TRANSCRIPT OF EVIDENCE

given before

the

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

held at

G O L A C

MONDAY, 20TH FEBRUARY, 1939.

PRESENT:

HIS HONOR, JUDGE STRATTON. Royal Commissioner.

MR. GREGORY GOWANS: Appeared to assist the Commission.

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

MR. GOWANS: There is some evidence which is not peculiar to this
district which I desire to call at this stage, because it
happens to be available. Will Your Honor take it?

THE COMMISSIONER: Yes.

THOMAS HADLEY SCHOFIELD. Sworn and Examined.

MR. GOWANS: What is your full name?—Thomas Haddad Scholfield. I
live in Melbourne but I have lived the most of my life in
the Western District. I have been a farmer and grazier
by occupation but at present I am a member of the House of
Representatives.

I understand that your experience does not relate to this particular
district?—No, I do not know anything about this area.

Where have you had first hand experience in relation to bush fires?
—In a considerable amount of the forest areas in the Western
District, the extreme west of the Gippsland district, and
mainly in the Portland district area.
You desire to place before the Commission some evidence as to the conditions in these areas, so far as they relate to bush fires and bush fire prevention—-I should like to do that. I thought it highly improbable that evidence would be taken in some of the districts with which I am conversant and I should like to put forward some views that I have gathered in the course of my travelling through that area. It seems to me that there are three things needed for protection from forest fires. In the first place, there are the grass lands; in the second place the young forests; and in the third place the water catchment areas. Those are the only aspects with which I should like to deal. I am not going to say anything about the cause of fires because I consider that fires will occur. They will be caused by lightning; very seldom they are caused by glass bottles, and much more frequently they are caused by human agency. A suggestion has been made that forest areas should not be leased to graziers. I do not agree with that contention. I consider they ought to be leased to graziers but that some condition should be included in the lease that would compel the grazier to burn at least once a year a fairly considerable area of the lease. It would have to be burnt under very strict supervision from forestry officers. My reason for that is that if an area is burnt under every grazing lease at least once a year there would be a considerable break in that area, and if a fire happened to occur in the very hot part of the year - as I consider fires will occur and you cannot stop them from occurring - it would assist. It may be against the opinion of most people who will come before this Commission but these fires ought to be deliberately lit every year; but after a fairly long experience with leased lands I have gained some considerable experience. My experience is as a result of my having been associated for many years with
a fairly large area leased from the Crown. It is our practice to burn a considerable area of that land every year. While that burning went on for many years there was never a large fire in that part, but over the past 10 or 15 years the Forestry Commission has been very diligent in the prevention of burning in that same area. The consequence was that this year a fire started there and travelled for very many miles. When the fires do not occur in a forest area the forest floor is covered with a considerable quantity of growth such as ferns, small undergrowth and debris that has fallen from the trees. Then that catches fire it produces what is called a hot fire. If a fire goes through country that has been burnt within recent years it is not a hot fire and it does not destroy the young timber. But if it goes through an area that has not been burnt over a considerable period it is a hot fire and all the young timber is destroyed. Thereby the forest in its growth is put back for a considerable number of years. Those are the main points I desire to mention. I can sum up by saying that in my opinion the Forestry Commission should allow burning, and not only allow it but make it a condition of the lease that a certain area in each lease should be burnt in the autumn every year so that the floor of the forest could be cleaned up. Not only would they be cool fires, which would not destroy the young timber, but in the water catchment areas it would have the effect of denuding the whole of the country side at one place. It would burn a certain amount each year and, being a cool fire, it would allow these water catchment areas to be very quickly covered, in that way greatly retarding erosion, which would not take place in those areas.

You know that the view of the Forestry Commission is not only that graziers should not be compelled to burn, but that they should not
be permitted to burn in forest areas?—Yes.

I take it you do not agree with that view?—I do not.

You know the base of that policy on the part of the Forests Commission is that it is a danger to timber, particularly to young timber that is damaged by putting fires through, even of modern heat, periodically?—Yes.

Would you tell us what areas you and those associated with you used to burn periodically, whether they were mountain ash areas, or what type of timber was there?—It was mainly stringy bark areas. With regard to what you said, the Forests Commission's belief that even cool fires will destroy timber is considerably upset in a year like this when hot fires go through and not only scorch young trees but also completely kill those young trees and trees considerably larger, which would only have been scorched in a cool fire.

Your view is that it would be better to run the risk of burning some of the young timber rather than that the whole of the timber should be burnt out?—Absolutely.

Is stringy bark as susceptible to fire as is mountain ash?—I understand that when stringy bark is a few years old — I should not like to say how old — it will resist fire of considerable heat. But it is obvious that a hot fire will destory larger stringy bark trees than will a cool fire.

MR. LAWRENCE: Are you familiar with the Grampians Mountain system generally?—Yes.

Would you accept that as a fairly typical example of a water catchment area in that region?—Parts of the Grampians System are typical water catchment areas.

Are you aware that the recommendation you just made to the Commission runs entirely counter to the desire of the Horsham Water Commissioners and all the municipalities in that region?—I am not aware of that; but I should like to point out that I am putting forward the view that is held by most
of the people in those areas, people who are living on the edges of the forest areas.

In other words, you are presenting the case from the point of view of the adjoining grazier farmers?---Exactly.

Were you appraised of the result of the incidence which accompanied the Simara Municipalities' conference with the Premier on this question?---No.

Those people are opposed to the Forests Commission policy of allowing graziers to burn material on the watershed?---I think they are mistaken.

I direct Your Honor's attention to that fact. The reasons given by those people were purely and simply from the point of view of water catchment. They contended that any fires whatever on those areas on the stringy bark slopes reduced the ground covering and deteriorated the efficiency of the water catchment areas?---I quite agree with them on that aspect, and if we could eliminate fires altogether from those areas then I would hardly agree with what they say. But as I said at the commencement we will always have fires, and with a very thick covering on the ground those fires are going to destroy the small bushes and anything that is likely to retard the flow of water and therefore keep the water in those areas. That would happen more in a hot fire than in a cool fire. If you put a hot fire through once in five years the catchment area is more seriously damaged than if you put a cool fire through once in every two or three years.

Do you advocate widespread burning on water catchment areas?---No, I advocate burning more in the nature of breaks - pretty wide strips burnt through in the late autumn when they will not be a menace to the surrounding country.

Would you suggest any particular location for those breaks?---That would have to be determined by the areas that were not burnt in the previous year, because the areas will not burn every
year in some localities, so that areas to be burnt each year would be determined by what had been burnt in previous years.

In other words, you would burn the whole of the country during a relatively short period. What would not burn one year you would take steps to burn within the next few years?— I would not say that. I should say the whole of the country would probably be burnt over a period of five years.

That amounts to the same thing, that over a period you would burn the whole of the country?—Yes.

What would be the root of your opposition to a system of protection burning?—Do you mean burning the same area as frequently as possible and leaving the natural bush in other areas always?

Yes, with the protective burning laid out on a definite system of ridges and spurs, so as to leave the valleys intact?—Yes, I would agree to that; just as I would agree to the opinion from Horsham if a fire could always be confined within those areas.

What is your experience of the region of origin of fires in that class of country. Do they come in from outside, and, if so, do they come from the north, south, east or west; or do they arise inside the forest areas?—It is very difficult to give an opinion on that point. A fire occurs and it is very difficult to find how it does occur. In some case we know they are deliberately lit — in many cases Lightning has been known to light fires. But fires will travel a considerable distance and are lit, quite accidentally perhaps on grass lands. I have known fires to originate from a burning root from a fire lit in the winter time, perhaps two or three months before. In many ways fires have occurred, and I think it is almost futile to try and find out from which direction fires are burning.
or coming, or on which type of land they are likely to originate.

Is that rough country any use to sheep graziers unless it has been burnt?---Yes, it is, but it is probably better if it has been burnt. I think everyone realizes that it is better if it has been burnt. Incidentally, I want to assure Your Honor that I am putting up no plea for the graziers; I am merely looking at this question from the point of view of the prevention of fires.

Would you subscribe to the viewpoint of the Farmers' towns that most of the fires on the Grampian catchment area are lit by graziers for the purpose of improving the pasturage?---I certainly do think that.

Do you think that if a certain amount of burning were permitted, strictly under Forest Commission control, that to some extent at least the active would be allayed?---Yes, I do.

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MR. GOVAN: The view has been put before the Commission that the graziers should be permitted to burn practically indiscriminately in these areas where they have leases; will you agree with that?---I would not agree with that.

It has been put that it should be left to the discretion of the graziers but that they should accept the issue of responsibility. Even accepting that, you would not support the proposal that they should be allowed to burn without the consent of Forestry officers?---No, because although you might get thousands of sensible graziers who would burn at the right time, one grazier would probably burn at the wrong time and cause all of this destruction.

Are there any sawmills in these areas you speak of?---Yes, there are some but I do not know how many.

Have you had an opportunity of seeing the condition of the forests in the vicinity of those sawmills?---Yes, in the Portland area, the forests are fairly thick in the vicinity of the mills, but in the Grassians area there are not many mills and the country is comparatively clear.

You do not know what is the practice in general in regard to the disposal of tops and heads?---No, I do not know that.

You cannot tell the Commission whether the forest has been cluttered up with unburnt tops and heads?---In some cases I understand that is so, but I contend that if parts of the forest were burned under strict forestry supervision, that would not be a very great danger.

THE WITNESS WITNESS.

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MR. GOVAN: My full name is Neal Robert Cyril Oldham, and I am a forest officer in charge of the Otway West Forest. I am stationed at Beech Forest. I have an assistant and two foremen under me stationed at Irrewillips and Beech Forest respectively.

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SCHOOLFIELD.

OLDHAM.
How far does your district extend from east to west?—From Mt. Sabine at the end of Turton's Creek to the Gellibrand River.

And from north to south?—From Colac to the coast at Apollo Bay.

What was the position in regard to fires in that district in December of last year?—The fires actually started in October and extended right through to December. We had numerous fires.

What areas were the fires in in October?—We had many fires on the north side of the ridge between Colac and Beech Forest.

Did you succeed in getting those under control?—Yes.

Where were they mainly in November?—Still on the northern side between Colac and Beech Forest.

And in December?—They were in the same position on the north side of the ridge.

Is it your view that those fires in December were remnants of the fires that had been burning in October and November?—Some of them could have been but some were new fires.

Have you any idea of the general causes of the fires that were burning in your district in December apart from those that were remnants of old fires?—There were only suspicions to go on.

Can you tell me your suspicions without mentioning names?—We suspected fishermen, and also on some occasions, settlers burning off and the fires extending to the forests.

That would all be within the proclaimed period?—Yes.

Were you able to ascertain who was responsible for those fires in any particular case?—We obtained one conviction in January.

And in December?—No convictions for December.

Do you find that the practice in your district is for graziers to burn in the spring?—They burn at every opportunity they get.

Whether spring or autumn?—In the spring or in the autumn.

Do they burn in the summer as well?—Yes, they burn whenever they get the right day.

What is the right day?—Usually a day with a hot north wind and a low humidity.
Ist was the position in the early days of January?---Fires broke out all over the district on the northern side again, with two cases on the southern side of Apollo Bay. It was the Apollo Bay case in which we got a conviction.

Was that the case of a grazier?---Yes.

Was it a case of deliberately lighting a fire?---He admitted that he lit it for grass.

About what time of the month was it that he lit those fires?---January 2nd.

That was a very hot period?---It was very hot about that period.

I think you said there was another fire on the southern side of the ridge?---Both lit by the same man. We proved one case.

They were lit in State property.

Did he have any grazing rights in that forest?---No.

What was the advantage to him of lighting fires in the State forest?---There is private property abutting that on the State Forest.

Was it his property?---No.

Do you know whether he was actually allowing his cattle to trespass in the State forest?---We suspected it.

Consequently, I suppose you suspected that that was his motive?---Yes.

Did you succeed in getting those fires under control?---We succeeded in getting them all under control except one.

I am just referring to these last two fires that you spoke of on the southern slope?---When I say two, he lit about ten actually, but they converged together.

You succeeded in getting all of them under control. How long did it take you?---There were men working on the same fire until the last rain during this last weekend.

Did it destroy much timber?---It destroyed an enormous amount of timber.

What kind of timber?---Blue gum.

Did those fires lit by this man destroy any property apart from timber?---No.
No lives were lost?---No.

Did you see or recognise as his any cattle in the forest?---It is out of my district. We did not see any of his cattle.

What happened to the fires on the northern side of the ridge; tell the Commission the general story from the beginning of January — where they started and where they went to and so on — Early in January fires became very common throughout the northern side. As each one occurred we attended to it.

Did you suspect that the people who started those fires were the same type as the others, that is, farmers and graziers trying to get feed?—Except in three cases where we strongly suspected fishermen cleaning debris along the Bellibrand to allow them to move along for their fishing.

What were the areas covered by these fires mainly; I do not mean the acreage; but where did they start and go to?—The main fire started in the vicinity of Simons Hill. That is the one that burned through Kawarren.

Is that the one that caused the death of the four Robinson children?—Yes.

Do you suspect that that fire was lit deliberately for the purpose of obtaining feed?—The police are still making inquiries into that.

What other fires were there?—In January we had 32 fires altogether.

Tell the Commission the worst of them?—The Kawarren fire was the worst; loss of life having occurred there. Another one came through from Kennedy's Creek and a third one came from the vicinity of Carlisle.

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Those were the three main fires early in January.

MR. GOWANS: How did you deal with these fires as far as they lay in your district?---The Kawarren fire I visited and organised the local settlers for volunteers to fight that fire.

Did you have any difficulty in getting a response?---Not when they realised the imminent danger.

Was there any local Bush Fire Brigade or fire fighting organisation?---No.

Did you have any difficulty in organising them from the point of view of lack of equipment and lack of control?---No, not when they realised the danger. We got 18 volunteers from there.

Did you have enough equipment?---We had sufficient equipment.

Where did you get the equipment from?---We supplied a fair portion of it and the volunteers brought as many axes as they could. We were fighting fires in other places at the same time.

How many haversack sprinklers were available for the Kawarren fire?---Just off-hand, I should say three.

How many men?---There were 17 men.

Do you think that was a sufficient number of sprinklers for the purpose?---We did not use them because there was no water available; it was a very dry area.

What did you mainly fight it with?---We fought it with axes, raking and endeavouring to burn back.

In the case of those volunteers how long were you able to keep them on the job?---They went there early on the Thursday morning; they were all day Thursday, and some returned Thursday night. On Friday we ourselves returned only, and that is the time the fire got away - on the Friday morning.

You were there by yourselves?---The Forests Commission employees.

How many were there?---Seven.

If you had more men do you think the fire would have got away?---The fire would have got away if there had been 200 men.
What were the conditions that day?---A very hot northerly wind, low humidity and very high temperature.

Taking the next fire, the Kennedy's Creek fire, how did you deal with that at the start - in the same way?---That came right through from another district, and we did not know it was there until we got home from the Kawarren fire.

What day did you become aware of the fact the Kennedy's Creek fire was burning?---That fire seemed to come from nowhere that day.

Did you have any reports about it?---It is out of my district and would not be reported to me.

In whose district was it?---That would be in the Haytesbury district.

Would you not expect a report from the officer in charge of that district if he knew of it?---The point there is that we had most unusual circumstances; there was a very strong westerly wind. Normally in this locality we do not expect our fires from that direction; we expect them from the north and not from the west. It was a peculiar combination of circumstances.

Do you know where that fire originated; whether it was in forest areas, Crown lands, or private property?---I do not know where they originated.

Did you ever get that one under control?---We got that under control.

About what date would that be?---About a fortnight or three weeks later.

How many men did you have employed on the Kennedy's Creek fire?---When it came through that area we had up to 40 men employed on that fire.

So many Forests Commission men and so many volunteers?---No, no volunteers at all; we had to employ everyone.

Why do you say "You had to employ everyone"; were there no volunteers available?---We could find no volunteers.

Did you try to find any?---Yes.

In what towns or areas?---In the locality of the fire. To give due regard to volunteers they really wanted to save their
homes. It was considered dangerous to leave.

Did you find yourself handicapped by the absence of volunteers?—No, the men we employed did very good work.

When did you first become aware of the Carlisle fire?—When we tried to get home from the Kawarren fire and we could not get through.

Have you any idea where it came from?—In the vicinity of the Galli-brand river.

Is that in Crown lands or private property?—I am inclined to believe it was the remnants of a previous fire.

Did you get that one under control?—Yes, that was got under control.

About what time?—That would be about a fortnight afterwards. There was continuous work on all these fires during that period.

Taking all these fires you had in your district, did you find you had enough men to deal with them?—The men would not go in on the bad days. It was simply a case of patrolling them afterwards.

Could you have done anything even if the men had gone there?—Not on that day.

Are you referring to January 13th?—Yes.

There was a strong north wind?—Yes, and it was followed by a strong westerly.

That being so you could not possibly fight it directly but was it possible to have fought it by burning breaks?—You could not have burnt a break against the wind.

Not even close to it where you had a sufficient drawback?—What exactly do you mean?

We have heard evidence that you can, in occasions like that, burn a break close up to the fire where there is sufficient suck-in to create a draught?—You would not have got a man to go that close to the fire.

Your view generally of the fires in this district is that they were lit in the main by human agency?—Definitely.

They had been burning over a period prior to Christmas?—Yes.
Many of them resumed themselves in the hot weather?—There was more new fires than resurrections.

In the case of these new fires, as far as your opinion goes, they were deliberately lit by people endeavouring to procure feed in the early autumn?—I have classified roughly the fires in January. Thirteen were suspected of being lit for grass; 11 farmers burning off and the fire escaping; three fishermen, one known case of incendiaryism, and three unknown cases. I think that will make 32.

And that the conditions existing at that time made it impossible for you to keep those fires in check?—On that particular day, January 13th.

That was no matter what equipment you might have had or what men you might have had?—It would have made no difference on that day.

Are there any mills in your district, the O'way West?—Yes.

There was the Western Timber Co. at Stalker?—Yes.

Angliss & Co. at Moemonroong?—Yes.

Marnane at Irrewillipe?—Yes.

Borch & Horner, Forseman Bros. Robins and Church at Simba, and Marchbank at Beech Forrest?—Yes, also Nitt on Charley's Creek Road.

All those three were destroyed by the fire?—Nitt was burnt out;

Enterprise was burnt out; Marchbank was burnt out and Weston was burnt out.

When was Nitt burnt out?—On the same day, January 13th.

I understand there was no loss of life in the case of any of them?—There was no loss of life in the mills.

Of those mills did any of them have dugouts?—There were only two of those mills, Borch and Horner on State Forests and Weston Timber Co. on Crown lands.

Both of those would have come under the jurisdiction of the Forests Commission?—Yes.
Did they have dugouts?—They both had dugouts.

Did you ever see Borch & Horner's dugout?—Yes.

Would you describe it?—It is a very big dugout with an iron frame covered with earth and with a steel door to close it if necessary.

THE COMMISSIONER: Is it on the flat or on a hillside?—It is built in a slight cutting.

Does it project above the earth?—Yes, it projects above the level of the ground. There has been no occasion to use it.

MR. GOWANS: Do you know what it was in fact used for?—Just recently a fire was threatening the mill and they stored a lot of equipment in the dugout. The mill was not burnt out. The men left the mill and the equipment was stored in it. The men were not there at the time.

THE COMMISSIONER: Do you know when those events happened?—I could not say.

Do you know the sequence of those events; do you know whether it was stored there and then they left, or did they leave because the dugout was used for that purpose?—No, I would not say that.

MR. GOWANS: Do you know whether that was so or not?—No, that was a report from my man down at Apollo Bay.

Who was your man at Apollo Bay?—Mr. Bryan.

Did you hear that that was used for storing a tractor?—No, I did not hear that.

Did you hear that the men took objection to the tractor being put there in preference to themselves?—I do not know about that.

Did you hear of any trouble in consequence of that, and as a result a number of the men left the employ of the mill?—I do not know anything about that.

Would Mr. Bryan know something about that?—He may know something about that.

THE COMMISSIONER: Is he here?—No.
MR. GOWANS: Is he at Apollo Bay?—Yes.

Modern Vale is not a very long distance from Apollo Bay?—About 14 miles on the Western side of Apollo Bay.

Did you consider that that dugout was adequate for the purpose if it had to be used?—I do.

Take the Western Timber Co. mill; would you describe the dugout at that mill?—That dugout is a very small one dug below the level of the ground. It was not necessary to use that dugout.

Why was it not?—The danger was foreseen and the men were well away from the mill when it was burnt.

There might be circumstances, however, in both of those mills might have to use the dugouts?—It could arise.

Did you consider the dugout at the Western Timber Co. adequate for the purpose if it had to be used?—It might not have housed everybody.

Was that your view prior to these fires?—I had not exactly thought of it in that way before the fires.

THE COMMISSIONER: How many people were at this mill?—The total employees numbered about 20.

Were there any women and children?—Yes.

They would be extra?—Yes; there would be a total of about 30 people.

What was the size of the dugout; do you know?—I could not give you the dimensions.

It would not hold 30?—No.

Would they draw lots as to who would be burnt, or what would they do?—In that area they usually get warning of the approach of a fire. They have a very big clearing from the mill and they can see the fires approaching them.

In some parts of Victoria it was dark at mid-day and they could not see anything?—I think that is about the time they began to leave.

MR. GOWANS: Was there any get-out from the Western Timber Co.'s mill?—There would be a tramline.

How far would it be away from the nearest road?—About 2½ miles.
Was it heavily timbered?---It was under timber, but not big timber.

THE COMMISSIONER: Enough to block the tramline?---The spars would block the tramline.

MR. GOKANS: How did the Western Timber Co. come to put this dugout in?---I do not know.

It was not under your directions?---I have only been there eight months.

THE COMMISSIONER: Who was your predecessor?---Mr. Headley. He has now left the service.

When did he leave the service?---In November. It was controlled by the Plantation officer in the meantime.

How long were you in your previous district?---I was six months at Maryborough.

Were you District Officer there?---I was District Officer for six months at Maryborough.

Prior to that, where were you?---I was 12 months on experimental work.

Did you find you were rather embarrassed by the short time you were in charge of this district, because of the lack of knowledge of the area?---No, not particularly.

Did you know this district before you came here?---I had been here previously for six months.

Before you came as District Officer?---I was here temporarily relieving in 1933.

During the 6 months you have been here have you carried out any work by way of protection against bush fires?---I have.

(Page 795 follows).
Will you tell His Honor what they were?—It consisted mainly of reopening tracks, clearing fire breaks and patch burning where possible.

The Commissioner: What do you call patch burning?—In vacant areas of useless ground, bracken country or scrub country, a fire is started and we actually burn and make a strip there to stop a fire.

Was it to be useless country before you burn?—We try to conserve all the timber we can.

That is not an answer to the question; has it to be useless before you burn?—Yes.

If you have not much useless ground you do not burn much of your forest?—We have a large amount of useless land in the vicinity of Beech Forest.

That may be so, but the policy is that if there is not much useless land you would not burn much, in practice?—In this district we do not have to go beyond the useless ground for burning.

In practice you do not go beyond the useless land for burning?—That is correct.

It does not matter where it is situated?—It is usually situated along a ridge.

Mr. Cowans: What kind of timber predominates in your district?—On the northern side, mainly stringy bark and messmate. On the ridges in Beech Forest, mountain ash and messmate; and around Apollo Bay, blue gum.

I suppose you would not carry out much of this patch burning in the mountain ash country?—That is where we do it on the poor, vacant land. That area was cut up for blocks and most of it was settled. All of those areas are now bracken, scrubby country.

It is in those areas that you burn?—Yes, we burn in those areas.

During the 6 months you have been here has there been any burning off of heads around the mills?—Yes.

Where were you able to burn?—Beech & Horner's burnt their heads in October.
Did they have a good burn?---A very good burn.

What about the Western Timber Co.?---They were unable to get a good burn.

What was the condition of the forest around that mill so far as heads are concerned?---There were heads from the fallen timber.

So you know when the last burn took place at that mill?---I believe in the previous year.

What about the mill of Anglian & Co., Pty. Ltd.?---They were operating on private property.

So far as the rest of the mills are concerned, may we take it that since they were operating on private property the Forests Commission did not concern itself about the burning of heads there?---There was one part, for instance at Millers where they were on private property but were actually operating on a forest area.

In that case it would be your concern to see that the heads were burnt.

Did they have a burn this year?---No.

So you know why?---They just did not burn.

So you know that they did not burn this year?---I know that they had not burnt this year.

Did you think it desirable that they should burn?---It was not un-desirable without my thinking it desirable.

Is it not the general policy of the Forest Commission to have a burning of heads whenever possible?---In the Otway district it is a very wet climate and we find that the summer comes in so quickly that the heads cannot be burnt in the safe period.

Does that mean in general in the Otway district the heads are not burnt at all?---No, if we get an opportunity they burn.

Did you get an opportunity in the case of Forrester's mill?---No, not before the proclamation was issued. There was only one day and that was the day that Forrester's burnt, on the 17th October. That was actually the only suitable day for burning before the end of November.

Only the one day?---When they would be able to burn properly.
Do you know why they did not burn on that day? I am not blaming you but do you know why?—It actually seemed a bad day on the 17th October, I think it was, with a very strong wind. You did concern yourself with the question of the burning off of heads?—

Yes.

It was present to your mind?—I have considered it often. You were anxious to see that they were burnt off?—I considered that when the time for the burning of heads came it was rather dangerous to burn the heads but actually I would favour a more often burning off of heads.

Do you know when they had previously burnt off the heads at Foreman's mill?—No, He has only been on that area about six months.

Taking the others who were operating on private property, can you tell the Commission anything about the condition of the forests around their mills so far as unburnt heads were concerned. Were you familiar with Marchbank's, Anglesea's, Murmans, and other mills?—Anglesea's mill endeavoured to get a burn of the heads but they only managed to burn a very small area. I think that was in December—no it was in November.

Am I right in saying that so far as they are concerned you have no jurisdiction to require them to burn off heads?—No, I have no jurisdiction.

Do you think it would be desirable to have that power?—I do.

Do you think it might be helpful in fighting fires if some body had power to require the clearing up of private property by burning off heads at the proper time and under supervision?—

Yes.

THE COMMISSIONER: How does the mill owner go about burning off the heads, if he does it?—It mainly depends on getting the correct day. Is it confined to the one day?—We usually like to confine it to the one day.
Supposing he goes for some years, cuts all the time and accumulates some acres of heads, he may have a large area to burn?—That is probable.

What do you do about that?—That is where we prefer an autumn fire, because there is no carry-over from an autumn burn. With a spring burn you are liable to have that fire over your head for the rest of the summer.

How does the miller go about it? Does he have a large gang of men available to watch it?—He usually closes the mill down while he is doing it and has all his men available.

It is a dead loss to him?—It is a dead loss to him.

If he has a large accumulation of heads it may take a week or a fortnight, or more to burn them?—Once it is started it usually goes pretty quickly. They do not cut over a large area when cutting.

If he allows the heads to accumulate it would cover a fair area?—It would become very dangerous for a spring burn.

Apart from the danger it would take a good while to burn off?—It is dependent on the day. It might take two days, but the fire itself would not be out for a week, or a fortnight.

That fire would have to be watched?—Yes.

Is it the universal practice to close down the mill?—The owners I have seen do get all the men on to the job.

Do you see any timber workers present today to give evidence?—No, not from those particular mills.

Any workers you know from any of the mills around the district?—I think there is one person present who intends to give evidence.

Have you heard any of them express a desire to give evidence, in this district?—No; as a matter of fact I am still fire fighting and I have not been in touch with them. I have just come in from fighting bushfires today to attend the Commission and given evidence.

Are there any mill owners present today who intend to give evidence?—I do not see any of them here at present.

Have you heard, or have you had it suggested to you, that the timber workers do not want to give evidence?—No, I have not heard anything of that.
You have been fighting fires all the time?---Yes, for the last five weeks, every day I have been leaving early and returning late at night.

MR. LAWRENCE: What is the normal annual rainfall at Beech Forest?---
Approximately 72 inches.

Do you know what was the official recorded rainfall for the last year?---It was 52 inches.

What was the rainfall for the month of January?---22 points.

Do you know what is the normal rainfall for January?---It ranges between two and three inches.

Do residents in the Beech Forest area regard this year as a very dry year?---An exceedingly dry year. The oldest people say that they cannot remember a year like it previously.

You have only been there for eight months?---Yes.

From what you have learnt in that time when is the earliest time that the burning off of heads, patch burning, and general burning off by the settlers can be carried out in the spring?---This year is a very unusual year. In a normal year, from what I can gather, it cannot be done until the end of December.

That is, generally speaking the proclamation is in before any reasonable burning off can be carried out in that district?---That is so.

THE COMMISSIONER: That is to say the burning off can then only be done with permission?---Yes.

Do many people apply for permission, or do they take it?---More people are applying all the time; they are becoming much better now.

Do you mean for this year?---Yes, this year. We have had quite a number of applications for permission to burn this year.

When do you get them?---From the time when the proclamation came into force.

I suppose there has been an increase in the number of applications since the bush fires?---Quite a few want to burn now.

MR. LAWRENCE: Do you regard the autumn burning as the normal safe procedure in the Beech Forest district?---It would be a much safer period.

From a forester's point of view in that district do you prefer a spring or autumn burning?---An autumn burning.
As you interpret it what is the Forests Commission policy with regard to the burning of heads at the mills?—My interpretation is that the mill heads should be burnt if they can be burnt without danger.

On when does the decision lie in relation to the element of danger?—It is usually decided after a discussion with the local officer and the mill owner himself.

So far as the Forests Commission is concerned it leaves the matter to him?—It leaves the matter for the mill owner to discuss his case with the local officer. It is really a collaboration between the two.

You, as a Forests Officer, did not take any active steps to see that the mill owner burnt his heads?—If I considered conditions to be suitable I would ask the miller to burn his heads.

Does the Forests Commission leave it to you to decide the date and time, or does it issue a general instruction?—I take it the Commission leaves it to me.

You have never had a general instruction about it?—No, not this year. But you understand, from your experience in other districts, that that is the Commission’s intention?—That is its intention.

Has your Divisional Inspector ever taken this matter up with you?—Not here.

Am I to infer from that that in other districts the Divisional Officer or Inspector has had something to say about it?—No, I have never had it taken up with me.

THE COMMISSIONER: Have you ever directed a miller to burn, or have you just suggested it?—I have never directed.

So far as you know have any officers ever directed?—I think they have.

This year has been a most unfortunate year.

I do not mean this year, I mean generally speaking?—Actually speaking by the time summer comes in I think it dangerous for them to be burned, this year.

Apart from this year what do you say?—Yes, directions to burn would be given if we considered it safe.

Have you ever given a direction?—I have never given an instruction.
For how long have you been in the Commission?—Since 1930.

Do you know of any of your brother officers who have given a direction?—

I do not know of any specifically.

What is your idea; you all seem to say something like this. Do you know why you do not give a direction?—The heads are there and I consider it rather a responsibility to direct a mill owner to burn his heads.

If it mounts up and fires it burns the whole of the countryside, does it not?—If a fire gets into them, yes.

Do you know of any millers who burn of their own account, without being pleased with the forestry officer?—Some millers do endeavour to burn the heads, for their own safety.

Is that the majority or the minority?—The minority.

The others are not forced in any way?—Naturally the millers favour a spring burn to protect them over the summer months. From the Forests Commission point of view we actually favour an autumn burning.

You seem to be in conflict on that point and the result seems to be a dead heat?—From a forestry point of view I consider an autumn burning to be much preferable to a spring burning.

If you think that why do not you direct the millers to burn in the autumn?—

By the autumn they have lost their interest in burning to a great deal.

Cannot you make them do these things if you think they ought to be done?—

Yes, we could try. I have not had an autumn here.

That may be, but I am interested to find that everywhere I go this same sort of statement is made by forestry officers?—That they prefer an autumn burning.

That they prefer not to push the millers to burn.

MR. LAWRENCE: Is this the first time you have been in charge of a district?—

---No. I was in charge in Maryborough before this, for six months.

For what period of the year was that?—That was over a summer period.

Were there any millers operating in that district?—One miller was working.
What had been the practice in that area with regard to the burning of mill heads?—His mill heads were not burnt.

Have you worked as an assistant in any other districts?—Yes, at Powelltown, in 1930, 1931 and 1932.

What was the practice there with regard to the burning of mill heads?—The mill heads were not burnt there on every available opportunity.

By tacit consent or by direct instruction from the forestry officer?—I know of cases where direct instructions were given by the forestry officer, following a general direction from Melbourne.

Have you worked as an assistant in any other districts?—Yes, at Taggerty, Niagavan and Beech Forest.

Who was in charge at Taggerty at that time?—Mr. Gerraty.

Were any direct instructions issued to the millers with regard to head burning while you were there?—I did not arrive there until the summer time. It was a fire period when I arrived and there was no burning going on.

Who was in charge of Beech Forest when you acted as assistant there previously?—I was there as a stop gap between two forestry officers. I was there during the winter period.

What is the actual position with regard to the accumulation of mill heads at the mill areas in this district? Before the fires did they have an accumulation of mill heads?—No, the accumulation was not very great, actually.

For what reason?—So far as I could gather most of them had had a previous burn over them.

(Continued on page 303)
THE COMMISSIONER: To get a fire?—-No, some of the mills are but I believe Western's got burnt last year. Borch & Horner's mill is on State Forest property and the Western Mill is on Crown Land. The Enterprise is on private property. They are nearly all first year mills and the forest has not accumulated to any great extent.

MR. LAWRENCE: Would you tell the Commissioner your present attitude towards the matter of mill heads; do you think they should be burned or should not be burned, or do you think that whenever there is the slightest risk attached to him burning them from any factor whatever that that risk should cover everything?—-I would not take the risk in the burning off of these heads.

THE COMMISSIONER: That is not the question; supposing the circumstances made for safe burning; do you consider these heads should be burnt off?—-Yes, I do.

MR. LAWRENCE: Can this Commission take it from that that you would instruct millers to dispose of their mill heads whenever favourable circumstances existed?—-

THE COMMISSIONER: He has never done that.

MR. LAWRENCE: He says he has never been here in the autumn.

THE COMMISSIONER: He may have changed his mind now, but what is the use of that.

THE WITNESS: I have not struck suitable days this year.

MR. LAWRENCE: How many outbreaks of fire occurred ——

THE COMMISSIONER: There may be something in your last question.

In future would you give directions on your own responsibility or would you await general orders from headquarters?—-I would not give an order if I considered there was any risk.

What about apart from this?—-I would take it on myself if I considered the conditions favourable.

You would not wait for instructions?—-No, I wouldn't. I would not take any risk though.

I can quite believe that?—-
MR. LAWRENCE: In your experience have you known of a general instruction to emanate from head office concerning a matter of local procedure such as that?—Yes, I believe I did see a circular some years ago but I forget exactly when it was. It was a circular instruction the mills to burn their heads off—a general circular.

Do you know what the general practice is with regard to matters of local procedure?—I surmised it was left to the local officer.

If you, as local officer, were in any doubt as to the actual procedure, whom would you consult?—Our District Inspector, primarily.

Is that only to be done in a state of great emergency, or is it your general practice?—No, if I considered it quite safe, I think I would do it myself.

I mean is it usual to obtain a general instruction from head office in connection with local matters, or if you had any doubt as to your responsibility in the matter, would you consult head office or your local inspector?—I prefer to consult my inspector.

What do you do actually?—I consult my inspector, usually.

Can this Commission take it from your experience that in matters of local procedure, the matters are left to your discretion but that you can resort for advice to your inspector?—That is the position.

In fact, that is actually the position, Your Honour. (To Witness)

What was the maximum number of outbreaks of fire which occurred in any one day during the month of January in your district?—I counted 12.

Do you mean fresh outbreaks in one day?—There were 12 distinct fires in one day which had to be attended. Actually, I suppose there would be about five new fires amongst them.

On what date in January was that?—It was towards the end of January.
Do you recollect the 8th January as a bad day in your locality?—Was that a Sunday?

Yes?—Yes, it was a hot day.

How many fires broke out in your district on that day?—Four or five.

How many fires broke out on Tuesday the 10th?—I do not know; we were attending at least one fire a day and sometimes two.

If five fires broke out on one hot day, was it practicable for you with the forces at your command to successfully combat them?—No, we could not get around the lot.

Actually, what success did you attain on that day?—I think we attended two fires on that day. We held them.

You were not able to get them under control?—They were under control, but not out.

Were those fires put out at any time?—Men were left to patrol them and as far as we could see they were out. This year fires have been burning under the ground for three weeks.

When do you consider that a fire is out?—After it has had about two inches of rain on it.

Have you had that amount of rain this season?—No, not yet.

Then on your own showing none of these fires were out?—They die from old age after a while. They generally join up together.

THE COMMISSIONER: The last one did not?—That is so.

MR. LAWRENCE: How many men did you have employed early in January?—You mean in the whole district.

Yes?—Thirty men.

How many were at Beech Forest under your immediate control?—I had six men under my immediate control and there were 16 men at the Plantation who were always available.

There were 16 men as a reserve labour force?—Yes.

How many men did you have under your control after the 12th January; towards the end of the month?—After the fires we put on approximately 25 men at one stage. On another occasion we put on another 20 men.

Why did you not obtain additional labour when the fire position was
becoming acute early in the month?—Do you mean to employ more men then?

Yes?—The way it was coming on we could control all dangerous fires at that period. By a given time the weather did turn. With a normal procedure we could have got around those fires and controlled them without fresh outbreaks.

Now that you have reviewed the position do you not think it would have been more rational to have obtained additional labour early in the month when the fires were threatening rather than late in the month when they had done their worst?—Looking at it from the present view, it would have been better to have had more men.

Could you have obtained the men?—I think I could have done so. From what source?—I have great confidence in my district inspector. Were men available locally or do you suggest they would have been brought in from outside?—All the men that I employed were local men.

Was there no factor contributing to the availability of men later in the month?—Exactly what do you mean?

Did no factor operate which made more labour available to you later in the month?—The manillas being burnt out put more men on the market for our labour.

Would those men have been available early in the month?—No. What about the possibility of closing down the mills.

THE COMMISSIONER: He means that when the mills were burnt out there were more men available for fire fighting.

MR. GOWANS: There were not any fires to fight then.

THE COMMISSIONER: Yes, there were. (To witness) That is not a very reliable source of fire fighting material?—It is not a very good labour market. I think they should have to come all the way to Colea. It is very difficult to get experienced bushmen for firefighters. We do not like to take inexperienced men.

MR. LAWRENCE: Have you ever thought of closing down a mill and taking
the employees out firefighting?---Yes.

Have you ever done it?---It was done at Apollo Bay. The mill was not exactly closed down. It was a matter of mutual consent between the local man and the miller whose mill was in danger.

Did any of those fires during October, November, December, or January actually break out on a mill area?---One fire broke out on the mill area at Marchbank's.

Did he turn his men out to combat that fire?---No, the fire went out of its own accord. It was burning down in a gully. I think he did have three or four men engaged in putting it out.

Have any of these fires actually threatened the mill areas? I am not talking about the big fires that swept through in a matter of minutes almost, but did any of the early smaller fires actually threaten mill areas?---No, all the mills were burnt out with the one big sweep of fire on the 13th January.

It came through very quickly.

You did not regard mill hands as a source of labour for firefighting?---No, except when the mill itself is threatened.

Would you then send down and take them out?---If the mill area were threatened, I certainly would.

Are there many absentee landholders in your district?---There is a very large number of them.

What is the condition of their holdings?---They just hold the area; nobody ever seems to go on to it; I think that providing they pay their rates, they retain their areas.

I mean, what is the condition of the ground?---It is leasedhold usually.

It is very dirty usually.

Is it improved or totally unimproved?---Usually the timber on it has been ringbarked and frequently there is just scrub and young growth coming on the areas. You might find small pieces of grass.

Even a forester would regard that as a dirty piece of country?---Very dirty.

Do you regard those areas as a menace to the safety of adjoining forest areas?---Yes.
Do any such blocks in fact adjoin the forest areas?—Some are right within the forest.

What is your power as a forest officer in regard to the cleaning up of that land?—I would not attempt to clean it.

What is your power?—I do not know that I have any.

You know of no such power?—I know of no such power that would allow me to clean that land.

Can you suggest to the Commissioner anything rational and practical with regard to eliminating that hazard or minimising it?—By a public officer?

Yes?—Purchase by the Government is the only thing I know of.

MR. LAWRENCE: Are you satisfied with the available sources of labour in your district for fire fighting?—Yes, the way it was this year, if a mill is burnt out. Normally, I would say, no.

THE COMMISSIONER: You should not be satisfied with that sort of thing—not to wait for a mill to be burnt out?—To get experienced bushmen, the labour supply is poor.

MR. LAWRENCE: Are you content with employing a small number of men and simply dabbling around an outbreak of fire praying for time and rain?—This year has been unsatisfactory.

What about in a normal year?—In a normal year in this district they consider that they can control fires such as they have had this year. We are helped here by our rainfall.

Would you be assisted in any practical manner if you could obtain large bodies of men at short notice to put on to an outbreak?—Yes.

Would that be a better and eventually a more economical proposition than dabbling around with the fires?—Yes, with further supplies available in certain outbreaks, it would be nice to know that you could get an unlimited labour supply.

Can you suggest any source of such labour?—There is none available here for the type of men we want—not for large numbers.

What class of men do you want?—Experienced bushmen, primarily. Men

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who have been in the bush most of their lives.

Would not any class of rural workers suit providing they were employed under the direction of your men?—They would. A lot of our work consists of falling big trees. The danger from the fires is from the standing trees and only experienced bushmen can fell those trees. We could use other men on the ground fires.

Provided you had the equipment available, would you consider any class of rural workers as being totally useless?—No.

You would not discount them absolutely?—No, by no means.

If they were available, then you would consider them desirable employees in an emergency?—I would avail myself of them, certainly.

Can you not think of any possible source of such labour?—Only by organization of local landholders.

Say, for example, that other public departments had men working in your district; would you employ them?—Yes, they could be employed.

Would you consider employees of the Vermin and Noxious Weeds Department as desirable employees?—Speaking personally of the ones I know, I think they would be very desirable employees.

You consider that their vocation would make them definitely desirable?—The Vermin and Noxious weed men employed in the district whom I know would be efficient employees.

What about a Country Roads Board Construction gang?—Yes, as men power. They would do to fight ground fires, anyway.

Would there be any point or reason in employing them in an emergency?—Yes, they could be employed by a ground fire.

I would like you to either emphasize or discount it one way or the other for the information of the Commissioner. Would such men be highly desirable in an emergency or would you not think much of them?—In an emergency any man would be highly desirable.

THE COMMISSIONER: Do you know Country Roads Board men; would they be of any use to you?—I would be very willing to risk it. No matter how inexperienced they were, jobs could be found for them, for instance, with carrying water.
Would some of their equipment be useful? They have trucks, for instance?—No, our fires are in bad bush country. We get as far as we can by trucks.

(Page 810 follows)
The Commissioner: You might want to carry men and equipment a few miles?—Yes, to the nearest location.
Do you get trucks for that?—We have our own transport, and we usually hire transport.

Mr. Lawrence: How many miles of firebreaks have you in your district?—Somewhere round 60 miles.
What is the nature of those firebreaks?—They are from a chain down to 12 ft in width.
Are they clean or scrubby?—They are cleaned every year.
What do you do with the debris you cut on them?—Burn it if possible.
If it is not burnt it is spread on the centre and usually by the time the fire season comes it has rotted and disappeared.

Do you suggest that fire breaks of that width would stop a fire?—No.
What is the good of them?—To give access to the various mills.
For anything else?—To get out quickly if necessary, and they are very useful to burn back from.

These fire breaks are constituted to provide access and egress and serve as a base for back burning to an approaching fire?—Yes.
What is the general location of these breaks?—On ridges.

How much patch burning have you carried out in this district this year?—We burnt perhaps 50 to 60 acres and then the proclamation came in.
In a normal year you could not patch burn in this district until the proclamation came in?—No.
Would you do it?—No.
That means in a normal year you would not do any patch burning at all?—I would not burn before the proclamation.

The Commissioner: How many acres are under your control?—The district is approximately 35 miles long by 15 miles wide.
You have thousands and thousands of acres.

Mr. Gowan: There are 61,500 acres of reserved forests and 131,000 acres of Crown Lands.
THE COMMISSIONER: You would only burn 50 acres of that amount?—That
is all we had done when the proclamation came in. We
started but the weather was against us, and then the
proclamation came in.

MR. GOWANS: There is no power to burn on Crown lands: only on reserved
forests. That reduces the amount down to 61,500 acres.

THE COMMISSIONER: Even so there is a fair disparity?—We would have
burnt more if the proclamation had not come in.

I am not saying it is your fault at all, but that seems rather ridiculous?—
—We only started on the job and then the proclamation came in.

It looks rather ridiculous to burn 50 acres out of 61,500. Do you see
anything sensible in that?—We do not burn before the
proclamation in this district. I am referring to the
mountain ash. There was more done to the northern side,
but it comes in earlier.

I understand all that?—The northern side is a slightly different
proposition from the part I am talking about.

MR. LAWRENCE: It amounts to this on your own showing, either the pro-
clamation comes in too early and is over restrictive to you
or patch burning must simply be dispensed with as any rational
measure of protection in your district?—Not exactly in my
district; in the valuable forests of the district on the
ridge. It can be done earlier on the northern ridge.

With respect to the valuable forests, which of those two alternatives
operates?—With the valuable forests the proclamation does
come in too early in a normal year for patch burning.

In your evidence you have stated two things, firstly that in a normal
year mill heads cannot be burnt and settlers are unable to
burn off because of the variation of the proclamation and now
you have added that you are unable to protect your main forest
belt by patch burning because of the proclamation?—That
is correct.

Would you recommend to the Commissioner that as far as your district is
concerned, that is the mountain district, the proclamation
operates too soon?—In the mountain district around Beech Forest it does come in too soon.

Can you suggest anything to the Commissioner as to what might be done to correct this matter?—Make a local entry of the proclamation; make it a local matter or a regional matter.

MR. GOWANS: With regard to this question of unoccupied private lands, were you not aware that under section 70 of the Forests Act the Commission may require in writing the owner or occupier of any such land to burn off debris or remove debris within 50 yards of the boundary of reserved forests?—Yes, but in some cases the owners are dead and sometimes we have no idea who are the owners.

Perhaps you are also aware of paragraph 2 of that same section which provides if the owner or occupier fails to comply a Forestry Officer may do it at his expense?—Yes, we can do that.

Have you ever heard of that being done?—No.

THE COMMISSIONER: That would be very difficult if you did not know where the owner could be found.

MR. GOWANS: I think there is some way by which you can serve notice even on an absentee owner; otherwise the thing would simply be unworkable (To witness): Have you ever heard of that being done?—No, I have not.

Then, of course, you know there are certain powers under section 68 of the Act that a Forestry Officer can extinguish fires on private land within two miles of the boundary of reserved forests?—Yes.

Have you ever known of that being done?—I have done it myself.

Who is your local inspector?—Mr. Code.

His head-quarters are at Ballarat?—Yes.

How often do you see him?—On an average of about 6 weeks to 2 months.

If you are going to put to him the question of burning off heads you have to wait until you see him next time or refer to Ballarat?—Yes.
Of course, he is not to know what the local conditions are?—Only from my description.

It is not a very satisfactory way of doing it, do you think?—He knows the areas generally, and with my description he would have a very good idea of the conditions prevailing at the time.

Your attitude is that you do not like to take the responsibility if there is the slightest risk?—That is correct.

Do you think that is the practice or the policy that the Forests Commission favours?—I really do not know.

I am told that it was on the 12th January you called for volunteers in the Kawarren fire, is that so?—It would be the 11th.

How long had you been fighting the fire before you called for volunteers?—The day before I called for volunteers.

Would it be right to say the fire had been burning at least 8 days before that?—As far as I can gather the fire started on the Sunday previously.

Sunday would be the 8th?—About the 8th.

In that case you do not agree with a suggestion that it had been burning since about the 3rd?—From the 8th, I think.

It was the 8th when you first heard of it?—Yes.

Were you fighting other fires between the 8th and the 11th?—No we were fighting fires all the time.

THE COMMISSIONER: How much of the territory in this district do you think would be suitable for patch burning, that is territory of not much value?—There is a very large strip in the vicinity of Carlisle which would be very suitable for that, and on the ridges we have strips of useless country which could be burnt. That would not form a very great percentage.

About how much?—I daresay you could burn about 5 per cent. by patch burning without damage.

Would the burning on the ridges be continuous?—It would be broke in parts; but you could make it continuous even if timber had to be taken off.

Is there any chance of burning out from the ridges on the north?—Most of our land for good burning is situated on the northern
slopes and you can burn before the proclamation. On the southern slopes it is impossible to burn until late in the year.

There is much of this rather useless land?—Yes, what we call grass tree country.

If fire is seen in the distance, not in your territory, whose business is it to go out and see it?—The man in whose district it is.

It might not be the Forests Commission land?—Yes, it must be in a forest area.

It might not be in forest land. Assume it is right out in the hills?—We have a look at that ourselves. We go out and see the possibilities of the fire.

Have you a Bush Fire Brigade?—No.

THE WITNESS WITHDRAW.

( Page 314 follows.)
HAROLD NORMAN BRYAN: Sworn and Examined:

MR. GOWANS: What is your full name?—Harold Norman Bryan and I am a foreman in the employ of the Forests Commission stationed at Irrewillipe.

Mr. Oldham, the previous witness, is the officer in charge of your district?—Yes.

Are there many mills in the area you have to supervise?—At present, only one.

Where is that?—Right in Irrewillipe.

THE COMMISSIONER: How many were there?—Originally three.

Two have been burnt out?—No, abandoned. The sites are cut out.

MR. GOWANS: How long ago is it since they ceased to cut?—One two years ago and the other about five years ago.

Have you been there many years?—13 years.

When they ceased to cut would they leave behind any heads unburnt?—No, as a matter of fact, the country was continually burnt and the result was there were no heads there.

Do you mean accidentally or deliberately?—Deliberately.

As a matter of policy?—Deliberately burnt.

Not under supervision, I take it?—No.

What is the present practice with regard to the burning off of heads in the Irrewillipe forest?—When climatic conditions are suitable they are burnt off prior to the fire season.

I suppose it is your duty to see that is done?—Yes.

When was the last burning at that mill you have mentioned?—That would be Burnane's mill, I suppose.

The one you refer to as being in Irrewillipe?—It is 12 months ago since the last burning of heads in that district.

Was that a good burn?—No, as a matter of fact, with regard to the heads of trees if they are not burnt immediately, or somewhere within a reasonable time of the falling of the tree the leaves drop off and decay, therefore there is no head to burn.
Was the burn 12 months ago a good one?—No. When you asked me whether it was a good burn, it is just a matter of patch burning.

I do not quite understand the application of this term "patch burning" to the burning off of heads. What do you mean by patch burning in that connection?—It means you have to light each head individually. Sometimes it will burn and sometimes it will not.

Speaking generally, do you remember whether 12 months ago those heads were all burnt, or were they not?—No, they were not all burnt.

What proportion of them were burnt, speaking roughly?—50 per cent.

The Commissioner: Is this the same mill?

Mr. Gowans: Yes.

The Commissioner: You told us a few minutes ago the heads were burnt, and now you have come down to 50 per cent.

Mr. Gowans: I think he was referring to the other mills which ceased cutting a few years ago?—Yes, the general number of heads throughout the district.

The Commissioner: What were you referring to when you told us about the two mills that went out of business. Were about 50 per cent. burnt, or all of them?—50 per cent. only.

You told us a little while ago they were all burnt; there were no heads left. Which do you mean?—I mean there was 50 per cent. of the heads burnt purposely.

I do not care how they were burnt apart from this bushfire. First of all when the mills went out of action when were they burnt?—Fires occur whenever the occasion arises. For instance, this is rather a big bush from that point of view; it will burn even in winter time if you get a good windy day.

(Page 816 follows.)
(Witness continued) It is totally different bush from the mountain country such as Beech Forest. You will get a day, even in June or July when a fire will go through it, provided it is a good, drying wind. Those fires occur annually, from time to time. Some are set for the purposes of grazing, and so on. The tops of those trees that are felled are, more or less, devoured in the fires that occur then.

What about the patch burning you were telling us about? —The same thing applies there. The patch burning fires devour some of the tops, too.

MR. GOWANS: Taking this one mill that is operating in your district, there is no doubt that those heads were not burnt last year, either accidentally or deliberately? —Yes, they were burnt.

I thought you told me that they were not burnt last year, that it was over twelve months since they were burnt? —What do you mean by last year?

Surely you do not misunderstand that —1938 —?——What period of the year? Take it right over 1938 —were any heads burnt at that mill during that year? ——Yes.

At what time of the year? ——It would be October, approximately.

Under your supervision? ——Yes.

Was that the occasion on which you say about 50% of them were burnt? ——Yes.

Then was the previous occasion on which the heads at that mill were burned under your supervision? ——There was no previous occasion when they were burnt.

They had not been burnt for how many years? ——For four years, approximately.

Why was that? ——For the simple reason that this man was operating in a protected forest and there was a big percentage of young timber there which we had to preserve. If he had lit the heads then naturally we would have lost our bush.

When you say "protected forests", you mean that, not a reserve forest? ——I mean a reserved forest.

He was operating in a State Forest and had not burnt for four years because it would have endangered the young timber? ——Yes.
Had he been cutting all that time?—Yes.

Did you refer the question to your superior officer during those four years?—Yes, as regards the burning of tops? I did mention it on one occasion or perhaps on two occasions. It just happens that I have had several different officers in charge during the time that man operated.

I do not care who it was but when it was that you mentioned this matter to your superior officer?—Yes, it was essential that the sawmill should burn his tops.

Did you say anything to him as to whether you should require the sawmill to burn off the tops in that particular area, at that time when you mentioned it to him?—Yes, I thought it necessary. The reason why I asked him was to get a ruling on the matter.

THE COMMISSIONER: He was your superior officer and was he in the district?—Yes, he was the officer in charge of the Otway West district, and was stationed at Beech Forest.

MR. CONAUN: He occupied the position now occupied by Mr. Oldham?—Yes.

Do you remember his name?—Mr. Barling.

Is that the officer who was burned to death?—Yes.

You mentioned this matter to him. You thought the heads should have been burnt and was it because of anything he told you you did not have them burnt?—Yes, as I stated previously I gave my view of the matter to him and I thought it advisable not to burn on account of the young timber in the locality.

I do not understand that. I thought you told me a moment ago you thought it was advisable to burn. Are you not now telling me it was not advisable. Was it Mr. Barling who told you it was not advisable to burn or did you come to that conclusion yourself?—I asked his ruling on it, the fact of his being my superior officer and he stated the usual thing was to burn. I then stated that I thought it was.
detrimental to the bush. He said "Use your own discretion."

THE COMMISSIONER: That is the direct opposite to what you told us.
You told him it was advisable to burn and he told you "No" because it would hurt the young timber. Did you or did not think it was advisable to burn?---"No, I thought it was not advisable to burn it."

MR. GOWANS: What young timber did you have there?---"Stringy bark and messmate."

How old was it at that time?---"Ten or 15 years."

Do you think that would have been effected by the burning off of heads?---"Certainly."

At all events this is the position: that during the four years the heads were not burnt, owing to the view you took of the position. When you burned in October last year did you burn the accumulation of heads over 4 years. You told us that in October of last year you directed the miller to burn and he did burn. Did you direct him to burn the accumulation over that four years?---"No."

What did you tell him to burn?---"The fresh tops."

It was 50 per cent. of the fresh tops that he did burn?---"Yes."

So there was still left in that forest four years' accumulation of heads?---"Yes."

MR. LAWRENCE: What is your personal attitude with regard to the burning of heads?---"Personally I am in favour of burning during a suitable time."

When is a suitable time?---"In our case early in October, or October is the month when they will burn."

What about burning after the first Autumn rains?---"If they will burn, certainly."

What is the matter with burning them then?---"Nothing wrong at all."

What is your objection? What is your logical, plain, simple objection to the burning in autumn when the weather breaks?---"There is no objection - I am in favour of burning them whenever
it is possible to burn them.

If you are in favour of burning and if they can be burned in the autumn, and they can be burned on several days during the winter when there is a wind blowing and they can be burned in early spring, why not get them burnt?—The millhead as a rule takes up quite a considerable amount of ground when it falls. It would take half the scope of this Court. Usually there is a lot of timber affected by the fall; young timber it will kill. Personally I am not in favour of burning them in an improved area, but there are places in waste country or the poorer types of bush where you can burn them, and anytime you can burn them during the year I think it a good idea to burn them.

Did you in fact ever burn tops in those open areas?—Yes, wherever possible.

THE COMMISSIONER: What do you mean by wherever possible; when they have fallen there or do you cart them there?—No, where the miller has been operating.

MR. LAWRENCE: It appears there were two distinct classes of bush in which those mill trees were being felled. You say sometimes the heads fell in open country, where, I take it, there are no seedlings or saplings?—That is correct.

In such a case as that it is advisable to burn and you do in fact actually burn that area?—Yes.

THE COMMISSIONER: Do you burn or do you direct it to be burnt?—I do it myself in some cases.

Have you ever directed it to be burnt by a miller, who is responsible?—Yes.

Can you remember the last miller you directed to do it?—Mr. Armstead; he is now sawmilling down at Lorne.

Did he take any notice of you and burn them?—Yes.

Whereabouts; what country was it in?—The shire of Carpendeit.

In what part of the Lorne district?—He was operating in my district then but has since shifted his site to Lorne.
MR. LAWRENCE: Will you describe the three classes of bushes; there is open land, there is quite a number of groups and patches or stands of young timber through it?—As a matter of fact it is what you term very patchy kind of forest. It has fairly good stands of matured timber, and before the fires it had good stands of young timber, and seedling growth on improved areas where we had been operating. There was grass lands, scrubby peppermint country with no useful timber on it—three distinct types of country in the district.

You have already covered the open country and I desire to know something about the country with the seedlings and saplings in it.

Are you milling in this country?—This man was.

Did you mark the trees there for felling?—Yes, I supervised the felling arrangements.

You actually marked the trees which were to be felled?—I did not mark them.

He just takes whatever he wants?—Under my supervision, and I keep a watch on it.

In this fairly dense country where there is the undergrowth of seedlings and saplings, is there not a great deal of smashing of the young trees when the mature trees are felled?—There was, yes.

Is that the condition under which you consider that you cannot burn tops?—Yes.

Because of the damage that would be done to seedlings and saplings?—Yes.

But surely in that country there must be open areas where the trees would fall clear?—Not that particular type of country that you mention. There are no open areas and all the tops would be smashed down among the seedlings and saplings.

If you burnt them there would be further damage other than that actually caused by the smash?—Yes.

THE WITNESS WITHDREW.
MR. GOMAN: Your name is Arthur William Mawson, and you are a wood carter living in Colac?—Yes.

Do you know the Irriwillipe forest?—Yes.

You heard the evidence of the last witness. What is your view of the condition of the forest, so far as heads and tops are concerned?—It was in a fairly shocking condition.

Do you know it pretty well?—Reasonably well, yes.

What do you mean by "fairly shocking condition"?—I have been carting wood out of the Irriwillipe district and throughout the forest fire-breaks have been cut, but apart from the fire-breaks the bush has been neglected by mill owners, wood carters, including myself, post splitters and so on. I have not burnt the heads, but I am only one and there are any amount of others who did the same. There should be some law compelling everybody to burn the heads whenever he is working in the bush. He should lop the heads and burn them, or the Crown should employ somebody to do the job.

THE COMMISSIONER: Is it noticeable, the amount of heads and stuff left there by wood splitters and others?—Yes, a big proportion of it.

Apart from that what was the condition of the forest floor there previous to the bush fire recently, not taking into account the heads and rubbish, but generally, so far as danger from bush fire is concerned?—Apart from the heads and other things like that, there would not be such a great amount of danger. There will always be fires while there is bush, but while the heads are allowed to accumulate on the ground there will continue to be severe fires.

Do they lie around thickly, or are the heads lying separately, or how would you find them?—Sometimes they would be separate, but you would get many close together—perhaps two or three on top of each other.

How far through the bush would you find them, starting from any given point?—I suppose over an area of 4 miles. I have been through the area myself and I think there would be practically four or five miles of it, all over where the sawmillers, wood splitters and wood carters had been.
Have you been in the bush for some length of time?---I have been in the bush for 20 years.

What do you suggest for keeping down the fire danger?---I suggest that if the heads, undergrowth and stuff of that description was burnt every 12 months at least, in the autumn, or in October or November, or at about that time, it would help. I do not suggest one should go into the forest in the summer time, on the hottest day in the year, and set the heads on fire.

MR. GOWANS: Do you remember two mills operating in this area some years ago?---There was Armistead's mill in there.

That is not operating now?---It is operating now, under different supervision. A man named Mr. name has it now.

Is it operating in a different area?---No, the same area.

I am speaking about mills that were operating on a different area?---They would be further on towards Cobden. I do not know those mills.

Do you cut wood in this forest?---Sometimes I do, and sometimes I have cutters in there.

Do you have a licence for it?---Yes.

What kind of wood do you cut out?---Dry wood, messmate or stringy bark.

When you say dry wood do you mean stuff lying about?---No, stuff I go in and fell.

When you say it is dry do you mean it has been ringbarked?---Some of it, and some of it has been dead for 20 years.

Is there much of it?---There was a fair amount before the bush fire went through, but the fire wiped out most of it.

Do you know how it became dead - was it from previous fires or had the trees been ringbarked?---Some had been ringbarked. They were probably rung before my time.

You have no idea who did it, whether it would be part of the Forest's Commission's policy or whether somebody else did it?---No.

MR. LAURENCE: Do you cut no green wood for firewood?---I have been cutting most of the ringed timber out on private property.

How many posts do you cut in a year?---It is hard to say that. Some years I would cut 1,000 and some years only 500.
That means that you cut between 10 and 40 trees in a year?—Yes, but it is hard to explain it clearly. A man might come in and say "I want 1,000 posts", while another man might come in and say that he wants 20.

(Continued on Page 823).
MR. LAWRENCE: You do not cut more than 50 through the year?—It is hard to explain.

What do you do with the tops of your trees?—Just leave them lie on the ground.

Do you lop them down?—Odd ones, but especially if it is a big one.

I never burn them.

What instructions have you had from the Forest Officer; have you ever been told to lop your tops?—Yes.

Do you do so?—Odd ones.

You do not make a practice of it?—If the limbs are sticking up into the air we lop them.

The Forest Officer never worries you about it?—Sometimes he chides me.

I have never been told to burn them.

Did the Forest Officer ever say he would burn them for you?—Not to my knowledge anyway.

THE WITNESS WITHDREW.

FRANCIS RONALD HENRY RAPER: Sworn and Examined.

MR. CONANS: My name is Francis Ronald Henry Raper and I am a detective of police attached to the Southern Division at Geelong.

I have made certain inquiries into the causes of bushfires in the Kawarren, Barongarook and Beech Forest areas during the month of January and as the result of these investigations I have furnished a report to the officer in charge of my district.

Is this report the one you refer to (report submitted to witness)?—Yes.

Will you read out the report to the Commissioner leaving out the first paragraph?—(Reading).

"On visiting Barongarook (on 14th January) I saw that the whole country side had been burnt, and the properties of Thomas Neal, Gordon Lane, James Welsh, Leslie Parker, Ronald Marsden, Alex Short and Henry Hayes had been swept by the fire but no houses had been burnt."
I do not whether I should mention the name of the person who, I find, from my inquiries, is not doubt responsible for this fire.

THE COMMISSIONER: It will be better not to mention his name if there is to be a prosecution?—Very well. (Continued reading) —

"I interviewed this person and on the first occasion he gave me very little information so I inspected the scene of the fire that had burnt round his property. I could see that it had burnt against the wind in places to the south and west. After further interrogation of this man he admitted lighting a fire in two places 100 yards at the rear of his house, and the other on the north side of his house. When he started the fire at the rear of his house the wind was blowing from the north which would take the fire away from his home, and when he started the fire on the north side the wind was blowing from the south west, taking the fire away from his place. Both these fires eventually jumped the road into heavy timbered country and burnt through the above-mentioned properties.

Although he claimed he was burning a fire break, there is such a thing in burning a break, and setting the whole bush on fire regardless of life and property, and this is just what he done, as his house was never in danger of the fire that was burning past the 6-mile dam which would be about two miles south of him. The fire was burning in an easterly direction past his house.

3. In regard to the fire in Donahue's paddock which is now owned by Mr. Pearce of Beeac and mentioned by Short, Hayes, Bennallack, Welsh and Ballis.

I was unable to ascertain how this fire started near the railway line on the evening of the 12th inst., as stated
by Ballis, but there is no doubt if Ballis had not set a small
break in the grass near the wood sacks, the wood would have
been burnt.

Ballis appears genuine in his statement when he states
he put the smouldering stumps out. Knowing this Colac-
Beech Forest railway engine as I do, there is every possibility
that this fire was caused by sparks from the engine and there
is also no doubt that this fire was joined by the one set by
the first man I referred to.

4. The fire that burnt the home of Mr. J. Bonallack and
Mr. Westwood started up near Mr. Norman's place on the 13th inst.
and burnt easterly through the properties of De La Rue and Trask
and passed by the Barongarook Railway station. From my investi-
gations and information received the origin of this fire was in
Crown Lands between Wonga Wonga and the old Colac - Carlisle Road,
and I was informed that it started a fortnight previous to Friday
the 13th inst. and gradually burnt its way through to the locality
of De La Rue and Norman, when on the Friday it was fanned up
afresh by the hot north wind.

5. On making inquiries into the fire that brought about the
deaths of the four Robinson children, I traced the start of the
fire to the same locality - between Wonga Wonga and the old Colac -
Carlisle road. It burnt down to Mr. Swan's property by the
12th inst. when every endeavour was made by Mr. Swan, Mr. Cashin,
Mr. Guthrie, forest officers and others to put it out, but on
the Friday it was fanned up afresh by the hot north wind, which
later changed to the west, and swept the fire through heavy bush
country taking in the whole of Kawarren and district, and causing
the death of the Robinson children.

Mr. Robinson had selected a block of bush country on the old
10-mile Colac-Beech Forest road on the north edge of Kawarren.
He had a house built of corrugated iron, and it was built on a rise surrounded by two deep gullies, which were heavily timbered. He had very little clearing round the house and was right in the path of the main fire. After seeing the place it is hard to understand how he and the remaining family ever got out with their lives, the place was simply a raging inferno. I made every possible attempt to discover the origin of this fire, but owing to the isolated place it started, I was unable to locate any witnesses who were of assistance, the nearest habitation being about 4 miles distant.

6. I went to Beach Forest to investigate a fire that passed through Chapple Vale, Carlisle River, Ferguson, Charlie's Creek, Beach Forest, Webster Hill, Mt. Sabine and Burrumonger which burnt two sawmills, a number of houses, and young ash forests. Tracing the fire back as far as Kennedy's Creek which is about 9 miles south west of Chapple Vale in the Western police district, I was informed by an old identity that this fire started at Bryan's Creek, about 3 miles south west of Kennedy's Creek and in Crown lands.

A suspect for this fire is a man who runs cattle on Crown land and is said to burn off bush country so as to have feed after the early rains. I was also informed by the same man that a farmer of Kennedy's Creek was seen to start a fire on his property on the 13th inst., and it burnt towards Carlisle River and later joined the fire from Kennedy's Creek. This has been made the subject matter of another file.

7. Whilst at Beach Forest I investigated three other fires, one at Webster's Hill on Mr. Pearce's property, one south of Beach Forest on Mr. Benson's property, and the other at Jannah River via Lawers Hill on property adjoining that of James Stafford.
Those fires may be the subject of other proceedings.

That applies to one case in particular. Other matters will have to be fought out in Court.

(Page 824 follows).
THS COMMISSIONER: You would summarise the position by saying that the fires were caused by human agency?—Undoubtedly.
Were they caused deliberately or negligently?—I would say deliberately.
Some would be caused through negligence, would they not; is there no alternative?—In some cases, I think people become panicky and light a fire break. That accelerates the other fires.

MR. GOWANS: With regard to the first person you referred to in reading your statement—do you know who I mean?—Yes.
You subsequently took a statement from him in which he excused himself on the grounds that he thought his house was in danger?—Yes, I took two statements as I was not satisfied at first. That is his last statement.

This is one of the statements (handing document to witness)—Yes.
That is the excuse he gave?—Yes.
Did you question him further and come to the conclusion that instead of lighting a break he just set the whole bush on fire and simply trusted to how far it was going to burn?—That is correct. (Second statement submitted to witness).
You refer in your statement to Mr. Ballis whose explanation you accepted. Did you interview him somewhere about this time?—Yes, about three or four days later. I think it was probably a week later. I have the date here if you want it.
It does not matter. The explanation he gave was that he saw a fire start near the railway line and burn towards some tons of stacked firewood. As the fire was approaching that wood and seemed certain to burn it, he, with other men, set about firing a break near it. As the break burnt he put water on stumps or wood that were alight, and put them out. Next morning he went around again, put water on the stumps and out the smouldering fire out as best he could as they were frightened that it might start up and burn the wood while they were away. He left in the
truck, returned after the train had passed, and saw the fire burning fiercely near the railway line which could have been started by sparks or perhaps by one of the stumps having been fanned by the wind. Are you prepared to accept that statement?—Yes, after investigation.

In another case you interviewed a 15 year old boy who admitted having set fire to the gully near his father's property, and alleged that it was at the instigation of another person who desired to burn it?—That is correct.

I do not propose to put these in Your Honor. (To witness) Have there been any prosecutions as a result of your investigations?—Not yet.

THE WITNESS WITHDREW.

ARTHUR RAWLINGS KALLNER. Sworn and Examined.

MR. GOMANS: Your full name is Arthur Rawlings Kallner and you are an engineer and Line Drawer now living at Colac?—Yes. I previously lived at Kawarren and I was burnt out on the 13th January.

Were you burnt out by the same fire that burnt the Robinson's property where the four children were?—I could not say as to it being the same fire.

Were you somewhere in the same vicinity?—A few miles over.

Do you know where the fire which burnt out your place started?—It started west from our place. I should say that it was about three or four miles over; that is, where we first noticed it.

Is there anybody living in that area?—Yes, there would be a couple of the Robilliards south of that area.

You have no information yourself as to the cause of that fire?—No, but I noticed that fire burning in the early days of January and other people in Kawarren noticed it also.

It only burnt you out on the 13th January?—Yes.

Do you know if anybody was fighting it during that time?—Not till the 12th January when we heard that the Forestry Officer had
called for volunteers. He went out the whole of that
day and part of the night.

You heard him say in his evidence that the first occasion on which he
heard of that fire was on January 8th, the Sunday before?---
Yes.

Are you satisfied that it was burning for some time before that?---Yes,
previous to that.

Did anybody in Kawarren take any interest in it, or take any steps concern-
ing it?---No, not that I know of. It seemed to be too far
away and there were other people living closer than they were.

People who were more likely to be burnt out before the Kawarren people
would be?---Yes.

Is that the general attitude you find in the country - "Unless this fire
is going to burn out my particular property, I will not bother
about it"?---Yes, it is the general attitude, although there
are some people who are not so selfish as others. They will
go and help. The general attitude is that if there is a
fire far away, "It is over there, and they will attend to it".

Do you also find that the people in your district seem to regard the
Forest Officer as the fire warden for the district and to
think that it is his place to spot and put out fires?---
No, not exactly, although in this case there was some comment
to the effect that the forestry officers should have seen to
the fire before it was so bad.

(Page 827 follows).
MR. GOWANS: Do you know if it was in State Forest areas?---I think so.
You know, of course, that the Forestry Officers are only bound to see
to the protection of their forests and not to the protection
of other property?---I was under that impression.
Do you think that was well known in the district, that Forestry officers
were not bound to go to every fire?---I could not say as to
that.
In your area what do you find the main cause of fires?---Undergrowth
being left too long without a burning.
In private properties?---On State properties and on private properties
as well.
Is there much unoccupied Crown land there?---A fair proportion I think.
What is the undergrowth like on that?---Pretty bad.
Is there much burning being done during the proclamation period, about
the middle of November onwards?---There are fires every year
out there in different places. There is not much notice
taken of them unless there is a real good burn. It seems
to be the general thing over there that when a certain amount
of undergrowth comes on to put a match through and protect
themselves.
Is it a practice to get the authority of the Forestry Officer before
they do that?---I have never known it to be done.
Is that practice of putting a match in whenever it will burn followed
late in the year?---All times as soon as it will burn,
that in some of them.

THE COMMISSIONER: Do you know if it is done in the height of summer?---
As soon as the stuff will burn and travel. Some of them
seem to wait for a good north wind to come along. They think
it will make a good clean burn and leave it clean for a few
years to come.
They might not pick a very safe day?---No.

MR. GOWANS: Do you find that in a definite menace to people living in
those areas, that people will light the fires without super-
vision without due regard to the consequences?---There are
people like that.
What is the remedy, do you know?—For the fires or for the people.

For both of them. What is the remedy for stopping those people from lighting the fires?—If you can catch them, which is pretty hard to do, there is a remedy I should think.

Is it generally known in the neighborhood who starts them?—The people have a pretty good idea at times.

If were anybody's business to inquire into it and get to know what people were saying in the neighborhood there would be a good chance of finding out who was responsible?—You could pretty well shoot it home.

Do you ever find anybody making those inquiries—police, Forestry Officers or anybody else?—No, not in my time. The last big fire we had was about three years ago. Kawarren was threatened but it passed to the south. It was pretty close. This one passed through the whole area, north, south, east and west. In the 1919 fire the Kawarren people had nothing better to do than burn a break from a back road that went through south of Kawarren. The fire was coming from the northwest to east and they burnt a break through, but the wind helped them a bit, otherwise the break was dangerous. Sparks and bark leap across the road and they help a fire along. As it happened that saved us that time but I would not always advocate the burning of breaks.

Is there any local fire fighting organisation at Kawarren?—None at all. Would it be possible to form one?—I should think so.

What bodies would be interested in it?—The line kiln; there are 12 or 13 men working there, and there are a few farmers around about.

Is there a Progress Association or any body of that kind?—No.

THE WITNESS WITHDREW.
Mr. Gohans: What is your full name?---Thomas Neal and I am a wood carter living at Barongarook.

Barongarook was threatened during the recent fires?---Yes.

Was there any property burned round there?---Yes, I had my sheds and everything burnt.

Where did the fire come from?---The one that burnt me out I should say came from behind the six-mile dam.

When you say behind in which direction is that?---That would be west.

You have heard some stories about the source of that fire?---I have not heard anything much about them; I saw the two of them start myself at dinner time. I saw the smoke go up. I really did not see the fire light up.

What day?---On the 13th, the day those children were burnt.

How far away were you from Robinson's place?---It would be about two and a half miles.

Had there been any fire in that direction you saw it, prior to the 13th?---It had been a long way back at Irrewillipee. There had been none close.

The one at Irrewillipee was not the fire that burnt you out?---No, that one started near by. I saw that one start.

For Your Honor's information I think it can be taken the fire referred to by this witness is the fire which is alleged to have been started by the first person referred to in Mr. Raper's report. (To witness) You are a wood carter, not a wood cutter?---I do both.

Where did you cut?---Sometimes on Crown land and sometimes on private property. I was am on private property now.

What generally is the condition of Crown land you cut on?---It is pretty rough in some places. Some places are not too bad.

Scrubby?---It is mostly scrubby or grass tree swampy stuff.

Who do you get your licence to cut from?---From the Forestry Officer at Forest, Mr. Irvine, I think.

Do you get any instructions as to cleaning?---If we split posts we are

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supposed to lop the heads so they will lie on the ground.

Is that usually done by wood cutters and carters?—Yes. You see
an odd one sticking up, but the majority are done.

They are not burnt?—No.

Has there been any question of burning them?—I have not been
questioned.

Has there been any question of it being better to burn them or not?—
I think it would be better to burn them; there is no doubt
about that.

Have you ever raised that with the Forestry Officer?—No, they
generally tell you what to do. You do not get much of a
chance to tell them as a rule; they know their business.

I understand you think it would be desirable to burn all through
these areas?—I would burn whenever they would light,
both early and late in the year, to get rid of some of this
rubbish.

In these parts you cut in, there is not very valuable timber?—No,
in one way it is not, but in another way it is fairly
valuable. It is worth £5 to £6 an acre for firewood.
It is firewood mainly but there is other good timber there—
young stuff.

Do you think that burning would help make fires less intense?—I
think so.

What about this last fire that burnt through Robinson’s; that passed
through a part that had been previously burnt?—It did
not burn through it; it burnt up to it and was stopped.
Where was that part?—I suppose three-quarters of a mile straight
through from where those children were burnt.

When had that part been burnt?—I could not say whether it was
late autumn last year or early spring this year. I would
not say which it was.

It formed an effective protection?—Yes, I went down there and
I was surprised to see it was such a heavy fire that had
gone up to it.

If it had been extensive enough it would have stopped that?—Yes, it stopped the main part of it.

That part when it got to Robinson's went round it?—Yes, it passed through Robinson's and up to this burnt patch and went round it.

Mr. Lawrence: When was that piece burnt?—I would not be sure whether it was late autumn last year or early spring this year. It had grown green since.

THE WITNESS WITHDREW.

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Leslie Ray Parker: Sworn and Examined.

Mr. Gowans: What is your full name?—Leslie Ray Parker and I am a farmer living at Barongarook.

Your property was burnt out in the recent bush fires?—Yes.

Do you know where the fire that burnt you came from?—The fire that burnt me out came from the west; more from the six-mile dam way.

Your property is quite close to the property of the previous witness?—It is just opposite.

Just over the road?—Yes, he is on one side of the road and I on the other.

Do you agree with him that the fire which came from the west was the same fire that threatened his place?—Yes.

Your Honor, the same applies to this fire as was stated in the case of the last witness. (To witness): Do you agree with him it started up only on the 13th January?—Yes.

So that somebody must have been burning on that day, the 13th?—Yes, somebody must have been burning on that day.

Can you imagine anyone but a lunatic starting a fire on the 13th?—I do not think he could have been all right.

Do you agree with the previous witness that the way to stop these fires from being so severe is to burn out through these places where the scrub is thick?—That is the only way to save the bush country.
What time do you suggest - in the spring or autumn?—It depends a lot on the season. Some seasons perhaps you would burn right through the summer with safety, but in other seasons you would not.

Do you know the proclaimed period?—Yes.

Can you get a burn in before that period starts?—Sometimes you will and sometimes you will not. If it is a wet winter there is no hope of burning before the season is closed.

We know that so far as the burning of in the State Forests is concerned it is a matter for the Forests Commission, but in unoccupied Crown lands as distinct from State Forests it does not seem to be anybody’s business to burn off. Have you found that?—Yes.

Of course, on private property it is the job of the occupier or farmer. I understand that you contend the expense of clearing land should not be left to lie on the hands of the farmer who owns a property?—Yes.

Who do you think should help him?—I think the Government should help because there are so many unoccupied blocks through the forest that if one man burns it is of very little use.

But suppose the Government, through some authority, burnt these unoccupied Crown lands or these unoccupied private properties year by year, do you not think the private owner who is in occupation could then be left to burn his own property?—A lot of them do; but they have not enough hands to look after it, and away she goes. They will only burn on a day when the fire will give a clean sweep.

You think it is quite a danger in leaving it to the private owner to burn off?—Yes, I think it is.

Suppose it were done under the supervision of a Forestry officer or some other responsible person and he would only give permission when there were enough men to look after the fire; would not
that be all right?—That would be all right.

Were there any other suggestions you wanted to put forward for the guidance of the Commission regarding the causes or prevention of bush fires?—I think the only thing is to keep the bush burnt out; probably to get an experienced man with a gang of unemployed, follow the bush through, take it in sequence and burn one section one year and another section the next year, taking about three or four years to work it out. That would keep the undergrowth down. I think that it could be done easily enough, and it would save the timber. A light fire never affects the timber unless you burn it in very warm weather.

Have you had much experience with regard to the actual effect of a light fire on timber?—Yes.

Is yours a stringy bark area?—No, messmate and peppermint.

You cannot tell the Commission how old stringy bark should be before you put even a light fire through it?—I could not say as to stringy bark.

You do not know whether a previous witness was correct in saying a 15 year old stringy bark would be affected by a medium fire?—I could not say.

With regard to this suggestion of yours of burning through, you have never worked out the total area that is occupied by State Forests or Crown Lands in Victoria, and how long it would take to do that?—No. I have never worked it out. The only way would be to have different officers for different parts of the State, say one man could supervise the Otway and another man to take on Gippsland and the North-Eastern country.

Do you realise there are 15,000,000 acres of reserved forests and protected forests throughout Victoria?—Yes.

It would take a fair number of men to do that, would it not?—It would
take a fair number of men to do it, but at the same time it would probably save a lot more timber.

You think in the long run it might be worth while?—I think so in the long run.

THE WITNESS WITHDREW.

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FRANCIS RONALD HENRY RAPER: Re-called.

MR. GOWANS: You have been sworn.

I understand there is one matter about which you have an opinion as to using a water waggon system for fighting fires in this particular area?—I have an idea but whether it could be worked or not I do not know. I was born in this district, and have been in it all my life. I have been in the three biggest fires we have had, and there are no means that you can provide to stop fires like these. The only thing I would suggest is that the people who live in the bush should leave, because with the experience I have had I do not think there is any possible chance of checking the fires. However, in a normal year a fire might start up and it would not do a good deal of damage if attended to, but if it were left alone it might cause a lot of trouble. I have in mind a big waggon, on the principle of a petrol waggon so that you could carry a thousand or 1,500 gallons of water, with an auxiliary pump whereby you could go to a river or creek and refill it. If a fire started afresh you could take that waggon with a number of men and spray the water on to the fire. By getting behind it late in the evening you could possibly put that fire right out.

(Page 338 follows).
It is rather a short front?---Yes, a fire starting fresh would spread. Supposeing next day a hot northerly wind arose, there is no doubt that it would start up and probably develop into a big fire. You could also have a length of piping that could be connected up and taken away on the waggon, to save the necessity for carrying water. It would be a good means of putting the fire right out and it would not start afresh. I have known logs to start up months and months after a fire has burned there. With a northerly wind the sparks would carry.

In the 1926 fire when I brought in 14 unfortunate people who were burned, I saw that fire lighting up three miles ahead. You could get a fire carrying right across the tops of the trees and that would be one fire burning ahead with the main fire burning along afterwards. To suggest the burning of breaks in those conditions for the purpose of stopping that class of fire is useless. You cannot get close enough and if you do light a break it sometimes gets away. You cannot get close enough to the main fire, because of the heat and smoke.

In your experience have you ever seen a kind of pocket of inflammable or invisible substance preceding a fire, exploding and then throwing the fire in all directions?---I have seen that and have wondered how it happened. The atmosphere seems to ignite with the heat and it would burst around the tops of the trees, then away it would start.

The tree does not catch on fire, it simply goes up?---Exactly. I really cannot explain it. Men I have gone through the bush with have told me of that particular happening, and have said that if you struck a match it would burn blue. It is a common thing down here, as Your Honor will probably hear during your travels. Many people have assured me that they have struck matches there and the match has flamed blue. They say that part of the atmosphere catches on fire.

MR. GOWANS: Mr. Lawrence suggests that it is the absence of oxygen in that section, which results in carbon monoxide forming in the air, causing a match to flame blue?---In the case of a big fire, such as the last big disastrous fire, many people become
panic, start what they think are breaks when they have no idea of what they are trying to do and in that way start bush fires. Their fires get away from them. Other people seize the opportunity to start the burning of their property, but when you interview them about it later they claim that the fire was started by flying sparks from the main fire. All the little fires then combine into one main fire.

**THE WITNESS WITHDREW.**

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**MR. GOWANS:** I understand there is a matter of the itinerary of the Commission that Your Honor desires to mention?

**THE COMMISSIONER:** What do you suggest, Mr. Gowans?

**MR. GOWANS:** I understood that it was Your Honor's intention to sit at Forrest at 10 am. tomorrow, but I am not sure about Beech Forest. We had an officer from that district here today and, in the circumstances, I do not think it is necessary to sit at Beech Forest.

**THE COMMISSIONER:** The Commission cannot possibly sit at every town or district, otherwise we would be on the road for years.

**MR. GOWANS:** We have had a general description of the fires in that area, and it seems to me that the same considerations apply in that place as in other districts.

**THE COMMISSIONER:** I have taken the evidence today as being typical of the happenings in the district. I can only deal with districts not with every particular town or township. At Lorne there is an important centre, because a grave situation arises there by reason of the fact that a large number of people are packed into the district during the summer season.

**MR. GOWANS:** I understand that matter has been considered by Your Honor in fixing a sitting at that centre for tomorrow afternoon, or Wednesday morning.

**THE COMMISSIONER:** If we are delayed at Forrest tomorrow we shall not be able to sit at Lorne in the afternoon and shall have to sit there on Wednesday morning. I should think it possible to reach Lorne by 3 p.m. tomorrow.

**MR. GOWANS:** The next place is Cobden.
THE COMMISSIONER: I should like to go to Cobden, for various reasons connected with the inquiry. If it is possible to dispose of the sittings at Lorne we could sit at Cobden at 2 p.m. on Wednesday, afternoon. I shall leave that matter in the hands of the Secretary to the Commission. There are a number of people who desire to give evidence there and if they can be ready by 2 p.m. on Wednesday I think we should sit there. In this district there has been no appearance of timber workers or sawmillers who, one would think, would be vitally interested in this matter.

MR. GOWANS: I should have thought they would be interested. We are faced with certain difficulties. I had certain information before me today, which I used in cross-examination, but it was not possible to have the people available so as to have the information conveyed first hand.

HIS HONOR: I know the state of affairs there. It seems to me that the mill workers are neglecting their own interests in not giving evidence. Obviously they are interested as they are the people who are subject to the dangers of bush fires. It seems to me that they should be willing to help the Commission.

MR. GOWANS: That seems to be symptomatic, even in areas where they are most seriously affected. It was only by the exercise of a certain amount of pressure that some of the mill workers were brought before the Commission to give evidence.

THE COMMISSIONER: I understand their position. So far as the mill owners are concerned, we will have to bring them before the Commission in Melbourne by subpoena. I have come to these districts at great inconvenience but the Commission has been ignored by the mill owners. I want their evidence and they will be subpoenaed to give evidence in Melbourne.

AT 5-15 p.m. THE COMMISSION ADJOURNED UNTIL 10 a.m. on TUESDAY, 21st FEBRUARY, 1939, at FORREST.
Author/s: Victoria. Parliament

Title: Transcript of evidence and Report of the Royal Commission to inquire into the causes of and measures taken to prevent the bush fires of January, 1939, and to protect life and property and the measures to be taken to prevent bush fires in Victoria and to protect life and property in the event of future bush fires.

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