(Sixteenth Day).

Mr. Cockburn

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 DURING THE MONTH OF
JANUARY, 1939.

held at

H M S E.

on

WEDNESDAY, 1st MARCH, 1939.

PRESIDENT:

HIS HONOUR - JUDGE STRATTON - Royal Commissioner.

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MR. GREGORY GOWANS

Appeared to assist the Commission.

MR. N. E. BARBER

Appeared on behalf of the Forests Commission.

MR. R. ANDREWARTHA

Appeared on behalf of the Melbourne and Metropolitan Board of Works.

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MR. ANDREWARTHA: Mr. Kalgo has been delayed in Melbourne today on
other matters of importance, and I ask permission to appear
on behalf of the Melbourne and Metropolitan Board of Works.

THE COMMISSIONER: Yes. I formally declare the adjourned sittings
of the Royal Commission to be now open. Before we proceed
with the business with which the Commission is concerned, I
wish to refer shortly to a matter which appears to me to be
of the gravest possible importance. In the Sun newspaper
this morning there appears a headline which is entirely false
concerning a gentleman named Elsey, who gave evidence before
this Royal Commission yesterday.

The newspaper would make it appear, and, in fact, directly
asserts that I rebuked that witness. That statement is an entirely false statement, quite in keeping with the campaign of false misrepresentation that has followed the proceedings of this Commission, so far as a certain section of the press is concerned. At Alexandra, I very quietly told one gentleman that he had been guilty of prevarication. I did so, as I then explained, so that others might not be tempted to do the same. The Herald newspaper blasted that unfortunate man, who was in a most extremely difficult position - blasted his reputation by printing a poster which it displayed throughout the country - drawing attention to the fact that I had warned him, or rebuked him, or some extravagant term of that sort. Today, in that section of the press which is printed for the more unintelligent, who can absorb their news only in picture form apparently, we have another man's reputation blasted, and that unfortunate man apparently has no redress. As far as my own part in this Royal Commission is concerned, the newspapers have made it appear to any thoughtful reader that I have been so prejudiced that I should not be permitted any longer to hold judicial office. The lightest remark is taken out of its context and printed in what, in essence, is a blackguardly lie. That occurs daily. So strongly do I feel about these unfortunate people, who have appeared here, each of whom takes the risk of having his reputation taken by an irresponsible section of the press, that I am, between today and tomorrow, going to consider seriously excluding the press, or a section of it, from the future sittings of this Commission.

One must live by some standard of justice and fairness. The press, in a campaign against one body - the Forest's Commission - and any unfortunate officer to whom I might address the lightest remark, is driving me, or would drive me as one who is very human and loves justice, to be very one-sided.
and unfair, and to come to the rescue of the Forest Commission and its officers, who are being daily mendaciously and libellously assailed by the press. Those of you who have been with me in this Commission know that there is no foundation for these distorted reports which have dogged our footsteps since we left Melbourne, and if they are to continue I shall take the course that I have suggested. I do not expect the paper, whose policy or whose utterances are guided by a type of mentality which will distort the irrelevancies to the detriment of helpless people, to have the grace to apologise for what it has done; but, unless it does apologise to Mr. Elsey in particular, I will exclude it from further proceedings. The other newspapers have not been blameless, and if there is any more of this distortion, I will exclude them also. I do not want it to be said that I have a whitewash brush in hand, or that I am seeking to protect anybody, but I must protect them against these blackguardly assaults which they have suffered daily at the hands of a very irresponsible section of the press. We will now proceed with the day's business.

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ANDREW LEONARD BENALLACK. Sworn and Examined.

MR. GOWAN: What is your full name?---Andrew Leonard Benallack, and I am the forestry officer in charge of the Neerim South district. I hold the position of Divisional Working Plans Officer. You have an assistant forester stationed at Neerim South, a cadet forester stationed at Noojee, and three foremen stationed at Neerim under your control, together with another foreman stationed at Neerim South?---That is so.

The Neerim district contains 100,000 acres of reserved forests and 17,000 acres of protected forests, I understand. Is that in accord with your recollection?---There are about
100,000 acres of reserved forest and somewhere between 90,000 and 100,000 acres of protected forests - that is, Crown lands.

How long have you been in the position at present occupy?---For ten years. I have been stationed at Neerim South and in charge of the district all the time.

How far to the west does your district extend?---To the Cannibal Creek road, and then for some distance to the west, to Bunyip River - practically the main watershed between the Yarra and Latrobe, with the exception of the boundary across the Upper Latrobe at the old State mill, thence around the boundary of the Tarago watershed to the Tin Creek junction at the Bunyip.

On the eastern side your district joins the Erica forestry district?---That is so.

The main reserved forests are on the northern and western sides of your district?---Yes.

Will you give the Commission a short account of the places from whence the fires came in the month of January, 1939, giving the general direction?---On the 29th of December, the first serious outbreak of fire occurred at North Jindivick, on private property, and about one and a half miles to two miles from the forest boundary. I took men in and proceeded to rake our boundary break, so that we could defend ourselves against that fire. To my knowledge, nothing was done on private property. On the 29th of December, the fire burnt up to our boundary break. On the 2nd of January, the fire jumped the boundary break in two places. Both fires were brought under control, and men worked on thea until Sunday, the 6th of January, when the fire was perfectly under control and had been under control for three days. On the 6th of January, on the Friday, whilst at that fire, we saw another fire originate on private property two miles to the west and half a mile
from our boundary. I despatched men to go to that fire, and it was brought under control on Saturday morning, the 7th of January. On that day, I received word that a serious fire was threatening us from the head of the Bunyip Valley. I proceeded to the Bunyip Valley and, so far as I was able, I endeavoured to locate the fire, which was then beyond my district. I think it was on McRae's Creek, on the other side of Geembrook. I could do nothing, but I waited there until 11 o'clock on Saturday night. On the early morning of Sunday, at about 7 a.m., the wind rose, and by 9 o'clock, the whole of the Bunyip Valley had been swept clean by fire.

The whole of the Tarago Valley was then alight on a north west wind. The men in there just got out before, I believe, the country was back fired, which was done while they were in there.

That fire would come right through the State forest?---It swept about 50,000 acres of the State forest. I then proceeded on the same day to the Upper Latrobe. Another wing of that fire had come down the Upper Latrobe, down past Powelltown, and past the State mill. We could do very little with it, as it had assumed such huge proportions. On the Monday and the Tuesday, I took men back there in an attempt to control the fire. On the Tuesday night we had to leave it, because we could do nothing with it. On Wednesday, we located a fire on the point of New Turkey's Spar. It was stated at that time that it was part of the main fire that came through from Powelltown. I was not satisfied that that was so. I went right around that fire, I found it was a local fire, and, in my opinion, it was lit, but I have not the faintest idea how. It originated on Crown lands, allotment No. 7, parish of Nayook. I took men to the fire and we had it under control until Friday morning, January 13th. On the Tuesday night, when I returned from the fire in the Upper Latrobe, there was a
fire on private property a mile north of the township of Noojee. When I noticed it, I had already taken some of the men home, because they had been fire fighting for the whole of that day. It was about 8 p.m. at that time. I also noticed that a spark from a tree on the Noojee side of the river had jumped the river into the forest. At that time it had not burst an acre of the forest. I collected some men, and we went in. We could do nothing with the fire at that time. In fact, the men were exhausted, two men collapsed, and I was afraid that the rest would collapse and that they would be lost in the fire. We came out and went back to the fire early on Wednesday morning, and got it under control. That fire did not break out again, even on the bad Friday, January 13th. On that Friday, January 13th, the weather was so bad that I issued instructions that all men were to come out of the bush. I withdrew the patrols, and on that day the fire swept the whole of this country. It was quite uncontrollable. Had that fire not swept the country on Friday, January 13th, and had the fires continued, my men could not have stood up to fight them — that was the position.

How many men did you have at your disposal then?—I had eight men on patrol, including four foremen, who were doing part-time other duties. They were eight Forests Commission employees. I had twelve men working on a gang — local bush men — and 25 Melbourne relief men.

Did you have sufficient men for the whole of the time from when the fire first started?—Not nearly enough.

Did you want more volunteers or more forestry employees?—More Forests Commission employees.

Did you make application for them?—Early in the year, I did. I considered that my minimum requirements were 18 men instead of eight.

What was the result of the application?—I was informed that there was
no money to provide extra men.

Do you consider that you would have been able to deal with any of those fires if you had had more men in the early stages?---All fires on any day but the 13th of January, we were able to control with the men we had, but the men were working night and day, and we could not have done it for any longer.

The result is that they were exhausted by the 13th of January?---Absolutely exhausted.

What do you consider was the cause of the fire in the Banyip River Valley?---I have no idea. I know that the fire originated in the McCrae's Creek area, which is many miles to the west of my district.

Is it your view then that all the fires - the Banyip River fire, the Upper Latrobe fire, and the Loch Valley fire, which was the last fire you described as being to the north of the township - had a local origin and did not come over from the Yarra Valley?---The fire to the north of the township had a local origin, but the fires that swept that district on the 13th of January definitely came from miles outside of this district. In fact, my own opinion is that the fire that came over the main ridge between Noojee and the Yarra must have had a 10 mile or 12 mile face on it when it topped the ridge.

Where did it come over; was it by the Ada River, or further west?---It was pretty well over the Ada River, up Mount Morialla, as far as I can make out.

The ridge that you speak of runs approximately east and west between the Yarra Valley and the Latrobe Valley, does it not?---That is so.

Relative to the actual burning out of the township of Noojee, what was the main difficulty about preserving the township?---Do you mean in the way of anything that was done on that day? Yes?---It was impossible to do anything that day. It was just a question of saving life.

Could any steps have been taken prior to that time which would have preserved Noojee from destruction by fire?---Yes. I think
had the scrub been cut on the vacant blocks in the township, and had there been even an emergency water supply, it may have been possible to do something.

Is it your view that there is far too much scrub in this township?---Yes.

Were you here during the 1926 fires?---No, I was on the other side of Powelltown.

Did you have anything to do with the Noojee fires in 1926?---Nothing at all.

What was the first year that you took charge of this district?---1930.

When you came here, had any fire protection operations been put into force by the Forests Commission?---Yes, they were just commencing at that time. I think they were commencing operations just at the time I came here.

What was the nature of the work that was being done?---Mainly the construction of fire lines.

Since that time, what policy have you followed by way of fire protection work in your district, but more particularly in the State forests?---Since that time I think we have constructed 178 miles of fire lines and tracks, and 16 miles of motor road. We have opened 18 miles of old roads, and we have obtained additional equipment. In addition, we erected two and a half miles of telephone poles for fire protection purposes and for use in case of fire.

Where did you put in the telephones?---From the Fumina exchange to Ballantyne's, which is north of Fumina.

Is that a single line?---Yes.

Have you had any difficulty in connection with the installation of telephones? Do you install them at the expense of the Forests Commission?---Solely at the expense of the Forests Commission in that case. That telephone was put in purely for fire protection purposes.

Who was at the other end of the line?---At the time the telephone was put in, Mr. Ballantyne was there. He was an employee of the Forests Commission who had retired and was living there.

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He agreed to have the telephone installed and said that he would advise us of any fires in the locality. We decided to put the telephone on to his house so that he could advise us of any fires that originated in that area.

Did you find that system worked satisfactorily?---Yes, it did.

Do you think it desirable to extend that system?---Most decidedly.

Is there any difficulty or obstacle in the way of extending it?---Yes, finance.

Are you charged for the telephones by the Postmaster General's Department?---For the rent of the instrument, yes.

What about installation costs?---No, we constructed the line and installed the instrument ourselves.

Do you know if it has ever been suggested to the Postmaster General's Department that, in those circumstances, the telephone connection should be free?---I do not know.

MR. BARBER: Probably the witness does not know that since the matters about which he is talking were undertaken, a new arrangement has been arrived at whereby the Forests Commission buys the instrument and pays no rent. I think it advisable to make the position clear at this stage.

MR. GOWANS: Have you been working consistently since 1930 on the fire lines about which you have spoken?---Yes.

What has been the general plan on which they have been put in?---We maintain them - brush and clean them every year.

Are they constructed at any particular places, on any fixed design?---Apart from fire lines, we have also undertaken a great deal of patch burning.

Let us take the fire lines for the time being; what have you been doing in the way of putting them in?---They have been placed mainly on the main ridges, practically on all the ridges, following the topography. Some run east and west, and some north and south.

What is the width of the fire lines?---Generally 16 feet.

Have you found them to be of any assistance to you?---They have been of
considerable assistance. Actually they are the only way we have of getting around the bush. If a fire starts in the bush, they are the only base we have to work from.

Is that their main value, as a means of ingress to the forest?---Yes, that is the main value, and they are used for back firing in the case of a fire getting away.

It is not suggested that they are of any value from the point of view of stopping a fire, except very small fires?---They are practically of no value at all for that purpose, although I have known of a fire to stop at them at night time.

Did you have any scheme or plan drawn up by the Forests Commission for your guidance in putting in those lines, or did you do it on your own initiative?---I have done it on my own initiative.

You have followed your own initiative right through, until last year?---Yes, until last year.

Since the appointment of the Chief Fire Protection Officer last year, have you had a scheme drawn up and submitted to you for this district?---Yes.

How far has that been put into operation?---In the main, and as far as possible, the plan has been carried out during the last twelve months, particularly in relation to patch or strip burning. It was proposed under that plan to erect 12 miles of telephone from the labertouche exchange to the top of Gentle Annie. At the time, the telephones were not available, then the fires came on to us, and we did not have the men to spare to do it.

You have constructed 178 miles of fire lines in nine years?---That is so.

Are you satisfied with that progress, or do you think you might have been able to get more work done if more money and more men had been made available?---I should have liked to have seen double that length constructed.

Is it your view that that is the only way in which you can properly patrol the forests in your district, from the point of view of fire protection?---It is not the only way, but the
of access.

question is most important.

In the case of men having to fight their way into a fire through the scrub, with no way of getting out, if the fire gets beyond control it is dangerous. It is impossible to ask men to do it.

Have you been carrying out patch burning operations consistently during the nine years, or has that been done more extensively in later years?—It has been done mainly in the last three to five years.

How much of that work have you been able to do, either in miles or in acres?—Last season, I should think about 5,000 acres of patch burning was done.

Have you done as much of that work as you would like to have done?—Not quite as much, but, in my opinion, patch burning is an operation that requires very definite control. I do not believe in putting a match into the bush and calling that patch burning.

That being so, since it requires definite control, does that mean that you would require a good number of men available to undertake a great deal of that work?—Yes, I should think about double the present staff.

Have you made any reports to your Commission in the last nine years on that aspect, suggesting that more men should have been made available for this work, that more of that class of work should be done, or anything to that effect?—Yes, I think I furnished one report in reply to an inquiry from the Forests Commission, either in October or the end of September last year.

That is the report you previously referred to, when you asked for more men?—There was also one in the previous year.

How did the report or application made in the previous year fare?—The same as last year. It was restricted owing to lack of funds.

Where have you put in the 16 miles of motor road?—Twelve miles on Labertouche and four and a half miles from Loch Valley to
Penny's Saddle. Labertouche is north of Longwarry and runs up the Bunyip Valley.

Where is the 18 miles of old road you have opened up?---It is mainly in the Loch Valley. Only this year, we have cut the ridge road up.

I suppose that you agree that the main danger from fire in the Latrobe Valley and the areas around Neerim South comes from the ridge on the northern side?---That is so.

And that lies almost entirely in State forests, does it not?---I would not say the danger comes from the ridge; I think the danger comes from the river, down in the Yarra Valley.

A fire must pass through State forests before it reaches Noojee?---Yes. The State forest extends from the Yarra Valley in the neighborhood of Warburton right down to Noojee, does it not?---Yes.

That being so, the application of a fire protection scheme in that area is of vast importance to Noojee and to anybody living south of Noojee?---Yes; in my opinion, it is the key to the situation.

The key to that situation lies entirely in the hands of the Forests Commission?---I do not say entirely. I think as far as the McRae's Creek area is concerned, that is private property.

That is near Powelltown, is it not?---No, Gumtree--over to the west.

You had a number of mills in your area?---Yes, I think 18 all told, and a number of them have been burnt out.

(Continued on page 1113).
THE COMMISSIONER: How many were burnt out?

MR. GOMANK: A mill belonging to Reed at Hill End, two belonging to Gunn at Noojee, one of the Limber-Lost Lumber Mills at Noojee, one belonging to Bilton's at Noojee. Two of Brown's mills at Noojee, one belonging to Hutchinson & Cronin, Pty. Limited, one belonging to Erica Hardwood Co. at Tanjil, one belonging to Saxton, one of Newman's at Tanjil, Tott's Mill at Bunyip, Weatherhead's mill at Tymong North.

(To Witness) What was the practice in regard to getting rid of heads in this district?---I issued written instructions to the millers about the end of September or in October that the heads were to be burnt by a certain date. In cases where the instruction was not issued, I went personally to the mill or sent an assistant to see that the heads had been burnt, or if not, what the trouble was. I had very little trouble with them.

Did you see that the heads were in fact burnt off?---In some cases, yes. There are cases where it is not possible to burn the heads off completely owing to circumstances. In the case of Collins Bros. mill we were only able to burn half the heads this year. We assisted them to burn them. I deputed a man to go and assist them. The heads were burned at the following mills: Hutchinson's, Reed's, Bilton's, Saxton's and the Erica Hardwood Co.

All of this was last year?---Yes.

In the spring?---Yes.

Were they able to get a burn before the Proclamation period came into force?---Yes, in every case.

Have you anything to say about the way in which the Proclamation period operates in your district?---Yes, candidly I do not like the Proclamation as it now stands.

Put the criticism in your own words?---I consider that the Proclamation is too inflexible for this part of Gippsland. In fact, I would go so far as to say that in this
part of Gippsland from the middle of December to the first or second week in March comprises the bounds of the danger period. I would be prepared to make the Proclamation automatic during that period, but I do not like it being brought in before the middle of December, and I do not like it being extended until the end of March.

Could it operate equally throughout the whole of your district or would it have to be varied?—It would operate equally through my district.

Do you think from your experience that it should operate generally throughout Victoria, or do you think that there might be some advantage in having a date recommended by, say, Shire Councils, or some such body?—I believe that the Proclamation would work more satisfactorily if it were localised more; that is, zoned more and made more reasonable. It is too broad as it stands.

How do you think that should be done?—It could probably be done through some Government authority.

Would the Shire area be too large?—I think it would. My objection is that I do not think the Shire officials would be in the bush to know its condition in most localities.

What kind of governmental body would be used for the purpose—Progress Associations?—The Forests Commission.

You mean the local officers of the Forests Commission?—Yes.

Have you planned out any stripping operations in these parts? I mean stripping out, cutting?—No. You mean thinning?

Yes?—Yes, it was mainly on the boys' camp area. I think we treated an area of 1,500 acres there over a period of nearly six years.

What was this boys' camp?—A camp that was established for unemployed boys who could not get employment in any other walk of life. They were brought here and given all a week for 36 hours' work. They lived under good conditions.

If they got other employment we did not debar them from taking it;
welcomed it. In fact, in many cases we assisted in getting them other jobs.

Would the work be forest operations and so on?—Yes, forest operations.

There is a rather limited area through which they worked?—It was very limited. I think that all told their whole operations were confined to 2,000 acres.

Were any of the mills in your area without dugouts?—Yes.

Were there any that you consider should have had them?—No.

What about the mills that were burnt out. Do you think that any of them that did not have dugouts should have had them?—I do not think so. Many of the mills that were burnt out adjoined open country with an easy outlet. There were half a dozen ways of getting out. They were not restricted to one road.

Were there dugouts at the Ada mills?—I do not know. It is not in my district.

What about Sharp's and Goodwood's?—Goodwood's was in my district but Sharp's was not. Goodwood's had a satisfactory dugout.

The Federal mill is not in my district. Collins' mill is. He did not have a dugout and I do not think it was necessary. It was a doubtful mill. There was a good clearing around it and a good creek. I think they were only a mile from open country. I had discussed the matter with Mr. Collins. We had no legal responsibility to compel him to put the dugout in, and he did not think the dugout was necessary.

What did you say?—We had no legal responsibility in the way of compelling him to construct the dugout.

Why do you say that there was no legal responsibility. Was it not part of the conditions attaching to his licence?—No.

How long had that mill been operating?—Something like twenty years, I think.

Was there been no new letter of allotment issued to him since 1930?—(No answer).

What about Newman's mill?—It was in course of construction and it was intended to put a dugout there. Mr. Newman himself sent up instructions that no men were to stay there on that day.
because there was no dugout there. One of our men took the message to the mill.

What about the Erica Hardwood Co.?—They had no dugout. They were not working at the time. They had closed down. It was intended they would put in a dugout. I think they had closed down for two months.

How long had they been working prior to that two months?—About six to seven months.

Gunns mill was in State forest?—The one at Pumina South was in State forest. It was practically a defunct plant. The mill had not worked for four years and it would have never worked again in that position.

What is your view about dugouts; do you think it is desirable to have them?—On mills, yes. I would make it a general rule to have dugouts on mills in the forest as an emergency measure.

Was it a condition of the licence of any of those mills that they should put in dugouts?—It was so in the case of Saxton's, Newman and Stewart's, and the Erica Hardwood Co. Those are the only three that I can think of.

Noojee has been burnt out twice. What do you think can be done in future if the town is to be rebuilt?—My suggestion mainly is to clear the scrub out of the township and provide a water supply.

How far is the boundary of the State forest from here, a quarter of a mile?—Yes, it would be a quarter of a mile.

Do you think the precautions taken near the boundary of the State forest by the Forests Commission tend to make Noojee any safer?—In the course of our thinning we had cleaned up the tops and the heads right around the town. It was generally considered that the operations we had carried out had made Noojee safer than it ever was.

Were you fighting here during the fires?—I was.

What was the local fire fighting organisation like?—There was none at all.
Have any steps ever been taken to organise a Bush Fire Brigade here?—

I believe that steps were taken about three years ago and I think the Brigade functioned for one year. Following 1932 I was one of the officers who attended the meeting of the Baln Baln Shire Council and put forward certain proposals for co-operation with the land holders, particularly regarding burning off. The Council promised to assist us even to the extent of calling meetings, but they did not do so. I called a meeting in Moojee myself and six people attended. Four of those people were employees of this Commission and two were people who had no interests to be affected.

Do you know the reason for that apathy?—I cannot understand it unless it is just the Gippsland complex. There is no reason for it.

THE COMMISSIONER: What does that mean—perhaps we had better not go into it; you have to live in Gippsland.

MR. GOWANS: Perhaps the Gippsland complex is that state of mind which makes the people take the fires as they come?—That is what I was going to say. I think it is because people are so used to fires.

THE COMMISSIONER: Is anybody responsible for keeping the area within the limits of the town clear. I notice that in the river bed and at the end of this street there is quite thick scrub?—I do not think there is any responsible body within the town. Many of the blocks on which you saw scrub growing are held by absentee owners or they are vacant Crown allotments.

There is one thick piece of scrub at the end of the street outside this building. There is a shop by it and it is close to the main bed of the river?—On the river?

Yes. It might not be owned by anybody?—It would be river frontage.

MR. BARRON: That is the block which comes right up to the street by Purvis's store?—That is river frontage.

THE COMMISSIONER: Is any department responsible for keeping those...
places clean?---None to my knowledge.

It is a question of action by local residents?---I think it would be. Although the Commission controls the timber on river frontages it has no power to spend money on cleaning them. This is not timber. It is just small, but thick, scrub?---I do not think there is any responsible body at present.

Within what Shire Council area does this town fall?---Buln Buln, with headquarters at Drouin.

In your own view, would you say that there is scrub and timber too close to this town for safety?---Yes.

Up on the hillside just across the bridge there is very dense scrub. Do you think that makes for safety?---I think it was too close. We cleaned it up across the river but to make it anything like effective I believe we would have to clear it about three times as well as we did. It would be necessary to clean up the dry logs.

For what purpose did you clean it, fire precaution?---Mainly as a fire precaution and because of the fact that we expected to be cutting pulp wood in that area.

MR. GOVANS: Were you present yesterday when somebody suggested putting strips of poplars around this town; and if so, what do you think of the idea?---Without experiment, I would not support it.

I understand it has been done in Canberra?---I think there is the germ of an idea in it, but I would rather see the matter experimented with before supporting the proposal.

THE COMMISSIONER: Would poplars grow on the mountain tops around here?---Yes, as long as it is not rocky ground. I have seen them on high ground. They seem to thrive on the streams around Victoria?---Yes, they would.

MR. GOVANS: Do you agree that they are very little inflammable?---

Yes, in fact, the wood is the wettest burning wood that I know of.

There may be something in the idea?---It is quite possible. I think
there is the germ of an idea in it.

MR. ANDERWARTHA: What is the condition of the areas around the mills in your district?—In my opinion, it is quite good. There was Saxton Bros.' mill; and the Northern Mill in the Tanjil area was, I think, in the thickest area we had, and I can safely say that the surroundings were in better condition than I have ever seen in a mill.

Do you know of any case where the fire got out of control from mill properties because of burning off?—Not where the fire got out of control from burning off?—I think there was a fire at Saxton's mill at the end of November. Saxton's provided us with eight men and the fire was put completely out.

What was your general policy with fires; put them under control or to put them out?—To put them out as much as possible. If necessary we would fell the trees that were alight.

Mr. Cowans referred to thinning. Did you burn those trees along the creek?—As much as possible. We burnt wherever we could burn. I would say that about 80 per cent. of the thinnings over the whole of that area were burnt up clean. I doubt whether there would be 50 acres in any inflammable condition at the time of that fire.

You told Mr. Cowans in regard to the burning of heads that the mills did what was required of them. Were there any cases where they did not do so?—I do not recall any?—I think that in most cases millers have burnt their heads regularly every year.

Do you follow up the matter personally?—This year I visited the Glen Mill and the Tanjil mills to see that the heads were burnt.

Are there any cases in which you have had a fight about it?—There was a case three years ago in connection with Collins' mill on the top of the New Turkey Spur. He could not burn by the time prescribed. He considered it safe to burn and I considered it was not safe to and instructed him not to do so.

That mill is not in your area?—No.
THE COMMISSIONER: I take it that the Board of Works will be calling its own evidence. I notice that you have been cross-examining the Forest Commission’s officers and it has occurred to me that it hardly touches your case.

MR. ANDREWARTHA: There will be some evidence available at Belgrave.

MR. BARBER: Speaking generally in regard to the precautions that you have taken throughout your area, what do you say as to their adequacy to control and prevent fires having a local origin?—In the case of fires having a local origin I think the precautions taken were reasonably adequate, but they would not deal with a day such as we had on 13th January.

That was because of the fire with a 12-mile front sweeping on to you?—Yes, quite.

I think you have already mentioned that among the precautions you took, you endeavoured to get further and better access by road to the forest?—That is so.

Can you tell the Commission how much road you have put in?—I think 16 or 17 miles of new road and 18 miles of old road have been opened.

Those are roads that could be used by motor vehicles?—Yes, they are good roads.

How do you go about the construction of those roads, with reference to labour and that sort of thing?—Mainly we have employed relief labour when it has been available. We have had certain plant. As a matter of fact there is a caterpillar “Bulldozer” on one road at the present time under arrangement with the Australian Paper Manufacturers.

Have you found the Relief Labour satisfactory?—Some of it is and some is not.

You told us that you did a good deal of patch burning?—That is so.

Will you look at this plan of your area; is that prepared by you?—Yes, that is a plan of the patch burning that we carried out.
and early burning that had been carried out prior to November in this district.

When was the patch burning indicated by the red marks carried out?---I should say before the end of October and going back into August.

I will put that in.

-------------EXHIBIT "h"-------------Plan of patch burning.

Do you work out the quantity of patch burning in acres or in mileage?---Roughly in acres. Last year I think it was about 500 acres. That is mainly bracken land. We cut a strip around it and fire the bracken. It is poor country carrying no timber.

Did that make an effective burn?---Bracken land will burn cleaner in the spring than at any time.

Have you any idea on the question of which is the most satisfactory period for burning in your district out of the Autumn and the Spring?---Yes, generally speaking I believe that spring burning would be more often satisfactory here than autumn burning. Once the season breaks in this country it is often impossible to burn at all in the autumn.

You referred to some of the blocks in the vicinity of this town being held by absentee landlords. Have you any blocks throughout your area that are held in the same way?---Yes, any number of them.

Are they a nuisance to you?---Yes, they are a decided nuisance.

Have you got any power over those blocks?---None at all.

Do you think it would be desirable for power to be given to you to deal with them?---I feel that it would be desirable. I feel that absentee owners are not playing their part in the fire precautions of the community.

If you had the power, you would force them to do so?---They should be compelled to take their part in the fire protection of the community.

What do you suggest they should do?---In my opinion they should be
compelled to burn or to take measures. They may want to preserve their timber but they should be compelled to take measures to reduce the hazard.

Have you done anything towards trying to make them burn or clean their blocks?---No, in some cases I may happen to have met an absentees owner and to have asked him whether he proposed to burn a block and he would perhaps give me verbal authority to do it.

The difficulty would be to get in touch with him at all?---Yes.

In regard to the town of Noojee itself, you told the Commission something of the lack of co-operation. Have you had any discussion with the townspeople or the local authorities concerning the protection of their town?---Not officially. I have had informal discussions at various times with the people in the township.

Did you ever have complaints from people in the township to insufficient fire precaution steps having been taken by the Commission?---No, not that I can recollect. In fact, it was the general consensus of opinion that we had made the town safe by the work we had done in the boys' camp.

In answer to Mr. Cowans you spoke about the danger point being in the big area towards the Upper Yarra?---That is so.

Are you familiar with that area?---I am quite familiar with it to the top of the ridge.

Is there a Metropolitan Board of Works catchment area in that region?---Yes. It is 45,000 acres in extent.

Does that abut on to your forest land?---The Board claims that it does.

It must be pretty near it?---Yes.

Are you familiar with the conditions of that catchment area?---Yes, I am.

Do you think it is any sort of danger to the safety of the forest in the Loch Valley, the HORSFALL or the TOORONGA Valley?---

Definitely, without any prevention measures in it.
Do you know whether any prevention measures are taken by the Board?—

I have never seen any; I do not know whether there are any.

There are none visible?—No.

Is there any concerted effort by the Forest Commission and the Board of Works in that area?—There has never been any to my knowledge.

If the Proclamation period were made more reasonable and it was left to some local authority to decide, could you suggest any class of person that would be satisfactory to co-operate with the Forestry officer?—Yes, I should think the Shire Engineer.

Although his headquarters would be in the one spot he would travel throughout the district?—Yes.

THE COMMISSIONER: What if he were a city man?—I think that most Shire Engineers have had considerable country experience.

They do not get the appointment unless they have?—I do not think so.

I think that the ones I have come in contact with are quite experienced men.

MR. BARBER: In regard to fire lines, I do not think you mentioned that they are extremely valuable for the purpose of getting your men away from fires in moments of danger?—Yes, I think I mentioned that.

That has often been done and has saved lives?—In many cases.

Have you any view about the formation of local committees to co-operate with forestry officers?—I think that there is possibly something in that. My opinion of local committees is that they will function for 12 months and unless there is some Government official to be a back stop, there is a lot of dissension in the town.

One of the duties of the local committee is to decide when and where burning should take place. Have you had any difficulties in deciding when settlers should burn?—I think no real difficulties. Most of the settlers have been very reasonable about it and I have had no extreme difficulty.
I might mention that on the morning of January 13th a man asked me for a permit to burn off.

There is no need to ask what happened?—I did not use very polite terms.

MR. ANDREWARTHA: Have you ever sought the co-operation of the Board in connection with this property adjoining the Upper Yarra?

In my own particular case, no;

THE COMMISSIONER: It would not do for you to seek co-operation?—I do not think so.

You have to rely on what your Commission has told you?—That is right.

MR. ANDREWARTHA: Is this area of 40,000 odd acres absolutely under the control of the Board?—The Board claims that it is.

Would you be surprised to know that we have only limited rights as far as that area is concerned?—I would;

Do you know that it is the idea of the Board to conserve timber because of the damage to watersheds?—Yes, definitely I do, and I support the Board in that view;

Have you ever seen any light burning done by the Board in that area?

No,

MR. GOWARS: As I understand it your own district does not actually abutt upon the Board of Works area?—It is a very conflicting question. The Board claims that it does abutt on this Neerim district. I understand that it is a question of survey. The Commission has held that it does not abutt on our area; The Board claims that it does but up to date we have accepted the view that their territory abuts on our territory.

Was it your contention that there was a strip of private property or Crown land in between?—I believe there is some gentleman's agreement that we know nothing about. We have accepted the contention of the Board that their territory does abutt on Forest areas.

You told the Commission that the Ada mills do not come within your district?—That is so;

That is really north-west of this town?—That is true.
What part of your district does abut on the other territory?—The
head of Alderman's Creek and Contention Gully. The Board
held those blocks there. It is held as freehold country.

That is a block almost directly north of Moojoo, slightly east of the
Loch River?—It is at the head of the Loch River—I am
wrong; it is on Mt. Horsfall. It would be at the head
of Icy Creek in the Loch Valley.

Is this it part of a catchment area?—Yes.

The area that you have been referring to in the Board of Works area is
not one over the Upper Yarra catchment near Warburton, the
O'Shannassy?—No.

(Please 1126 follows.)
MR. GOWANS: Have you ever known any fires to come out of that Board of Works reservation?—Yes.

Have there ever been any discussions between you and the Board of Works as to why they came out of there?—No, none at all. I might say we patrolled that area ourselves. Our patrol went down on to the Yarra side for our own protection, and to advise us of any fires that started in the Board's territory.

I notice on the map showing the patch burning done, the major part is done outside the reserved forest area?—I do not think so. The map shows patch burning carried out by officers of the Forests Commission and early burning before the end of October. I think you will find 50% of that burning is inside forest areas.

Perhaps you might be right; perhaps it is 50%?—I am not claiming that the whole of that was done by officers of the Department, but I am claiming 50% was done by officers of the Department, who did the remaining 50%?—Settlers.

Then we can understand the map is not intended to be a statement of the work done by the Commission?—Not work entirely done by the Forests Commission.

So far as the work done by the Forests Commission is concerned, was that done entirely within the boundaries of the State Forests?—Yes, I think in every instance.

In the case of the work done outside the boundaries, was it done under your supervision, or under your powers?—Some was, and some was not.

Not done under your direction?—No.

It was a case of settlers applying for leave to do it?—I do not think they need have done it at the time; they have the right to burn.

Where is the mill Mr. Devine is interested in?—He has no mill.

Is he concerned with the felling of timber at all?—Yes, he has some pulp.
Where does he cut?---On Allotment No. 7 in the Parish of Noojee, about six miles up the Latrobe River from Noojee.

There is an old mill there?---Yes.

That is rather poor timber country where Devine was cutting for pulp?---No, good timber.

What kind of timber was it?---Ash.

Is it in the State Forest area?---In Crown lands.

You have no control over that?---Only over the cutting.

Can you control the burning of tops?---Yes.

What steps have you taken about the burning of tops by Devine?---I told him definitely not to burn any debris around where he was cutting. This man was only thinning; he was only cutting an odd tree. That country would run something like 100 trees to the acre, and I suppose he was only cutting 10 trees to the acre. He left the tops on the ground.

Did you regard that as forming any danger?---Yes, a certain danger for the time. Had I instructed him to burn those tops we would have killed all the timber.

How long has he been cutting?---About 12 to 15 months I would think, since he finished cutting.

The reason for your telling him not to burn was that you were frightened of injuring some of this mountain ash?---Definitely, he would have ruined a good stand of timber.

What about the settlers around there; was there any danger of them being burnt out as a result of those tops being left about?----I do not think so.

MR. BARBER: How many applications for permits have you had to burn during the proclaimed period this year?---I would say about a dozen.

What was the fate of them generally?---One on January 13th was refused. The others were all granted.

Can you say whether the settlers in this area generally seem to know about the provision entitling them to ask for permits to burn during the proclaimed period?---Generally, I think so.
Mr. Gowans about?—From about a foot to two feet.

How would those tops compare in size with the tops left about an ordinary mill?—There was no comparison at all; there was very little on the ground from Devine's operation.

The witness withdrew.

Peter O'Mara, sworn and examined:

Mr. Gowans: What is your full name?—Peter O'Mara, and I am a timber contractor and timber getter at Noojee. I have been so engaged for the past 40 years.

Where have you been getting your timber?—From a lot of areas. I have been getting it off my own land, and for 30 years within the State Forest.

Where is your own property situated?—Three miles west of Noojee on the Latrobe River.

You had two houses burnt in the recent fires?—Yes.

Were they both about that area?—They were in that area.

How far away from Devine's cutting area were you?—My property abuts on to Devine's cutting area. There is only the river between us.

You heard the evidence of the last witness, that there was nothing in the way of heads there. What do you say about that?—There were a lot of heads there.

Did that have anything to do with the burning in your place?—There were three other settlers burnt out in addition to my both houses on account of those heads being left. I burn my country earlier in the spring, in September, and it would have survived being burnt over again if those heads had been burnt. My country is practically level on this side of the river, with Devine's area, and when the fire and the wind came, it blew it across that area, and what is most notable it only went half a mile, right along the strip, not into the other settlers' places, so that shows the full force
came through those timber heads.

Have you been to where Devine had been cutting recently?—Yes, I have.

What about those other settlers who were there?—There was a man called Trevor.

Where is he now?—I think he is working on the Railway Bridge.

Who else?—Robinson, who is a deaf and dumb man.

They were the other two who were burnt out?—Yes, and an Italian, named Franchise.

Where is he now?—He is camped on his area.

When you used to get timber out of the State forest, was that the practice with regard to burning heads and rubbish?—I was never asked in my life to burn the heads.

How long is it since you ceased to cut in the State forest area?—I cut some timber in the State Forest area 10 or 12 years ago.

That is the last occasion?—Yes.

You have heard what Mr. Bonallack told the Commission about the steps that had been taken in the State Forest areas around here, in order to make the forest safer. Do you think the Forests Commission has done everything it could have done in that direction?—I think the Forest Commission is a death trap to the young timber that is in the Victorian State forests, the people that are in the forests and the towns joined on to them.

In what way?—It is a nightmare to the settlers, the graziers, and the timber workers. The Forests Commission allows this forest to get into such a state with inflammable material on the floor, that they have to cut roads and tracks to get through the forest. That did not exist in the graziers' time, or the aboriginals' time. You could ride a horse through anywhere; but at the present time you cannot do so. Those tracks have proved a failure; the patch burning has proved a failure, because here is the forest all burnt out. There has been nothing gained by the money that has been spent in cutting
those tracks and doing patch burning. The aboriginals and
the graziers are the men who grow this timber that the saw-
millers had been cutting for 50 years. They grew the timber
that was burnt on January 13th. They kept the floor of the
forest clear, yet they could not have destroyed the seedlings
because all this timber has grown.

What makes you think they kept the forest clean?—There was a fern tree
growing in my timber country. The fern-tree is a tree that
reads more plainly to the bush-man, its age, more than any
other tree growing in the forest. The marks were down only
half way to the bottom of the tree. I counted the rings
down from the top for a number of feet, and I measured the
balance of the trunk of the tree. I reckoned up the age of
the tree from those measurements, and it read 430 years.

Looking back, that tree must have been preserved for at least
300 years by the aboriginal. The grazier then took control
of the forest and he must have preserved the life of that
tree for nearly 100 years. The forest was burnt in 1926,
and that tree was scorched very badly; but on the 13th
January 1939 that tree was burnt to the ground. The timber
was of no value to the aboriginal, but he kept the floor of
the forest clear so that he could spear kangaroo and wallaby,
and could travel about at night time. The same thing
applies to the graziers; the timber was of no value to him.
His policy was to burn early in the spring, so he could get
sweet grass for his cattle, and herbs in the autumn and winter.
If the seasons were such that he could not burn early in the
spring, he fell back to the autumn burning. A severe fire
in the forest was no good to the grazier, as the feed would
not grow for 12 months. However, it is unthinkable that any
intelligent person would think of lighting a fire in the hot
periods to roast his cattle on the hoff.

Q........Would it not be while his cattle were not in the forest?—
As a rule.

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grazers put out hundreds of cattle aged from a year to eighteen months.

I am not speaking of the man who puts twenty or thirty cattle out, as they do not put them out until after they are eighteen months old, and that cattle will not stop in the forest.

Do they leave them all the year round?—They leave them in until they are four and five years old. They go into the forest and muster them up and brand the calves, and then put those cows back. Provided they were there before they were eighteen months old, they will stay there. Those graziers who put cattle out leave them out for at least two or three years, dairying people close to the forest might put a few out for the winter, but those cattle will come in in the spring if they are a good age.

That is probably what the Commission heard yesterday at Willow Grove.

Most of the people around there are dairy farmers who put their cattle out in the winter time?—Yes, they do.

The men you are referring to are graziers, and not dairy farmers?—Yes.

The graziers were in control of the forest after the aboriginals and until the Forest Commission took over the control. The first thing the Forest Commission did was to take the licences away from the graziers.

Are there any licences in the State Forests around here?—Not that I know of. I think there are some around Moa.

Are there any grazing licences in the Crown Lands around here?—Not that I know of.

What do you suggest could be done to keep the forest clearer than it is at present. There would be no disastrous fire if the floor of the forest was kept in such a state as not to cause a mighty flame. If it is kept fairly clear, the fuel only goes up 30 to 40 feet and drops back, and human beings can fight that fire. However, when the floor of the forest is left dirty, as it has been, and a match is put in
even on a mild day it will burn until it goes up 50 or 60 feet, even up to xx 100 feet. It warms the air around it and that causes the hot air to rush away and the cold air to rush in, and in a very short time a wind is created. That wind fans the fire until it becomes a mighty fire. That fire cuts through all the green shrubs and trees which contain gas. That gas goes up into the sky. It is the gas created which causes the combustion of the fuel and lights up places three, four and up to five miles away. If the floor of the forest was kept clear so that it would not create that combustion of gas, men could fight those fires.

What I was asking is, how are you going to keep the floor of the forest clean?—I would suggest burning the forest in the autumn if it will stand burning. Nearly all the Victorian timber, except ash, will stand burning to a certain extent. Ash will not stand firing. If the floor of the forest was burnt in the autumn, in the timber that will stand fire, I do not think there would be any need to burn the floors of the ash forests, because none of the recent disastrous fires read back to start in the ash country. They all started and went into the ash country. Mr. Benallick is right in saying he was afraid of burning that timber where Devine was cutting, because those heads would have destroyed much of the timber. What I would have suggested would have been to pull those heads out along the snig tracks, and burn them to protect the settlers' homes.

How long had Devine been cutting those heads?—Last season, if I am right, he cut somewhere about 1500 units of pulp timber.

Is there anything else you wish to put forward for the assistance of the Commission?—I would like to put this suggestion forward— I am not speaking against any officer of the Forests Commission. I think they are a fine body of men, and that they kept to the letter of the Forests Commission.
policy - but I think that policy is altogether wrong. I think there are too many young men coming into the forests, with a box that carries the fire bug. They are city men but they burn tracks and breaks without practical experience. Many of the officers are good men, but there are many of the others who are only city men. I think before a man is given that fire bug to use, it should be well proved that he has had years of experience in the forest. I do not think any young man should be given that power. I do not think any man should be put at the head, or have anything to do with the head of the Victorian State Forests unless he is a practical bushman, and has been for many years.

Is there any kind of criticism in Noojee as to these pine plantations?---

The only thing I can say is that we hear a lot about these saw-millers putting in dug-outs, and the Forests Commission advocated dugouts. The Forests Commission Nursery is in the middle of mighty timber, and there is very little water. There was no dugout there, and thirteen men would have been roasted to death on the day of the fire, only for a little stream that ran through there. I think that if dugouts are enforced at sawmills, they should be enforced at the forest camps. Looking back, the graziers and the aboriginals did not have any dugouts, and they did not get burnt to death.

THE COMMISSIONER: Where would you put the dugouts for the Forests Commission employees?---Every half mile?---Would you have the place dotted with dugouts; they have to work all over the forest?---Yes, they have. Each saw-miller should have a dugout at the mill, and also in the bush. It is no earthly use a saw-miller having ---

I am talking about the Forests Commission?---The Forests Commission should have a dugout close to where there is any population in the forest.
They have a shifting population in their forests all the time?—Yes.

You cannot have dugouts?—During the hot summer months is the only time there is a fire danger. When there is a fire danger and where the camps have no mighty streams of water, there should be a dugout.

MR. GOWANS: You were referring to a particular camp when you spoke about those thirteen men.—I was referring to the camp up at the Pine Plantation.

Are there men there all the time?—Yes, as far as I know.

THE COMMISSIONER: Do you think the pine is an inflammable tree?

It is a very inflammable tree. I am opposed to putting the poplar tree around Noojee. I saw a house surrounded by poplars and it was burnt down.

Is the pine inflammable?—Yes, it is very inflammable.

Do you think the poplar tree is inflammable?—My experience is that it is. I saw several poplar trees around a homestead which was burnt down, and the poplars got burnt. I was right in this area in the fire of 1926, and when that gas is created it causes combustion and anything will burn except water. After the 1926 fire I saw lengths that joined the tracks of the train together, that were smelted together. Any green shrub will burn. If we get a recurrence of a fire at Noojee, and the floor of the forest is in the same condition as on the 13th January, all the poplars would go with the town.

You would be in favour of taking the Forests Commission out of the forest and putting in a tribe of blackfellows to look after it?—No, I would not. I am in favour of not putting a man in the ash forests unless he has years and years of experience in the

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forest, and has all the necessary credentials.

I think that is pretty sound advice.

THE WITNESS WITHDRAW.

DOUGLAS BROWN: Sworn and Examined:

MR. GOWANS: What is your full name?—Douglas Brown, and I am the Assistant Forester in charge of the Loch Valley Pine Plantation.

What is the object of having it in the forest?—It was mainly because that part did not hold any good native trees. It was largely given over to bracken and the plantation was situated there to try and raise conifers as being the best kind of trees to raise there.

Has it been successful?—Up to date, yes.

Is it your view that the pine plantation is inflammable?—Yes.

What precautions do you take to see they do not catch fire?—Mainly fire breaks—an intensive system of fire breaks and patch burning to the north and west.

How far is it away from Noojee?—The nearest point is 4½ miles.

How many men do you regularly have in that plantation?—The number varies from six to one hundred.

How many regular employees are there?—Generally about nine to twelve.

Do they live there?—Some of them camp there, and some live in Noojee.

Is it a good road?—Yes.

Is it true what the last witness told the Commission, that the men who were there had to take refuge in the water?—Yes. Might I explain that?

Yes?—I was there myself on that occasion, and I would like to make it quite plain we had two other camps in the plantation at that time. On the morning of the 13th we evacuated those camps, because we did not consider it would be safe in the case of fire. The camp at the nursery where I was, was
considered to be quite safe, because we had an abundant supply of water.

Was there anything further you wanted to say about that?—-I do not think so.

What do you think of the necessity of having a dugout up there?—-I do not think it is at all necessary.

Were you able to get sufficient refuge in the water?—-Yes, it was a running stream and was considerably below the level of the surrounding country.

THE WITNESS WITHDREW.

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JOHN YOUNG WOOLSTONECROFT. Sworn and Examined:

MR. GOMANS: Your name is John Young Woolstonecroft, and you are the
postmaster at Noojee?—Yes. I have been in the district for
52 years. I was in the recent fires here.

Are you a member of the local progress association?—Yes, I am a vice-

president of the progress association.

What has been done in Noojee in the last few years to make the town
safer from fires, and what difficulties have been in the way
of action being taken?—The main difficulty has been to get
the co-operation of all concerned. The progress association
did endeavour to form a fire fighting unit to help the Forests
Commission. The Commission, of course, had taken up the
matter, but the great difficulty was to get together all
concerned. There were the railway authorities, the private
landowners, some of whom kept their blocks clean, and absentee
landowners, some of whom occasionally endeavour to clean up
their land and at other times neglected it. In addition,
quite a number of blocks belong to the Lands Department, and
they are very dirty. I can refer specifically to one patch
mentioned by His Honour, a portion of the scrub down the road,
That is all on Crown blocks, and no help has been given by
the Lands Department in keeping the township clean.

Is it your view that they form a definite danger and did so in the recent
fires?—Yes. I think everyone has been to blame, every
Department, more or less, in view of what has taken place.

THE COMMISSIONER: Do you think some of your own citizens might have
given a hand to clear it up?—Yes, we all feel that we did
not do enough.

It is easy to be wise after a tragedy, as we all know. Did it occur to
you, and to other citizens, that Noojee was in danger before
the fires came?—Yes, we realised that, but the trouble
was to get co-operation. From time to time we sent requests
to the Railway Department to have an area to the west of
the railway line cleared, but it was only with the greatest difficulty that we ever had it done. Excuses were made that there was no money available for it.

THE WITNESS WITHDRAW

EDMUND CORNWALL, Sworn and Examined:

MR. GOWANS: What is your full name?—Edmund Cornwall, and I live at Noojee. I am a contractor by occupation, but I do a little farming and bush work.

You have certain views that you desire to place before the Royal Commission. Will you do so in your own words, or would you prefer me to ask you questions?—I should prefer you to go through it.

You have certain comments to make about the absence of open patches in the forest in which people could take refuge?—Yes. About thirty years ago, I saw a fire start within a couple of hundred yards of us on a neighbour's property. We knew that that neighbour was many miles away—-we proved that—and the origin of the fire was a mystery. It started on a day that was similar to the 13th of January last. When we found that fire getting out of control we made for safety. I had gone into the fire to rake around the patches as sparks fell, and to control the fire. Coming back for half a mile or so, we met the fire, and by the time I had scrambled to safety on to a patch that had been burnt, the fire had travelled probably two miles beyond me. We had it all around us, right on to the edge of the forest country. I am convinced that if that forest had been allowed to get into the same state then as it has been in the last fifteen years, the fire that would have started would have been quite as big as the recent fire.

THE COMMISSIONER: Where did you see that occurrence?—At Wandong, a saw-milling area on the Dividing Range. That fire would have been started and would have come right through the
same region as was burnt recently, with the wind carrying it as it was. It was a terrific wind, on a very hot day.

Are you suggesting that the forest was better kept then than it is now?---
Yes, anyone regularly through the forest realises that, in the last ten years at any rate, or perhaps fifteen years, there has been probably a million times as much debark left in the forest as ever there was before.

How do you account for that? Who kept the forest clean before, and who does not keep it clean now?---The co-operation between the old practical forest officials and the settlers, or those who made their livelihood in the bush was responsible earlier. There was a kind of tacit working together, the carrying on of the old traditions, and ideas of the pioneers.

Where does the system fail at present?---The system fails in this way, that it is copied from the American system and is being impressed on Victorians, with the assistance of press propaganda. In my opinion, the system was copied from a report of a conference on theoretical forestry in America, by impractical forest men.

Apart from its origin, which may be a little doubtful, without going into the historical aspect, tell us what is wrong today with the methods that are being adopted? There is no proper burning off. In this district, we have a certain climate, and there are areas that are allowed to grow up with absolutely useless rubbish. Certainly it is a danger area here, and the danger area is from the Yarra Valley up the Latrobe Valley. In the recent fires, the wind came down the Latrobe as though it was coming down a funnel.

No reference has been made to the fact that, for a mile before reaching the township, and a quarter of a mile wide, there was a stretch of useless ti-tree and scrub leading right up to the back doors of the houses on the outskirts of the township. The patch to which I refer was more dense than the patch to which Your Honour has already referred.
It covered an enormous area, and it was the head of the fire that carried the big fire for more than a couple of miles over ground that had already been burnt.

How did that happen. Did it burn what had been left, or was the fire leaping ahead?—It was burning what was left. Logs took fire.

Had there been a good hot burn through it before?—Reasonable hot, but you cannot risk a really hot burn. You do not get a hot burn, as a matter of fact. Regular burns should take place, one area this year, another area next year, and you might even wait until January to burn out a particularly bad corner.

That is the only time when it is dry enough to burn. The stumps where the ti-tree has been burnt continuously will not burn in the ordinary burning period.

MR. GOWANS: I understand you have something to say about the practice of forestry officers in dealing with small fires in your district?—Yes, I can give an instance that will describe the policy. I have heard complaints about it from different people. The local school was surrounded on three sides, including the river side and right to the bank of the river, with highly inflammable dense scrub. One evening during the proclaimed period, but in such a position that it could not do any harm, a fire burnt a great deal of that scrub further down from the school. It is similar to the mass of scrub to which I have referred on the western side of the town. When that fire came up to the school, which should have been the most important place to safeguard, — the fire was stopped. Had the fire come while the kiddies had been at school, there was nowhere to which they could escape. They could not get into the river, because of the dense mass of scrub on both banks. Any experienced man would have known that that fire could not have done twopenny worth of harm, no matter where the wind changed to, or what weather...
followed. I was told, I did not see it happen, that two forestry officers were there and they prevented the fire from burning out that corner. That would not have been the case had experienced bushmen been present.

THE COMMISSIONER: I suppose there is room for a difference of opinion, but you think that the man with years of experience behind him expresses the best opinion?—Yes.

MR. GOWANS: What forestry officers were present?—Mr. Benallack and Mr. Brown.

THE COMMISSIONER: You refer to two witnesses who gave evidence this morning?—Yes. I saw the fire burning, and I saw where it had been prevented from burning, a place that, in the ordinary course, would have been burnt out.

MR. GOWANS: You agree with the general condemnation of the proclaimed period, the period during which fires cannot be lit without the authority of the forest officer?—My objection is not so much to the proclaimed period, but to the fact that the fires must not be lit without the authority of a young forestry official. In the olden days, when experienced forestry officials had charge, there was no conflict. In recent years, there has been a definite conflict of opinion between the settlers and the people who live about the forest on the one hand, and the Forests Commission in connection with the safeguarding of the forests.

THE COMMISSIONER: I shall continue the inquiry outside, because this room is wanted urgently.

MR. GOWANS: (To witness): You have been sworn and are still on oath?—I understand that. Reference was made to the "Gippsland complex", I think it was called. That can very easily be explained by the fact of a total lack of faith in the policy of the Forests Commission in connection with the safeguarding of forests, which means also the safeguarding of the lives of those who live in the vicinity if the forests.

Your view is that there is an absence of confidence?—Absolutely.

1139. CORNWALL.
Mr. Commissioner: On what is that opinion based? — On the fact that the forests had become a mass of useless debris, which should have been regularly burnt off and not allowed to accumulate.

Mr. Gorans: Reference has been made to the pine plantation behind the town. Has there been criticism of that plantation in the township? — I think it has been recognised by everyone that it must inevitably be burnt. It could not escape being burnt. But with any ordinary precautions that plantation could have been saved.

Did that have a psychological effect on the inhabitants or on the forestry officers? — I think it made the forestry officers more careful. It made them see that when so much debris was left the pines only increased the risk.

From time to time we have had submitted to us reports from the Forests Commission as to the causes of fire. Have you any comments to make on the tables that have been filed? — Yes, I think that the compilation has not been fairly done. In instances where it has been common talk that fires got out of the control of forestry officers, no reference has been made to them, whereas the papers have given great prominence to all cases that were brought against settlers. At the same time, fires got away from the forest country where they had been burning off.

You drew a comparison between the methods adopted here and methods adopted in America. I understand you had practical experience in America? — Yes, I have had experience with big fires in America, but the two cases are totally different. There is no undergrowth in America. A whole contingent of men go through the forests in America, yet they cannot control fires there. The average burnt areas of national forests is a half a million acres annually. In America they have twenty men to put into the field and to control the forests where, in Victoria, we have only one man. Once a fire starts in those areas, it is no use in
Victoria if you have a thousand men for every one at present available, because you cannot control a fire that is burning in a dirty forest.

It is wholly a question of prevention?—That is my view.

On the other hand, have you found, from your experience, that the methods adopted here are much the same as those in use in America?—Of later years, yes, except for one great difference. In America they see that they get suitable experienced men for the job, whereas we do not.

Are there any other views you think you should place before the Commission?

—No, I think I have touched on most points.

MR. BARBER: You are personally very antagonistic towards Mr. Benallack, the local forestry officer, are you not?—No, I think he is a perfectly fair officer in regard to his duties and control here.

You are engaging in a controversy with him at the moment over grazing matters, are you not?—To a certain extent, but that is a small item.

It has not affected your attitude towards the Forests Commission?—No, it would be true to say that you and Mr. Benallack are completely at loggerheads over every subject on which you come in contact?

No, I would not say that at all.

THE COMMISSIONER: At loggerheads, or with different opinions — which do you mean Mr. Barber?

THE WITNESS: It is a bigger question altogether. It is a matter of our lives, and the safety of other people. It is not a little matter of that kind.

MR. BARBER: You are not allowing personal matters to obtrude in your views?—No, certainly not.

Are you a member of the local progress association, or the school committee?—I am a member of the school committee.

Did the school committee do anything about asking for permission to burn around the school and make the school safer?—I was not then a member of the school committee.
Had the committee ever made application?—I had nothing to do with it, and I cannot say what the committee did.

THE WITNESS WITHDRAW.

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VINCENT RICHARD DELANEY, Sworn and Examined:

MR. GOWANS: What is your full name?—Vincent Richard Delaney. I live in Noojee and I am an engineer by occupation.

I understand you want to say something in support of the forestry officers?—

---I want to reply on behalf of the Forests Commission.

What is it you desire to say?—I have followed the evidence right through now, and it looks as if the blame is being pushed on the the Forests Commission. Mr. Benallack, the forestry officer here—I was with him until 5 p.m. on that fire which burnt Noojee out, and he went out again at 3 a.m. the next day to fight it. In connection with the fire that burnt out this township, if we had had all the men in Australia available, they would not have been able to stop it. The Forests Commission men did everything possible to save the place. With the north wind that blew up, if there had been two thousand men available they could not have stopped it. Mr. Benallack had not been out of his boots for approximately a week. I have been following the evidence right back from Alexandra, through the whole of the country, and it looks to me as if the whole of the people want to blame the Forests Commission. I am not a forestry officer, I am an engineer by profession, and I lost my home, and everything with it, in the fire. I am not prepared to blame the Forests Commission for it, because I can personally tell you that Mr. Benallack, the forestry officer in charge of the district, was with us for thirty-two hours, without sleep and very little food. I just make this reply to the statement made by the previous witness that the Forests Commission did very little to save the fire from spreading through this country.

THE COMMISSIONER: It is very proper that you should say so if you think so.

THE WITNESS WITHDRAW.

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1142.

DELANEY.
MR. COWANS: You have been sworn, and I desire to ask you one or two questions in furtherance of the evidence you gave. You were asked whether certain fires came out of the Melbourne and Metropolitan Board of Works area into your area, and you said that they did come out of that area. When was that?—On the 13th of January.

Was that the Loch Valley fire?—Yes.

Was there any attempt on the part of the Melbourne and Metropolitan Board of Works men to help you to put out the fire up there?—None, to my knowledge.

MR. BARBER: The Railway Department has been mentioned since you gave your evidence. Have you anything to say as to the practice of the Railway Department in burning off during the proclaimed period?—Yes. I find that the Railway Department does not observe the proclamation in any shape or form. It burns off on the hottest days without respect, particularly, to private property.

THE COMMISSIONER: Why do you not take action against the Department?—I received instructions that I could not do so.

MR. BARBER: Without going into details, does that constitute a danger to private property?—Yes, definitely.

Have you ever known of any actual breaks away from Murr railway fires?—Yes, I have, and mainly into Crown lands.

Was that in recent times?—Yes, last year. The railways wanted permission to burn a strip of country across from Nokesby, and I was so alarmed at the time that I supplied two men to watch our interests. That fire got away. That was before the proclamation, if I remember rightly.

Did the department inform you that it proposed to burn?—Yes, on that occasion.

It did not ask for permission?—The department said it was going to burn. It did not ask for permission, but just said that it was going to burn.

There was another matter directed against you; do you desire to give any
explanation of the story that has been told about the fire at the school?—-Yes, I remember the fact of that fire.

I think Mrs. Chamberlain rang me one Sunday—-

THE COMMISSIONER: I think you are only asked if you stopped the burning of a certain patch which would have made things much safer in that area. Did you stop it?—-We did not stop it.

Do you know if Mr. Brown stopped it?—-Mr. Brown was with me, and he took instructions from me. He came to and left the fire with me, and the fire was not stopped by either of us.

Was it stopped by anybody?—-To my knowledge, no. Other men were there.

Had you intended to burn that piece of ground referred to?—-I had not; it was on railway ground, and I do not know how it caught alight.

It is a small incident in a large bushfire?—-I should regard it as such. It may have had dangerous results, from what other witnesses said, but I do not think we will fight it further.

MR. BARBER: I thought Mr. Benallack should be given an opportunity to refer to it.

THE COMMISSIONER: One witness made the statement, and the forestry officer on oath has denied it, and says that the witness is mistaken.

MR. GOWANS: It was hearsay evidence.

THE WITNESS WITHDREW.

THE COMMISSION ADJOURNED UNTIL 10 A.M.

ON THURSDAY, MARCH 2nd, 1939,

AT MAFFRA.

1144-5. BENALLACK.
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