard that as an engagement?—Yes, I would. I would have specially asked him to do it.

You do not mean that he would not be paid unless he stipulates that he should be paid?—That is only up to a point. If I called for volunteers I would consider that was a different matter to when people offer their services. If you call on someone, it is more or less an engagement. That is how I have always regarded it.

What about your own men; do they get paid overtime when they are kept on all night fighting fires?—Yes, our employees are working under the Workers' Union Award.

You are quite definite that they are paid overtime?—I am certain of it.

Would you handle that part of it?—Yes, I do.

What about your equipment; do you regard it as adequate to fight fires?—I have always had what I consider to be sufficient. In certain areas you cannot take a lot of men in and it would be useless to have a lot of wasteful equipment. I have always received every assistance from the Commission when I have asked for anything. Everything essential has been forwarded to me immediately.

Do you always have plenty of haversack sprinklers?—Yes. Of course, they are limited in their use.
They are only good for putting things out?—They will not stop a fire. You have plenty of them for that purpose?—Yes, I have never been actually short of them. Sometimes we have lost a few and the number has been depleted for a day or two until I can get more; but generally speaking I have had plenty of them.

Do you find difficulty in communicating with men in the forest when they are fighting fires?—Just prior to the occurrence of these fires we were getting a reasonably good telephone system into our Black Range areas. In fact, we had about 20 odd miles constructed and we were just overcoming that difficulty when these big fires occurred.

In regard to fire breaks and so on, have you ever heard of a system in Canada of carrying portable radio sets?—Yes, I have heard about it.

Would that be a matter for you or for somebody in the Central office?—It is out of my province. We were supplied with a radio to get in touch with the area of fire control. It is not a transmitting set; only a receiving set.

(Page 613 follows.)
MR. LAWRENCE: How long is it since you began service with the Forests Commission?—I was first put into the field staff in 1925.

Have you been in the field ever since?—Yes.

In what districts have you served?—I was approximately 2½ years in the Otway as an assistant; I was sent to Erica in the Gippsland district for another two and a half years; I was approximately a month in the Beechworth and Chiltern district; I was transferred to the forest in the Otways, and was there for 9 years, and since then I have been here, approaching three years.

That means the whole of your service except for one month at Beechworth, has been in Mountain Ash districts?—That is correct.

You have been here since August 1936?—Yes.

Would you tell the Commission what is your interpretation of the Commission's policy in general, concerning the disposal of mountain mill heads in these districts?—I have always considered, where it was reckoned good policy, to do it without injuring the forest, to destroy them. I can only say in the 24 mills here, leaving out the Robison, in the areas of Buxton and Hadgertong, that the majority of the mills burn off their heads, either all or part of them, whenever it can be done with safety. In one or two occasions, the head fires have got away, but they have generally been checked later. It possibly meant a visit when I would go around and they would talk to me, or I would talk to them and say "I want you to burn". It would be done, but perhaps a shower might come in between. However, it was generally carried out.

What I want you to tell the Commission is this; you were 9 years in the Otways; during that time did you ever have a definite instruction that wherever possible and conditions suited, you were to have these mill heads burnt up?—Did I have a
written instruction?

No, not a written instruction, a definite instruction from your Divisional Officer?—Yes, I can recall that.

THE COMMISSIONER: How are instructions usually issued, in writing or not?—Sometimes they are in writing from the Commission; but when the inspectors come around they usually go into the bush with you and indicate what they want done.

MR. LAWRENCE: In regard to this district, what is your policy in general towards the disposal of mill heads?—taking the district as a whole?—To get them burnt.

This Commission has already heard evidence at Marysville. What is your attitude and instruction on this matter in connection with the mills at Buxton and Marysville?—Have not I already said they were required to burn them.

I want that clarified absolutely. What is the position in Murrindindi?—I have never really made any differentiation there. You require them to burn off?—Yes.

What is the position in the Rubicon?—If I require them to burn off? Yes?—I never stopped burning, as I said before, and generally speaking, they were allowed to burn.

THE COMMISSIONER: I understood Mr. Lawrence asked you if you ever required it to be done in that district? Have you ever directed it to be done?—Yes, I have.

You say you have never stopped burning, and always allowed it. It might look as if you leave it to the initiative of the mill owners whether they would burn or not?—As I told you earlier, I discussed the burning off with the Construction Manager of the Rubicon. He visits every mill and he is more or less in charge of all their outdoor work.

MR. LAWRENCE. There is a sort of cloud of indecision over this Rubicon area, which the Commission is trying to pierce. You definitely state that in general you require the mill owners to burn off. If that is not so clear regarding the
Rubicon area, why is it. Is there any particular set of conditions covering the Rubicon area which qualifies or moderates your general idea?—They are mountain ash areas, and being fire tender species it has a natural tendency to make you feel a bit different about that area.

THE COMMISSIONER: What does that different feeling result in?—Caution. What does that lead to, less burning or no burning?—More care with the burning.

How does that affect whether you allow a mill owner to burn rather than direct him to burn? How does that affect that question. If there is a lot of care, would you not exercise a more active supervision of it?—Yes, I suppose you would.

You follow what I mean. I am not trying to trap you. This evidence is very undecided or indecisive. You are asked a simple question and you are not answering it very directly. I am not putting that as a criticism. What Mr. Lawrence has been trying to get from you— I am trying to assist him—is that he wants to know is there any difference about that Rubicon district as compared with other districts which impels you to take a different course with the mill owners, whether you ask them, persuade them or allow them to burn, or whatever it may be?—It is rather hard for me to describe to you. The Rubicon is a little place situated on its own in a valley and hard to get about in. Hard to get in touch with the people there. There is just something different about it; that is all I can describe.

That is what Mr. Lawrence is complaining of.

MR. LAWRENCE: I want to know what the difference is.

THE COMMISSIONER: If you cannot get in touch with them, can you send them a message. They are not cut off from the world are they?—No.

MR. LAWRENCE: We appreciate from your statement that the Rubicon
Valley is an isolated area. Does that isolation create in your mind the idea that it is an area which is much less liable to fire by reason of that fact, or is an area which is very much more liable to fire?—-I consider it is more vulnerable than any other place in the district.

If it more vulnerable, your attitude with regard to mill heads can only take one of two forms, either that the burning of the mill heads is likely to threaten the safety of the whole valley?—-But the mill heads generally are not in the valley. As I have already pointed out in the case of the Royston, it is high on the range. No.1 mill is high on the range, also No.2 mill. Generally speaking, mill heads are not near the mills at all; they are miles away.

THE COMMISSIONER: I think Mr. Lawrence means in the territory.

MR. LAWRENCE: Yes.

THE COMMISSIONER: Answer it on that basis.

MR. LAWRENCE: The actual country it is in.

THE COMMISSIONER: How long have you been Forestry Officer—some years, have you not?—-Yes.

Mr Lawrence is using proper language in asking these questions. Does it not convey clearly what he means. Are you sure you are really trying to answer them?—-Possibly I feel a little apprehensive.

There is nothing to be apprehensive about, in the slightest. I regard you as an intelligent sort of man, and an expert in this pursuit of forestry. You are being asked questions by your advocate who has done everything a man can do to make himself clear. I understand his questions the first time he asks them, yet you seem to take a long while and do not grasp the question. You do not look apprehensive. I would not call you a nervous type; you seem to be a man of the world really.

MR. LAWRENCE: From what we have heard in the evidence given to this Commission, we understand the Rubicon and Royston valleys.
contain very fine Mountain Ash timber?—Yes.
In their higher altitudes they lead into woolly-butt country?—Yes, that is correct.
You have already said that area is rather an isolated area?—Yes.
Because of those two facts, the class of timber that is there, and its isolation, does that establish that valley in your mind as something to be treated differently on this fire question, from any other piece of your country?—No.
It does not?—No.
How long has the Rubicon-Boyston valley been under milling?—About 35 years I suppose.
Is there a fair incidence of young sapling timber through it?—Yes, there is a good bit, particularly on the middle range, also the Boyston range and the Blue range.
What is the nature of that timber?—Principally mountain ash until you get about 2,000 feet, and then you get into woolly-butt.
Are those belts of young timber particularly susceptible to fire?—If they get a bad fire through them, they are likely to be killed.

THE COMMISSIONER: Mr. Lawrence, your question was not really answered. You asked "Are they particularly susceptible to fire" and you got a broad, general reply that a bad fire would kill them. If you want an answer to the question, you had better pursue that. I seem to me you are leading to something there.

MR. LAWRENCE: Yes, Your Honour. (To witness). Compared with other species in this district, such as messmate and gum, how do these species of mountain ash and woolly-butt compare in susceptibility to fire?—The mountain ash is easily the most fire tender, and I consider the woolly-butt to be next.
Would a bad fire such as the one that swept through this year, have any effect on the young timber?—It appears to me to have wiped it right out.
Just what intensity of fire will those saplings stand without being damaged?—From my experience even light fires do damage to them.

What is the nature of that damage?—It destroys the bark around the butt of the tree and sometimes starts a dry side. Even though it does not kill it, it causes disease which spoils the timber commercially.

Is it your experience that damage to a young tree causes deterioration in that tree as it grows?—Yes. Now I must refer to messmate, because in the Rubicon area, most of the thinning was done previous to my coming here; but over in the messmate country we found examples of trees that had been damaged by fire in the early stages. The trees were only about 9" to 10" in diameter, and apparently healthy, but they were rotten inside, which indicated to me they had been burnt.

Getting back to this Rubicon-Royston area, are there any patches of young mountain ash or woolly-butt through the present milling areas?—No, generally speaking they are on their own.

Do the areas that have been milled over two years ago, carry any patches of seedlings?—Yes, some of them. For example I went up to the No.2 mill with the Manager. He applied to me for permission to cut down seedlings, and I thought I would go and inspect it before I gave permission. There were big trees scattered through the seedlings in that particular area.

If for climatic reasons you were not able to carry out burning of mill heads in this year's felling area, and next year you could do it, what would be the effect on the seedlings if you burnt them next year?—If this year was a year such as we have had, I do not think there would be many seedlings there.
What if it was a normal year. Try and take this on a fairly normal basis. If last year you could not burn, this year was a normal year and you could burn, would you burn off all last year's felling area - the mill heads? - I think so.

What would be the effect on the seedlings if you did? - It would probably destroy a few; but it would really depend on the intensity of the heads of that area.

Do these fires in the mill heads usually spread about or are they confined patch to patch? - Sometimes they spread and sometimes they do not, but I would say that usually they are confined. On occasions they have got away. The method is of lighting is usually to light along some snig track. If the wind is favourable and they are lighted along a snig track, they will burn in gradually to the previous burn.

I take it from your statement that if you were sure that the burning could be confined to these patches of heads, you would have no hesitation in burning? - I would not.

Is it this possible risk of a fire spreading among seedlings which is agitating your mind? - It is definitely.

Can I take it further now and say that the risk of a fire spreading among seedlings and young stands, and the damage thereby caused, is the main factor which is causing you to differentiate your policy in the Rubicon area? - That is behind it, yes.

Is there anything else behind it? - Nothing except what I told you earlier. I do not know whether the Commission will accept that, but you have said that is the basis of your policy. You have been here for 23 years; what have been the climatic conditions prevailing during that time? - I have been here three summers. In the 1986 summer it was almost impossible to burn in the Rubicon. Why? - It was a damp summer. In fact, we did not have a fire in the whole...
district. In 1937 the fire season came in about the beginning of November, and we had fires right up until April. That was a particularly dry fire season, and of course this year has been worse.

Are you making the point now that climatic conditions over the last two years in the Rubicon have been such that the fear of damage through burning heads in the Rubicon has been accentuated to such an extent that you were not prepared to give permission to burn? — I say yes to that question.

MR. GOWANS: Do you honestly say that all these considerations have been closely present in your mind in the two years you have been up here in the Rubicon? — I have a lot of things on my mind.

A lot of practical things. You are not very happy among these theories, are you? — As a matter of fact, I am not.

You remember you told the Commission you had definite instructions from your superior officer as to the burning off of mill heads. Was that instruction from Mr. Gerraty? — Yes.

When was it? — It may have been two years ago.

He told you verbally then, you were to see to the burning off by the mill owners, of mill heads. In substance, that is what it was? — Yes.

Did he tell you you were to show any distinction between Rubicon and other areas under your control? — No.

Apart from what has happened now, did you really draw any distinction between the Rubicon and other areas? — I only had that feeling about the Rubicon, as I pointed out earlier, that it was different and required different treatment.

It really occurred to you during that time, that you were to apply this policy in a different way in the Rubicon area? — Do you mean immediately the instruction was given to me? Yes? — No, the sort of thing grew on me.

It has grown on you a good deal more in the last 20 minutes or so? — No, I would not say that.
You would agree those were your general instructions, to see that millowners burnt mill heads periodically. It was not put into practice very vigorously in the Rubicon area?—It was not, no.

And if that were so, it was not so much because you considered that the Rubicon area needed special treatment, but that you were rather relying on your subordinate officer, Mr. Simmons, to let you know when it should be done?—As I told you earlier, I did rely on him to a large extent.

You are a little surprised to find he was relying on you, and did not accept any responsibility about it. You are surprised to find that, are you not?—Yes, I am.

THE COMMISSIONER: When Mr. Gerraty found these mill heads were not being burnt as he directed, did he ever say anything about it to you? Did he ever discuss the matter with you in any way over the last two years?—We have discussed various things about the Rubicon. The last occasion that I remember he mentioned anything about it to me was in connection with the No.4 burning operations. He said "That was a pretty severe burn up at the No.4".

You say this rather different treatment that has been given to the Rubicon, that the different view you have about the Rubicon, has been with you since you have been here. You have held that view since you have had that district under your control?—Yes.

Apparently that has been the view of other officers over the last ten years also?—I think so.
MR. KELSO: To get down to something that is a matter of fact, and not quite so much philosophy, do Anderson's mills come under your control?—Yes.

When were the heads last burnt at Anderson's No. 2 mill, from your knowledge? I want you to answer that, or to say you do not know?—I do not know.

It is also a matter of deduction when you say that all the other mills, except the Rubicon mills, are actually burning their heads?—I do not know through having seen it myself, but I have been told so.

What have you been told about that particular mill and its head burning?—Nothing beyond the fact that the heads were burned.

When?—I do not know when they were burned.

Can you say, either from your knowledge or from something you have received as a report, that they were burned before this summer?—I can specifically say that I know there was burning done at No. 1 mill, but I cannot be definite about No. 2 mill.

Not before this summer?—I have a recollection that Mr. Gill, a witness the other day, told me they burned the heads, but I cannot definitely say that.

THE WITNESS WITHDREW.

WILLIAM EDWARD McCASHNEY. Sworn and Examined.

MR. GOWANS: Your name is William Edward McCashney, and you are a saw-mill owner living at Alexandra?—Yes.

Is your mill between the Crystal Creek and Scrubby Creek?—It is on Scrubby Creek.

Is it close to the property of Mr. Murray?—It is a mile away from there, in that area.

Your mill was not burnt?—No.

How did you manage to escape?—I put it down to taking a bit of extra precaution, when we knew the fire was in the vicinity.

When was it you knew the fire was in the vicinity?—About the 9th of January, but I would not be sure.

That was the fire coming down from the Kinglake district?—Yes.
What precautions did you take?—In the day time, we cleared small areas, or made a break around a small area of three, four or five acres. Between midnight and 3 a.m., we burnt those small areas out, by lighting round them to enclose the fire into the centres. We did that for three days and three nights, until we had the mill practically safe, apart from anything that was likely to be carried by the strong wind. Then we had several 44-gallon drums of water situated at different parts around the mill, with kerosene tins or watering cans, and so on, so that we could douse any small fire that started in the mill itself. We had a fair stack of timber there to save as well.

You had plenty of water?—We had to cart the water in a 400-gallon tank on a motor-truck from Alexandra.

Was there no water in Scrubby Creek?—The creek itself was dry. We sank a well to get water for the mill, but it only made 100 gallons a day, which we would have had to bale, and it was quicker to cart it.

How wide were your breaks when you finished off?—About four chains from the mill and every other part around it.

Was it very hot on the three days you were burning?—Yes.

How did you stop the fire getting away from you?—We did not light the fires until after midnight, and there were seven of us. We only burnt a small break that we reckoned we could manage. We had plenty of water there with the motor-truck, and we could practically get anywhere close to it.

You put the fire out afterwards?—Yes, with water.

Is your mill in hilly country, or comparatively flat country?—It is in hilly country.

What was the forest like around there?—It was fairly open forest where the mill was situated, with not very much undergrowth or debris. Our milling timber is at least one and a half miles away from the mill. We have no milling timber close to the mill. It is messmate.

When did you last burn the heads?—We have not burnt any. We have...
only been there for fourteen months, and have not burnt any heads.

Have you ever had a Forestry Officer up there?—Yes, Mr. Ure.
Have you any other Forestry Officer in that locality?—Mr. Andrews comes there, as well as two younger members of the staff, the names of whom I do not know remember.

Have you ever been told that you should burn off the heads?—No.
You are fairly close to the boundary of the State forest there, are you not?—Yes, we are on private property with the mill, and it joins the State forest.

Are you cutting into the State forest?—Yes.

What is the general condition of the Crown lands around there?—I do not think it is Crown land; I think it is State forest.

I know that is so where you are cutting, but how far is it from you to Crown lands?—We are right on the boundary of the forest, just inside the boundary on private property.

Is there any Crown Land near you?—I do not think so.

We heard evidence from Mr. Murray and Mr. Wilmot yesterday from that area.

Is Mr. Wilmot in that area?—We have 400 acres of country at Crystal Creek; perhaps that is what they mean. It is not on the mill area at all.

We heard evidence from Mr. Murray about his property there, and he said that the Crown lands in the vicinity were a menace. What do you say as to that?—I could not say they were.

Do you think they are fairly clear?—There is no thick scrub in the country, it is mostly dead leaves lying on the ground, and I do not think it would be a menace under ordinary conditions.

I think we were told yesterday that the ground was thickly covered with bark and material falling from the trees. Do you know of any area that could be described in that way?—When you put it that way, I suppose it would be covered with a fairly thick mat of dead leaves, and some bark, but it is no worse than any other bush that I have been in, and I have been in the bush all my life.

Where were you located before you came here?—I was milling at Trentham and at Toombullup, about 20 miles from Mansfield, sawing 624.
There was no particular reason to distinguish that country from any other
country you were in?—Certainly not, it is all much the same.

Did you know this country before you came to mill here?—Yes, I have
been here about fourteen years now, but I only started
milling fourteen or fifteen months ago.

You see no difference between its present condition and its condition
when you first came here?—No, very little difference.

Did you have a dug-out at your mill?—No.

Did you consider it necessary?—Not at our mill, as we have no people
living at the mill, and we have it very clear around the mill.

Did you ever have any discussion with the Forestry Officers about providing
a dug-out?—No, I did not. I know it is on the form that
you receive that you are to provide a dug-out, but we consid-
ered our mill was different from mills situated back in very
dense timber country, and we had no one living at the mill.
We take them backwards and forwards by motor-truck, and I do
not think it necessary to have a dug-out.

You are quite sure that it is in your Letter of Allotment or your license
that you have to provide a dug-out. Have you actually seen
that condition in your notification?—Yes.

Have you ever been asked by a Forestry Officer why you did not provide
it?—No.

MR. LAWRENCE: You have stated that your mill is on private property?—
Yes.

What power has a Forestry Officer with regard to the conduct of your
mill while it is on private property?—I do not think he
has any power.

At any rate, the officer could not tell you to put in a dug-out?—No, but
we are milling State forest timber, and it is on the form
that they give. If the mill had been in the State forest,
they would have had authority to make me do it. But I am
on private property, and I am not too sure whether they
have power.

Prior to this year, from which direction did you consider the main fire
danger would come, in the Black Range country?—From south
east to south west.

You have always considered that direction a danger?—Yes.

You have known this district for fourteen years?—Yes.

Prior to this year, have you ever known a fire to come from the south
west?—No.

Yet you have considered that the main fire danger?—That was the only
part on our milling area on which there was any bush country.
We are not very far from the Goulburn River, and on the
north side the only danger would be from grass fires over
private property. We are actually on the boundary of the
forest and private property.

Your answer is from a personal standpoint — your personal interests?—
Yes.

Taking the Black Range forest as a whole, in the past, from which direction
did you think it was most likely to burn?—I still say the
same, with, perhaps, from the east. There would not be
very much easterly danger, but mainly from the south east
to south west.

But you have never known such a fire to occur in fourteen years?—No;
there has never been a fire there in that time.

THE WITNESS WITHDREW.

THE COMMISSION ADJOURNED UNTIL 10 A.M.

on THURSDAY, 16th FEBRUARY,

1939, AT MANSFIELD.

626.  McCASHNEY.
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