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
O M B O.

on

FRIDAY, 3rd MARCH, 1939.

PRESENT:

His Honor Judge Stretton, Royal Commissioner.

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MR. GREGORY GOWANS appeared to assist the Commission.

MR. E.H.E. BARBER appeared on behalf of the Forests Commission.

MR. OFFICER appeared on behalf of the Swift's Creek Branch of the Graziers Association of Victoria.

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JOHN SAMUEL LANGTREE, Sworn and Examined.

MR. GOWANS: What is your full name? John Samuel Langtree. I am a grazier living at Reedy Flat and I am chairman of the Swift's Creek Branch of the Graziers Association of Victoria. Have you lived in this district for very long?-- For nearly forty years. I came here in 1900. At one time, you held a lease of Crown land on the Border range; do you still hold that?-- No, I only held it for three years. What is the particular area about which you can speak first hand?-- Round about Ensay in the Parish of Nambie Munjie. Is there any forest country in that area?-- It is all forest country.
around settled country, but I am more interested in the settled country.

What type of timber is on it?— On the lower country it is box, stringybark and peppermint, with a certain amount of gum. In the higher country there is woolly butt, which will only grow over a certain altitude.

I understand that you, among others here, have some ideas on the value of the fire protection measures that used to be adopted in this area before fire restrictions came into force. Would you mind telling the Commission what are your views about the value of those measures that were adopted before 1924, when the fire restrictions measures came into force, and were enforced?— Years ago they used to burn the bush country regularly, mainly in autumn. In the olden times, when Hamilton had the Ensay Station, before it was cut up in 1913, he insisted on its being burnt on the outside, and he used to give people matches to burn the country. I have never known a fire to come in from that portion. On occasions there were grass fires, but they were easily controlled.

Was there more grazing on forest lands then?— Yes, far more grazing was done then. There used to be sheep running all through that country to the East of Ensay.

At what time of the year would this burning be undertaken?— It was mainly in autumn. Parts would not burn then, and they would be burnt in the spring.

We have been told that, as a result of this indiscriminate burning in those days, the timber was affected to a great extent, and the undergrowth was brought up, a growth which, perhaps would not have been there otherwise?— I think only a fierce fire would bring up the undergrowth to a large extent. As to the timber, I do not think it has been damaged at all. There is a splendid woolly butt forest up there now, in spite of all that burning.

1196.
were there no very hot fires through the woolly butt area?-- No, I do not think so. It is high country, and it is very hard to get a hot fire through it, especially after the country has been burnt regularly before hand. But down below there is a large patch that has been killed out, up on the side of Humana. That was killed out 40 years ago by a fire, I understand.

Do you know if there was a big fire through this district in the Eighties?-- I do not know that of my own personal knowledge.

The fire restrictions have been enforced since 1924. What has been the result in your district?-- It made us more fearful of fires coming in from the bush, because that is where they come from all the time. With the undergrowth and leaves falling and accumulating, we are much more frightened of heavier fires coming through. A large fire came through in 1932, and that was the last big fire we had prior to this year. We had trouble with it, and but for the rain coming, I do not think that we would have been able to stop it. We were illegally lighting breaks to prevent the fire from coming in.

Did you start lighting the breaks after the fire had begun?-- Well after the fire began. The fire was coming in before we started to light the breaks.

Since about that time, have there been any real fire precautionary measures taken on Crown lands or the forest reserves?-- No, no precautionary measures have been taken to my knowledge.

Between 1924 and 1932, when the big fire came in, did you see any signs of a systematic fire protection policy being adopted here?-- None whatever.

We know there seems to have been nothing done on Crown lands, but what about the forest area?-- It is practically all forest area. Originally it was Crown lands, but it was changed.

MR. BARBER: Do you know when it was changed?-- No, I cannot tell you the year. I know it is forest country now, because there
was an application submitted to select a part of it and the application was refused by the Forests Commission.

MR. GOWANS: Since 1932, when the fire went through, what has been the general condition of the forest around your area?-- The leaves have been falling all the time, and there has been an accumulation of undergrowth, making it far more menacing for us when a fire did come, such as we experienced this year. It did not come out of the heavy country until after the 13th of January, but it was burning around us all the time.

How far is your place from the Banyule reserve forest?-- Three or four miles.

Apart from the last fire, have you ever had fires coming out of the bush on to your property?-- No, we always prevented it from coming out. With the aid of neighbors around, we stopped it before it came to our properties.

It was coming out of the forest?-- Yes, it came out, but not very far, because it stopped it on the inside country.

How was the flat country affected in the fire this year?-- It was not affected at all, but it came in later. We were out fighting a fire up the Little River at Ensay North. We could hear that fire roaring in the mountains, but our area missed that heavy wind that seemed to be everywhere else, otherwise we would not have been able to save the country.

From what direction did the fire come to threaten Ensay?-- From Mount Manninong. That threatened Ensay North, and the fire came from the head of the Timbarra, and the two fires joined up.

What steps were taken to deal with the fire that came into Ensay North?-- No steps were taken until it came towards the settled country, and then breaks were burnt around the fences.

Did the forestry officers take any part in that?-- No.

Do you know if an application was made to any forestry officer?-- No, I do not know about that.

Where is the nearest forestry officer stationed?-- At Bruthen.
He is the district officer, is there no local officer? Men go up there occasionally for scouting purposes, but there are no men actually there to fight fires.

What do you think should be done in the future to stop fires going through this area? I think it should be judiciously and systematically burnt. If it were to be burnt in the lower country, I would sooner see autumn burning than spring burning, because there is always the danger of logs rolling down. In the higher country, it could be burnt in the spring.

I suppose you prefer burning all the time in the autumn rather than in the spring, if possible? I should prefer it.

There is always the danger with spring burning that the fires will not be properly put out and will burn up again? Yes, logs will burn for a long time and spring up again.

Then you must have control over that burning? Definitely, it would have to be controlled. I would suggest that a forest ranger should be appointed, and he would insist on the burning being done. I do not mean that the forest ranger should be appointed by the Forests Commission, but he would be appointed by, say, the shire council, after consultation with the ratepayers affected. He would be nominated by that body, but would be employed by the Lands Department or the Forests Commission. He would insist on burning, and he would also say when it was unsafe to burn, and would stop all burning.

You would want more than one warden in this shire? One man could not do it, and more than one is essential.

How many ridings are there in the Omeo shire? Three.

Would one fire warden for each riding be sufficient? It is a very big area, covering practically from Bruthen to the Murray.

You favor the idea of a Government employee being appointed as a fire warden? Yes. He would need to be an experienced bush man, and I think he should be nominated locally.

Would there be enough work to keep him occupied all the year round?
I should think so, decidedly, because he would have to see it was kept burning burnt all the time.

He would have power to direct burning in all areas, whether on Crown lands, forest land, or anywhere else?— Yes, even on land held by lessees.

Do you think he should be empowered to direct burning on private property?— Do you mean outside, in the cleared country?

Yes?— If it looks menacing, yes.

We have heard a great deal about the menace of unoccupied lands and land held by absentee owners. I suppose it would be necessary to direct his attention to those areas?— Yes, I suppose it would be, but we have not much of that here.

How do you think it would operate in a country like this. Supposing a fire warden found it necessary to direct the owner of private property, not settled land, to burn? Do you think he would be able to enforce that order for burning?— He would not at the present time. It would be necessary for a special Act of Parliament to be brought into force.

In practice, do you think it would operate all right?— I do.

People would do it?— I think so.

THE COMMISSIONER: Do you think the people want to burn?— I do, they definitely want to burn.

As soon as they were given the lead by the officer, you suggest they would do it more carefully?— They would.

There would be no lighting and then running away and hiding?— That is very true. Any burning that is done at present has to be done illegally. In fact, when we burn to prevent a fire coming on to our own property, we are illegally lighting, and although we would be illegally lighting, even although the fire was within five yards of our property.

Was there not a case of a man who burnt, he was fined, but the burning he did saved a great deal of territory when the big fire did come?— Yes, he was fined for lighting a fire, and if it had not been for his having lit that fire, he would have
It seems hard on the gentleman in question.

MR. GOWANS: You suggest that there should be an officer of the Lands Department appointed for this purpose. Do you think it would be possible to have his duties carried out by the local Vermin and Noxious Weeds Inspector?— Do you mean the duties should be solely carried out by him?

Yes?— No, I do not think so.

What is your criticism of that suggestion?— The inspectors have a tremendous amount of country to cover. It has been altered a little lately, but we used to have the Buchan Inspector for our district. That was ridiculous, because he had to come through far too much country to get through to us at all.

Suppose the number of Vermin and Noxious Weeds Inspectors was increased, and each inspector was made the fire warden, would that be suitable, or would he be a suitable man for the position?— Not in every case. Some inspectors would be suitable, but I think you would need an experienced bushman. The inspectors generally are not experienced bushmen?— Some are, but more often they are not.

THE COMMISSIONER: You would be happy to pick your own man in your own district, someone you know who had experience?— Very happy.

You think that is a better scheme?— Yes. In most districts you would need a man who would have some knowledge of the district. If the inspector were appointed in Melbourne, he would be appointed by somebody who would not know the man and probably would not know the country?— Exactly.

MR. GOWANS: Are the Vermin and Noxious Weeds Inspectors men with local experience?— Usually they are, but sometimes they are sent here from other places. Usually they are men who work with an inspector and then work up to become inspectors themselves. It is not often that they stay in their own
districts, because they are moved to another district on appointment.

How about if you were to change the whole system?— It is a tremendous problem in this country, because you must know the country well. You must know where to burn and where to stop when there is a fire.

Would you make the appointee a part time or a full time officer?— A full time officer, because I think it is essential that it be a full time job.

THE COMMISSIONER: He would have to tour the country, inspecting and planning ahead?— Yes, for the whole time, because he would often come to gullies that would have to be burnt.

Probably he would want the right to call on men to work for him—and pay them?— I think that would be the Lands Department or the Forests Commission's job, whoever had control of the area to be burnt, and possibly the lessee would have to pay for them, too.

Those are details that could be worked out?— Yes.

MR. GOWANS: Are there any other views that you want to put for the assistance of the Commission?— I do not think so. My main object is to try and keep the fires out of the settled country. I think, unless the forest is burnt regularly, it will be hard to keep them out.

MR. BARBER: Would you have any objection to the fire warden being a forestry officer?— Do you mean appointed by the Forests Commission only?

Yes?— I would much rather have the local people having something to say in the appointment.

That is your main objection?— That is my chief objection.

Are you familiar with the Bright district?— No.

In the Bright district, they have a scheme whereby the forestry officers who are fire guards are men with grazing experience, and who have lived in the district all their lives. A scheme like that would get over your objection to a great extent?— Yes.
Or do you still want some element of control?— I should like to have some element of control, because we would then be able to make a fuss if he was not doing his duty.

I suppose you can always make a fuss, but you could make a more effective fuss in that case?— Yes.

In the recent fires about which you have spoken, was any case brought under your notice of a previous season's light burning having stopped the big fire?— Definitely. I saw two places myself when I was out on the fire where we stopped it when the fire came to where there had been a light burn previously.

Did a light burning in the earlier part of the season in any case by itself stop a big fire from coming in?— Not on the 13th of January, because I do not think anything would have stopped it on that day.

No light burning, no matter how extensive, would have stopped it burning then?— Not on that one day, and I hope we will never see another day like it. It was pitch dark at 4 p.m. that day.

Earlier you spoke about your country containing box, peppermint and stringybark, there is not much undergrowth in that class of forest, is there?— There is a considerable amount of scrub, dogwood and hazelwood.

A virgin forest of those trees is comparatively clean, is it not?— There are patches of open country in it, but in all the gullies they are as full as jungles.

Apart from this particular forest, is not this the position, that virgin forest is clean when compared with forests as they are now?— I do not think so. There has always been a lot of undergrowth in the forest.

Cast your mind back to the early stages of your forty years' experience and tell us what the forest was like then, was it any cleaner than it is now?— It was cleaner.

We can take that for a start. Is it not a fact that continuous burning has made the forest as dirty as it is now?— No, I say continuous burning has kept it clean.
But you agree that it is dirtier than it used to be?—It is a long time since it was burnt.

We agree that once you start burning in virgin forest, the more you burn, the greater the tendency you get to a dirty forest?—You mean, ordinary growing up jungles—the undergrowth comes up more?

Yes?—A slow burn will not bring up more undergrowth, but a heavy burn will.

That is the distinction you make. What do you mean by a slow burn?—A light and slow burn mean practically the same. It is light burning when there is no great accumulation of leaves and undergrowth to carry it, and the fire runs along steadily. In a heavy burn, there is an accumulation of leaves and debris, and then the fire burns so fiercely that it clears everything out.

The Commissioner: One is a bigger fire than the other?—Tremendously; that is the distinction.

Mr. Barber: As a representative of the grazing interests, would you be prepared to say, or do you think that the grazing interests would be prepared to co-operate with the Forests Commission in this control burning that you suggest?—They would be only too willing to co-operate.

What about the provision of the necessary labor?—Do you mean the expense of it?

Yes, that is what I am coming to?—I do not think they would. Obviously, in controlled burning you must have labor to control it?

Yes.

You have one or two forestry officers. Without binding your association, do you think the graziers would be prepared to co-operate to supply labor in their own territory?—I think it is the Forests Commission's job to do it.

You think the Forests Commission ought to do it at its own expense?—Yes, I do.

Pay its own men, without assistance locally, that is your view?—It is.

That would apply throughout the whole of the forest areas, so far as
you are concerned?—Yes.

MR. OFFICER: Do you think that so far as this matter of co-operation is concerned, you, and the people in the Ready Flat area, are more concerned with the control of the forest because of the menace it presents to your inside country?—Absolutely, that is why we are worried about it.

Not being a lessee, your personal attitude is that the forest can burn all day as long as it does not menace your inside country?—Yes, except that I hate to see the forest burning.

So far as being willing to prevent it from burning is concerned, you are more interested in the adjacent forest than the country far back?—Much more interested.

Regarding this cooperation suggested, and the supplying of employment, what happens when a fire comes out of a forest at present and burns your boundary fences. Does the Forests Commission pay towards the re-erection of those fences?—Not in any way.

MR. GOWAN: I take it that the councillors in the shire of Omeo in general represent grazing interests, do they not?—They do, mostly.

If the appointment of a local fire warden were left entirely to the shire council, do you think there might be some difficulty, in that you might appoint a man more concerned with grazing interests than with forest interests?—But he would have to be approved by the Forests Commission. They would employ him, but we would nominate him. If they were not satisfied, we would have to name another one.

I thought you suggested he would be appointed by the Lands Department?—By the Forests Commission and the Lands Department combined.

Perhaps the nomination could be approved by the Lands Department and the Forests Commission, and the appointee paid by the Lands Department?—I would not care who paid him so long as he was paid, and he did the job.

Is the Lands Department concerned with the position around your area. Are there large areas of Crown lands there? No, very
little, because it has all been taken over by the Forests Commission, although I do not know when the exchange was made.

You are speaking on behalf of the people around your area, and you have been nominated by a meeting to give this evidence?—Yes, nominated more or less by the Graziers Association.

Do you find in general there is a lack of sympathy between the Forests Commission and the people in your area with grazing interests—settlers and so on?—They always seem rather scornful of the forestry officers. They think "They do not come to see what we are doing when there is a fire on."

There is this point, too: The Forests Commission is generally concerned with its forestry policy and the preservation of timber in the forest, while you people are just as concerned about your view?—We are, but, from our own personal interests, we want to keep the fires out from us.

I was wondering how far the people you represent would be concerned with the preservation of the forest, even from your own point of view. You have no particular interest in it at all?—No, except from a national point of view; for the good of the whole country we want to see the forests preserved.

I suppose you have no desire to see indiscriminate burning that would destroy timber?—I hate to see the beauty of the forest destroyed by fire.

THE COMMISSIONER: Do you think it encourages the rainfall and keeps the streams well supplied with water if you have forests?—If we have good forests, I am sure it does.

MR. GOWANS: Did the big fire get into the Reedy Flat areas?—It only came on to a small portion of the settled country, in February.

As far as you know, what was the origin of the fire which burnt through on the 13th of January?—I do not know how it started. It came up in December from out on the Timbarra and the head of the Fern Tree Creek, but I do not know how it started.

THE WITNESS WITHDREW.

1205-A.
MR. GOWANS: What is your full name?—William Douglas McCoy. I am a grazier living at Ensay. I have lived in this district all my life.

You still have a lease of an area of Crown land at Mr. Nugong? Nugong is not on the map. My father before me, and my brother and myself have had that land. There is an area of approximately 75,000 acres. We have had the land from 1907 to 1936.

Why did you give it up in 1928?—We gave this forest area up owing to the policy of the Forests Commission in putting restrictions on fires. They demanded a guarantee of, I think, £15 or £25 that there should be no fire on that area during our lease. My memory is not too clear on the amount. That was an impossible condition.

Was that because fires might come in from outside, or because you could not keep the lease without burning it?—Both.

THE COMMISSIONER: When did they impose that condition?—I think about 1926.

Is that one of the reasons why you give it up?—Certainly, and also because it was a danger to cattle in those areas.

MR. GOWANS: In what other way did it affect you apart from being a certain fire danger to your cattle?—It reduced the carrying capacity. There was a fire in 1907 when we took over those ranges. About 3,000 head of cattle were then carried there. At certain times lately I doubt whether it would carry more than 500 to 600 cattle.

I understand that that area was neglected during the war period?—Yes, we had no cattle on the runs during the war. My brother looked after those runs but he was at the war and it was impossible to engage neighbors.

After the war were any steps taken by anybody to clear it up?—Yes. The trouble was that we had four or five very wet summers, and it was impossible to burn in that country. The major
part of it is snow country.
Did you get the fires up there in 1932?-- I was not there. I gave it up in 1926.
What has been the condition of the forest in recent years?-- There is a very big accumulation of bark and dead leaves. In parts I suppose it is one foot to two feet deep.
Do you know what they call that forest?-- I think Nuyong is the forest area.
Do you agree with what the previous witness told us about the appointment of a forest warden?-- Yes, decidedly.
Have you any suggestions of your own in addition to what he has told us?-- No.
You think it would be a good idea to have the forest burnt in the way you suggest?-- Yes.
THE COMMISSIONER: Has there been any fire in that country that you are describing, legally or illegally, accidentally or otherwise?-- Yes, there has been.
Without giving any names can you tell me the source of the fires?-- Yes, I think cattlemen, naturally. I should say that would be the cause.
MR. GOWANS: Can you say whether the area you were speaking of was burnt this year?-- Yes, practically the whole of it.
Were you affected at all by the fires?-- Not this year.
Were you at the fires?-- Yes.
The previous witness xxix said that he saw no Forests Commission employees at the fire?-- I never saw them at the time. I was on my xxix way to the fire with Mr. Taylor, and when I saw two men at Mr. Burden's residence at Essary North I asked who they were, and Mr. Taylor informed me that they were two forestry officers. I never saw them at the fire but I heard that they went on later towards Bruthen.
Would they have known of the fires?-- Yes, they asked where the fire was and they were advised to follow the cars but they did not
do so.

Were they foremen?—I could not say.

I suppose you have fought a good few fires in your district?—Yes,

I have been at practically every fire round our district.

Do many of them come out of the forest?—Practically all of them.

Have you ever had any Forests Commission employees fighting the fire with you?—I never saw one.

MR. BARBER: You referred to these two men who were not at the fire as forestry officers. Are you using that term in a technical sense or do you mean that they were employees of the Forests Commission?—I would say they were employees.

We will have to find out about that. Your objection to continuing your lease in the Forests Commission country was that they insisted on no burning?—Yes.

And also policed the area to see that there was no burning?—I do not know about the present time, but they had two fire officers stationed there at that time.

Do you know whether they insisted on no burning on Crown lands?—Do the Crown Lands Department have any worry about burning?—I could not say.

You are not familiar with the practice on Crown lands?—No.

I take it that you are one of a class of graziers who had their cattle down in the lower country during the winter and who send the cattle up to the higher country in the summer?—Only the breeding stock.

Some cattle?—Other cattle were left on the top all the winter.

When would you suggest that the burning should be done?—That would depend on the season. During some years you could burn in the autumn. In some years it will not burn in the spring.

You only want to burn in the autumn?—Yes.

There is another class of grazier who puts his cattle into the lower ranges for the summer and would burn there very late in
spring in order to get summer grass?— You would not have grass burning late in the spring.

Burning there at the proper time to get more grass?— Yes.

Would those fires in the lower ranges cause some danger of working up into the high country later in the season?— Yes.

And in fact do they damage the country that you would be interested in preserving in the higher areas. Do you follow me?— Yes. In 1927 a fire from the lower country went up on top of the forest reserve on the high country but it went out of its own accord because that area had previously been burnt fairly systematically.

THE COMMISSIONER: Burnt in defiance of the forestry policy?— Yes.

MR. BARBER: At what time of the year had that protective burning been done?— It had been done during the previous autumn.

Do you agree that the burning for summer grass in the lower timbered country does constitute a menace to the higher country?— It does under the present system but it would not under a system of systematic burning of the higher country.

That is the whole crux of your objection— there ought to be systematic burning throughout the forest district?— Yes.

What is your view as to the co-operation the graziers would give to the Forests Commission. Would they be prepared to pay for any of the labor or should the Commission do the whole thing itself?— I should say that the lessee would be in favor of burning his own lease.

He would supply the labor under the guidance of the Forestry officer?— Yes.

THE WITNESS WITHDREW.

FREDERICK WILLIAM HOWE, SWORN AND EXAMINED.

MR. GOWANS: Your name is Frederick William Howe and you are a grazier at Upper Livingstone?— Yes.

You have a grazing lease from the Forests Commission south of taun township?— Yes.
I understand that you were partly burnt out in the recent fires?--
Yes, that is correct.

To what do you attribute the safety of your remaining property?-- A
check by fire last year, the burning off of timber on my own property. I am not here to say that that got outside that country now, or whether someone else lit it. It was because of 200 or 400 acres of bush property being burnt around much of my property.

You are the witness previously referred to as being convicted for lighting a fire in January last year?-- Yes.

THE COMMISSIONER: Were you proceeded against under the Proclamation?-- I think so.

MR. GOWANS: I understand he was.

MR. BARBER: That was the previous year.

MR. GOWANS: You did that thinking it was a way of preserving your property?-- I did not actually do it that way. I was picking up sticks and burning them and the grass used to burn around the heaps a little. I still contend that it never went outside my property.

That is an old story which we will not worry about. Was it regarded as having been effective in preserving your property?-- It has been.

Do you agree with the views of the previous speaker that there should be more burning off in this district under some control?-- I do. I think that if the forest were saved up for 100 years and the fire were to get into it again, we would have less hope of preventing it than we had in the last instance.

What is the condition of the forest in your grazing area?-- It was exceptionally bad as far as undergrowth was concerned. We tried for about three or four hours one night to get up to the head of one fire by walking, and in the end we gave it up. It was that scrubby that we could not get there.
How long is it since that fire went through there?—It must be 25 years.

A previous witness suggested the appointment of some kind of local fire warden. Do you think that is a good idea?—I do. I think it requires a committee to appoint someone. The Committee should take control of work in conjunction with the Forests Commission and see that the undergrowth does not get too thick.

I suppose the main thing is to see that it does get burnt?—The main thing is to keep it clear in some way.

I suppose you prefer to have it checked as it was sometime in the past?—Yes.

THE COMMISSIONER: The appointment of a Fire Warden has been suggested. By whom should he be controlled?—I should say he should be controlled by the local committee. They should keep an eye on him to see that he is doing his job?—Yes, he should be told by the Committee when to burn and when not to burn.

Whatever form it might take, you would approve of some such appointment?—I would.

The details could be worked out all right?—I should think so.

MR. COWANS: What do you think of the present Proclamation period?—Under certain conditions, it is not right. There are quite a number of seasons when we cannot burn off here in the early spring or the late autumn. There are quite a number of seasons when you have to wait well into the summer and then it would not be dangerous to the timber or to anyone.

At present the Proclamation operates through the whole of Victoria?—In this high cold country, where it has been burnt now, I do not doubt that it will not be possible to burn again for the next year or so in the early spring or the late autumn unless it happens to be very dry; it depends on the season.
I suppose some local body would know what the conditions were in
the beginning of the season and would be able to fix a
period?— They should be able to do so quite reasonably.
The trouble is that nobody can suggest what area should be covered
by the Proclamation. What suits the high places does
not suit somewhere down in the lower areas?— No.
Would you make it apply throughout the whole of the Shire?
Should it be a smaller or a larger area than that?
THE COMMISSIONER: Your shire is a very big one, is it not?—
There are two distinct types of country.
MR. GOWANS: Would each Riding be a more suitable area?— I
think the Riding should be a suitable unit.
In general, is it the one type of country in each Riding?— Yes.
THE COMMISSIONER: Is the township included in one of the Ridings?— Yes.
It is not a Riding in itself; there is a lot of country with it?—
Yes. This Riding extends somewhere down near Benambra.
MR. BARBER: Are you putting it that you had to light this fire
that you were fined for lighting, that it was necessary?
It is about the only time of the year that you can burn
off reasonably.
It was in high summer?— It was in summer.
You had burnt heaps all through the summer?— Yes.
And those fires had escaped into the forest on several occasions?—
THE COMMISSIONER: He does not agree with that.
MR. BARBER: I am putting it to him.
THE COMMISSIONER: It seems to me that whatever this man did, he
has been fined for it. I do not think it is any good
taking it up again.
MR. BARBER: That would be so, except that he is putting it as a
matter of virtue, — that he was fined for doing some-
ting that has saved his property.
THE COMMISSIONER: Can it affect this Commission whether he lays
a claim on virtue or not?

1212.
MR. BARBER: He has been put forward as a witness to assist the Commission, and that is part of his evidence.

THE COMMISSIONER: All through this Commission I, rightly or wrongly, have been inclined to see where men really stand in the matter, and I have tried to save embarrassment on all sides as much as I could.

MR. BARBER: I have no desire to embarrass him.

THE COMMISSIONER: I think we all know the position, probably.

MR. BARBER: If that affects Your Honor's mind, it is quite obvious that it is no use pursuing the matter further.

THE COMMISSIONER: The point is that these gentlemen all burn on occasions. Apparently he was fined for the accidental escape of his fire. I think that no doubt on other occasions he lit fires where he should not have done so, but I am not going to ask him that question.

THE WITNESS WITHDREW.

WILLIAM PARNELL O'BRIEN, SWORN AND EXAMINED.

TO MR. GOWANS: My full name is William Parnell O'Brien, and I am a grazier residing at Swift's Creek. I have been a Captain of the Swift's Creek Fire Brigade for six years.

THE COMMISSIONER: Is that a Bush Fire Brigade?—Yes. It has been in existence for ten years and it is still going on.

MR. GOWANS: In what area does your Brigade operate?—It is about 30 miles from north to south. Actually, the area is 30 miles square but it is an irregular shape from east to west. There would be only about one point where it would reach 30 miles in width.

Can you tell us something of the work of this Brigade in fighting fires during the last couple of years?—Our first call for this year was to Bindi Station on 19th December. I had been warned the evening before by the owner of Bindi station that a fire was approaching. On the following day we were called hurriedly to Bindi and by the time we got...
there some trees and 1,000 acres of grass country on the station were destroyed. We worked that day, the afternoon and the night of the following day without any rest. We worked eight days altogether on that fire which extended the full width of Bindi station from the forest country on one side to the forest country on the other side. On that and other fires our Brigade worked for 23 consecutive days altogether.

THE COMMISSIONER: How many members have you?—54 financial members.

How many active members, active fire fighters?—About ten casual members and the insurance.

How many of your members are active fire fighters?—We had 101 men on that particular job. I kept a record of that fire.

You call in volunteers?—Yes. They are mostly landowners and their employees. I think we had only one man who was not employed by anyone.

In your 23 days you would be working in shifts with different teams, I suppose?—Yes, and in different places, not all working together. The fires were at extreme ends of our district. Some of the men would be at one fire and some at the other.

MR. GOWANS: Have you had 54 financial members in the last ten years?—No, I think that is our greatest number.

What is the least you have had?—I could not tell you.

Can you guess at it?—No. I cannot. I just got the figures from the Secretary of the Brigade, and particulars of our membership this year. I have had no occasion to do so previously. The membership is greater this year, more men joined up. Practically every landowner is now a member.

I can understand that this year because no doubt they are more interested than they were a year ago. Do you agree with that?—Yes, our membership was about the same last year. As far as I am aware we have got only one new member this year.

Do you know how many fires occurred in 1937?—No.
Or between 1937 and the last season?— I cannot call to mind any fires in 1937.

I mean the 1927-28 season?— Yes, there was one in the forest country outside Bindi Station. Our Brigade was there for two days.

Is that the only one you can remember in 1937-38?— That was the only one in 1937.

That is the summer before this one?— It was last Christmas 12 months, Christmas Eve and the day previous to it.

Can you throw your mind back to the previous summer?— I can go back to 1933. We had many fires then.

I am trying to get the period between 1933 and the present time.

Was your Brigade in full working order all that time?— Yes, we have been in full working order all the time.

Have you had what equipment you wanted?— No. I think we had an issue from the Forests Commission to start with, but it was not nearly enough. We had to buy a great lot for ourselves. That was ten years ago when we first started.

Have you received any grants from any Government Department?— No.

No Government money at all?— No, it is all local money.

Firstly we were organised on a volunteer basis and there was a charge of 1/- per 100 acres. After two or three years fires had been quiet and we did not need that much so it was reduced to 6d. per 100 acres. That is still carried on. After this year I think we are bankrupt.

Our bill for food was £61/6/3, that was this year. In addition the Red Cross paid our bills during the last two or three days, on the Black Friday and on the following day.

THE COMMISSIONER: Did no other association, such as insurance companies, offer to help you?— We, we have had no other help.

MR. GOWANS: Does the local Bush fire brigade belong to a Central organization. Is there a Central Bush Fire Brigade Association?— We are affiliated with the Bush Fire Brigades Committee in Melbourne.

What is the extent of your affiliations, how does it take shape?— Through them we have the insurance of fire fighters. 1215.
MR. GOWANS: They are all volunteers that you have for fighting?—
Yes, there are no paid men. I think I can only call to my
mind one fire which broke out in settled country. The
fires practically all come from the forests. The district
is practically surrounded on all sides by forest country.

You have no difficulty in getting your men out to the fires.

Have you enough men?— Of course, we did not have enough
men when Black Friday came. We had practically enough men
to control the fires up until that time. At that time on
the 13th January, practically the whole of the forest
country had been burnt previously. The fire that night
erupted through the only piece of settled country that
leads to our district, that is where the highway crosses
the gap.

I suppose it was pretty difficult to fight that fire on the 13th,
it was jumping a good deal?— It was impossible. It
jumped for many miles.

Do you know how far?— I think eight or nine miles.

I have heard some story of it jumping from the top of the gap
down to some area in the creek?— Yes. It is hard to say
just what distance that is as the crow flies, how far that
fire travelled. A week later I found a couple of acres
burnt on the other side of my place, about two miles from
where I knew the nearest fires had been. That had been
burnt near a sheep camp, and the poor ground checked the
fire. There were logs still burning on the following
Friday.

Is there anything else you can tell the Commission about the
activities of your brigade. What about transport?— That
was voluntary.

Did you have enough transport?— We did. We got our men there,
but sometimes it is difficult.

THE COMMISSIONER: How did you get your men together when a
sudden call comes in?— The Secretary usually does that.
He remains at home the whole time, there is a fire on.
When a fire alarm is first given, it is usually from
the landholder concerned.................................
The Secretary then notifies all the members around the district and they congregate. During the fire the Secretary remains home the whole time, and he will only receive a message from some officer who is at the fire. That is to check any false alarms which may occur. It has worked very satisfactorily. However, we could do with greater assistance in the way of equipment and so on.

MR. GOWANS: Where do you keep your equipment?—It is stored at Swift's Creek. We have had a special cabin built and it is locked up in that.

You seem to be rather more fortunate than Omeo, in the matter of a Bush Fire Brigade?—When we had the annual meeting this year, we wrote to the three other points in our district and asked them to attend. Those three points are Ensay, Omeo and Benambra.

What was the result?—I do not think they attended.

Do you remember when there was a Bush Fire Brigade in Omeo?—Yes.

How long ago was that?—About ten years ago.

At the time your own Brigade was formed?—Yes, thereabouts.

Why is it it has died out here, and kept going at Swift's Creek?—I cannot throw any light on that point.

It seems as if the people in Swift's Creek are more enthusiastic?—Yes.

There is more settled land around Swift's Creek than around Omeo?—Yes, I think there is.

Is there anything else you wish to say that might help this Commission?—In my opinion the only way to check the fires is the systematic burning of the forest.

In that respect you agree with what the other witnesses have told us?—Yes.

MR. BARNER: Your Honour, I do not know whether any evidence has been given as to the registration of these local brigades with the Bush Fire Brigades Committee. If there has been any evidence given, I will not bother.

THE COMMISSIONER: I do not think there has been any evidence given on that point, but there will be evidence given in 1217.
Melbourne by the Bush Fire Brigade Committee.

MR. BARBER: Your local brigade is registered with the Bush Fire Brigades Committee in Melbourne?—Yes.

To be a Bush Fire Brigade under the Act you have to be so registered?—Yes.

The main object of registration is that you as Captain, and the other members, are protected by Section 10 of the Act, and indemnified against any damage you might cause in the course of your fire fighting operations?—Yes.

THE COMMISSIONER: What is the name of the Act?

MR. BARBER: The Bush Fire Brigades Act 1933, No. 4185. (Section 10 of the Act read by Mr. Barber). Your Honour, it is rather a protection against action. Indemnify is not the right word.

THE WITNESS: Our authority ceases in the forest or within one mile of the forest if a Forestry Officer is on the job.

MR. BARBER: The equipment you have was originally a grant from the Forests Commission?—The original equipment was, but we have purchased a great deal since.

You know, of course, you can get further supplies from the Forests Commission?—No. I was not aware of that.

I believe that is so. I do not think you will be supplied with new material, but you can get further help in the way of equipment from them. Perhaps that might be good news to the local brigade.

THE COMMISSIONER: Apparently you can apply for it.

MR. OFFICER: Regarding the question of greater co-operation with your bush fire fighting activities, do you get full co-operation from the P.M.G.'s Department?—Yes, we have had every assistance that is necessary.

On this matter of Insurance, the only protection against injury caused by bush fires is that fund created by the Bush Fire Brigades Association?—Yes.

You have to pay a per capita amount on the members of your registered brigade?—Yes.
That covers the people for whom you pay?---Yes, that is so.

You specify by numbers?---Yes.

Fifty of the hundred who were with you had no protection as far as your policy was concerned?---I suppose that would be so.

Do you notice that there is any unwillingness by people not directly connected with the land, to go out and help you because of lack of protection?---I have not noticed anything directly, but I think it would be very likely to work against getting volunteers.

It would not affect your district so much, because there are practically no township residents?---No, that is quite so.

As Captain of your brigade over a period of ten years, have you ever sought permission to burn precautionary breaks in the early part of the year?---I do not think so.

Have you ever personally attempted to get permission to burn?---Yes, and I failed to get that permission.

Was that in a proclaimed period?---Yes.

From whom did you ask permission?---The Forestry Officer at Bairnsdale.

He told you you could not get it because of the proclamation?---Yes.

It was impossible to grant permit.

MR. BARBER: Who was the officer?---I think it was Mr. Firth.

MR. OFFICER: Have you ever seen a Forestry Officer attending any of those local fires?---I have never seen a Forestry Officer present at any fire, although I have been aware they were around our district and close at hand.

Is there any particular instance of that you can refer to?---Six years ago. We worked for about 11 days on fires in the Brookville district, and when we returned to Swift's Creek one evening there were two Forestry Officers at the hotel. We went off again next morning to the fires, and---

MR. BARBER: I would like to know what relevancy that has, that six years ago two men apparently did not go to the fire. It seems very difficult to see how that is relevant to this.
Inquiry.

THE COMMISSIONER: We are not proceeding by any rules of evidence for one thing. It is put that this is the experience of this witness. I understand he is going to relate further instances. It is relevant in that sense. It is said by many in these districts that the Forests Commission creates a state of danger, that danger burgeons into actual fire and that fire escapes from the Forests Commission territory on to private property. In some cases the Commission's officers do not help to put it out. That is what is being said; the weight of it is entirely a different matter. In that sense it is relevant if it is a forerunner of a series of experiences. If it is an isolated instance of six years ago, I would say it has no weight and is not relevant.

MR. OFFICER: I have no desire to attack the actual man concerned in this incident. It is entirely on the point that the forests have become a menace to the inside country. These men who are concerned in protecting the inside country carry the whole responsibility of getting out and trying to prevent that menace from actually annihilating them.

THE COMMISSIONER: It is further relevant on this ground; this Commission is charged with making suggestions for preventative methods in future. If that practice of Forestry Officers was proved to be a wide-spread practice, some suggestion would have to be made to that effect.

MR. OFFICER: I do not want to labour the point.

THE COMMISSIONER: Mr. Barber, I again reiterate I am not dealing with the weight of this evidence; it is merely the possible relevancy.

MR. BARBER: I appreciate that, and that is what I was putting, that an incident of six years ago by those two men could not have --

THE COMMISSIONER: If it was followed up a year later with a similar action, it may have some weight.

MR. BARBER: That is possible.
THE COMMISSIONER: I do not know whether this is a forerunner of other cases, but I cannot exclude it until all the evidence is put.

MR. OFFICER: Since that period, have you ever known a Forestry Officer to attend a fire while you were fighting a fire in forest lands?—No, I have never seen one at the fire.

Have you any knowledge they had been there previously and had been recalled, or had been there during the fire or after the fire?—After that occasion of the Brookville fire, I saw the Forestry Officer in Bairnsdale when I was seeking a permit to burn. We got into conversation over the fires, and the officer told me he was at the Brookville fire. I became interested and questioned him a bit. Finally he told me he went as far as Carroll's house and returned. That would be about one mile from the nearest point of the fire.

THE COMMISSIONER: Can we bring it a bit nearer, as Mr. Barber suggests.

In the course of the 28 days you have described, what was the state of affairs with regard to the presence or absence of Forestry Officers?—I did not see a Forestry Officer at the fires.

You said all the hills were alight on that day?—Yes, we started on the 13th December and carried on until 15th January.

There were fires all over the State in December and up to January 13th?—Yes.

It may be of course the men may have been engaged elsewhere. I am taking your evidence as you give it. You did not see them in that long period?—No, there has never been one in my experience of 12 years.

THE COMMISSIONER: I am merely trying to put both sides.

MR. OFFICER: The position may be there are insufficient Forestry Officers to control the very large area.

MR. BARBER: We agree with that.

MR. OFFICER: That is really the substance of what we are saying.
We are not attempting to attack the men in charge, but merely to say that apparently they are not able to attend these fires.

THE COMMISSIONER: I think nearly all of us are agreed on that.

MR. BARBER: Let us get that from the witness. Is that your attitude?

THE COMMISSIONER: He has not an attitude; he does not know. He is a Bush Fire Brigades Captain and said he did not see a Forestry Officer. I put the other side they may not have enough men to deal with the fires.

MR. BARBER: He said in fact he had seen the Forestry Officers near the fire, and that they had in fact retreated from it and left it to the locals to fight. That is what he put as far as I understood it?--I said we returned to Swift's Creek one evening and there were two Forestry Officers sitting in the hotel. We went off to the fire the following day, and when we returned that night, the men were again at the hotel. They never came to the fire, to my knowledge. You are putting it that they remained at the hotel all day. Do you know if they worked?

THE COMMISSIONER: He does not know, he was not there.

THE WITNESS: They were not at the fires.

MR. BARBER: The fires you were on were not the only fires in the district?--I think they were the only fires in our district. Had there been another fire I would have thought they were there.

Where do you say this incident occurred?--The fires were in the Brookville District.

What was the precise year?--1933.

That was before any of our present Forestry Officers were here.

MR. GOVANS: You were present at the Little River fire this year?--No.

MR. BARBER: I do not want the names of those two men, even if you know them. None of the present Forestry Officers were there?--I do not know whether they were the present men or not.

1222. O'BRIEN.
MR. GOWANS: Perhaps Mr. McCoy could be recalled.

THE COMMISSIONER: If Mr. Barber wishes to make an issue of this, we could. You can do what you like about it.

MR. BARBER: I was asking these questions in order to find out when this incident occurred, so that if necessary we can answer it. We might have to make a proper investigation into it.

THE WITNESS WITNESSED.

ARTHUR MERVYN PEARSON: Sworn and Examined.

MR. GOWANS: What is your full name?---Arthur Mervyn Pearson, and I am a grazier and stock and station agent living in Omeo.

I understand you have been deputed by the local graziers to give evidence here today?---Yes.

You were in Omeo during the recent bush fires in January?---Yes.

I understand the position around Omeo is this, that there are no great forest areas at all, but mostly Crown Lands?---I would say the bulk of the country burnt would be Crown Land, but some—

from 10 to 20%, may be of forest areas.

Apparently there is one State forest area to the east of Omeo. Do you know that area?---Yes.

On the other side, there are no State Forests close to the township?---No.

Would you give the Commission an account of the way in which the fires came at Omeo?---For very near a month previous to the 13th, the fires had been coming. First of all there was a fire which came from somewhere near the junction of the Wentworth and Dargo Rivers, and travelled up to the Livingstone. That fire took three or four weeks to come through and travelled over about 40 miles of country. It arrived at the head of the Livingstone the week before the 13th, and was practically under control by local graziers and volunteers. Another fire was burning about 50 miles from Omeo on a spur called the Blue Rag on the other side of Mount Hotham, also across the Dargo River.

1223. O'BRIEN.
PEARSON.
the Dargo River. I am only aware of that fire because I was on the top of Mount Hotham and saw the smoke. I asked where that fire was, but apparently it was not considered to be a menace.

About what time would that be?—About Christmas time. There was a third fire which started somewhere in the locality of Braithwaite's Top. That would be 25 miles northwest of Omeo. That fire had been giving quite a lot of trouble and had been fought almost continuously by volunteers and the settlers. It would have been held in check had the high wind not developed on the 13th. The fourth fire, known as the Bingo Fire, originated lower down the Big River, practically in the same direction as the Braithwaite's fire, though a little further north. That had crossed into the Bingo country which is to the immediate north-west and north of the town. It had been fought and was practically under control at the time of the 13th.

Who were the people fighting those fires?—Everybody was fighting those fires.

Local people?—Yes.

What happened when those fires finally came into Omeo on the 13th?—On the 13th the fire that crossed Braithwaite's Top and got around on to the Bundarah River got out of control with the high wind and spread out on a front of about eight or nine miles along the Bundarah River. The Bingo Fire remained under control, and the fire at the head of the Livingstone was held by the direction of the wind. The fire from between St. Bernard and Mount Hotham, apparently fanned by a heavy wind blew through and the fires met at about Cobungra. They also united with a fire coming over the head of the Livingstone from the Wentworth, and then the fire raced towards Omeo on one front, and was fanned by a heavy wind.
It was coming from a west or north-west direction?—It was practically from the west.

What time did it get to Oseo?—I have no idea of the time, because it had been dark for several hours, and I had been out fire-fighting. A watch that was found at the Oseo hospital after the hospital was destroyed, was stopped at half past nine.

In your opinion, could anything have been done to protect the township before this happened?—Nothing could possibly have been done more than was done. Work had been done by experienced men; they had raked a trail, but in the circumstances even if the break had been five miles wide, it would not have controlled the fire on the 13th.

Did anything add to the intensity of the fire?—Yes, the abnormal weather conditions, the high temperatures, and the high winds.

(Page 1226 follows).
Nothing apart from that?—The country the fire had traversed was in a filthy, dirty condition. Much of that country, according to information I have gathered, has never been fired for forty years. It was mainly Crown lands and forest area. The forest areas a few miles from Gmeo had not been been burnt for twenty years to my knowledge. That is an area about five miles west of Gmeo in the State forest.

To your own knowledge, was that in a dirty condition?—Yes.

Had any fire protection measures been carried out in that forest to your knowledge?—No.

Were local inhabitants aware of the existence of that danger?—Yes.

Had they ever made protests or complaints about it to the Forests Commission?—For years people have continually complained about the policy of the Lands Department and the Forests Commission of no burns. They felt it was only being stored up in the bush, that the debris one day when it did get alight would cause a big and dangerous fire.

When you say they complained about it, did they tell anybody, or were they simply grumbling about it?—They were simply grumbling about it, as far as I know.

Do you agree with the previous witnesses that it is desirable to have some form of local control of burning?—Yes.

Do you think the appointment of a fire warden is a good idea, a man nominated by the shire council to look after fire protection measures in an area?—I think the duty of controlling burning should be definitely in the hands of a local committee of experienced men, and the date of the Proclamation should be left for them to decide. I think the question of actual burning could be left in the hands of a fire warden, assisted by the graziers and landowners concerned, as well as their employees.

You have suggested that the Proclamation should be made to apply to a smaller area, with varying dates according to the districts it applies to. What should be the extent of that unit—
the whole shire, or each riding, or some area less than that?---The Omeo shire covers a vast area. In that area we have what you would call low country 400 or 500 feet below sea level, rising to 6,000 feet above sea level. In that vast variation of elevations, you have vast differences in climatic conditions. If any control were to be instituted, it would certainly have to be in at least two or three sections. The divisions of the ridings as at present constituted would be very suitable.

Would you have the Proclamation starting on a different date in each riding, and a fire warden in each riding?---In the area of the Omeo shire during the summer months, you would probably want at least three men on it.

How many buildings were burnt in Omeo?---In the Omeo riding, fiftytwo homesteads and domiciles were burnt. In some cases, it would be a one-roomed house or a hut, but the total was fiftytwo. I have not the figures separately for the township of Omeo.

The hospital, an hotel and other places were burnt?---There were about twenty houses burnt in the township area, which extends for about one mile.

Can you give us any idea of the damage in the whole of the shire, or the whole of the district about which you have been speaking?---In the Omeo riding, the damage estimate was compiled a few weeks ago by Mr. Le Du Ye, who took great pains to interview each person. He did not accept their valuations of the losses, but placed his own valuation on them. He is a man with vast experience of valuations. He estimated the total damage at about £150,000 consisting mainly of about 23,000 sheep burnt to death, 4,000 head of cattle, 180 horses, 370 miles of fencing, 52 homes and buildings, together with equipment, plant, and so on.

THE COMMISSIONER: That is in one riding of the shire?---Yes.

MR. GOWANS: Could anything have been done to save Omeo township
by burning at the back of the township beforehand?---No. On a night such as that, with a wind blowing, no fire could be stopped. A fire lit to burn back would only have increased the main fire. There was no hope of burning back.

Suppose steps had been taken in the spring?---If steps had been taken then, and the country burnt back for a few miles, it would have been all right, but the country would have to be burnt back for some miles, because that fire was jumping from five to ten miles in one jump.

It has been suggested in other areas that it was practically impossible to do anything. Would it have been possible to diminish the intensity of the fire by way of burning right back into the forest area?---Yes. Had the country traversed by the fire not been in such a filthy state, the fire would never have reached Omeo. Tremendous heat was developed with the fire fanned by the wind going into that dirty land to the west of Omeo. It developed a heat that burnt everything in front of it. Had that land been burnt previously in a systematic way, the fire would not have had a quarter of the head it actually developed.

Is there any valuable timber on the Crown Lands you speak of?---Yes, woolly butt.

You are not referring to the forest areas?---Yes, I am referring to the forest areas.

Outside of that forest area, was there any valuable timber?---No. The majority of the timber would be suitable for fencing, but it is hardly suitable for milling, while, in most cases, it was nearly worthless.

Do you know anything about the Omeo bush fire brigade which once existed here?---Yes, I was a member of it at that time.

How long is it since it functioned?---It has not functioned for eight or nine years.

For what reason did it die out?---We had a couple of fires in the year when the brigade was formed, and the brigade did fairly well.
good work. Our secretary then went away, and we had five
or six years when I do not think anybody worried about the
fires. In a normal wet year, it is impossible to burn
this country, even if you tried.

I am told that a couple of inches of rain up here not only puts out fires,
but it also puts out the fire brigade?---That is right.

MR. BARBER: What did you say about the impossibility of burning in
normal wet years?---In a wet year, or a wet summer, sometimes
we have two or three inches of rain, and you would only have
the chance of a very small isolated fire. Usually in a year
of that kind, you could not burn more than 1,000 acres or
100 acres at a time if you tried to do it.

Against that, in a dry year, extensive burning would be dangerous?---Yes,
unless that extensive burning was proceeded with each year.
If it were not, there would be an accumulation of debris to
make a big fire.

You have just put it to me that if you had two or three wet years in
succession, you could not burn, and if the following year
was a dry one, it would be extremely dangerous to burn
extensively; is not that so?---Not if a fire was lit in the
late autumn of that dry year, when it would be quite safe.

There is a great acreage of timber country around Omeo extending for miles.

You suggest that all of that country should be regularly
burnt every year?---Not every year.

How often?---At least in a period of three years, which should not be
allowed to elapse until the majority of the worst of that
country had been fired.

You appreciate that the timber on that country is far from valuable, even
including the woolly butt, such as it is?---With the exception
of the woolly butt, there is no valuable timber on it.

Would you also agree that the cost of thoroughly burning the whole area

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PEARSON.
would be tremendous?—Not with the assistance of the local people.

Would we get the assistance of the local people?—Definitely so, because I do not think any man leasing from the Crown would like to see the whole of his land burnt in one period.

You do not take the view that the burning is a matter for the Forests Commission and the Lands Department to do at their own expense?—Not the actual burning at their own expense, but they should be represented when the burning is being done.

We agree with that. Do you think that the local people would supply labour for burning purposes?—I think if it were left in the hands of those who lease the country, they would make a perfectly good job of it, provided it was done under supervision.

I asked if the local people would contribute the labour for burning undertaken by and under the control of the Forests Commission?—Yes.

You disagree with the earlier witness who said they would not?—Yes.

Are you serious in saying that there has been no fire through this country for forty years, or were you referring to some particular piece of country?—That was a particular piece of country, at the back of Tobinge, Spring Creek and Red Bank.

I take it you mean there has been no fire of any sort through that country?—No fire of any sort.

So the policy of no burning seems to have been fairly successful in that country, for forty years, at any rate, in stopping forest fires until the last fire?—The longer the fire is kept out, the bigger the fire when it does come.

There have been no bush fires in that area and no patch burning for forty years?—Not in the whole area. That is an area of about one third or one fifth of the total area that has
been burnt.

Do you mean that some of that area was not burnt even in this fire?---Yes, it is all burnt now.

You have told us that it was burnt on a very exceptional day. Was any application to burn made by local people, to your knowledge?---I do not think local people were aware that they could make application to burn.

That is a problem we have met before. So far as you know, no application was made, whatever the reason?---No.

You mentioned the Wentworth River fire?---Yes.

Did you see any forestry officer there?---Is the local policeman an officer of the Forests Commission?

Are you aware that there were five forestry officers at that fire. Perhaps I am using a loose expression - they were employees of the Forests Commission?---No, I was not aware of that. The local policeman was the only person of a representative capacity that I saw there.

MR. OFFICER: On the question of co-operation with the Forests Commission in burning off, if such were permitted, you speak on behalf of the graziers who have Crown leases?---Yes.

The position of those people is somewhat different from people down in the Tambo Valley at Swift's Creek and Ensay, where they have no Crown leases?---That is right.

The graziers whom you mentioned as being prepared to co-operate would be men who are on the Crown leases?---That is so.

MR. GILMOUR: Have you ever seen a copy of the Proclamation that I now produce, in that general form?---Yes.

Where did you see it?---I have seen a copy posted in public places in and about Omeo.

I am told that there is one on the police notice board?---That is so.

That is the Proclamation which sets out the conditions under which timber, scrub and so on can be burnt within the proclaimed period. Have you ever read it?---No, I have never read it.

Have you ever heard of anybody who has read it?---No.

MR. BARRAS: Have you ever heard of anybody going to the Forests
Commission office or to the police station and asking what the Proclamation was all about?---Personally I have not heard of anybody.

This burning is of vital importance to you people, is it not?---I do not say it has not been done, but personally I have never heard of it being done.

THE WITNESS WITHDREW.

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JOHN FRANCIS HAZEL: Sworn and Examined.

MR. COMANS: What is your full name?---John Francis Hazel. I am a first constable of police stationed at Omeo.

In addition to occupying that position, you are the forestry officer?---Yes, I am the forestry officer for the sub-police district of Omeo.

What are your duties as a forestry officer?---Generally to keep a supervision over forests in the area, also to take any fees, issue licences, and deal with money matters of that kind for the Forests Commission.

Are you authorised by the Commission to burn off?---Yes.

Have you had any applications for burning off during the last summer?---In the seven years I have been here, in which I have held this office, I have never had one application.

I understand you have a copy of the Proclamation posted up at the police station?---Yes.

Is there a copy posted up anywhere else in your area?---No, that is the only place where it is posted up to my knowledge.

What about at the post office?---I do not know anything about the post office. I do not think there are any notices posted there at all.

Has anybody ever come along and asked you anything about the Proclamation?---Occasionally some of the interested graziers and lessees of Crown lands ask me about the time they can burn.

Have you ever told them, or have you ever been asked for permission to burn off during the proclaimed period?---They have never
asked for permission.

Do you know whether you can give permission to burn off?—Yes, I know that.

Nobody has ever asked you anything about it?—No, and I have never volunteered to do it.

It is the general impression that you are not allowed to burn during the proclaimed period under any circumstances?—That is so. That is the general impression held.

Some statements have been made about appearances of forestry officers and Forests Commission employees at fires in recent years; can you tell us anything about that?—Speaking of the Omeo shire, it is cut up into three ridings, and in each riding there is a policeman stationed, namely, at Swift's Creek, Benambra and Omeo. Another policeman and myself occupy the position of forestry officer appointed by the Forests Commission—Benambra policeman is the other man. I am not quite sure about the police officer at Swift's Creek, whether he is a forestry officer. In my own district, at all fires that occur, I make it my business to attend them if possible. This year I have attended every fire that has taken place in my district, and have helped to fight them.

The Ensay-Little River district does not come within your area?—No, it comes under the jurisdiction of Swift's Creek.

The fire mentioned by Mr. O'Brien is not in your area?—No, that also comes within the Swift's Creek area.

Can you tell us anything about the attendance of forestry officers at those fires?—No, I do not know anything about that. I know that the previous forestry officer here, Mr. Wylie, and since then, Mr. Needham, took an interest in the district. Mr. Needham has been in this district, and Mr. Wylie was often up here supervising, not to fight fires, but he was here periodically supervising his work.

How many fires were you at during the month of January?—I was at every fire—seven distinct fires in different localities.
Although that may seem a large number, each fire, in my opinion, came from other places, out of other areas and into the case area. I do not think one fire actually started in the case area, but they jumped from place to place and came here. The first fire started on Braithwaite's Top. To my idea, that fire started before the Proclamation was introduced this year. It died down, and then, when the dry, hot climate conditions arrived, it was fanned up, and eventually spread over a big area of country, burning right down in the vicinity of Bingo and Dry Sally. The second fire burning in that area, to my way of thinking, came from Kelly's lease run at Brynside. It jumped the river and came into Bingo on the 8th of January, or approximately a week before the big fire. Prior to that the other fires that I mentioned evidently burnt the Hindy station and originated in what is known as the Splitters Mountain. It came through the back country, and eventually got down into Hindy, into O'Brien's country.

Were they all coming from the west?—They all came over from the west and went towards the east.

Did any of them come through forest areas?—No, I could not say any came through anywhere near the forest area. The only one near the forest area was a burn which came down from Bingo, on the Wentworth River. There is a woolly butt forest area down there, and that fire started that area. There was also a fire started the area that Mr. Ross spoke about. The fire referred to by Mr. Ross as on the mountain came from outside our district. It originated down in the Brockville district. I am speaking of my own particular forest district, also the police district that I represent.

The districts are not the same, or are they?—Yes, almost the same.

Did you go out to any of the fire in December?—Yes, I was at the
Mount Splitters fire.

Were you there in your capacity as a forestry officer or as a police officer?---I take it that I was acting in both capacities.
The local fire brigade has been defunct since 1933. I was the captain of the brigade until 1933, and from that year until 1937 we had little or no fire at all. That was mainly due to climatic conditions. As a consequence, the brigade became defunct, because there was no work to do.
In 1937-8 we had a dry season, and 1938-9 was again a dry season, and there have been fires, but the bush fire brigade has never been resurrected.

What happened to the equipment?---From time to time, the equipment went away, bit by bit. Different men who had fires would come and get part of the equipment, it would not be returned, and now we have little or no equipment.

In your opinion, could anything have been done to make Omeo more safe from the fire of the 13th of January?---No, I do not think so. Volunteers from the district fought the fires strenuously for weeks on end, and I think everything humanly possible was done to check them. I saw the fire before it came here on the 15th of January, in the vicinity of Cobungra, and I do not think anything could have stopped the force of it.

Could anything have been done before the fires started to make the fire menace less obvious, anything in the form of burning?---I would not like to express an opinion on that.

Do you know the Crown lands to the west of Omeo?---Yes, most of them.
Do you agree with the account given by a previous witness as to their being in a very dirty condition?---Some are in a very dirty condition. Fires have been through parts from time to time, and it appears to me as each fire goes through, there seems to be a greater accumulation of undergrowth, which means that it must be burnt more or less continuously.
They had reached the stage when they had to be burnt.
Are there any other matters you wish to speak about for the guidance of the Commission?---I do not think so.

Have you any forestry employees here to assist you?---No, there are no forestry employees here at all. When the fires occurred this year, the landowners would ring me on the telephone, and then I would endeavour to get other landowners and workmen about the town, also council employees, to go with me to fight the fires.

MR. BARBER: As I understand it, there is comparatively little Forest Commission land in the vicinity of Omeo?---No, it is only in close vicinity to Omeo where there is a small area, at Jim Jack Creek. There is one area to the east, and one to the west. The west area is down towards the Upper Livingstone.

Most of the timber area on the hills surrounding Omeo is Crown lands and private property?---Yes, the majority of it is Crown lands.

What is the general condition of private property in this area?---A greater portion of the low country is privately owned. Portion is cleared, and portion has dead timber on it, and is used for grazing purposes.

Would you say that the timber on the private property is in a similar condition to the Crown lands, or better, or worse?---I think privately owned property is in a better condition than some of the Crown lands.

THIS WITNESS WITHDREW.

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(Continued on page 1237.)
JAMES NOEL BRAID. Sworn and examined.

MR. COWANS: What is your full name? — James Noel Braid. I am a grazier at Hinnamunjie. I was deputed to appear at these proceedings by a meeting of residents presided over by the Shire President there.

Until the recent fires had been any fires of any consequence in the Benambra district? — Not since 1933.

Was it a severe fire then? — Yes, it caused a fair bit of trouble in 1933.

What was the effect of the 1933 fires on the condition of the forest on Crown lands? — After that things were let go. There was a heavy fall of snow in 1936 which brought down much timber and made the conditions such that when the fires got into it it was nothing but a furnace.

Had any steps been taken to clean up those areas after that fall of snow brought the trees down? — None whatever.

Have you seen any steps taken by Crown land or Forests authorities to make the Bush Fire menace less dangerous? — No.

What was the condition of the forest areas in Crown lands before the last fire? — They were in a deplorable state.

About how far was the boundary of the State forest from your place? — You mean in Crown land.

No, on the State forest. There is a State forest to the east of your place? — Yes, it is about eight or nine miles away.

Take that area of State forest; it would not be a menace to you people, would it. Is it not on the wrong side? — The fires early in December which menaced the country. — —

Did you get those fires from the East? — From the south-east. That was part of the Hindji fire. It burnt all the country.

Apparently it was on the south-east of Hinnamunjie that the State forest exists. On all other sides it is Crown land? — Yes.

Were the Crown lands in the same condition? — Yes. There is some at
Beloka where I have property also. It is in a worse condition there.

Could anything have been done to make a fire like the last one less severe?---I think that if the country had been burnt off in the autumn of 1938, it would have improved the position. There were one or two fires in the Beloka district and they proved a valuable fire break.

You were present this morning when the other witnesses gave evidence?---Yes.

I understand that this meeting advocated some kind of systematic control of burning in this area?---Yes, a resolution was passed as follows:

"That this meeting strongly favours systematic burning to be enforced by forestry officers during periods fired by some local authority such as Shire Councils or Bush Fire Brigades, the reason for this being that as seasons vary in different parts of the State, a State wide Proclamation cannot be suitable everywhere".

That means that you endorsed the views of the previous witness in regard to varying the terms of the Proclamation?---Yes.

Is there anything else that you think you could usefully add for the guidance of the Commission?---I would suggest that all burning be left to local control.

You have heard the suggestion that some kind of Fire Warden should be appointed to, say, each Riding of the Cumes Shire. He should control all burns. Do you agree with that?---I do, as long as he takes his directions from some local body - a local committee or Bush Fire Brigade.

Have you a Bush Fire Brigade at Benambra?---No, there was one some years ago but it just died out.

Have you any equipment left?---I think it is practically all gone.

MR. BARKER: Would you be happy to prescribe an arrangement by which the Forests Commission and the Lands Department withdrew altogether and gave local residents an open-go for five or six years. Do you think that would be a good idea?---I think so.
From what I hear from the older people, they never had any serious fires.

The old people had not the advantage of 50 or 60 years continuous growing.

The only quarrel you find with Mr. Barber's suggestion is that he mentions five or six years as the period.

I am a city man and perhaps I am over-impressed by what seems to be vast areas of timber about here, but do you think the farmers and graziers here would be capable and would have the time to thoroughly burn and clean this entire area?—I think they would do it for their own protection.

You really think they would do it and put the fires out?—If the bush were burnt properly I do not think there would be such dangerous fires.

Take the area that has been described in this State; it is going to be a colossal job to effectively burn it to clean it through now?—I think the main thing is to burn it so that it does not menace settled areas to the same extent.

Would you burn around settled areas?—In close. People who were out some distance would naturally protect themselves.

You would not go right out into the back country and do fire protection work?—Not when nobody has any interests there.

You do not think that fires originating in the far back country will again sweep through here, go right through your protective burning, and again reach the settlement?—Not if it is 40 or 50 miles wide.

In regard to this matter of burning by graziers and Mr. Barber's suggestion of giving you control of it, in adopting a plan of judicious burning, that would not necessarily mean extensive burning?—No.

Patch burning?—No. It is not to any grazier's advantage to have a very hot fire. We can see the results of the previous fires. There is no grass whatever coming up with the recent rains.
If Mr. Barber had the opportunity to give the control of all the land to the graziers interested in it, it would not mean that immediately they received control the graziers would set fire from one end of their leases to the other?—No.

They would be sensible and would just burn in patches?—Yes.

MR. BARBER: That is why I am putting it. That is why it would be so costly and difficult. It would be easy to put a fire through the lot.

MR. OFFICER: Is the suggestion conveyed that it would be your desire with patch burning to light that dangerous patch at the earliest opportunity when it would burn?—The idea is to keep the bush as clean as possible.

It is a matter of burning in the light of your local knowledge patches which are potentially dangerous?—To keep it clean.

If a fire does get away in that district you know where you should run a trail and shoot it into a bank?—Yes.

THE WITNESS WITHDRAW.

WILLIAM B. B. FELL. Sworn and examined:


What are you by occupation?—I have been a miner, a farmer, and all sorts of things, but I have not done anything for the last ten or twelve years. I have written shortly, in the terms of your Commission, the various conclusions that I would like to give you. I propose to read them and then I could be cross-examined. My knowledge of the bush has been gained in twenty years. I have been in the mountains practically every summer. We terraced the river for many miles, doing any mortal thing that could be done in the bush, fishing, etc. I know the graziers; I know the bush, and I know the fires. I know the causes of the fires and I want to give you those main causes. (Reading) "Remarks Applicable from MeAllister River to Cabo."
There is a variation of causes from the marginal land on the edge of the range to the 4,000 and 5,000 ft. elevation. It is very rarely dry at the summit.

The first cause is the necessity to burn sour grass in green timber country where such country is held on lease or stocked without same.

The second cause is the supposed necessity to burn grass which has lain under snow or has been frosted for months in the winter.

The third cause is the economical desire on the part of some owners on the fringe of the bush to remove vermin and other plagues from the immediate vicinity of cleared lands.

The fourth cause is malice, envy and hatred.

The fifth cause is the sleeper cutter, the camper, the tourist, the prospector and so on.

The sixth cause is the minute chance of spontaneous combustion or lighting in a dry season. There has been a minimum of this in the past 12 months.

Under privilege I can give evidence that I have seen fires lit by every one of those means - fires by the tourist, accidental fires I admit, not once but over a series of twenty years.

The second thing in your reference is "Origin".

1. The origin dates back to the time when it was seen that a temporary advantage was gained through burning sour grass annually. Since then it has become a recognised custom.

2. Excepting the minute danger of spontaneous combustion and the small danger from lightning in the past 12 months, every fire in Victoria was lit by a match or some other artificial method.

3. That the majority of range fires were alight in December and it was the entire absence of a thunder storm which gave them their later development.

In four years out of those five years...
fires would have been put out, probably unsung and unheard of. I came through miles of these fires in December, out fires that in January had burnt in. The first fire I saw lit was on about the 27th November and from then right on to the 22nd December when I left that bush, fires were constantly being lit in different directions all around me. In fact, I could tell by the direction the smoke was coming from who I would probably see in the next 24 hours.

4. The origins and causes being manifold and customary, unless some drastic steps are taken to deal with the original match, such fires are possible under the same conditions at quinquennial periods. Climatically, however, a 10 year period may be allowed on our present outlook.

The third aspect is the measures to be taken to prevent the outbreak and spread, and the measures taken to protect life, private and public property. The fact that after the outbreak in early January, when the whole of Victoria was alert to the danger, fires still continued their destruction more or less out of control, points the moral that once started in any similar season, control is almost impossible to obtain except in wide limits of area.

No system of fire breaks is of any value in forest or bush country under similar conditions once the match is lit. A minimum of one mile in width is necessary and to my mind that is practically and economically impossible bearing in mind the continued changes of wind and direction of range fires. Up to the present no effective steps have ever been taken to even lessen the danger. I am convinced that any forward steps must be drastic and deal with the original match and its primary object.”

MR. GOWANS: Perhaps you could help the Commission a little further after that comprehensive survey. What do you suggest
are the steps that should be taken by way of precautionary methods before the fire starts or becomes as wide and intensive as they were in January?--I have written down here what I would suggest. It is rather a big thing.

(Reading) "Measures to be taken to prevent Bush Fires and to lessen their spread.

1. The first thing to consider is the effect of continuous firing in the ranges for, to my knowledge, a period of 30 years. The soil in the bush on the slopes facing southwards is in my experience always deeper than the soils on the slopes facing northwards on which side more shingle and stone is apparent. All of this soil has accumulated over thousands of years from the gradual decomposition of surface vegetable matter. This accumulation has been proved to be almost infinitesimal in one year and is a very slow process. It is apparent, therefore, that any burning will and does destroy the accumulation which is making that soil. Any lessening of the enrichment of that soil over a period of years means a lessening on slopes of the better vegetable growth, thereby bringing in what we have to face if it is allowed to go on, a vital problem of erosion for the next generation, which I think has already got its hands full.

At present, owing to burning, the scrub, that is, wattles and other rubbish, has increased to an enormous extent. In addition to that range country which was comparatively open grazing country has become dense scrub and more or less stunted trees. The range has steadily declined in feeding value and with the advent of the rabbit now into the 4,000 and 5,000 ft. country the outlook is highly perplexing when one thinks of erosion and the next generation. The more valuable vegetation is giving way to one of little value and when the period of erosion begins, if burning is continued, it will be found that the poorer scrubs have lost their retentive value.
Shortly, for these reasons I am entirely opposed to burning being made a legal remedy. At present the grazing is, I believe, entirely done on large leaseholds at a low rental. I am in favour of the resumption by the Crown of the whole of those leaseholds and the appointment of forest rangers in the range and agistment fees for their cattle, thereby destroying the benefit which might occur to any one leaseholder through the use of a match. There are certain peaks visible from one to another standing up to 5,000 ft. which should be connected by telephone and on which accommodation should be provided for individual fire guards. Failing the nationalisation of forests it seems to me essential that a line should be drawn up the Mitta to where it junctions with the Gibbo Creek, from there up the Mosaic Creek to Benembra, continued to Tongio, and down the Tambo to the lakes. In my opinion that 150 miles of range running to Gibbo can only be handled by one hand as 120 miles of it is the inflammable border between two States. If not the whole, the nationalisation of this part is essential. That 120 miles of inflammable country has been almost regularly alight for 100 miles this year."

We have heard a number of witnesses say that the forest areas and the Crown land areas are in a very dirty condition practically throughout the whole State?—That is quite right.

Whatever may be the reason for that, whether it is due to previous fires or to any policy of the Forests Commission, do you not think that something will now have to be done each year to clear up that debris?—My basis is that you should deal with the primary person, the man who uses the match.

Take the bush as being composed of parts of bracken, parts of scrub and grass, and parts of open grass. You cannot burn bracken more frequently than once in four years to get a successful burn. Bracken four years old will not raise a flame of less than 10 to 15 or 20 ft.
The fire that is going to take place in the bush, unless it is a burning of leaves and short grass only, is going to raise a flame 6 or 8 ft. high. When you are my age, you will then realise what erosion will mean.

How are you going to get rid of this state of affairs? I suggest the removal of leaseholders, taking over the control of the Crown lands, the running of cattle under forest rangers, and the placing of fire guards in every visible point connected by telephone.

Do you think that you would stop fires in that way? You cannot stop any fire in a year like this once it starts. It is going to stop itself.

Take in another ten years time, do you think the area that this fire has gone through now will be in the same inflammable condition? Just the same.

Will the presence of fire guards, and the taking out of graziers, etc., stop that big fire? You have had evidence that one portion of this bush near Cooee was not burnt for 40 years. Why should that not be so if the country were under the control of fire guards and forest rangers.

I cannot answer questions for you but I suggest that all over this State we have heard evidence from people to the effect that it was impossible to keep fires out of those areas? I do not agree with that.

That seems to be the point upon which you differ? I do not agree with that at all. I quite agree that it is impossible because you really have to get rid of a generation.

Would you put the graziers out altogether? I would put the graziers out altogether.

**THE COMMISSIONER:** Do you think you could keep them out? I am now referring to leaseholders. I look upon the grazier as the man on the settled area with fences around his property.
MR. CONAN: What about the danger from lightning and natural causes of that kind?—We know fires are caused by spontaneous combustion and I think there is plenty of evidence that fires do start by trees being struck by lightning; but we have had practically no thunder storms this year.

The success of your policy would depend on eliminating fires altogether from the bush?—Quite, or minimizing them.

Does it not depend on eliminating them?—Yes, eliminating outbreaks.

Do you not think that is an impossibility?—I do not know that I can say that. They have eliminated them in India which has a dry belt almost similar to ours.

Do you know anything about the Fire Protection schemes in India?—No.

MR. OFFICER: Is the country between Benambra and Kosciusko timbered with valuable timber?—I do not know who you represent.

I might have to vary my answers.

I am representing the people you are going to put out of the country.

Is the country between Benambra and Kosciusko timbered with valuable timber?—There are places in it where there is very good ash. There is a word which they do not use in Australia, and that is "wood". It is wood and forests in India and Canada but here it is nothing but bush and forests.

Is there a great deal of valuable timber in these woods here?—Only under your present economic conditions.

I am speaking of the present. Are those odd patches of ash accessible?—They are accessible. I think some mining people ran a road in through it, but there would not be any object in getting it out when there is nearer timber.

It is uneconomical?—Absolutely.

Most of that land is held at present under Crown leases?—Yes, in New South Wales and Victoria both.

A fair number of cattle run in that country?—There were. I should say there were 8,000 in New South Wales, but I suppose
they would have to be sold.

Prior to this fire there were a lot of cattle?---Yes. I should say there must have been a couple of thousand immediately around where I was.

The owners of those cattle would have had enough sense, from a purely selfish point of view, not to light a fire?---I am afraid that is not the case in places. It is a very nice theory but it does not work out in practice.

The losses from those fires were principally to the stock owners?---I am speaking on a privileged basis. I give nothing away.

I do think the ordinary fire that would be lit, and as you know is lit in the ranges each year, was not put out by Providence this year as fires in previous years. It was bad luck that the cattlemen suffered so badly.

Assuming it was bad luck this year, if your policy is adopted in the future, will the men who have actually suffered the misfortune due to the bad luck and dirty conditions in the forest, be as anxious to go back into that part?---I doubt it very much. I think you will find when you get back into the country they are nearly all elderly men. That is my experience. You do not find many young men in the bush today; they do not seem to like it.

Your proposal in this country, which you say is not valuable from a timber point of view but is from a grazing point of view, is that there should be agistment instead of leasing?---Quite.

Can you give any information regarding the procedure to be adopted in policing this agistment. Who is going to take the cattle in and count them?---I think you would find men all over the ranges who would be only too ready to do it. There are men used to the ranges and skilled at that job who I am sure would be only too ready to do it.

Are they going to be able to police the number of cattle going in there?---I would say so. One knows men in the range who
recognize a calf they sold two years before.

Was it not your suggestion that the Lands Department or the Forests Commission should appoint them?—Yes.

Have you any knowledge of the possible disagreements that have occurred in the agistment country?—There are grievances occurring all over the world today; we have them everywhere.

Under the method in which the agistment country in this district is run at present is the best value obtained from a carrying capacity point of view?—That is what I cannot say, because I have only been in that bush for two years. I would say in connection with stocking it and grazing it, it is only a 5-months season and your rangers would only be required from the end of November to the end of March. Most of the mustering is done in the high country in March.

Your recommendation for the nationalisation of forests does not end with the high country?—It takes in the whole of the high country, and some of the low country?—Yes, in order to get a boundary.

In this lower country there cattle running far longer than just the five months?—Yes. I would eliminate cattle out of the green bush altogether. There is nothing in green bush for cattle unless a match is put in every year.

You are serious in suggesting agistment in that country?—Yes, of course. I say there should be agistment where there is good grazing.

The stock have to get up there?—Yes.

Your Honour, I do not want to delay you, but I was wondering whether you wanted any evidence on this matter of range difficulties with the agistment country. I do not know whether you are aware of the difficulties of grazing country under agistment against the leasing of areas.

The Commissioner: I think I have some little outside knowledge of some of the difficulties; but if you wish to put evidence...
you should do so by all means.

MR. OFFICER: If you have that outside knowledge I do, not wish to delay you.

THE COMMISSIONER: It is not a question of delay, but if you wish to put evidence you do so.

MR. OFFICER: It is only arising from the recommendations of this witness, personally I would be quite satisfied with such knowledge as you have gathered. I do not want to press it.

THE WITNESS WITHDREW.

REGINALD HENRY NEEDHAM, Sworn and Examined:

MR. GOWANS: What is your full name?—Reginald Henry Needham and I am an assistant forester. I am the forestry officer in charge of the districts of Bruthen and Omeo.

I understand Bruthen and Omeo are two separate forest districts but they are joined together for the purpose of administration?—That is so.

The Bruthen district contains 276,000 acres of reserved forest and 542,000 acres of protected forest?—That is so.

And the Omeo district contains 169,400 acres of reserved forest and 518,000 acres of protected forest?—Yes.

What staff have you got?—I have two permanent employees besides myself; two staff foremen, one stationed at Bruthen and one stationed at Mt. Taylor about 12 miles from Bairnsdale; there are three forest foremen, one of whom is stationed at the E.K.S. mill on Mt. Baldhead out from Brookville, one who this summer has been up on the Mumbiang country out from Ensay and the other stationed at Sarsfield; four foremen and three semi-permanent leading hands. From the 1st July 1938 we have had a maximum of 35 men employed and a minimum of 22, with an average of 54, that is on relief work.

What is the position of men like the local policeman here who gave evidence?—They receive the princely sum of £10 per annum.

What are their duties?—They collect royalties and issue licences if any.
are required. They issue permission to landowners to burn off
and they generally supervise the burning of fires. In the
last six or seven years, as the previous forestry officer
stated, there have been very few fires in this top country.
What is their actual rank?—They just rank as a forestry officer. I
suppose they are one step above an honorary forestry officer.
You have a number of mills in your area?—Yes, we have five sawmills
in the district: all in the Bruthen district, of course.
Only one of those was destroyed by fire?—That was not destroyed. The
huts and boarding house were destroyed but the mill itself
and some other houses were saved.
That is Collins's at Mt. Elizabeth?—That is so, in the Parish of
Timbarra.
How long have you been in charge of this district of Bruthen and Omeo?—
Practically two years; I came here in April 1937.
Where were you before that?—For the previous 9 months I was at Macedon
in charge of the Macedon sub-district, before that I was
temporarily in charge of the Bragolong district for six months,
prior to that six months at Mt. Taylor in charge of the sub-
district, and I was at Orbost in East Gippsland for three
years before going to Mt. Taylor.
I understand the State Forests in your area are mainly in Tambo, Ensay,
Omeo, and Himno-Munjie?—Yes.
Any others?—Our forest areas in Bruthen, and we have forests in the
Parishes of Colquhon, Wyyung, Tambo, Kinleck, and Timbarra;
but in the Omeo district they are mainly confined along the
Divide as protection forests from erosion. There are fringes
of woolly-butt through that, but with the exception of
Mt. Baldhead and the Runniong country there is very little
good timber in those reserves. On Mt. Baldhead there is
white ash and woolly-butt, quite good areas of them,

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NEEDHAM.
and at Munnioig there are large areas of good woolly-butts. Did any of those areas suffer during the recent fires?—Of course, the Omoa areas suffered most.

The Tambo was not touched at all?—As far as our Bruthen country was concerned, we managed to save practically all of it.

What about the Ensay district?—The fire originally started along the back river in Ensay and it burnt until about the end of December. It was on Bentley's Plain a distance of about three to four miles from the back river. Our men stopped the fire there and when the big fire came from the Little River it did not burn the woolly-butts. That was burnt earlier. However, it came further down and burnt over the southern end of the range, and that was damaged on a small area of woolly-butts, about 200 acres. The fire coming down Little River was attended to by the local residents. Our men came down from the top of the back flat as they could not do any more up there. They were unaware how far the fire in Little River had travelled and they intended to warn the people below. They were unable to get down by the usual track, but got down another track further along. When they got down there was a large number of people from Ensay who had raked all along the fences of a private property and attempted to burn. The people, particularly Gordon Burden told us we were not required. They said "We consider you have done quite sufficient". We came back to Bruthen. We were out until 2 o'clock. S T.R. was also communicated with and asked to warn three cattlemen who were up on the hills and who intended coming down next day. They were unable to get down and they received that message. I think if they had not received that communication they would have been caught.

Are you satisfied, as officer in charge, with the work of your men

1252.

NEEDHAM.
Could you have done any better with more men?—We probably could have
done more in that top country with more men.

Did you apply for more?—No, not for the top country. This is the
second year we have had men at Numhiong. We had five men
at Mt. Baldhead this year. Those men spent the first three
weeks of their stay fighting fires under the supervision of
the forest foreman at the E.S.S. mill. I think it was due
to their efforts the mill was saved and the employees from
the mill were saved.

During the two years you have been in charge have you carried out any
protective measures?—I have carried out silviculture to
the extent of 3954 acres.

Is that in any way connected with fire protection measures?—It is in
this way; in thinning out and cutting down dry trees near
the tracks and picking up the logs that are on the ground.
They burnt in heaps which means that the floor of the forest
is clear of logs which are a menace when you are putting out
a fire. We formed new patrol tracks in that same period to
the extent of 3083 chains, and maintained existing patrol
tracks of 17,465 chains. We have a total of about 261 miles
of patrol tracks in the district.

Where were these steps were taken?—These are the total protection
measures which have been carried out. In Wyyung 4,000 acres,
Wamba 400 acres, Tambo 4,215 acres, Boonderoot 1,250 acres,
and Calquhon 7,500 acres.

Those are all round Bruthen?—Yes, in the better class of forest.
A radius of how far from Bruthen?—Of course, Mt. Taylor is about 30 miles
from Bruthen; that is about 16 miles from Bairnsdale. The
works would be within about a 12 mile radius of Bruthen.

What have you done in the Omeo area?—There have been no measures.
the Omeo area except that this year they have worked on the road at Mt. Baldhead.

Putting a road in?---No, maintaining the road and cutting the scrub along it. The idea, of course is to keep all cut tracks clean and open so that we can get into the fires as soon as possible.

That has been done since the fire?---No, they were there before the fire started.

About what length of road?---When it is completed it will be from Brookville across to Mt. Baldhead about 12 miles.

Apart from that, there have been no fire protection measures in the Omeo area at all?---The fire guards have been at Mt. Runniong for the last two years, and the last year before they left they did patch burning which helped considerably in saving the country there.

Why did they leave there?---They came down in the autumn at the end of the proclaimed period.

Has there been any scheme drawn up for the forest areas in your district?---Only so far as we are concerned around Bruthen; we have evolved a scheme which we have in practice.

You yourself?---Yes, and the Divisional Officer at Bairnsdale, also the previous divisional officer.

Has the Divisional Officer at Bairnsdale been very active in the steps that have been taken around Bruthen and Bairnsdale?---Very active.

Has he been active anywhere else in your district?---Do you mean with regard to Omeo?

Yes?---He has been to Omeo.

How often has he come to Omeo?---I could not say.

Would you come up with him every time?---No, not every time.

What about yourself, how often do you come to Omeo?---I go to Mt. Baldhead more frequently than I come to Omeo. There are two mills there, one has been there for about seven or eight years, and another mill started about the middle of last year,
and I am there at least every three weeks, sometimes every 
fortnight. I suppose my visits to Omeo would average about 
one every two or three months.

What do you come up here for?—Usually to inspect areas adjoining the forest 
which have been applied for for selection, or from the Lands 
Department, to see if there is any objection to that; to see 
how things are going, and to see if anyone is requiring timber 
for culverts, bridges, or anything of that nature.

We have had some evidence as to the nature of the duties carried out by 
the District Officer, and we know they are pretty various and 
considerable in number. Can you give us any guidance of the 
duties that you are mainly occupied with?—Apart from fires?

Apart from fighting fires?—Since October last year we have spent a fair 
amount of our time on fires. In this district we have, in the 
past two years, during the winter, have had up to as many as 
200 unemployed to supervise. We have over 40 sleeper cutters 
whose operations have to be inspected, and we have five sawmills.

You have to collect the royalties there, see they burn their heads, and 
so on?—Yes.

About what percentage of your time would be taken up with the supervision 
of fire protection measures?—During the summertime and the 
wintertime?

Yes, all the year round?—I should say at least 50 per cent., probably 
more; it just depends on the summer season. Our figures 
show that the total area of improved country in this district 
is approximately 20,000 acres. We have a total length of 
tracks of 21,000 chains.

In that 50 per cent., you are including the actual fighting of fires?—Yes.

Leaving that out, about how much of that 50 per cent. would be taken 
up in actual fire protection measures, supervising the
cutting of tracks and so on?—- I should say 25 or 30 per cent.

Of the whole of your time?—-Yes. I do not cut the tracks myself;

It is a matter of showing the men employed the work to be done, and seeing it is done.

What is the reason for so little being done in the Omeo district?—-As far as the top country up here is concerned it is purely a protected forest and the revenue from it has never warranted the expense.

So the position is that if a forest does not produce revenue you do not bother very much about it, even if it were a menace to the people around it?—-If the people around the forest ask us to co-operate with them we would certainly do so.

But when it comes to a question of keeping a State forest in decent clean order it is a matter for the Forests Commission?—-All we could do in this forest would be to protect the people living near it.

As far as burning the whole lot, it is aggravating the position. We could patch burn.

In what way does it aggravate the position?—-It means that every fire you light you get more scrub. It is a vicious circle; once it is started you have to keep it going. The total area is 1,105,000 acres, and if we had to burn the whole of that country the number of men required would be enormous. The only measure we can take is to patch burn the hilly areas adjoining.

Could you not burn selected ridges. You could take them each time until it was regarded that it formed an effective break?—-It would be a position of miles of ridges. One would not like to venture an issue of the number of miles of ridges in this district.
You think nothing could have been done in the way of selecting ridges and positions where you think they would act as a protection, and burn some of them?—So far as the fire that burnt out Omeo is concerned, patch burning would save Omeo from a normal fire, but with a fire burning over the snow gum country, it does not lose velocity. It burns over the upper country on which stock has been starving for months, and, in this case, it swept into the town, over the town and did not die down until it got to the vicinity of Swift’s Creek. I think that is the same fire as was described by a witness at Maffra, the fire that swept across the Dargo High Plains, came out of the heavy timber country with terrific force on to the top country, and then swept through Omeo. To stop that type of fire where we would have to do our burning would be on the Dargo High Plains, where the heavily timbered country is, because I think that is where it got its velocity.

Is that heavily timbered country State Forest or Crown Lands?—It was all woolly butt country prior to the fire, on Crown Lands.

Do you share the view expressed at Maffra that it is no concern of yours to carry out fire protection work in Crown lands?—We carried out fire protection works to the extent of keeping the sleeper tracks open, and patch burning on Crown Lands, but we did not do any road works, or fire break work, for the reason that we could put a road through the Crown land areas and then someone would come in and benefit from it by selecting it.

What patch burning have you done in the district?—We have patch burnt along the ridge tops to the extent of 3,400 acres. We have burnt strips to the extent of 2,000 chains, as well as performing the cleaning and burning of long fire breaks and patrol tracks.

In what area has that been done?—The patch burning has been carried
out around Bruthen and the Mt. Taylor country. At other areas we have burnt patches varying from 1,000 acres to 200 acres, making a total in all of 3,400 acres.

That burning has been mainly in the southern part of your district?—Yes.

There were areas patch burnt at the end of last season at Muniong in the gum country.

Is Ensay one of the forests you speak of as a protected forest?—The Muniong country up on the top is not, but the Ensay country along Little River is protective forest. There is no timber of great value until you get to the top, where you have the woolly butt growing.

Are you using the word "protected" or "protective"?—Protective — for protection from erosion.

What is another phrase "protected forests"?—Yes.

What has been the practice of burning off of mill heads in the forests here?—We have advised all our millers annually to burn. Since I have been here, and I think previously, they have been advised in writing. This year we advised them on the 15th of September to have the mill heads burnt by the 30th. In some cases they were not able to burn by that time, particularly in the top country, and we allowed them to burn later. In one case, down at Casey's Mill on the Prince's Highway, owing to the exceptionally dry winter in that country and dry spring, it was dangerous for them to burn the heads, and it was considered to be so dangerous that our own men burnt them.

We advised the sleeper cutters to burn the heads both in the autumn and in the spring.

Did you find that they carried out your instructions?—Yes, we saw they carried them out.

You had no difficulty with them at all?—No, it is an old custom.

What safety measures are taken in and around the mill sites in your area?—The D.K.S. is the only mill in a dangerous position, and that has a dug-out for its employees.
Did you require them to put it in?—No, I think the Union required them to put it in. They are very decent in taking precautions, and clean around the mill fairly well. At Collins' Mill at Mt. Elizabeth, they patch burn around it early in autumn.

Did they take shelter in the dug-out at that mill?—No, they were able to fight the fire all the time.

MR. OFFICER: You have said that most of the protection fire work has been carried out in your southern forests?—That is so.

You made the statement that the revenue derived from the Omeo areas was not sufficient to warrant any attention being given to them?—Yes, that is so.

Is that an instruction you received, or did you just form that opinion yourself?—No, it is an opinion that has been held for some time, for the simple reason that when we carry out works we have to keep them in operation. If we clean a fire break around private landowners' blocks, and unless we keep that fire break in order, it is not kept in order by the private landowners.

Did you work it out for yourself that a certain area was not profitable to your Commission, therefore, you were not going to do any work in it; or did somebody tell you you were not to do any work in it?—No one told me. The work was in operation when I came here, and we just continued on with the idea. We have a large area of improved country, which has been cleared at a cost of about £60,000, and it is necessary to think that we should protect that area. We get some criticism for spending money foolishly and then not protecting it.

Keeping to the Ensay-Omeo areas, have you ever reported to your Head Office as to the condition of the undergrowth in those areas?—No.

Have you ever formed an opinion as to the potential danger of them?—No, because from my experience I think it is burnt every time they can get it to burn.
Is it your view that the undergrowth does not create a menace?—It is my view that fire creates undergrowth, and undergrowth increases fire.

Is it your view that undergrowth increases fire?—Yes.

In your inspections of the Omeo-Ensay areas, have you formed any opinion as to whether there was heavy undergrowth in those areas?—Definitely, but nor more than elsewhere.

But it was there?—Yes.

Knowing that would make a big blaze when it got going, you have not taken any action or suggested to the people down below that some action should be taken to clean it up?—No.

MR. BARBER: From your observations, has much burning taken place on Crown lands in the district?—I will say that in this district the genuine grazier is rather chary about lighting fires in bad weather, for the simple reason that either he or his predecessors have been indiscriminate in burning in the past, and scrub has resulted. It has meant that the carrying capacity of the areas has been decreased.

There has been too much fire in the past?—Yes, I think so.

Do you differentiate between the genuine grazier and the non-genuine graziers?—Yes, there is the genuine grazier on the high country, and the back yard grazier, who has a few head of cattle which he runs in the forest behind his property. If he gets grass, he puts them out; if he does not get grass, it does not matter.

When does that kind of individual light fires?—Usually in the low country in the summertime, and then he gets feed for the winter.

Is the fire that he lights in the summertime a source of danger to what you term the genuine grazier in the high country?—Definitely, because it goes right up to the high country.

The genuine grazier in the high country would not light in the summertime under any circumstances?—No, I do not think so.

It is not in his interests to light in the summer?—No.
The real menace both to the genuine grazier and to the rest of the community comes from people who light fires in the summertime?—

—Yes, irresponsible landholders.

Apart from this summer lighting, has there been much protective burning of Crown lands done, with or without your consent. Is the land still subject to a fair bit of burning?—Between here and Orbost, if anyone is interested in it, it is burnt whenever it will burn, particularly east from Omeo.

Do you take any action about that?—We endeavour to check them, and take action when we can catch them, but the difficulty is that you must see the man light. Our own licensees are as big a menace as the back yard grazier, in cleaning up the scrub so that they can carry out sleeper hewing operations, and so that they will have cleaner country to get about in.

I gather from your evidence that you have attended some bush fires in your area?—I have attended a few.

You heard the suggestion that no Forestry Officers have been seen at bush fires up this way; what do you say as to that? Can you say anything more than you have said?—I will say that the people at Swift's Creek have a very active bush fire brigade and have never called on us to assist them at a fire. Their procedure is to stop the fire from getting into their cleared country. My idea has been that we have not the men to come up and put a fire out. To put the fires out, we have to go into the forest and put the whole lot of it out, not merely stop it from getting into private country. I think they are better left alone. Down Bruthen way, where we attend all fires on private property, not only when they are near forests, this year we have gone to fires as private citizens probably. We have no legal right, but we have gone to fires three or four miles from forest areas and helped to suppress them. This season we have had one of the worst seasons we have ever experienced, and we have had one volunteer.

When you say you have no right to go to these fires, you mean you have no
statutory duty to go to them?—Under the Act, we have no power to go on to private land unless it is within a certain distance of a forest area.

But as a private citizen you can and do go?—Yes.

MR. GOWANS: You expressed a theory that we have heard several times, and I suppose it is generally accepted—fires produce undergrowth, and undergrowth produces fires. We have heard that there has been burning back in this country for quite a long while, and consequently there is scrub in the forests. What is your attitude about that? Since the scrub is there, what do you expect to happen to it?—In our improvement works, we previously cut the scrub, and we found that the scrub increased. We have stopped cutting it, but have kept if cut along the tracks and have places patrol tracks along the ridges. We have subdivided the area as much as possible, and eventually that scrub, particularly when the canopy is closed, dies out. That is all right where you can protect it. When I was at Orbost, the original settlers would tell you that the forest east of Orbost was clean, open forest in the early days, and there was no scrub there at all. One other misguided person told me that originally the obligation was to keep it burnt regularly.

There have been a lot of "misguided" persons who have told us the same thing, but apparently you do not agree with that?—I do not think you will rid the scrub by burning it.

Once it is there, what will you do?—If the canopy can be closed, the action of light will kill the scrub.

How long will it take?—It depends on the scrub.

And it would depend on the timber itself, and what you do with the timber?—Yes.

Up in the Omeo State Forest, since there has been very little attention directed to it, it probably means that the scrub will stay there until it does burn?—Yes, and we have the erosion 1262.
problem up here too. From an erosion point of view, it is more valuable than in the lower country where there is more valuable timber.

Would a light fire through it cause dangerous erosion?—No, I do not think a light fire through it would cause danger from erosion, but the trouble is to keep it a light fire.

If it were burnt off every now and again, would it not be a fairly light fire?—Provided the fire was put out.

Suppose it were done under control?

The Commissioner: What has putting it out to do with the lightness of a fire?—Providing that after a fire had burnt through, the burning ends were thrown in and not allowed to smoulder through the early summer, only to develop into big fires later—that is what I mean.

What has putting it out to do with a light fire?—A fire burns until it gets rain on it, unless it is patrolled.

Mr. Barber: I think what the witness means is to light a fire, but if it is left and not thoroughly put out, it may blaze into a heavier fire in a later season. I do not think he suggests the putting out affects the lightness of the fire itself.

Mr. Gowans: We know that the forestry officers suffer under certain difficulties, but have you carried out all that you would like to do in the way of fire protection in this district?—No, I would like to carry out more work in the Muniong and Baldhead country.

What has been the trouble?—Lack of funds in the past. We had a good system of breaks that stopped the fires this year down below, and we hope to increase our work down there in the future.

What about up in this area?—That is where we hope to increase our protective work.

I have been asked to suggest to you that the possible provision of regional fire guards up in these grazing areas might have some effect in stopping fires?—I think if landowners would
co-operate we could help to protect their property, and probably save an ordinary fire from coming out into it.

THE WITNESS WITHDRAW.

THE COMMISSIONER: I desire to thank the witnesses who have attended this morning. Great interest has been shown in this district in this matter, and I again renew my thanks to Mr. Officer, who tells me that the thanks are really due to the gentlemen who have been assisting him.

THE COMMISSION ADJOURNED UNTIL 9.30 A.M.

ON MONDAY, 6TH MARCH, 1939,

AT BELGRAVE.
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