(Thirtieth Day.)

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

MELBOURNE

on

THURSDAY, 30th MARCH, 1939.

PRESENT:

HIS HONOUR JUDGE STRETTON, Royal Commissioner.

MR. GREGORY GOWANS, appeared to assist the Commission.

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

MR. A. B. KELSO, appeared on behalf of the Melbourne and Metropolitan Board of Works.

MR. W. SLATER, appeared on behalf of the Forest Officers' Association.

MR. A. D. HARDY, appeared on behalf of the Victorian Branch of the Australian Forests League.

MR. W. SWINDON, appeared on behalf of the Victorian Bush Fire Brigades Association.

THE COMMISSIONER: Before we commence the proceedings today, I think I should say a word of thanks to Mr. Hardy and to Sir Herbert Gepp for having shown us the pictures which we saw yesterday. I think they were very instructive, and I am very glad that I had the opportunity of seeing them.

MR. HARDY: The pictures were the Forests Commission's pictures.
which the Forests League arranged to have shown. The film was prepared by the Forests Commission for general education purposes.

THE COMMISSIONER: I must include in the word of thanks the Forests Commission.

ALFRED VERNON GALBRAITH, Recalled and Further Examined.

MR. BARBER: First of all, there is a short statement that you desire to make in regard to the training of the staff, particularly in view of certain criticisms that have been levelled at them? Before making the statement, I should like to say a few words about the forests themselves. A forest is not a mere collection of trees; it is a highly complex organic unit, and the basis of control or management is thrown on to three main factors - climatic, physiographic and biotic. The Commission at the outset was very keen indeed to develop a staff which was not only technically trained but which approached the control of the forests in a highly practical manner.

The Commission has always realised that the best forestry programme in the world will break down unless the executive staff in the field is competent in respect of training and experience to give maximum effect to the determined policy. With this idea in view, the Commission at its inception, decided upon a plan of equipping its staff with the requisite technical knowledge as well as practical experience. The backbone of this scheme has been the Forestry School at Creswick, originally established in 1910, twenty-nine years ago. As a preliminary, the Commission strengthened the school by sending its Principal abroad, for instruction and experience, and the curriculum was extended. It might be here stated that the recruitment of young officers is controlled by a Board representative of the Melbourne University, by two Professors, one of whom is Chairman, namely, Professor Wadham; a
representative of the general public, Mr. Frank Tate; the Director of Education, Mr. Arnold Seitz; and the three members of the Forests Commission. Candidates must have matriculated as students in subjects appertaining to science and are selected to undergo a three years course of training, half of which time is spent in nurseries, plantations and forests and the remaining half in lecture work and study. After completing three years at the school, the final examinations are held and the students are drafted to the staff as cadets, serving under experienced officers. They are then promoted, subject to field efficiency, through the various offices of Assistant Forester, Forester, Chief Forester, Inspector, or in the technical branches of research, silviculture or management. No officer is promoted until he has definitely shown that he is capable not only in his forestry duties but also of dealing tactfully and judiciously with the general public, whilst another important factor taken into consideration is his capacity to handle men and direct their work intelligently. In no case is any young officer given power to execute the Commission's forest fire policy except under the control and guidance of a senior officer. In addition, young officers have with them men of ripened experience in fire prevention and fire fighting in the persons of forest overseers, foremen and employees of long standing. In regard to the curriculum of the school, this was submitted to the highest authority in forestry education in the British Empire, namely, Professor Troup, of Oxford, and also to the officer in charge of the Imperial Forestry Institute. The decision which they came to was that the curriculum compared favourably with that of any other school for higher training in forestry in the world.

It might also be stated that a goodly proportion of these young officers have been born and bred
in the country, whilst all of them are recruited at a most impressionable age of life. From the time they enter the Forestry School, these youths begin to absorb forest lore, and in a very short time can be classed as good bushmen.

It should also be stated that eighty per cent. of the present staff comprises graduates of the Creswick Forestry School. The Commission has thus been able to maintain a well balanced and well trained staff. Officers who have graduated from the school are taking the places of the older forest officers occupying responsible positions who retire from time to time.

The average age of staff officers in the Victorian service is approximately thirty-nine years. It is emphasised that the forest officers of this State are called upon to perform multifarious and onerous duties. I understand that a list of forest officers' duties has been handed in as evidence, so that aspect will not be elaborated here.

It should be stated that, with the coming into operation of the Transfer of Officers Act of 1938, the Commission will no longer control its own staff, which power was originally vested in the Commission by the Forests Act No. 2976 constituting the Commission in 1918. With the limited funds at its disposal, the Commission has one hundred and thirty staff officers in the field, which means that one man controls approximately 37,000 acres of reserved forest, and 121,000 acres of reserved and protected forests. Taking into consideration the various duties required of the forest officer, the task of efficient control of such a vast area, especially in regard to complete fire protection is extremely difficult, and well nigh impossible. For the information of the Royal Commission, it may be mentioned that in most other countries of the world, a staff officer controls a very much more restricted area. For example, in Prussia, the average area of forest supervised by a forest officer is
about 1,330 acres, and, in addition, these areas are well roaded, and are easily accessible. In New Zealand, whilst in some respects conditions are somewhat analogous to those in Victoria, although not in any degree is comparable as regards fire hazard, the unit charge is about 19,500 acres. It is considered that in Victoria for effective control there should be at least one trained forester to every 20,000 acres of forest.

I am going to add that, even then, and with due regard to economic circumstances, we cannot hope for a properly controlled forest policy. The area should be less than 20,000 acres for every office. I should also like to emphasise that in overseas countries access to forest areas is very complete, and the management of the forests is a much easier task than it is under Australian conditions. The Forest Commission's ideal of forest management is to give to the people from its own asset as much as is possible, with due regard to economic conditions and the preservation of the forests for all time.

MR. BARBER: His Honour had some discussion with you yesterday on the dug-out question, which you postponed because you did not want to break the thread of your discourse at that stage. Have you anything you desire to say on the subject now?---

Yes. It is all very well to be wise after the event. The question of dug-outs presented a very difficult problem to the Commission, inasmuch as it was not taken up enthusiastically by all the parties concerned. The Commission had an intense desire to act on humanitarian lines; in fact, it felt a degree of responsibility. I should like in the first place to retrace the history of dug-outs. After the 1926 fires, we were all very much worried about the question. A number of people were saved by retreating to a tramway tunnel under what is known as The Bump, on the Divide of the Latrobe watershed. That brought something to my mind, and my experience
overseas suggested something on the lines of dug-outs to give the people a subterranean retreat. The matter was brought before the Commission, but I cannot swear to the date, and at first the Commission was divided on it. I had a strong belief in the value of dugouts, and when I brought it forward, I was laughed at and scoffed at. I am not saying that my Colleagues on the Commission scoffed at me, but the proposal was laughed at by employers and employees alike. They said that dug-outs would mean the asphyxiation of people rather than their protection from fire. Later the members of my Commission were unanimous on the question. We really believed in dug-outs, and we still believe in them, but we recognise that we had limitations in bringing the subject forward. The Hardwood Millers Association had been approached by Mr. Scanlon, of the Timberworkers' Union, in whose mind the same scheme had apparently been developed. A deputation came before the Minister of Forests, and all agreed that it would be a good proposition. We, therefore, felt it was our job to prosecute the idea, which we did, but again we found limitations all along the line. After the 1952 fires, the circumstances became more apparent, and we felt that it was our duty to stir the matter up and keep the millers up to the mark. I think you will find, on perusal of the file, that we placed upon the millers the obligation of looking after the safety of their employees. In the file, you will find that the word "urge" is used frequently. The Commission felt that, by its Act, it was not altogether responsible for life and limb; there were other departments looking after that. Nevertheless, we did not shirk responsibility. We felt it was incumbent on us to do something, and we did it. We felt that, even if we had not done anything, we could not be legitimately criticised at this stage. On the other hand, if we
hand, if we had coerced these people into providing dugouts, and the dugouts had not been successful, I would have been facing Your Honor in a totally different position to-day.

Dugouts were an experiment, and dugouts had not been subjected to a test until the 1939 fires.

(CONTINUED ON PAGE 2205).
THE WITNESS: (Cont): As you know in administration, many things have to be done without the full rigour of the law, and we felt that we were carrying out a humanitarian act in doing what we did. We assumed a voluntary responsibility. Your Honor's remarks were addressed to me on the lines of our having placed in our terms of allotment issued to millers the fact that they had to put in dugouts. As far as I can remember and as far as the files will reveal, 1935 was the first time when we brought up that matter. We were feeling that the matter was going steadily on and that something should be done. We did assume a voluntary responsibility.

THE COMMISSIONER: What I said was that, although you apparently had concluded that it was a proper safeguard and had disemembarrassed your mind of the fear that the people might be asphyxiated and had made it a condition of the franchise, you did not enforce it. That was my question?— I have tried to explain why we did not enforce it. I have tried to be frank. If there is anything that Your Honor would like to ask me, I will answer. 

One officer has given an explanation, and I am very doubtful about its truth, that he over-rode the Commission, although he knew the Commission had attached this condition?— No self-respecting administration could put up with anything of that kind. At the same time, some millers and employees were not unanimous on the question, and various officers did have grave doubts. That created in the minds of the Commission a degree of hesitancy.

I don't believe that the officer did impose his judgment over and above the Commission. Possibly there is some other consideration beyond that?— Probably it was under the stress of cross-examination and he did not have all his faculties.

I make due allowance for that?— Is there anything else Your Honor
would like to ask me on the question?—

I don’t think we have got to the bottom of it yet. I don’t want to be persistent as though I was pursuing you. I should like to get a clear statement why, having made it a part of the policy, you did not see that it was enforced. You made it a condition. If you wondered whether it was a good policy, that would be quite understandable?— We had an intense belief in the efficacy of the dugouts. They had not been put to a practical test. As you will see from the file, we consulted the Crown Solicitor. I discussed the matter with Mr. Menzies. It is not on that file, but I had discussed the matter with him, and we put it up on that particular basis. That suggests that we had a particular doubt about the whole position at the outset. As Your Honor knows in administration, when you want a thing done you don’t reveal the whole position to the outside world.

MR. BARBER: Perhaps I can assist the witness. Was this the position?

THE COMMISSIONER: As his counsel, I don’t think you should say, "Was this the position?"

MR. BARBER: I see clearly what the witness is trying to put, but he is not putting it. Perhaps Mr. Gowans can do it for me.

THE COMMISSIONER: I will not stop you.

MR. BARBER: The evidence that is being led is meant to be helpful.

THE COMMISSIONER: I don’t suggest that the witness would snap up your question. You put your question.

MR. BARBER: Was this the position: that you and your colleagues on the Commission had become convinced of the desirability of having dugouts. That is the first position?— Yes, we had. Then some of your officers, many of the millers and even mill workers were far from convinced that dugouts were any good at all?— Many of them were.

I think the opinion of Mr. Menzies on the file showed that you were troubled about this aspect, that if you insisted on the erection of the dugouts and they proved a failure and in fact led to the trapping of people, you and your Commission might be
liable in law for having made them build dugouts.

THE COMMISSIONER: There would have been public opinion and it would have been sufficient.

MR. BARBER: The Commission got the answer that they would not be liable. The fact that there is the opinion shows what they were worrying about.

THE COMMISSIONER: If that is so, why did they go on "urging?"

MR. BARBER: They got the reply that they were not liable. They were still convinced that the things were good but in the face of the opposition they did not have the enthusiasm to enforce the building of the dugouts even if the people had been willing and eager to accept them?-- Yes, that is the position. That is quite right.

THE COMMISSIONER: That is so, although they might have asphyxiated a few people.

MR. BARBER: No, I don't think they were afraid it was an experiment.

THE COMMISSIONER: If they were afraid that the dugouts might cause harm, the fear would be dispelled by the concurrence of the mill owners. How could the concurrence of the mill owners remove the fear if it existed?--

MR. BARBER: It did not remove the fear, but it may have removed the responsibility.

THE COMMISSIONER: We were not talking in terms of legal responsibility but in terms of public opinion.

MR. BARBER: I am anxious to get this cleared up.

THE COMMISSIONER: So am I.

MR. BARBER: Let me use this illustration. There had been a doubt in the Commission's mind, it was something like this: Let us say that an authority in control of shipping insisted on life boats being provided on every vessel.

THE COMMISSIONER: A certain type of lifeboat?--
MR. BARBER: The authority suggested a beautiful type of lifeboat, but there might be some risk about the experiment. Then the authority might have hesitated. It might have said - "It is a good idea and we urge you to do it." Still, the authority might have had hesitation in insisting on it, and that is the position the Commission took up.

THE COMMISSIONER: That is not the position as stated. Their fear was to have been removed if the mill owners concurred.

MR. BARBER: With great respect, that is not what Mr. Galbraith says.

THE COMMISSIONER: I think it arises from what was said.

MR. BARBER: Your Honor draws that as a deduction. The millers' concurrence did not affect their fear. Their fear remained until the 1939 fires proved that it was groundless. I don't know whether they did. The doubt remained, and the doubt and the millers' lack of concurrence are related in this way. As some millers were reluctant to put in dugouts, the doubt that existed in the Commission's mind affected the Commission when it came to the question of trying to enforce it.

THE COMMISSIONER: They would not back their judgment. If anything had happened, the mill owners would have been able to say, "We told you so." That is a strong line.

MR. BARBER: I think that was the position.

THE COMMISSIONER: They still went on urging them to do it.

MR. BARBER: They could have sat back and said the matter was no concern of theirs.

THE COMMISSIONER: They would have been in a better position, but in a less creditable position.

MR. BARBER: This comes through taking on a gratuitous job - the job of trying to get people to build dugouts, and so they have brought criticism on themselves. Many people might have been dead.

THE WITNESS: I was going to emphasise that fact. If we had not taken that action, lives would have been lost.

HD/A 2208. A.V. GALBRAITH.
THE COMMISSIONER: If you had insisted on that, all the Fitzpatrick people would have been saved?— There is a doubt.

Were lives lost where dugouts existed?— Some people would not stay in the dugouts and rushed outside.

That is a different matter?— It was considered by bush men and others that the Matlock areas were fairly safe. There was a good road and there was a clearing within half a mile. They had other places where they could retreat to, such as quarries. It is apparent that the people did not expect the fire because the horses were harnessed in the stables. The people seemed to be secure. The forest officer considered they were safer than the people were elsewhere. The policy of the Commission was that if we were satisfied that other means of escape existed, we would not press for the dugout principle. The other means of escape included a running stream or a road close handy where people could be placed in safety.

THE COMMISSIONER: The intensity of the fire was such that anybody on the road would have been killed?— Of course. That is the whole position. We were steadily developing this matter and were intending to seek legislation at the right time, but with divided forces it is questionable whether the legislation would have gone through.

What initiated this discussion?— Although you had a policy, you did not seem determined to enforce it, and perhaps later legitimate doubts arose?— We were steadily pursuing the policy as dictated by circumstances.

Did the '38 and '39 season give you any feeling of trepidation?— We realised that we would have a bad time in the forest and made as many preparations as we could.

Did you have any last minute opportunities to get safeguards installed in case of bad outbreaks?— We took steps to accelerate fire prevention precautions, but I will not particularize them. It is no good saying one thing and meaning another.

Everybody's attention was drawn to the Fitzpatrick mill. Yelland's mill was as bad, and in fact in a sense it was worse?— It was
felt that those were sections where you would say there was a
different type of forest from the mountain ash. The esplacement
between the trees is greater. There would be no undergrowth in
the one forest whereas in the other it is a veritable trap.
The 1939 fires taught us all something. Was no lesson to be learned
from the 1926 fires?—Yes, there was a lesson, and we endeavored
to profit from it by putting as much of the forest in order as
possible.
I know that you say all the time that you had insufficient funds. It
is probably true because it appears that you are badly under-
staffed. You would not understaff from choice?—No.
Is it the customs of public departments to agitate when they want money
or have they learned that they must not do that?—We have
agitated publicly and within our Department, and I should like to
mention that point by mentioning this fact. At one stage I came
before the Chairman of an employment committee and he happened to
be the head of the Treasury, and he said, "Have you ever thought
of this: you might get lockjaw at some time by asking for so
much?"
Did you suggest glasses for his myopia?—I was taken aback at that
stage, but it emphasises in a few words the position that we have
to meet. For example, we ask for loan funds or for certain money.
We say that we cannot do with less than £100,000 or £200,000,
and the amount is cut down to £40,000 or £25,000. That is plainly
and bluntly the position, and that is just what I am emphasising.
I suggest that the State, like a private individual, can carry its own
insurance, but you cannot replace the assets in this case?—It
is very true; it is an insurance policy.
MR. KELSO: In this statement of the Commission's recommendation for a
State fire organisation, you suggest, as to Crown lands,
(a) In addition to the Commission's present control, it
should be clothed with full powers relating to fire con-
trol over all unalienated Crown lands and all timbered
lands occupied by public bodies for public purposes, and
(b) Within the areas over which the Commission should exercise fire control, it should be competent to the Commission to delegate authority in regard to fires to any responsible within such area which proves to the satisfaction of the Commission that it has the necessary finance and internal organisation to successfully implement the same. Is the Board of Works one of the public bodies?— I would say, yes.

It is intended to be?— Yes.

In order to obtain this control, I presume you would seek an enactment modifying the Board of Works Act. Incidentally it is not shown in your list of proposed legislation?— It is an oversight, because we were definitely of that opinion.

MR. BARBER: I think there is a general clause.

MR. KELSO: What would be the type of amending legislation that you would ask for?— Have you a clear idea of what you would ask for?— We have not gone into details in that matter.

Will you say how far you want control?— We considered that there should be one definite fire authority.

I understand that, but I am talking about the proposal that you have put forward to effect that. Have you not thought of what you will ask for?— If we were satisfied that the Board of Works had a sound fire protection policy, we would not interfere with it.

Are you satisfied that it has a sound policy now?— I know nothing about it.

Are you responsible for these proposals?— We have not interfered with the Board of Works. We have made no inquisition into your methods because we have no right to.

Then this is put up as something theoretic and not based on knowledge of the present position?— It is no good giving a theoretic answer unless it is based on a practical background, that is, based on practical experience.

What was this experience?— That of the 1938 bush fires.

Will you say what the experience was?— I have expounded it to His Honor.
But not in the way I want it. Will you say whether it is the failure of the Board of Works or the excellence of the Forests Commission that justifies the change suggested? None of this is invulnerable? That is all. I will not adopt the policy of the Pariser and the publican going to the temple to pray.

You have put forward a proposal that the control should pass from the hands of one body to the hands of another body. Why is that so? The real reason is that we were asking it in the public interests. We consider that divided control in the vital matter of fire protection precaution of forests, Crown lands, and private property should be vested in one authority. I don't care which authority it is, but in our opinion that authority should be the Forests Commission. We have the background of experience.

Do you suggest that the Board of Works has not that background? I am not suggesting that. It is the well-considered opinion that there should be one authority.

Your scheme is based on a desire for the right formation of an organisation on the basis of practical consideration? The position is this, we are not suggesting that your body is incompetent - we are not suggesting that at all, but we consider, taking it by and large, that it is in the public interests that we, as the forest authority, should be the fire authority. In our opinion divided control, is wrong. If your body satisfies us that it is carrying out a sound policy of fire protection, we will not interfere with it so long as it is co-ordinating with us.

I feel sure that you will be generous in that way. The people of the metropolis have granted these areas to the Board for their use. Some areas may have been granted and some may have been acquired. The Board has spent a great deal of money in developing and safeguarding them. Now you are asking this Commission to say to these people, "We are going to take the control of this matter from the hands of those into which you have put the control and we are going to put it into the hands of another body." What
do you think the Commission will say to the protestations of these people (1) that their asset has been looked after, and (2) that the body into whose control the matter will go has its assets lying in ashes?— I take strong objection to the manner in which you have put that.

On what ground?— You are adopting the principle of the Pharisee and the publican, you are the Pharisee. You have to take the circumstances into consideration. That is a very unfair analogy to put to me as a witness.

What do you think the people whose interests are vitally involved in this will think?— Will they have any chance of pointing out that their interests are being safeguarded?— They have been safeguarded to the best of their ability.

Have they not been successful?— Partially.

You will not go further than that?— Is the authority into whose hands the control is proposed to be put been successful?— Partially.

Then, what is the justification for the change?— Is the only justification your theoretical desire to have a perfect organisation?— The desire of the Forests Commission is to act in the public interest, and the system of divided control is wrong. I reiterate that.

You desire to have a system of undivided control. Let us see what that leads to. You will delegate this authority, as you call it, to another authority, provided you are satisfied that the Board of Works is all right. In your statement you mentioned that one of the powers you desire is the right to have burning carried out where you wish. Another is to have the right to make camping areas where you consider them to be necessary. I am now talking about the rights you are asking for. Suppose your authority suggested the burning of a forest section, but the Board of Works said it would be hostile to the interests of water conservation. What would be the next step?— The only approach to that would be this: In the first place, we would
not think, as a self-respecting authority, of super-imposing on you a condition that you shall allow camping on a watershed. Public opinion would not allow it.

The proposal is made here?—No. I disagree with that. We say for the purpose of fire protection.

It may have been an error in drawing up your document.

(CONTINUED ON PAGE 2216.)
MR. KELSO (continuing): It is a matter of protection to burn sections of the forest?— Under the strictest control.

Then at some stage the Commission, having this authority, would direct the water authorities to do this work, otherwise this proposed control would mean nothing?— As a said at the outset, we are not going to interfere with you if you have a sound policy.

I suppose views will differ as to the soundness of a policy?—

THE COMMISSIONER: (To witness): Suppose, for example, you are a forestry engineer and Mr. Kelso is a water engineer, how would it be competent for you to decide as to whether his policy in regard to water conservation is a proper one or not?— You are not an expert in water conservation?— We would not attempt to dictate to the Commission as to water conservation; we would not dictate to you as water conservation engineer.

MR. KELSO: But you would dictate to the Board of Works?—

THE COMMISSIONER: There is an impression, Mr. Kelso, that you are the Metropolitan Board of Works, for the purposes of this inquiry! But seriously, Gentlemen, what would you say, Mr. Galbraith, if the fire protection policy of the Board of Works had to be conditioned by its main objectives, the conservation of water, and that policy conflicted with your view?— How would you solve that problem?— We would respect their wishes on water conservation questions. That is the main plank in our policy, that water conservation shall be the main object in forest management. No one would understand that point more than the Forests Commission.

It is more than a question of water conservation: it is maintaining a supply of water to a big city. Consider the question on that ground. Would you know much about that?— No, but we know the primary principles of water conservation, and as I said yesterday, forests form the basis of water conservation.
Your desire is to serve the public; suppose it was thought that the Board of Works should be the body to dictate the fire policy to you, if necessary, what would you think about that?-- I do not think we would accept that. It is not within their province.

That is exactly what Mr. Kelso has been saying about your suggestion?-- Fire prevention is within our province, forests represent the basis of supply of water for the municipalities as well as for other purposes, and we should know something about the control of forests, anyway.

The only purpose of my question was to try to reconcile you to the point of view that Mr. Kelso is putting by inverting the relationship intended by you. Make the Board of Works the fire warden instead of the Forests Commission, and what would you say. You say you would not object?-- That is all right.

I thought that might dissipate some of the indignation which you showed at the suggestion that you should not control this?-- I did not intend to show any indignation.

Figurestively speaking?-- Yes, the position is that we should be very close together on this matter.

MR. KELSO: How long would we be together if you directed some operation that we were certain was hostile to the interests of water supply generally?-- But there is a big policy involved, the fire protection of the whole State, and not your particular area only, and if there is any other body to control it, then that is a matter for the good judgment of those in authority.

If the Board of Works refused to do something, in the event of your being given control, you would not enforce it?-- In what way.

That you would not use your authority over the Board of Works, if you had it, if the Board of Works said it was not willing to do something which was not in the interests of water conservation?-- If it was vital to the maintenance of supply.

S/GB. 2217. A.V. GALBRAITH.
What would you do?—We would have to take your word to a very large extent.

To a large extent?—Then to a small extent you would over-rule the Board of Works in this matter?—Yes, as the authority.

And how long would it take for a small extent to expand into a big extent?—That is a question I cannot answer. It is our considered opinion that there should be one undivided authority.

THE COMMISSIONER: Take it on another ground. How would the settlers get on, trying to earn a living in these areas. Would you pursue the same policy with them as you have done in the past?—I think Mr. Kelso's fears are ungrounded and in regard to the settlers we will not interfere with them.

I can quite imagine that you may give way to a body of the importance of the Board of Works, in its service to the community, but what about the settlers around the fringes of your forests and the graziers?—We would have to deal reasonably with them. We consider that every man should be entitled to earn his living to the best of his ability and should be granted facilities for so doing, and we would help them in every way provided they co-operated with the Forests Commission. We have no desire to do anything that they would not require to do themselves, provided due safety precautions were brought about.

Would your policy towards the settlers alter from what it has been in the past; would you treat them in the same reasonable way?—I do not know that we have been very harsh with the settlers in the past.

I am not suggesting that you have. We would deal with them in a reasonable manner so long as they burnt or cleared their areas at the right time. If a settler held an area at a vulnerable part of the margin of a forest, we would say to him "Do this,
old chap, and we will be reasonable with you." But the approach towards the forest authority is one of suspicion in many respects.

I know some of your difficulties. I have been allowed to see some of them. What would you say about prospectors in your forests?-- In the same way, he should be allowed to go there provided he gives us an undertaking that he will not use fire in his service. If he possesses a site or a miner's right, we would say "we are prepared to help you to earn a living but do not destroy the timber."

Do you think as a general principle that, although men bring a certain amount of danger with them when they enter the forests, that they should be allowed to earn their livings there, or do you think the forests represent such a valuable asset to the state that that over-shadows all questions of private interests?-- In certain respects it does undoubtedly, but at the same time if private interests can be given facilities without risk, it is our duty to grant them.

It is a difficult problem?-- It is an extremely difficult problem. We are endeavoring to do everything we possibly can not to interfere with other interests than forests.

MR. KELSO: Let us reduce this to a simple instance. Say that you and I, Mr. Galbraith, live in adjoining houses. If your house catches fire and sets my house on fire, would you agree that you could, afterwards, come to me and say "Look here, old chap, I am going to take control of the operations of your house so that this thing can never happen again." Do you think that that would succeed?-- The positions are not analagous.

Do you not think that that is even analagous?-- No, I do not think it is a fair analogy at all. We are dealing with a public or a community interest here.

I suppose there are several interests in the community to be considered. Do you think that the solution to that would be the
same as the solution to this, that you and I, representing the Board of Works and the Forests Commission, should decide to work in together and conserve our separate interests and maintain our mutual interests, without being over-ridden by either?— That is all right, but that is getting away from our very determined policy that after the experience of the 1939 fires your particular Board is not particularly different from any other water authority in the State.

I know that you want this to be done generally and not only in the Board of Works areas, but do you not think that that would relieve you of this rather ambitious venture into water supply control and enable you to use your energies and finance in your forests, which are your legitimate spheres of control, and would it not be better for you to leave us to run the more difficult question of water supply?— I quite understand your attitude, Mr. Kelso, but at the same time we have to look at it from a general point of view. In ordinary conditions we would like to sit back in our armchairs and take less responsibility, but we feel it is incumbent upon us as the forest authority in this State to advise His Honor as Royal Commissioner investigating this matter, in accordance with the terms that have already been put forward.

I appreciate that, but I was hoping you would see reason in the way I put it to you?— We have been very reasonable over the whole thing, and we are going to be reasonable with you. If we are given this power we will say, "The Metropolitan Board of Works has proved over the years that it can carry out fire prevention work."

This is something you "might" say?— If this comes about. But not otherwise?— You want me to say that, don’t you? Carry on and tell us what you would say?— That is what I would say, that as the Metropolitan Board of Works has shown that it has a

S/GB.  2220.  A.V. GALBRAITH.
sound forest protection policy, there is no necessity for the guiding authority to have anything to do with it. Mr. Barber suggests to me that you should say this without prejudice. In any case why do you wish to control the Board of Works in their fire policy?— We consider that if they have a fire policy that are not unlike any other water conservation authority in the State. Put it this way; supposing the Metropolitan Board of Works stands out and says that it will not change its policy in certain directions, and if bush fires develop in the Board of Works areas and spreads into our areas causing a huge conflagration, what is going to be the position? Divided authority, it is quite patent, has proved unsatisfactory.

THE COMMISSIONER: Your whole suggestion must rest, according to your evidence, on the assumption that you will have sufficient money to carry this out?— That is so. The Metropolitan Board of Works has its own funds.

MR. KELSO: And has spent them on this work for many years?— I recognise that.

You are suggesting that a fire might spread from our areas?— Yes.
Do you not think you might wait until then?— No, why leave the stable door open.

What about the 1939 fires. What is there about the 1939 position that warrants this suggestion now instead of doing this 20 years ago?— It is a matter—

But what about—-

THE XXX COMMISSIONER: Let him answer, Mr. Kelso. You cannot have the privilege of questioning like that.

MR. KELSO: Was there an answer. I thought witness had finished.— The 1939 position has given us very much food for thought in all directions, and that is why we offer the well-considered opinion that the matter should be dealt with in this way.

S/GB. 2221. A.V. GALBRAITH.
You always get back to that?— There is no other way out.
You said that fires might come out of our area. You are not suggest-
ing that any such thing happened in 1939?— I did not say any-
at all
thing/about that. I am not bringing that up.
Each time we seem to get back to that. You are using the 1939 con-
ditions to establish the beginning of control in these areas?—
In what way?—
Is it a fact that your Commission has wanted some control over these
areas for commercial purposes? Is that not behind your mind
when you suggest the beginning of control by you on account
of the fires?— Is that a matter of what?
THE COMMISSIONER: Mr. Kelso suggests that it is a matter of fact
that you wanted some control in these areas for commercial
purposes. Is that a fact?— We considered ---
Is it a fact?— It is a fact that it has been suggested in the past
that all forest areas in the State should be under proper
forest management.
Including water catchment areas?— Is that relevant to this particu-
lar question?
I think so. Mr. Galbraith, I must ask you not to overlook the fact
that I am in charge of this Commission. I will deal with all
questions of relevancy, and if there is objection it is not
for you to make it, but it is a matter for your Counsel.
Please answer questions until your Counsel objects?— I am
sorry if I have done anything I should not have done.
I want to make that point clear to you. It is not my wish to say
anything I should not say. I suggest, through my Counsel,
that really this is not relevant. This is a matter of opinion,
Sir. We did not want to bring this matter up as it has nothing
to do with the general control of forest purposes. It is a
question of what we consider to be in the best interests of
this State for fire protection only.

3/3B:  2222.  A.V. GALBRAITH.
I will explain the position. I should not explain it, but I should merely rule. I consider the question is relevant. Mr. Kelso suggests that you have always wanted a measure of control over the Board of Works areas, and like areas and that your desire to get control of fire prevention measures in his areas would be the first step to wider control and that, therefore, when you want to control his fire policy there is something a little more behind your suggestion than would appear on the surface. The question is to cast doubt on what you are saying, and as a cross-examiner he is legitimately permitted to do that?-- I accept that.

MR. KELSO: What is your answer, Mr. Galbraith?-- Is there some such thing at the back of your mind?-- Under present conditions, no. Although there seems to be no justification for this control, although only theoretical reasons have been given for the proposals you have mentioned, although the control of these areas has been effective in the past, and although tremendous difficulties will arise if there is control such as you suggest, you are quite prepared to take over these things?--

MR. BARBER: My learned friend is making little speeches to the witness. I know we have all been doing that to some extent, but I would suggest that the questions be more direct.

THE COMMISSIONER: We shall put an interrogation mark at the end of it, anyhow.

MR. BARBER: Mr. Kelso will be astonished when he reads the transcript to see the implications of his statement.

THE COMMISSIONER: I do not think he will. He will be delighted. He is getting his evidence in both ways!

MR. KELSO (To Mr. Barber): You spoilt a perfectly good question. (To Witness): You say there is no ulterior motive behind your suggestion?-- I definitely say no, Your Honor, to that suggestion.
In reading over your statement I noticed that under heading 6 you say, "After clear fellings on mountain ash areas - areas on which burning of tops is the rule - the sawmillers shall be responsible for preparing for safe burning the cut-over portion of his area containing dry tops," etc. Is that the opinion of your Commission - never mind what the fieldmen say, for we have heard evidence from them independently - that the burning of tops is necessary as a safety measure?— Definitely, yes.

Not only the tops, but the cut-over portion?— Where we consider it is a matter of absolute safety, yes.

That sounds a modification. I thought you said burning tops was necessary for safety?— Yes, burning tops is necessary for safety, but not to burn tops without due regard for the perpetuation of the forest, in which case I should say the tops should not be burnt.

If it is a matter of safety, is there any justification for placing seedlings and forest growth superior to that?— If it is a matter of safety, the tops should be burnt. If it is a matter of perpetuating the forest, and if you have seedlings and regeneration going on close to the tops, and there is a very grave fire hazard, I should say definitely the tops should be burnt.

In general terms you say the tops should be burnt?— Yes, certainly.

If your officers in the field had refrained from burning tops to safeguard seedlings, is that a proper attitude to take up?— It all depends upon the circumstances in each case.

You think that some circumstances could be set up to justify that?— The officers in the field are the best judges. We must trust our officers because we are a long way from them. Experienced officers are there, as well as overseeing officers, and if, in their judgment, they solve a position we consider that they act to the best of their judgement and ability. On the other
hand if we go to the spot and consider that the officer has
done wrong we do not hesitate to tell him so.

I am not talking about what an officer does or does not do. I want
to get at your policy. If, in fact, bush has been left with an
accumulation of tops of trees, creating a dangerous position,
can you see any real justification for an extensive failure to
burn the tops for any reason?-- Certainly not. It is our policy
to burn tops. I do not know what you are getting at.

Mr. Gerraty said that 40 per cent of the tops in his district were
not burnt?-- Quite so.

Another witnesses have said that for three or four years or more the
tops in the Rubicon district had not been burnt. That area was
severely damaged by fire?-- Did the fire start in that area?--
The fire arose in some way. If the tops are left in that condition,
do you consider leaving them therefor the sake of the seedlings
is justified for the same of the seedlings. Would your Commission
think that satisfactory?-- We have really to be dependent upon
the officers in the district.

Your Commission would not have known of that?-- Certainly we would
have known. If we considered it was wrong we would say so.
If we considered it was necessary to protect forest seedlings
required for future forest development, then we would say no
burning. If there was a very definite fire hazard contiguous
to seedling growth --

Your official or Commission's attitude on this matter is involved in
a series of "if's." If the forest officer considers such and
such, if there was some other reason, etc., but is it not a
fact that the real "if" comes down to a question of costs. "If"
it costs something to do the work it is not done?-- Cost is a
factor.

Do you consider costs should be a factor in the matter of burning
tops?-- Cost is a factor I told you.
THE COMMISSIONER: (To Mr. Kelso): Are you talking of the cost to the
Forests Commission or to the miller?

MR. KELSO: Ultimately it becomes a cost to the public.

THE COMMISSIONER: I know that.

THE WITNESS: Where are we getting to, Your Honor; I would like to
know?--

THE COMMISSIONER: (To Mr. Kelso): You know very well what I mean.

In connection with the burning of tops whether the cost is in-
volved to the Forests Commission or to the miller, what are you
putting to the witness when you use the word "cost?"

MR. KELSO: Cost to the miller.

THE COMMISSIONER: Why don't you say so?--

THE WITNESS: That is definitely a factor.

THE COMMISSIONER: Well, if it is going to cost the miller something,
how are you influenced in your judgment on that?-- Even if it
does cost the miller to burn, we will require him to burn.

MR. KELSO: I suggest in this case you introduce the word "if" - if
something happened you would require him to burn?-- If it is to
protect the forests of the future.

That is not affecting the cost of the material?-- You asked if cost
was a factor, and I said yes.

In some cases heads are not burnt because it would cost the millers
something to do that?-- That is not the cause why tops are not
always burnt.

I understand that you said that cost was sometimes a factor?-- It is a
factor - that is, the cost to the Commission. The cost to the
miller is also a factor. It seems to me the major factor is
that we want to perpetuate the forest for the future, and not
damage it.

(Continued page 2226).
THE COMMISSIONER: Why, are your general instructions that the tops must be burnt?— That is the reason why, that the tops must be burnt. There must be some degree of elasticity sometimes.

You sent out to your District Officers a general instruction that tops must be burnt?— That is so.

That is a general instruction and does not mean that all tops must be burnt?— Yes, all tops must be burnt.

How can you bring in your theory that some tops need not be burnt?— In all those instructions, where conditions are such that tops should not be burnt, then you must bow to the inevitable. We could not allow the tops to be burnt if by so doing a huge forest is endangered, that is, the perpetuation of a forest.

They could always be burnt at a suitable time. There is no sort of refinement, or explanation of that sort, introduced into the instructions?— No.

Did the forestry officers know that?— They know that a good deal is placed on their judgment. In a forestry policy, you cannot have rigid conditions.

All I joined in the discussion for was this: I heard you tell Mr. Kelso that you will not burn tops, or you do not wish to burn tops where it will militate against the growth of the forest?— That is so.

Yet we have evidence to show that you did send out a definite instruction that tops must be burnt, without any refinement or exception?— There is no refinement, that is a definite instruction.

How do the two things run together?— In the course of administration, there are lots of matters to be considered. If you give an instruction on a certain matter under certain sets of conditions, they can be varied— I submit that.

Do you leave it to the officer to obey that general instruction in the way he things best; is that it?— Not altogether in the way that he thinks best; it is what the Commission considers best.

E/B. 2235. A.V. GALEBRATH.
I am not trying to get you into a corner, or anything of that kind. Perhaps it is only a small matter?— I put it this way, an officer is in a definite part of a forest, he is serving under a separate set of conditions, and while we certainly send out orders from Headquarters that the tops must be burnt—perhaps it was put rather crudely, without anything else— at the same time, taking a general sensible point of view, we have to rely on the senior officers to a very marked extent. That is all I can say.

I see your point. In that respect at least, although the officer gets your direct instructions, he knows that he may legitimately use his own judgment?— Quite so, and if we feel that he is using his judgment as he should not use it, we simply correct it.

 Might the same understanding apply to the direction about dugouts?—
In the set of circumstances I mentioned this morning, I say yes. I put it to you earlier this morning, and you said no, that the officer had no right to override your instructions?— No, he has no right in the ordinary sense of administration to override our instructions.

I know that words are clumsy things to use to get to the inner kernel of thought. Most of us cannot use words sufficiently precisely to arrive at that end. I am only taking you on the two statements you made this morning, which appear to be in conflict. No doubt they admit of explanation, and I should like to hear you on that point?— In the first place, I understand you said that the officer concerned said that he used his judgment in connection with the putting in of a dugout.

Yes, he said he overrode your judgment and introduced his own, or imposed his judgment over yours?— That was incorrect, from the point of view of control, and we would not allow it under those conditions.

The same thing that applies to your instructions about tops does not apply to your instructions about dugouts. He is not allowed
discretion on the matter of dugouts, although he probably is in the matter of the burning of tops?—Yes, but, of course, with the dugout question there was a different set of circumstances. In ordinary forest operations, there are certain things required, and we have to rely on the judgment of the forestry officer. We must do so in both sets of circumstances. If the forestry officer, in dealing with this particular forest operation, used his judgment—

Can I explain it for you: on the question of tops, the thing has been of such long standing that your officers know your policy, and know that they are to use their discretion?—Yes.

The question of dugouts being a new matter, they ought not to have made such an assumption without some authority from your Commission?—That is so.

That might explain it?—It does.

MR. KELSO: Suppose you had a stand of young regeneration, and right next to it an area of dry and inflammable tops, would it or would it not be proper to burn that area of tops?—In my judgment?

It all depends on the extent of the regeneration. Assuming it is extensive?—If it is extensive, I should say we would then have to take into account climatic conditions. If the climatic conditions were favorable, I should say the tops should be burnt, with proper precautions taken to prevent the spread of the fire. If the burning of those tops meant the destruction or damaging of that young forest, I would be very, very cautious with regard to burning tops at all.

You would carry the fire risk of the tops?—I would carry the fire risk of the tops, and then made definite precautions against the catching on fire of those tops.

The matter of climatic conditions does not enter does it?—The conditions wherein there is young growth and remaining tops remain
over some years, and sooner or later, suitable climatic conditions for burning would arise?-- Yes.

Could not those tops then be burnt without the destruction of the young forest, or should they not be burnt?-- They should, under ordinary sets of circumstances.

Is it not a fact that anyone who says they should not be burnt only contemplates the kind of burning that is not controlled, namely, the throwing of a match into it and leaving it. If a person says that those seedling growths are in danger and those tops must be left, it is only because that person has a mental outlook of throwing a match in and burning out in the cheapest way possible, when it would damage the seedlings. Is not that the real position?-- I do not altogether understand your question.

If some forestry officer said that he left those tops in those circumstances, because he could not burn with safety, does not that really mean that burning to him really means just a broadcast burn, without reasonable precautions as to time or month?-- I would not like to say that, without a knowledge of the circumstances. Surely the forestry officer would not have a mental attitude in that direction.

I am trying to deduce his mental outlook from what he has told us.

MR. BARBER: It is a matter for comment rather than for cross examination.

MR. KELSO: It is verging on that, although I think Mr. Galbraith could assist us a great deal by telling what is the attitude of the Commission. I am not asking about directions.

MR. BARBER: You are asking about the mental attitude of a forestry officer in certain circumstances, and it does not seem a proper question.

MR. KELSO: I have reached the point I want to get, and if the question is embarrassing to Mr. Barber, I shall certainly leave it. (To Witness): I shall read what Mr. Gerraty said on page 2093:

E/B. 2229. A.V. GALBRAITH.
"I have no doubt that it would look like that. If the heads were not burned I presume it would be because you considered burning unnecessary?-- There were places in the Rubicon where I would not allow burning. Clarke and Pearce's No. 2 mill was working north to south, and No. 1 likewise. The first country cut out by the No. 1 mill would be cut six years before the No. 2 mill would reach the same dividing line, as, after the mill finished there would not be more men in there for some time, I did not allow them to burn the heads.

That is all that is relevant, so far as I am concerned. He says ".... as, after the mill finished there would not be more men in there for some time I did not allow them to burn the heads." That does seem a little fragile as a reason.

MR. BARBER: That is not fair. The witness goes on and explains that he did not allow a lot of re-burning because of the new regeneration on the old cutting area.

MR. KELSO: I have already dealt with the new forest, if that was the aspect. Is that a reasonable basis for not burning heads, that there would not be anyone in there?-- No.

You would not think that?-- No.

That is all I want. Is not the real position with regard to heads that the miller is the man who has dictated the policy. The Forests Commission really wants the heads burnt, but the miller resists because it costs him money, and because he resists, the policy has been played around with?-- No, I do not admit that.

How can you explain the fact that in some of your areas the heads have actually been burnt. Is there no extensive area of regeneration in those parts?-- I do not admit that the miller is the cause of those tops not being burnt. He has definitely to submit to the requirements of the forestry officers, who is
the organ of responsibility to the Forests Commission.

Officially you feel that. We can go on what the forestry officers and the millers themselves have told us. How can you explain the fact that over big areas the heads have been burnt, if it is a matter of saving the regeneration? If you would give me a particular instance, perhaps I could help you.

I think Mr. Eisey was the forestry officer who gave evidence that all the heads in his area were burnt? Yes.

Would there be no regeneration there. One exception was that he said at one mill there was some regeneration? You are asking me to give a general statement. I do not know whether the forestry officer had in mind a particular area of regeneration - I do not know all these things.

Very well, I shall leave it. Can you elaborate the statement that I previously read out in relation to areas that are not clear cutting Mountain Ash areas. What is the proposed policy of the Commission in those areas. All you said about the disposal of tops relates to clear cutting ash areas, but what about your policy in other areas. You said "in regard to licenced forest operations, tops disposal, after clear fellings on mountain ash areas, i.e., areas on which bulk burning of tops is the rule, the sawmiller shall be responsible for preparing for safe burning," and so on? Do you mean in other forests?

Clear cutting of other forests? There is no clear cutting in any forest other than a mountain ash forest.

Well, selective areas? With selective areas, the heads should be burnt in any cutting.

We have that assurance in this statement of future policy, that it is the policy of the Commission to burn all heads in the future? Yes.

Is that a change from your past policy? It is not a change in the past policy, of the Commission, as I have just told His Honour.

E/B. 2231. A.V. GALBRAITH.
We have sent out a direct statement, and it is no use my reiterating all that I have said. That is the definite policy of the Commission.

In the past, the policy has been to burn all heads; in the future, the form of policy of the Commission is still to be the same?—Yes.

MR. SWINDON: In regard to the controlling of fires in land not exceeding three miles from the boundary, would that be subject to agreement, or would you put it in this way: take the Dandenong Ranges, where you have the Belgrave, Upwey and Olinda Bush Fire Brigades right close to the forest. Is it your intention to take control and have a fire authority to look after the townships I have mentioned? — That would be by general agreement with the Bush Fire Brigades Association, or really through the Fire Act. The care of those particular townships would probably be the responsibility of the fire brigades, in co-operation with the Forests Commission.

You would not want to take away from those brigades the whole authority and make them subservient to your Commission? — No, and we would help them in every way possible.

I notice that in the suggested amendment of the Bill, no provision has been made for the appointment of Chairman of the Bush Fire Brigades Association. As you know, the appointment of Chairman is the subject of a great controversy with the bush fire brigades?—All we have done is to recommend general principles; we have not entered into details, as you will observe.

With regard to the statement "circumscribed by the area in which the Commission acts as fire authority shall be the responsibility of the people concerned to protect themselves on their property from fire and to form such associations as are necessary for the purpose," in Gippsland and one or two other areas, there has been strong opposition to the formation of a bush fire brigade. In those circumstances, would you
suggest amending the Bill by providing that there shall be a Fire Warden appointed to carry out those duties where the people will not take the necessary measures to protect their property?— I would suggest that a Fire Warden should be appointed for certain districts. We have not made any recommendations with regard to details, but, in my opinion, a Fire Warden could be appointed for each of the seven existing Fire Divisions of the State, where you have a council representative, as well as other representatives of public bodies.

We have had great difficulty in getting brigades to operate in the eastern area of the State. There are only three registered brigades in the whole of the eastern area, and it would seem that no provision is proposed to have fire protection made available in those areas. You would be quite agreeable to the appointment of a Fire Warden?— That part of the State has been very difficult in connection with organisation for fire fighting.

You also suggest "the Fire Authority shall have power to compulsorily take and utilise the services of any or all licensed forest labour engaged in any district for fire fighting purposes under conditions as to remuneration which shall be decided upon from time to time." I believe there is great objection to that proposal from the mill workers. They say that, when they are taken from the mills, workers' compensation cover ceases. Who would be responsible for those men in case of accident?— I am not too certain whether it would obtain if men were brought away from the mills themselves for that purpose. I know that the millers pay the men's wages, because when they are brought out, the millers are actually, through their employes, protecting their own property.

The Commissioner: Although it is out of the scope of his employment, the worker is doing something in the interests of his employer—under the new amendments.
MR. GOWANS: I understand that point has worried the millers. I have heard of a judgment on the question, but I have not been able to find it.

MR. SWINDON: I had a conversation with Mr. Barton at Marysville during the sittings of the Commission there, and it was one of the complaints of the men, that they would not leave the mills to go out, that once they left the mills they lost their workers' compensation rights. Do you think there would be a possibility of doing something about that?

THE COMMISSIONER: I think you are getting a little far afield. This is a question of the protection of the men, and as to their legal rights. I recognise it is a cognate subject, but it has a rather tenuous connection with the main question. I shall be happy to discuss it with you in private.

MR. SWINDON: Very well. (To witness): You spoke about the apathy of Healesville residents. Have you any idea of the cause of that apathy? The instance I had in mind when writing that was when a certain meeting was called and only the Forestry officer and another man attended. The forestry officer reported to that effect.

On two occasions I have endeavored to have brigades formed at Healesville, and have met with no response.

MR. HARDY: The Forests League has already directed the attention of the Commission to the matter of natural parks. What can be done, or proposed, in connection with such Crown lands that are invested in the control of a committee of management, as apart from the Board of Works areas. The committees are appointed by the Board of Land and Works, the areas are handed to the control of the committees, and the Lands Department does not take a great deal of interest in those areas once they are out of its hands. In many cases, the Committees are without funds with which to provide for fire protection or to proceed with fire control or fire protection measures. The Kinglake park almost adjoins...
a forest reserve and private holdings in the neighbourhood.
In the case of that area, and the Buffalo Park, which also
adjoins a timber reserve - it was cut out of a timber reserve,
if I remember rightly - they are improperly or ineffectively
controlled with regard to fire protection. They would come
under any scheme you would have for control by the Forests
Commission?—That is so.

Wilson's Fromontery is more or less isolated, except for the Anakie sand
hummocks and grazing lands. In its isolation, it would be
more effectively controlled by a committee of management, and
without much danger to its neighbours. If it were mismanaged
with regard to timber or public property, and perhaps with
danger to life through inefficient control, that area would
come under the Forests Commission?—Yes, the Fire Authority
would see that a proper scheme was adopted.

I am secretary to the Committee of Management of the Lakes National Park
at Sperm Whale's Head. That Committee's income is received
from stripping black wattle bark, and it has no other way of
obtaining money for expenditure on fire protection measures.
That committee is doing its level best under the circumstances,
with almost no funds. It would be better under the control
of the Forests Commission, or some other body that has access
to funds, for its fire protection, rather than risk the area
being entirely destroyed by fire. Incidentally, the fires
came in from the Lakes side, and not from any other reserve
or private property. Although isolated and away from any
other forest reserve, it would be better controlled by the
Forests Commission?—Yes.

Are there any bodies which have the right by law to enter on to a forest
reserve without asking for permission or getting authority.
The Mines Department can enter under certain conditions, and
it is not necessary to ask for permission?—I think that
Department has free access, and I do not know of any authority
required.

THE COMMISSIONER: I think we are getting to another question of law.
I think Mr. Galbraith has enough to answer here without trying to make a lawyer of him.

MR. HARDY: The State Electricity Commission cut a way through the Rubicon Forest. Was not that because the State Electricity Commission had the right of use, and the right to enter the forest and cut its way through?—Yes, it had certain rights.

Can you remember what was done with the slash in that case?—The State Electricity was required to burn up the slash, and it certainly did. It left some, but, by arrangement with our Commission, it was burnt.

If it had not been burnt at your request, it would have been left in the forest?—Yes, and would have been a fire hazard.

Usually grazing has been objected to on account of fires which precede grazing. Have you any information about the damage caused to young forests through the browsing of cattle?

THE COMMISSIONER: How is that related to the bush fire question?

MR. HARDY: I suggest the objection to cattle in the forest is attributable not only to fires but also to damage caused by browsing cattle.

THE COMMISSIONER: One cause is sufficient, if it is a good one. Why bring in another matter which is not relevant?

MR. GOWANS: Will you try to remember that if, in the course of my asking questions, any note of criticism appears to creep in, that it is only based on the unenlightened public opinion. The Herald newspaper, on the 21st of January last, reported you to this effect — "Had the Forests Commission been endowed with sufficient statutory authority, many of the recent fires throughout the State might have been prevented", the Chairman of the Forests Commission, Mr. Galbraith, said today, when reviewing the existing position, and outlining what was necessary for the future. Were you correctly reported there?—It is very hard to say that.

Is that your view now, that, if you had been endowed with sufficient
statutory authority, many of the fires could have been prevented?—The fires might have been mitigated, or prevented, to a certain extent if we had certain powers such as we ask for here.

The only matters referred to in that report are the Commission's inability to deal with owners of dirty scrub land, insufficiency of staff, and the absence of control by the Forests Commission on Crown lands adjacent to the forest. Do you know whether you had in mind any other statutory amendments?

(CONTINUED ON PAGE 2237)
THE WITNESS: I do not just know how to answer that question. It is a long time back, and I want to be perfectly fair.

Is it your view now that if you had got in the past the legislation which you asked for, you would have been better able to deal with those fires?---Yes, certainly that is my opinion.

Is it your opinion that you would even have mitigated the fires?---Yes.

I suppose you would even go to the extent of saying that if you had the powers which you are now suggesting, you would have mitigated the fires?---Yes.

I want to go back over the legislation and see how far that supports you. I have a number of Bills that have been produced by your Commission and I take it they are all Bills that you are able to put your hands on. May we take it that they were introduced with the approval of the Commission?---Yes.

In the Forest Bill of 1921, the first one after the 1918 Act, Clause 6 provides for the extension of the restrictions on the lighting of fires in forest areas, in two ways. First, as to time, and second, as to boundary?---Yes.

The same clause also gave the right to a forest officer to cause a fire to be extinguished within a mile of reserved forest or any portion of a protected forest. That clause we may call the power with regard to lighting and extinguishing fires. Clause 7 gave power to call for assistance in extinguishing fires on the part of any resident within 5 miles of an outbreak. That was apparently inserted with your approval and at your instigation. In that Bill a penalty of £25 was imposed.

The other clause dealing with fire protection was Clause 12 which we may call the entry clause. It gave power to a forestry officer to enter upon land or premises to ascertain whether the requirements of the law were being carried out. That also was put forward at your suggestion?---Yes.

That power was to be given at all reasonable times in the day time?---Yes.
Were you simply asking for that limited power of entry at that time?---

We wanted the power to enter in or upon any land or property at any hour of the day or night.

Is it not curious that that did not find its way into the Bill as introduced? Is there any explanation?---There is an explanation. An officer was required to have the right of entry at any time during the daytime, not only for fire protection purposes but for carrying out the inspection of timber. We definitely had in mind a desire to have our officers enter in or upon any land day or night. I cannot remember the circumstances definitely. There appears to be something wrong.

I suggest that although that may have been in your mind, it never became crystalized to the extent that you asked for the power?---Have you seen our draft Bill?

Do you think that might be the position?---It may have been.

The three proposals in the 1921 Bill are the only powers dealing with fire protection in that Bill. Clause 14 related to an increase of salaries of the Commission and Clause 18 provided certain saving rights of the Commission. Another part of Clause 14 increases the tenure of office of the Commission. That had little to do with fire protection. The 1924 Bill seems to have been the next. In that, we have again in clause 5 the same suggestion with regard to lighting and extinguishing fires, and in Clause 6 the same suggestion with regard to power to call for assistance, except that this time in addition to a penalty the person called upon was to be entitled to a reward. You thought perhaps that might help to get the clause through. Clause 11 is again the clause with regard to entry in precisely the same terms - "at all reasonable hours in the day time". Those Bills do not seem to have progressed very far?---That is so.

Then we have the Bill of 1925, and again, in clause 6, we have the same provision regarding the lighting and extinguishment of fires. Clause 7 is the same provision with regard to
conscripted labour, except that the penalty is dropped.

Section 12 gives power of entry in precisely the same terms "at all reasonable hours in the day time", so the 1925 Bill did not carry it much further. Then there were the 1926 fires. I suppose you would agree that there is nothing like a bushfire to get a Bill through Parliament. In the next Bill we have the same section 6 with regard to the lighting and extinguishment of fires, except that instead of asking for two miles from the boundary, it asks for one mile. There is also certain power of arrest without warrant if the address of a person lighting a fire is unknown to a forest officer. In clause 14, again there is the same provision in regard to entry at all reasonable hours in the day time. Clause 25 purports to provide that no grazing licence under the Land Act shall be granted to any person unless the application therefor is accompanied by the written consent of the Minister of Forests. I suppose you proposed that too. There appear to be no other clauses about fire protection except that there was a Part II of that Bill which subsequently became the present section 20 of the Police Offences Act. The Bill seems to have taken some time to get through—I had introduced it to four Ministers.

Then we come to what subsequently became the 1927 Act. The Bill in the form in which it was introduced by Mr. Cain and Mr. Slater in the Legislative Assembly includes a clause 6 relating to the lighting and extinguishment of fires. There is the power with regard to entry, but this time the power with regard to conscripted labour or assistance has been dropped. Apparently you were somewhat disappointed about that and apparently abandoned it. The only other clause dealing with bush fires is clause 7 which is the germ of the Proclamation section in the present Act. It seems to be in the same terms. So far as the 1927 Bill was concerned, it appeared in both the Legislative Assembly and the Legislative Council as containing those powers only. That Bill became law, and
the 1928 Act was merely a consolidation of the 1916, 1918 and 1927 Acts. That review of the Bills I have put forward shows that the only casualties in the legislative proposals were the conscripted labour clause and the half mile to 2 mile marginal power?—Which was very important.

You have the proclamation section in and you have the entry section in and there appears to be nothing left out. You will notice that in the course of those Bills there is no suggestion of giving the Forests Commission power to deal with scrub on dirty private land. Do you agree that you have never before asked for that power?—We had the intention in the early stages to obtain that power.

How far did that intention fructify into action?—It has not fructified at all, as you have shown.

Is there any doubt that you have ever asked anybody to put that in a Bill?—We did not ask for that except that we had the right to ask the man on the other side of the fence, so to speak, to make a certain break, but not the man with the dirty block elsewhere.

The marginal powers requiring a man within 50 yards of a protected forest boundary goes back to the 1915 Act. Was it there to stimulate the imagination? The power for the Forests Commission to take fire protection measures on Crown lands does not appear in the story at all?—No.

You agree that that was never asked for until now?—No.

Although there was even in the early stages of this proposed legislation a suggested power to extinguish fires within two miles of any specified portion of a protected forest. You asked for that and ultimately you got it?—In a backhanded sort of way.

There is no suggestion that you should have the power of entry by night?—

There is no suggestion in the Bills.

Did you ever ask anyone to include that power in a Bill?—It is so long ago, I would not like to swear to it, but I have had it in my mind all these years.

You suggested also, I think, that it was desirable to have a redis-
tribution of powers on private land and that you had tried to get that power?—Yes.

There is no suggestion that that power should be given to you?—Yes, definitely. We made a suggestion about that. I sat in the House and listened to the debate. We have done our best. We got as many of the Bills as we could.

Apart from what I have referred to as casualties, none of the amendments you are at present suggesting were included in any of the Bills?—I have not analyzed that.

As long ago as 1932, six years after the 1926 fires, and after the 1932 fires, there was a deputation at which you were present—

I think you presided, to the Minister of Forests, Mr. Williams. The minutes of the deputation have been furnished to me?—

I would not preside. I would probably be alongside the Minister.

At the conclusion of those proceedings, do you remember that the Minister read a statement purporting to be a statement by the Forests Commission. He finished with this:

"In aid of the elimination of the cause of forest fires, the Commission strongly recommends—

"1. ..... 

"2. ..... 

"3. Legislation should be strengthened. Forest officers should be clothed with sufficient power to compel able-bodied persons in the vicinity to assist in putting out forest fires. This power exists in Canada and the United States. The necessity for such legislative act has been abundantly evident during the present disastrous fire season. The destructive Warburton-Powelltown fires might have been averted if local residents who were called upon to assist in dealing with the fires in their early stages had not haggled over terms."
I suggest that at that time the only extra power that you thought you wanted was the power to conscript labour?---I would not take that statement as an authority.

The statement was prepared by your Commission and read by the Minister in your presence?---It might have been, but I would not place a great deal of reliance on that.

You mean that you would not treat that as a full exposition of your requirements?---No.

In spite of the fact that this was a deputation that waited on the Minister to place before him proposals for bush fire protection and control and in spite of the fact that it was held on the 12th of February, 1932, obviously immediately after the 1932 fires, do you not think you lay yourself open to some comment that it never occurred to you until now that you required these extra powers?---I would not admit that in any circumstances.

THE COMMISSIONER: Have you not picked up certain suggestions from this Commission?---Yes. I mentioned that in my evidence yesterday, but I am not going to say that that was all we required at that time.

MR. GOWANS: The second point was "that co-operative effort be systematically organized amongst landowners, especially those contiguous to forest areas and Crown lands for methodical burning off at a proper and safe time. To this end, the Commission proposes to launch a State-wide scheme in an endeavour to form local associations of landowners to act in co-operation with the existing bush fire brigade organizations. This proposal is now being put into concrete form for early action." That suggests that it was not in your mind then to burn off dirty scrub on private lands. You were talking in terms of co-operation?---That would be very far afield. It would be from a general point of view. Fires often start a long way from the forest and that statement had in view the organizing of those people in a general way and getting
local authorities to galvanize them into some sort of activity.
It was not present in your mind at that time that you wanted power to
burn off on private land?—I cannot admit that.
Since 1932, do you know whether there have been any attempts on your
part or on the part of the Commission to introduce legislation?—
—I cannot call anything to mind at the moment.
Let us now deal with policy. You have been good enough to set out
extracts from your reports of 1918 to 1926, and those extracts
deal with your policy at the time. You started with the
1920 report, and you referred to various reports since that
time. (Extract from 1920 report of the Forests Commission
read: "It must be recognized that one remedy........fire
patrol, fire breaks and fire lines".) I suppose you will
agree that in the first report of the Commission the attitude
was, "We have to build up a public opinion, and no system of
fire breaks can be as important as that". (Extract read
from 1922-23 report of the Forests Commission, "While penal
provisions of the present legislation........call for local
assistance".) In the 1924-25 report, you referred to the
fact that the Commission had endeavoured to have its hands
strengthened in regard to forest fires, and you said it was
impossible to believe that the wilful origin of many fires
was not well-known to country citizens. Would it be fair to
say that the minds of the members of the Forests Commission
between 1918 and 1926 seemed to run along the lines of
penalties, propaganda and press gangs?—Yes.
Your evidence referred to the fact that in the 1920 report, there is
reference to breaks for the purpose of stopping fires to
some extent, and you referred to fire lines as something then
developing. You have told that after the 1926 fires you
learned the lesson that fire breaks had to give way to fire
lines? Do you agree with that?—Not altogether. It all
depends on what you mean.
I direct your attention to the statement you made yesterday under the heading of "Standardization of Fire Breaks" (Statement read). Although you had some idea of fire lines in 1920 I suggest that it was not until 1926 that they loomed up in importance? I should like you to explain that?——

(Continued on page 2244).
Tbst brings us to an extent to that category. That is the 16' fire break as it has been called is more or less a misnomer. It should be called a fire trail.

MR. GOWANS: We understand that?—We merely pushed the break into the background.

I will take your own evidence. Instead of deciding to construct fire breaks you decided to construct fire lines?—Yes, meaning that we stick to the 16 feet.

At a departmental conference held on the 19th of June, 1929, the following resolution was agreed to:

"That this Conference is of the opinion that it is desirable to establish breaks on main ridges in mountain country. That in the meantime a break 16' in width be clean cut and that each succeeding year and if funds are available and if necessary the break be cleaned and widened till a maximum width of one chain is obtained. Also that fire lines 12' in width be cut and maintained on lateral ridges to connect with the main break".

Why was it that it took from 1920 to 1926 to realise the value of fire lines and from 1926 to 1929 to put that view in the form of some decision?—As a matter of fact it was decided right through, but it was a question of consolidating what we had been doing.

May it not be suggested that it was not until the 1929 Conference before you decided to put this into the policy?—Yes.

You told us that the 1926 fires taught you that. Did it take three years to make up your minds to put that into operation?—You have to gain a certain amount of experience after the fires. At no time have we thrown over our system of fire-breaks as such, but we have been compelled to some extent for economic reasons to look upon the State as a whole and to cover as much as we could with the most effective means. We deemed it desirable to put in breaks of 16 ft. with two
chains tracks, in which the undergrowth and bracken was slashed and burnt. We came to that decision after experience but possibly not from the direct experience of the 1925 fires. We admit that we learn lessons from the fires. You appreciate the point that I am putting to you. Even after the 1925 fires it took you three years to decide to put this into operation?---I did not admit that we were not taught lessons from the 1925 fires. You learn lessons from year to year and you learn lessons as your practice develops. We have to remember that the Forests Commission was instituted in 1920 and we have evolved our policy by gradual development over the years.

That is your answer. I will now put another question to you. After deciding on this policy in 1929 it took until 1931 to issue instructions about it?---instructions to whom?

To your field officers?---There might be many factors bearing on that. Why?---I can only suggest that we were satisfied that the present policy was efficient. We might have had more funds and that sort of thing. More funds might have become available. There are other factors.

Your circular did not say that there were less funds available?---Will you please let me see the circular?

You referred to them in your evidence. They were Circulars Nos. 254 and 259?---You are not suggesting that we have been sitting back in the corner?

I am afraid that I am suggesting it, but I am only the voice of unenlightened public opinion. Let us take circular No. 254?---Do you mind if I read it?

No?---Circular 254 is as follows:--

"FORESTS COMMISSION OF VICTORIA".

"MELBOURNE. 0.2."

"2nd. November, 1931."

CIRCULAR NO. 254.

To Officers in Charge of Districts.

2246.
The Commission has issued the following directions regarding the standardization of fire breaks in the indigenous forests:

1. The width of clear felling shall not exceed 16 feet.

2. Mature trees, unless they are of a particularly dangerous nature, shall not be felled.

3. Irrespective of the present width, firebreaks shall not be maintained beyond 16 feet wide.

"Officers who are of opinion that such a break is not suitable to the district which they supervise, will submit with each appropriation the reasons for the opinion.

"One reason for this direction is the decline in the money available.

"It will be observed that the maintained width of fire breaks which are now two, or in some cases three chains wide, will be reduced.

"A. STRAHAN.

"Secretary".

Does that not suggest there were economic reasons?

But were not the economic reasons you were inclined to put?—We wanted to cover the wider part of the state. It is likely that we considered that we did not desire a certain policy to be evolved until that time.

Will you read Circular No. 259?—Yes. It is as follows:

"FOREST COMMISSION OF VICTORIA".

"MELBOURNE, C.0.

"4th December, 1931.

"CIRCULAR NO. 259.

"To Officers in Charge of Districts.

"Please note that the instructions regarding firebreaks which were contained in Circular No. 254 of 2nd ultimo, have been modified.

"In addition to the three instructions regarding the construction and maintenance, a fourth has been added."
"On main firebreaks, especially along ridges, heavy undergrowth and bracken will be slashed and burnt to a width of two chains.

"This direction will also alter the effect of the last paragraph of the circular previously referred to.

"A. SYRAHAN.

"Secretary."

Those are the two circulars to which you referred in your evidence.

After telling us of the decision arrived at by the 1929 conference it was not until the 4th of December, 1931, that you communicated with the officers in charge of districts?---I would like you to consider this factor. You are dealing with a membership of three in the Commission. A conference of officers might recommend certain action, but it is not always that the full Commission agrees with the matters.

I can well appreciate that, but I cannot see how you get over the discomfort of exposing the fact that the machine creaks?---We have not delayed our policy at any time. It has been going on the same.

It is not this policy?---The policy of firebreaks as such has never been disturbed.

In your report of 1932 - three years later - you set out the same explanation on page 12. Does that tell of the new policy coming into existence?---Yes.

We will now leave the question of breaks. What about the practice in regard to patch-burning? Has that been in the forefront of your policy back to 1918?---No, it had been in certain places, but not right through the State.

In your report you mentioned the fact of patch-burning but no areas?---No.

From then onwards in your report you set out the areas of patch-burning as increasing from year to year. Is there any significance in that? From 1933 you began to put patch-burning to the
Coming to the question of roads. Circular 125 which is dated 1st of July, 1929, reads:

"To Officers in Charge of Districts.

"You are requested to forward, in order to reach Head Office not later than 15th July, a concise account of the Forest activities within your district for the financial year 1928-29.

"As far as possible your report should be grouped under the following headings:—"

Then under heading "B" - Protection - twelve different fire protection measures are set out on which they are to report, but roads are not mentioned. Is it fair to assume that in 1929 roads had little to do with your policy?——I would not admit that.

Don't you think that if roads had been at the back of your policy you would have asked the District Officers to report on them?——It is possible it might have been missed. To my knowledge roads have been carried on for years, and also trafficable tracks.

It may be that you were not thinking much about them in those years. It is precisely the same kind of circular you sent out in 1930, and again roads were not mentioned?——We have been talking roads since 1930.

Then we come to Mr. Code's report in 1936. He suggests putting in roads as though they were something new?——No.

There were to be roads where you could turn motorists?——Not to me does this suggest that it was new.

Some evidence has been given to the effect that the question of traversable roads did not enter into the policy of the Commission before 1936?——That is not correct.

I am speaking from memory. There is just one other matter. In 1936.

2248.

A.V. GALBRAITH.
a conference was convened by the Minister of Forests regarding bush fires. You presided at that Conference in the absence of the Minister?—Probably I presided if the Minister was absent.

THE COMMISSIONER: What is the date of the letter?

MR. GOWANS: March 1936. You will remember the endorsement - Mr. God in his report said, "Most of these matters have been applied to some extent in most districts". I think that was the statement. Mr. Telbot's endorsement in 1933 was that the matters had been included in the schemes which are to be put into operation.

THE COMMISSIONER: When did Mr. Lawrence go to that district?

MR. LAWRENCE: In 1931. I was attached to the division from 1935.

MR. BARBER: I intend to call further evidence later. Other technical officers will be called to give evidence on technical matters.

MR. GOWANS: We have had a number of field officers who have been able to speak of what has happened in their districts, but not about the policy of the Commission. Mr. Galbraith can speak of the policy of the Commission, and this may be my last opportunity.

MR. BARBER: This will not be Mr. Gowan's only opportunity of inquiring into this matter. There will be central officers to give evidence. I am not suggesting that Mr. Gowan's questions are wrong.

MR. GOWANS: I am trying to remember the old Latin maxim that we should go to the source and Mr. Galbraith is the source. At the 1936 Conference you made a speech in regard to the recent fires and the policy of the Commission. The conference was held on the 4th of November, 1936, at Kelvin Hall, Collins Street. There were present officers of the Royal Australian Air Force, the Postmaster General's Department, the Meteorological Bureau, the Lands Department, and the Vermin and Noxious Weeds Branch. Then you said:--
Mr. Galbraith stated that there was no need for him to reiterate the losses which have occurred in the past through bush fires. The recent Queensland and New South Wales fires are stern reminders that our homes must be put in order in Victoria. Each year, not only are our great national assets destroyed, but also homes, crops, fencing and livestock, and worst of all human lives are taken toll of occasionally. Now all these national losses can be overcome by just the exercise of care and it behoves every man, woman and child in the community to do his or her part in this prevention of bush fires. Prevention is the best cure. That is the Forests Commission's slogan, and it is our first line of attack. An endeavour is made by every means of propaganda to bring home to the public the great danger from the bush fire. We are endeavouring to instil a bush fire prevention conscience into the community. No opportunity should be lost in instilling into the minds of school children the need for prevention of bush fires. We have endeavoured to exploit the powers of persuasion as much as we possibly can, and then if we get little result from that, the only thing left is to resort to the law. The initial law step in the work of bush fire control is preparation. Preparatory measures are carried out by the Commission throughout the year. Our endeavour is to capture the fire early to confine the outbreak to a small area, if it is possible. Fire breaks and lines are constructed by the Commission throughout the State, and, at the present moment, there are 3,500 miles of fire breaks and firelines and communication breaks. This is greater than the rail distance between Brisbane and Perth via Melbourne. The landholder should look to his breaks, and not only guard his own property but the property of the district.

The Commission has embarked upon a scheme of constructing dams and weirs, where it is possible, right
throughout the strategic parts of the forest area, as water is the best means of combating a bush fire. If we had a system of dams or weirs right throughout the country in vulnerable parts, we could then bring into the proper mechanical means of dealing with bush fires. If landowners could give co-operation in this instance, it is certain that we could be able to bring about some excellent scheme of fire fighting in this regard. It is understood that certain brigades have been carrying out an excellent scheme of bush fire fighting. They have manned lookout towers, and they have organized scouts, who move about the country in dangerous weather looking for signs of fire. It is understood that the Romsey brigade has the record, being at a fire seven miles away within fifteen minutes of the time of the notice of the outbreak. Fire control should be in the hands of capable officers well experienced in bush fire strategy, and it behoves these experienced members of the brigade to instruct members who have no experience. He considered that the old adage "One Captain to a Ship" is necessary in the control of bush fires.

As far as the Commission is concerned, it has helped and it is willing to help further, and it has found that, in many instances, although apparatus has been given to bush fire brigades, it has been laid aside and not been found, and the Commission has been asked for another donation of equipment. Systematic control of equipment is necessary and an apparatus officer should be appointed to keep in touch with the up-to-date apparatus, and the Commission will help in every possible way.
That is the whole of your statement. It sounds like a policy speech and it contains no reference to roads?—What is the date?

The 4th of November, 1936. I suggest that your enthusiasm for dams may have been due to the fact that you were getting the support of Mr. Code?—I suggest that I was dealing with fire breaks, protecting in the most part, private property, and also the question of assisting when desired by the Forests Commission to put out forest fires. The major purpose is to get down the fires on private property.

Does that explain your references to dams and weirs?—I mentioned that in passing. If you have any doubt about the question of roads I can convince you. Roads have been working throughout the forests for years.

I am putting this to you because of the evidence given that they had not become a definite part of the policy until 1936?—I would not say that. Mr. Code might have made a mistake owing to the stress of cross-examination.

This policy had been developed through the medium of conferences between the district officers and inspectors and at conferences in Melbourne between the heads of the Commission and inspectors?—Yes.

Is it a fact that you hold a Melbourne conference once a year?—Yes, as nearly as possible. They have been held more frequently, even twice a year, or sometimes more.

I draw your attention to the fact that none of your reports refer to the Melbourne conference as being held once a year?—That is bringing down the officers and bringing them into contact with the Air Force officers, the Lands Department, and so on.

Were representatives of the Lands Department present?—Yes.

You are sure?—There were representatives of the Vermin and Noxious Weeds Department. They belong to the Lands Department. But were there other representatives of the Lands Department?—I could not swear to that.
I think you said so?—The Vermin and Noxious Weeds belong to the Lands Department. They were Departmental representatives and we named them as such.

I should like to be clear about that. You stated that officers of the Royal Australian Air Force, the Postmaster General's Department, the Meteorological Bureau, the Lands Department, and the Vermin and Noxious Weeds Branch, were present at the Conference. Are you clear that there were some general representatives of the Lands Department, as well as somebody from the Vermin and Noxious Weeds Branch?—The Vermin and Noxious Weeds man was there. I am not too sure about the others.

Do you remember if anybody from the Board of Works was present?—No.

Was it not curious that no invitations were issued to the Board for the purpose of discussing, as you say, the collaboration between the parties with the object of their co-operating in fire protection?—Well, yes, that was not done. That is all there is to it.

MR. COMMISSIONER: How do you collaborate with a man unless you invite him to be present?—It is difficult. We have in past conferences has the Board of Works, but they have shown no desire to meet us.

I can well believe that.

MR. GOWAN: You call this conference annually?—We do.

There is no doubt that you ask other departments including Commonwealth Departments to come along?—Yes.

There is no doubt that you have not asked the Board of Works?—Yes, possibly it is an oversight.

There might be a doubt whether you asked representatives of the Lands Department in general to come along?—We had the Noxious Weeds representative. That Branch was vitally concerned.

But in regard to the control of Crown Lands, the absence of a representative of the Lands Department would be a definite defect.
THE COMMISSIONER: They preferred the Vermin and Noxious Weeds to the Board of Works?—I should like to explain that this was a departmental conference. They were all brought into contact because they were assisting us in various ways. The Air Force was assisting in the spotting of bush fires; the Meteorological Bureau in broadcasting information about bad weather, and the Postmaster General's Department in connection with the use of telephones. I should like it to be understood that this was a departmental conference requiring the attendance of officers from departments which were assisting one another directly.

Then you were not commencing something new?—Exactly.

You considered that you did not want present what would be strangers in endeavour?

MR. GOWANS: Without blaming you, would you not agree that it was a defect in the system of fire protection for the whole of the State if there was no collaboration between you and the Board of Works?—That is if we were the responsible party for the whole of the State.

THE COMMISSIONER: But without blaming you it would be a defect in the system which attempted to work out a policy of fire protection independent of other bodies?—That is so.

MR. GOWANS: In your evidence you say that a fire control officer was appointed in 1937?—Yes. The position of field fire protection officer was created that year.

Who was appointed in 1937?—Mr. Talbot.

And what about Mr. Garver?—I cannot say the particular date when he was given that title, but it was many years ago.

Was not the object of Mr. Talbot's appointment the centralization of fire control?—Not necessarily the centralization of fire control, because it had existed right through.

What was the object of his appointment?—To contact with the field
officers and to strengthen the central organization, with
the knowledge of the work of fire protection.

In what month was he appointed?—I could not say.

(LUNCHEON ADJOURNMENT.)

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ON RESUMING AT 2.15 P.M.

MR. BARBER: Before Mr. Gowans recommences his cross-examination of the witness, there are one or two things that Mr. Galbraith would like to make clear. Yesterday you gave the date of your appointment as Chairman of the Forests Commission as 1929. That is not quite correct, is it? -- I was appointed Chairman of the Forests Commission in 1927.

I understand you wish to hand in some maps? -- Yes. For your guidance, Your Honour, I should like to submit three maps as follows:--

1) A composite map showing reserved forests, protected forests (Crown lands), the national parks, and Metropolitan Board of Works reserves.

THE COMMISSIONER: That is exactly what I wanted? -- The second map is:

2) The chief vegetation regions of Victoria which necessarily have their separate policies for fire protection.

3) Areas showing the reserved forests of Victoria, I thought this latter map would be of some benefit to you in showing the jagged effect of the boundaries of State forests, and the incursions made into reserved forests by settlement, aggravating the difficulty which already existed in the matter of fire protection.

THE COMMISSIONER: Thank you.

MR. GOWANS: Prior to the adjournment, we were talking about annual conferences, and I think you made it clear that you regarded these annual conferences as departmental conferences, and not inter-departmental conferences, although you did invite other departmental representatives to come along? -- Yes.

I think you were also putting the view that you were not a fire warden for the whole State, and you explained that you did not think it necessary or desirable that everybody connected with the prevention of bush fires should be represented at your conferences; side by side with that goes something in the nature of a complaint in your evidence to the effect that the Proclamation has created a certain
impression in the minds of the public that you were, in fact, the fire warden of the State?---That is so.

You are aware of no Section in the Act dealing with the Proclamation which refers in so many words to the necessity for the forest officer giving permission to burn off, and except for the fact that one particular section finds itself in the Forests Act, there is nothing on the face of it to connect the Proclamation with the Forests Commission at all?---Is there?---No.

The only way in which it does connect up, with the Forests Commission is through the regulations which are made pursuant to that Section. The regulation referred to shows that it is necessary to have the authority of the forest officer. Can you tell me who was responsible for the regulation in that form?---I daresay the Forests Department was responsible with the Minister.

But the Forests Commission is the power administering the Forests Department, and it would have something to do with this matter?---Yes.

So that, in effect, an impression has arisen from the terms of the Proclamation, in the way you suggest, no one can be blamed except the Forests Commission?---I do not altogether admit that. We had a public duty to perform. It was included in our Act, and by that fact, it was apparent it had to be implemented by the forest authority, and we considered, in our wisdom, that these regulations should be included in the Proclamation.

And the reference to the controlling authority should be to the forest officer?---Or to a police officer.

I suppose now you wish that you had suggested the Crown lands Bailiff?---No, we do not wish to retract anything from that angle. We did our duty. That is not the only thing that contributed. There were many other factors. From a psychological
point of view, we were dubbed the fire wardens of the state, but I am not going to admit that that was the prime factor.

Coming to the general question of fire protection measures on Crown lands, I should say that it is common ground that the condition of Crown lands prior to the 1939 fires did in general constitute a fire menace?—Crown lands, yes.

And that they did constitute a fire menace mainly owing to the absence of pre-suppression measures taken?—Yes, in many Crown lands reas.

We have heard in the course of the proceedings, various reasons given by officers of your Department as to why these measures were not taken on Crown land. I think I can sum them up under three headings, firstly, no power; secondly, no permanence of tenure; and, thirdly, no money. These are the only reasons I presume. Can you tell us which of these reasons operated in the mind of the Commission in deciding to take no pre-suppression measures on Crown lands?—I should say it was largely economic.

There was no money?—Yes; I have never had any grave doubts about taking measures for fire protection on Crown lands, or rather I should say there has been a certain doubt, but we have not been put to the test. Nevertheless, we have not been restricted by the Crown Lands Department in taking these measures, and the reason is largely economic.

You really had no substantial doubt as to your power?—Yes, but I am not going to say, either, that we did not take any steps on Crown land areas in regard to pre-suppression.

I am not asking you to say that. You will say probably that, in comparison with the steps you took on reserved forests, the steps you took on Crown lands were very small?—Oh, yes.

That being the reason why you took no steps—economic reasons—why was it that the Commission, when it furnished its report each year, under Section 40 of the Act, did not draw the
attention of Parliament and the public to the fact that these lands constituted a fire menace, and that something should be done with them, but that you had no money to do it?—

Because we took other measures — other steps.

What other steps?—We asked for more money, time and again.

Under Section 40, you were required:—

"(1) As soon as may be after the thirtieth day of each year the Commission shall cause to be prepared a report and estimates as follows:—

(a) A report of its proceedings during the financial year then last preceding with respect to—

(i) the demarcation of State forests by survey including the character quality and valuation of timber;

(ii) the renewal and improvement of State forests;

(iii) working plans;

(iv) the protection of State forests from fire animals pests and other causes of damage;

(v) the planting and sowing of State forests;

(vi) the utilization development and marketing of forest produce (including by-products); and

(vii) the training and instruction of persons appointed or employed by the Commission including cadets, trainees, apprentices, workmen and labourers;

and setting forth the contracts entered into the works carried on or completed and the transactions generally of the Commission during the year and such other matters as the Minister from time to time requires to be reported on:

(b) A statement in the form and containing the particulars prescribed of the moneys received and disbursed by the Commission during the year;

(c) Estimates for the ensuing year of the principal forest works proposed to be undertaken and of the
moneys likely to be required for carrying into effect
the provisions of this Act; and

(d) A statement with respect to such other matters as
are prescribed.

(2) Such annual reports statements and estimates shall be
laid before both Houses of Parliament in the month of
October in each year if Parliament is then sitting and
if Parliament is not then sitting then within fourteen
days after the next meeting of Parliament."

Did it not occur to the Commission that the way to comply with
those legislative requirements was to say "We have taken the
steps in reserved forests to protect them against fire, but it
is not practicable to take any steps on Crown lands, because
we have not the money wherewith to do it, although we have
pointed out that these Crown lands constitute a fire menace"?---

We have dealt with the State forests as a whole. Paragraph
(a) contains reference to "the protection of State forests from
fire animals pests and other causes of damage damage": I think
you will find reference to these matters in the annual report
submitted by the Forests Commission to Parliament.

I accept that. Do you also accept the statement that no distinction is
made in your reports between reserved forests and protected
forests so far as that operation is concerned?---That is so.

So that there is no chance for Parliament or the community generally
to appreciate the difficulty you were in from a perusal of
the reports?---We certainly did not make mention of that in
our reports to Parliament, but it was understood generally,
so far as the State forests policy was concerned, that our
funds were not sufficient to do the job. We have made
public statements to that effect, and we have made definite
statements to our Minister and to Cabinet from time to time,
particularly when the estimates were being considered.
The Commission deemed that it was carrying out its duty by doing this. We have never concealed that fact at any time.

Did it occur to you that possibly the report made to the Minister might not come to the knowledge of Members of Parliament?—Well, we looked to the Minister in many matters of organization as the organ of responsibility of the Department.

Maybe you drew no distinction between the requirements laid down in respect to your report to Parliament, and your report to the Minister?—We take the State forests as a whole in dealing with our report to Parliament.

We are on common ground there, but I suggest it might have been desirable to have drawn a distinction, having regard to the difference in the way you treated them?—That is a matter of opinion, is it not?

In order to clean up other matters, I should like to know whether you have taken any legal opinion on any question as to power?—We considered there was no need to.

Did you have a conference with the Crown Lands Department as to the desirability of measures being taken on Crown lands?—No, because we have never had any interference from them.

What I cannot understand is this: when this Royal Commission first started, a suggestion was put forward that the Crown lands had been in such a condition as to constitute a fire menace, and that the Lands Department had done nothing about that, and while statements were made indicating surprise at that state of affairs, no statement was made by any representative of your Department to the effect that while you considered that it was your pigeon, you had no money to deal with these areas. Why was it that your Department was silent all this time on the question of powers?—I am afraid that I cannot advance any reason for that.

MR. BARBER: It is the Lands Department, we think, that has been silent.

THE COMMISSIONER: Are there degrees of silence?
MR. GOWANS: You now suggest there should be some legislation to make that clear?—We want it made perfectly clear. There is obscurity.

That obscurity could have been cleared up, apart altogether from the legal opinion, by reference to the Executive Council, according to the provisions of your own Act?—I will not argue that. I am not clear on that point.

You know the Section?—I know something of the Section, but I am not too clear on the legal side of the matter.

THE COMMISSIONER: Have you any legal officers attached to your Commission?—We had a legislative officer, but he was appointed to another post.

Have you a legal officer?—No, we use the Crown Solicitor.

I do not suppose there would be very much for him to do?—Not a great deal. We are not construing authority from the point of view of getting easements, and that sort of thing.

MR. GOWANS: You made a suggestion that the Forests Commission might properly be constituted the overriding fire authority for the State, and I suppose the strongest way you could support that suggestion would be that, after all, you control most of the bush in Victoria, that bush fires only arise in the bush, and therefore, in addition to being the bush authority, you ought to be the bush fire authority?—Yes.

Do you think you would agree with this general proposition, that the fire authority, whatever it is in the area concerned, should have full control of all activities which are likely to lead to fire?—I agree with that.

So that that would mean that the fire authority in any area would have control of milling, cutting, control of grazing—because that leads to fire?—Yes.

Would you go further; what about mining and fishing?—I draw the line at that.

If you draw the line at that, why not draw the line—?—Might I interrupt? Game and fishing elsewhere in the world are controlled by the forest authority in certain places.
Have you given any thought to that. Do you want to control fishing?——

No, we are not too ambitious.

Mining, I suppose, you are prepared to leave out?——Decidedly.

Why then, should you not leave out water conservation?——Because it is part and parcel of a forest authority's policy throughout the wide world.

There has been the suggestion that they are bound up with one another — more closely than mining?——Absolutely bound up, as a prime responsibility.

But having said that, you cannot go very much further. You are not there to take over the problems and difficulties of water conservation in Victoria. You do not want to do that?——We have not made any mention of that in this report.

At the same time, you find it difficult to square that with the general proposition when you said that the fire authority should have control of fire activities?——All fire activities in connection with fire protection.

Then, of course, the presence of water might have some connection with the suppression of fire, but, in a rather more particular way, the presence of forests, bush, and scrub in these areas might have a very much closer connection with fire control, and, therefore, you come to a conflict between the two authorities?——Not necessarily so. Suggestions were put up as to that. We said that if any authority had a sound fire protection policy, we were willing to delegate authority to enable them to carry on.

I suppose you have given thought to all this, and also the question at exactly what point it would be proper for you to intervene with a fire protection making authority on any particular matter, and possibly intervene with a water control authority?——We would not have anything to do with that, not by any means whatever.

That is one side of your suggestion that you should have control in these areas; on the other hand, might it not be suggested

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that, instead of giving you more areas, you ought to have less areas. Might I suggest that in those areas where timber-values are negligible, or where the forest produce is unimportant, these areas should not be under the control of the Forest's Commission?—I would not suggest that for one moment.

Speaking of the Omeo State forest, the only justification for that being under the Forests Commission is that it is a protection forest from the point of view of water conservation. You have very little interest in that from the point of view of timber?—We have interests from the point of view of timber, as well as other interests, but there comes into consideration also, the economic factor.

We were told that other day that practically no fire protection measures were carried out in that forest, because it possessed practically no timber value?—Speaking by and large, under a vigorous policy, we might clothe that with better timber. I will not make a statement binding on the Commission so far as the future is concerned.

Maybe, but at the present time, it is a protected forest?—You mean it is a head of a stream.

What do you mean by the term "a protection forest"?—A protection forest is utilized for the purpose of protecting the stream flow, and only under extreme conditions would you take timber from that protection forest.

It has been suggested by several that the timber as it stands there has no value from the point of view of protection— that without other measures being taken it has no value?—I am not going to subscribe to that view.

Are you prepared to oppose or deny it?—I am prepared to deny that if you take the timber off it, it will not lose its protection value.

I put it to you as it stands with living timber there, and doing nothing further with it, the area has no value as a catchment area because the timber is not.
sufficient to bind the soil?—-I am not going to admit that.

THE COMMISSIONER: Do you agree with it?—-I do not agree with that statement.

MR. COWANS: Have you heard that view put up by other departmental officials—men of the Lands Department or the State Rivers and Water Supply Commission?—-Not officially, but I have heard certain officers make reference to that.

The opinion of the members of the Forests Commission is opposed to the opinion of other authorities on that matter. The Forests Commission is opposed to that view?—-Exactly, from the point of view of protection.

(continued on page 2265).
Are we to understand that you would be opposed to parting with that area?—Yes.

What about the High Plains area; are they reserved forest or Crown lands?—Crown lands, as far as I can remember.

They have very little timber on them?—That is so.

Would you be prepared to part with them?—No. We would not want to interfere with them, but we feel that we should have some degree of control over those areas from the point of view of grazing. Grazing does not interfere with fire protection inasmuch as those areas are practically bereft of timber.

Then your interest in those areas is very small?—We have an interest in them, but not to any very great degree. It is a protective interest from the point of view of fire.

If you were in fact not constituted the fire authority for the State, you would have no interest in the High Plains?—We would certainly have an interest from the point of view of fire protection.

Supposing those areas were placed under the control of another Department having a fire protection policy, would that suit the wishes of your Commission?—No. It would be divided control again, and it would not do.

That really brings us again to the basis of your proposition; you are opposed to divided control. You say there should be one authority and that your Commission is the best possible body to act as that authority?—Yes.

The question of erosion arises also. Has the Forests Commission any internal branch which deals with the problem of erosion?—Yes, we have an expert officer, Mr. Lakeland, an engineer, who deals with that matter. He will give evidence later.

I shall touch now with what you say is the whole bugbear of the situation; the lack of finance, I note that, according to your Commission's reports, the expenditure rose from £287,000 in 1929-30 to £610,000 in 1936-37. I have not the figures for 1937-38, and I should like to know whether you have those figures available?—The total would be lower than for...
The amounts fluctuate. By that I mean that the amount received each year does not rise gradually and consistently.

I note that the amounts of expenditure were: 1929-30, £267,000; 1930-31, £152,000; 1932-33, £342,000; 1933-34, £256,000; 1935-36, £613,000; and 1936-37, £610,000. What was the reason for the higher expenditure in the last two years given?---The main factor was unemployment relief. You will find the complete answer in the graph which I supplied yesterday.

The total expenditure for 1937-38 was less than the amount of £610,000?---Yes, so far as my memory serves me.

Would it be possible to obtain the estimates taken out by the Commission over those years for fire protection operations?---Yes, I think I could give the information. I have here a statement setting out an analysis summary of expenditure from July 1919 to the 30th of June, 1938, from Forestry Fund, Loans and Votes. Your source of income is four-fold - the Forestry Fund, Loan moneys, Votes and Unemployment Relief Fund?---Yes. That is the source of money for expenditure.

I understand that. As far as revenue is concerned, the Commission is a conduit into consolidated revenue?---Yes.

The Commission draws money for expenditure from the four sources mentioned?---Yes.

Will you give the details of that summary?---Yes. It is as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire Protection Works, breaks, etc.</td>
<td>£1,022,562</td>
</tr>
<tr>
<td>Forest Development</td>
<td>1,537,894</td>
</tr>
<tr>
<td>Gross Forest Expenditure</td>
<td>2,560,456</td>
</tr>
</tbody>
</table>

Excluding:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subsidiary Industrial Undertakings</td>
<td>£605,347</td>
</tr>
<tr>
<td>Establishment of Plantations</td>
<td>433,000</td>
</tr>
</tbody>
</table>

Total: £3,598,803

Fire protection works would represent approximately 40%.
I understand that each year the Commission works out estimates of expenditure for fire protection in the next year?—Yes.

Have you the record of those estimates from 1919 to the present time?—Yes.

We should have those records.

Will you furnish them to this Royal Commission?—Yes.

I want to know how much money the Commission estimated that it would require for each year for fire protection work?—I understand what you want.

You say that of the total expenditure of the Commission, the expenditure on fire protection represented about 40 per cent.—Yes, approximately 40 per cent.

I take it that you will be able to give this Commission details of fire protection operations—the expenditure on roads, etc.?—Yes.

According to the suggestions that you have made, you estimate that if an adequate policy is to be put into operation in the future, your Commission will require at least £166,000.

THE COMMISSIONER: According to the figures which you supplied of the cost of fire protection works, your Commission has expended about £100 per week on fire protection works?—The figures I gave covered a period of 20 years.

At basic wage rates, it means that 25 men have been permanently employed to deal with 1,000,000 acres?—That is well put, Your Honour, if I may say so.

MR. GOMANS (to witness): Your proposed expenditure on fire protection works is £166,000 a year which is as much as your Commission's whole expenditure for 1930-31, and represents one fourth of the expenditure for 1937?—Yes. It is additional expenditure.

It is a good deal more than the Commission has expended?—It is not a good deal more. That figure of £166,000 is an estimate, but we are only asking for something reasonable in order to launch a scheme. I am afraid that the scheme will increase expenditure.

Your experience in the past has been that Ministers suffer from cramp?—

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---Yes.

Have you taken into account in arriving at that figure of £166,000 the feasibility of carrying out an effective scheme of fire protection in protected forests?---Yes. We do not make that an absolute figure. Once we go into the question thoroughly, we will find that considerably more money is required.

A good deal of your expenditure has come from the unemployment relief fund?---Yes.

Are there attached to that fund conditions which have hampered the Commission in the past?---Yes. As I have already pointed out, you will note on reference to the graph that I put in the amount of money oscillates from year to year and even from month to month.

Has the money been earmarked in such a way as to hamper the Commission in its scheme?---The Commission has not full control over the allotment of the money. Money from loans and votes are made available to the Commission for expenditure on forest works as the Commission desires, but unemployment relief expenditure is subject to the approval of the Minister.

The Commission must spend the money as the Minister directs?---Yes.

THE COMMISSIONER: Mr. Gowans, I want to make a correction now in a calculation which I worked out and gave a few minutes ago. My arithmetical is at fault. Perhaps it was my inherent desire for the dramatic that led me into the error. I gave only one-tenth of the amount which I should have given.

MR. GOWANS: I did not notice the error at the time, Your Honour, but I understand now that you should have said that the expenditure was about £1,000 a week, instead of which you said "about £200 a week".

THE COMMISSIONER: Yes, now that I have made my confession, you may proceed with your examination.

MR. GOWANS (To witness): Can you give the Commission details of any restrictions that have been placed on the manner in which
the Commission has expended unemployment relief money?—I would require to consult the file before I could give the information. We have received directions as to where the money is to be spent. Naturally the Minister directs. Those are the terms under which we receive money from the Unemployment Council.

Do you desire to offer any comment or criticism on that policy?—I prefer not to.

What is the tenure of office of members of the Forests Commission?—Under the Act it is any period up to five years.

What is the maximum period? What is the minimum period for which members have been appointed?—Three months.

Has that happened more than once?—No, only once.

What is the next shortest period?—Twelve months, that is, the appointment of any individual member of the Commission.

I will now pass on to matters dealing with the control of reserved forests so far as your Commission's operations are concerned. We have heard a good deal about the process of thinning and allied processes which are silvicultural processes. You are familiar with that process?—Yes.

I shall now read an extract from the evidence given by Mr. Elsey and set out on page 1095 of the transcript—(reads extract "What about thinning work in your area........greater risk than you were carrying before-hand"). Would you accept that evidence as a fairly accurate description of thinning operations?—Yes, up to a certain point. Thinning is carried out with the view of helping the stand and it is development. We thin out at a time which we consider correct to obtain diameter development. It also depends upon the degree of thinning which is determined by an examination of the stands before the thinning operation commenced. In dealing with the thinning of these ash stands, Mr. Elsey forgot to mention one important fact: it is that suppressed trees are taken out first and, by reason of their suppression, there is a very limited head or leaf furnishing left and the fire risk is then not so great.
I direct your attention to page 6 of your Commission's report for 1931-32. After referring to financial considerations, the Commission deals with thinnings of a more or less experimental nature carried out in certain areas. Apparently that was the beginning of the Commission's thinning policy?---Yes.

In that year's report, your Commission set out no figures as to the amount of work carried out, but in the report for 1932-33 the Commission set out details of the work carried out and the total was 126,000 acres. In 1937-38 the amount of work had increased to 181,000 acres. If you had 161,000 acres dealt with in the manner which Mr. Elsey suggested, do you not think that you would have added to the fire menace in a considerable part of the State?---No. I consider that the thinning of ash is contributory to fire protection, and especially the thinning of the thicker bark species, such as memmate.

It is a contributing factor in one way, but does it not it add to the fire menace in another way?---No. Definite precautions are taken, and at no time has a fire emanated from these particular areas.

But I put it to you that it might be a very considerable factor in increasing the intensity of a fire passing through such an area?---I hope that Mr. Elsey made it clear that we increase fire protection measures during a bad season. We consider that thinning, as practised in the forests of Victoria, is the correct method.

I understand that in the last 18 months or so your Commission has cut down its figures in this matter. What is the reason?---Mostly economic reasons.

There were no other particular reasons?---No.

Was there divergence of opinion among officers in this matter?---Only so far as mountain ash is concerned, and then only in two cases. One was where we had rainfall in feet instead of in inches as in the Otways, and the other was in the
Warburton district. My answer relates to mountain ash only.

Leaving the question of control of your own operations in reserved forests, I shall now question you regarding grazing. In 1932, at the deputation which has been referred to, you recommended the cancellation of present methods of grazing. What did you have in mind then?—Was that the deputation to the Minister— the Hon. Mr. E. Williams?

Yes?—I cannot call to mind the idea that at that stage.

Do you think that graziers should be allowed in protected forests?—We say that there are areas where we can permit grazing without doubt, and that there are areas where grazing improves the forest growth, but there are areas, such as mountain ash country, where grazing should not be allowed; grazing can be allowed in parts of the woollybutt country, but it should be excluded from most parts of that country.

You stated that there has been a policy of the Commission burning the heads of trees, and putting a surcharge on the millers. Is that of recent development?—It is done in the Wombat forest where there is selective felling.

I note that Sanderson, who has a mill at Bell's Gap, received notification of that arrangement only in November last. Do you know anything about that?—I cannot say definitely whether he received the notification in November last.

When was this policy made a part of the general policy of your Commission?—It has not been made a part of the general policy of the Commission throughout the State. It is intended to do that.

Have you considered the desirability of getting the millers not only to burn the tops but also cut up the branches and trunks?—That is going to be a difficult matter. It will be difficult from the marketing point of view. There will be the question of making payable timber unprofitable from the point of the miller.

Have you gone into the matter?—Yes.
Who headed you off it - the millers?—No, the market really dominates the position.

(CONTINUED ON PAGE 2272.)
THE COMMISSIONER: How can you arrive at a decision unless you have gone into it and calculated how much is added to the cost of winning the timber?—We have not examined it closely, but we have thought of it for some time.

Then how can you say that it would make milling unpayable?—We assume that it would be uneconomic to cut timber under those conditions unless it was done by our own staff and we charged the cost to the miller.

If you have not considered the cost in proportion to the total cost of the timber, how can you say that?—Only in forming an opinion.

How can you say it would be unprofitable to mill the timber?—That is what I consider in view of the present market price of timber.

You may be right, but you do not substantiate it.

MR. GOWANS: Have you thought of it as a desirable thing?—Yes.

Have you considered it in the light of the fact that it is in operation in other countries?—Yes, we have from that point of view.

Naturally we would.

THE COMMISSIONER: Do our timber millers carry on an export trade?—It is mostly a home trade. Exports are limited.

Can imported timber compete with our own timber on the home market?—Imported timber is subject to a tariff which makes our own timber marketable.

That is all the better for the miller?—Yes.

Then how can you say it would be unpayable if the extra work were carried out? The cost would go up if the cost of winning the timber went up?—Yes.

You evidently have not given much thought to it?—We have given some thought to it, but have not examined it thoroughly.

MR. GOWANS: You say that you think it is desirable, that it is done elsewhere, and that you have given it thought to the extent of realizing that it would reduce the millers' profit, but
you have not ascertained whether it would be unprofitable to the millers, as distance from less profitable?—-I will say that we have not examined it closely from that angle.

Regarding safety measures around mills, you saw fit to put in the regulations as a condition of a mill-cutting licence a provision with regard to the clearing of the area round the mill; You decided to do that as an addendum to the original regulation?—-Yes.

When you did that why did you not think it desirable to put in the condition with regard to dug-outs?—-The position was a very difficult one as I said this morning.

It was difficult only to this extent, that you might possibly be imposing a liability on sawmillers. The other matter I suggest was headed off by the opinion of the Crown Solicitor. Apart from that was there any real difficulty?—-Yes, there were difficulties.

I want to take you back again to the deputation of 1932, when this matter was gone into in the presence of the Minister of Forests, two representatives of the Hardwood Millers, the Secretary of the Timber Workers' Union and another representative of that Union. The proceedings started with the reading of a resolution, among others, carried by the Hardwood Millers, that they were in favour of dug-outs being put in and, in fact, recommended them and suggested co-operation between employers and employees to bring them about. The Timber Workers' representatives supported the proposal, did they not?—-Yes.

I shall read two passages from the report. (Extracts read). If that was the state of your mind in 1932, why has the provision not been made in the regulations?—-I thought I made a very frank statement about it this morning, and that is the reason why.

As I understand it the only reason was that although you had no doubt
in your mind about the desirability of it there were certain people who thought it was undesirable, and because of that you decided not to go ahead with the policy. That is the statement you made and, in fact, is what you wanted to say?—
That is what I said this morning. I adhere to the statement I made.

It does not seem to square with your file. Your file shows that up to 1935 you were urging sawmillers to put in dug-outs, although in 1932 they had recommended it themselves. After 1935 when you were opening up this Matlock area and had taken the opinion of the Crown Solicitor you began to write letters to members of your staff, telling them that the policy had to be enforced. In spite of that it was not enforced by certain of your officers. Does the Commission condone the failure on the part of its officers to enforce the conditions in its letters of allotment, or is the Commission prepared to say that that was one of the points where apparently the system broke down?—The position plainly is that we felt that if it were enforced right to the letter the ground on which we were standing, which was rather shaky, would give way.

You are referring to the legal position?—Generally speaking, the whole position. I cannot put it any plainer than I put it this morning. I have endeavoured to do all I can. I was perfectly frank about it.

THE COMMISSIONER: Mr. Gowans has put an alternative to you. Do you approve of what your officers did in not enforcing your strong suggestion, or do you say they ought to have enforced it, or did the system to that extent break down?—We were reluctantly compelled at that stage to let the matter rest.

When you are urging your officers in the field to do a certain thing you are not letting the matter rest?—We knew the officer had difficulty in the field. He did not refuse or fail to
carry out the Commission's requests. We recognized that he had difficulties in the passive resistance on the part of a man.

A man whom you hold in the hollow of your hand.

THE COMMISSIONER: Do you think that perhaps the millers had a political pull?—No; That did not enter into our minds.

That might have been a good excuse, but it was not even that?—I must be honest about that, we did not consider it.

That clears the ground of what might have been a very grave obstacle to a body constituted like the Commission.

MR. GOWANS: Regarding Fitzpatrick's mill, you say that you recognized that the men in the field had certain difficulties. In the case of that mill you made it a condition in the letter of allotment and you wrote to your officers asking them to report to you whether everything had been done. You found out that the dug-outs had not been installed. You were writing all the time to your officers telling them the regulations had to be strictly complied with, and you told the A.M.A. that the officers had been given strict instructions to see that the regulations were complied with. It was not done at all; and apparently the Commission did not acquiesce in it, but were ignorant of the fact that the regulations had not been complied with. It was not out of consideration for the men in the field.

Take Yelland's mill; In that case you put the condition in the letter of allotment. You impressed upon your officers that the conditions had to be complied with, and you referred to the dug-out condition specifically. You wrote to the miller himself and received a reply that he would put a dug-out in. You left it at that, and the officer in the field did nothing about it, although the mill was a death-trap and everybody recognized the fact.

THE COMMISSIONER: Was not the same condition in the Fitzpatrick's letter of allotment?
MR. GOWANS: Yes. In those two cases the explanation that you were considering the men in the field will not stand, because the Commission was apparently under the impression that its orders had been carried out. Is it not a fact that either the Commission knew that its orders had not been carried out and acquiesced in it, or that the field staff let it down?—I would not say that the field staff let it down.

THE COMMISSIONER: May not some of your officers have been far too friendly with the millers? Has not that possibility occurred to you?—It might occur to one. It might be a possibility. If it did occur would you do anything to check it?—If we had the slightest idea of it, we would take definite action.

When you get a man ignoring your strict instructions to him, what do you, as a man of the world, think might be happening?—We would draw certain conclusions.

But did you do anything further?—I felt that in this case nothing of the kind was happening.

I am sincere in saying that I am not suggesting any case in particular.

I am not making an underhand attack on any particular officer, but am talking about the possibility. Did you do anything about it?—We felt that these officers were honest in their conduct. We knew, and they knew, the difficulties under which we, as an administration, had been labouring in regard to dug-outs. We were doing all we could to have dug-outs put in, but it was very difficult under the set of conditions existing.

I think the great majority of your officers appear to be very honest, decent men, but we all know that in every body of men there are some who fall short of the standard. I have wondered whether you had any check on that in regard to safety precautions?—We watch them very carefully. We have strict control over them.

MR. GOWANS: I want you to consider the criticism that could be
levelled from both sides. On the one side there is a flaw that the public might say is obvious, and on the other hand your policy might be labelled as one of hesitation and timidity. It seems to me that your choice lies between those two. In those circumstances do you want to add anything to what you said this morning about the reason for breaking down?—No. I feel that I covered the ground this morning as far as I possibly could. I thought I made it fairly explicit. We have done all we possibly could as a body dealing with an untried project.

You asked me yesterday to read the opinion of the Crown Solicitor, although I do not see what comfort you will get from it. I will read it. (Document read, No. 22, from file relating to Fitzpatrick's Mill at Matlock)?—Fancy putting "He who enters here does so at his own risk" in the bush in the stress of a bush fire.

There were certain difficulties with regard to dugouts that may have occurred to you. There was, in the first instance, the fact that some sites were not on reserved forests, but on Crown lands, but in view of the fact that you placed the condition in the letter of allotment, the difficulty does not seem to have struck you?—Yes it did.

Did you not think of putting that to the Crown Solicitor and asking him what he thought about it?—The position on Crown lands and private properties was obvious.

Did it occur to you to put to him in regard to sites on Crown lands and private properties, "So far as the cutting licence is concerned we have a say, and we are proposing to put this condition in: Is that within the scope of our powers under the Act"? Did that occur to you?—Yes, and we refrained from it.

In the case of Crown lands, mill site licences were granted by the Lands Department. That makes no difference if the letter of
al lotment is granted by you?—No.

Have you discussed it with the Lands Department?—I do not remember having done so, or our officers having done so.

The suggestion you now make is that the mills should be registered?—Yes, everywhere.

Did you think of that before?—Yes, we wanted mills registered everywhere.

We wanted that in legislation.

Was that because of conditions of this kind?—Not necessarily, but for general control. We found that all sorts of difficulties presented themselves in the control of the milling of timber.

You would expect that if there are new circumstances that have arisen or if some new light has been thrown on the old problem, a public department might well be pardoned for not having thought of the suggestion before; but has any new light been thrown on any old problem to justify the previous absence of the suggestions you now make?—I do not just gather what you mean.

You make suggestions about forest control, control of millers, water supply and other things. These are matters of internal arrangement that you could have carried out before. Why?—In a measure we have, and we will extend them.

Is there any doubt that you had power in regard to forest control?—We had power in regard to camping, but what we desire is some control in placing the camps in definite locations and putting restrictions on them in regard to dug-outs. We also want power to take money in payment therefore, and to place campsites under committees of management. We have certain powers, but we want absolute power.

It is only a matter of regulation?—Not at the present time.

THE COMMISSIONER: What Mr. Gowans wants to know is this: do you not agree that in the past you had power to do many things that you say you wish to do now, or do you say that you did not have power, but in either case you did not do those things or seek the legislative power you now suggest.
Mr. Gowans puts it that the previous fires were not sufficient to wake you up, but that the 1939 fires were?—We are not perfect in any circumstances. If we have not done certain things we will put our house in order.

He then goes on to ask you is there anything different in principle arising out of the 1939 fires that arose out of the 1926 fires?—There really is no difference in principle.

MR. GOWANS: One of the suggestions was about the Bush Fire Brigades Board. With 20,000,000 acres of land under the Lands Department, do you not think it desirable that there should be a representative of the Lands Department on the Board?—There is nothing to prevent them being represented on the Board.

I understand the Crown Lands Department took no responsibility for fires.

Are you putting forward that suggestion XXXX on the assumption that you are responsible on Crown lands?—That is so.

Do you believe that the fire fighting organization that you have at your disposal, no matter for what reason, is wholly inadequate to protect the reserved forests, let alone Crown lands and private property?—Quite so. I agree with that.

MR. BARBER: Is it true that Fitzpatrick's and Yelland's mills are both on Crown lands?—Yes.

Among your other difficulties about dug-outs, did it occur to you at all that there was any doubt about the legal position of mills to which licences are granted by the Lands Department?—No doubt at all.

What was your view of the position?—We felt we had no right to interfere. They have a certain instrument which is the licence for a site and in that instrument we have no right to place any condition.

(Continued on page 2279).
MR. BARBER: But you feel no embarrassment in putting in the allotment a condition which is different from the condition in the site licence?—We did feel some embarrassment.

Apart from the matter whether you had power to make dug-out regulations, did you consider whether it was a proper matter for your Department to concern itself with, or whether it was a matter for shops and factories Act legislation?—We know that each mill was registered under the Shops and Factories Act, and as such it came under the law in regard to safety of life and limb, but we had no control over the machinery of the mill. That was under the control of the Factories and Shops Act.

In considering the situation of your Department, was it a matter of further embarrassment that your Department, apart from fire fighting, had no mandate to take precautions of this nature in regard to the safety of life and limb?—That is quite so. Naturally by the law we are the forest conservation authority, with no reference to life or limb.

As Mr. Slater is not present, I undertook to put any matters in which he was interested. As the witness and His Honour have had a discussion as to the question of the possibility of dishonesty amongst certain employees, I wish to put a question or two. I take it that you were assenting to the general proposition that, where there was a large body of men, it was conceivable that some of them would fall short of the strict standard of honour desired.

THE COMMISSION: That was the full extent.

MR. BARBER: The witness was assenting to that as a general proposition, and you were putting it that you had any suspicions as to any individual officer?—Quite so; we had no suspicions. These things occur in the best regulated families.

You do not advert to any specific instance, and you have no suspicions?—No.
MR. SWINDON: It was mentioned that no request for power to clear up dirty blocks had been embodied in any of the Bills. Can you say whether the request came originally from the Bush Fire Brigades Association?—It might have come, but it was in our minds before the Association had proposed it. I think your people brought up the matter as well.

If you were not present at deputations of the Bush Fire Brigades, would their request be sent on to you?—Yes.

On two or three occasions, we have made certain applications?—I have recollections of that.

THE WITNESS WITHDRAW.

MR. BARBER: What are you in the Forests organization?—At present position is Chief Draughtsman.

Have you control of the aerial fire patrol; are you the officer responsible for its working?—I am the officer connected with the flying section.

Will you tell us something about it; when was the arrangement commenced?—I cannot say when the matter was first brought up. The first flight was made on the 18th of February, 1930.

You have a number of notes regarding the seasons; will you put them in? Will you explain one, so that we can follow the others. Let us take the season 1930-31?—I will read the notes:—

The present efficiency of the Aerial Fire Patrol is the result of many years of mutual assistance, and close co-operation between officers of the Forests Commission and the Royal Australian Air Force. The course of investigations and improvements effected since the first flight in February, 1930, may be divided into two divisions - ground organization and air organization. To illustrate the effectiveness of the system, I think it advisable to go back briefly over the improvements that have taken place. There are three sections whereby
improvements are affected. The first is in the use of aircraft of various types; the second is in the improvement of the ground organization; and the third is in the actual air patrol work. In the 1930-31 season, the aircraft used at that time was a single engine two-seater Wapiti. The difficulty from the start was the cramped condition of the pilot and the wireless operator. The maps used were in a great degree totally insufficient for the work for which the patrols were required. The wireless communication was made first by R.T. and also by W.T. R.T. meant radio telephony. It means the actual spoken word of the wireless operator in English. W.T. is wireless telephony, and is the Morse Code in operation. During the first two years, the W.T. terms were used only, and reported from the Laverton station signals to the officer at Headquarters of the Forests Commission. In the seasons 1934, 1935, and 1936, the same aircraft was used, but the maps were continually improved by matter and data supplied by various officers and surveyors. Nevertheless, the maps were insufficient for the purpose.

Wireless transmission was used in both respects - both R.T. and W.T. That means that the position of the fire was ascertained and spoken by R.T. to the wireless officer immediately below.

THE COMMISSIONER: What do you mean by immediately below?---The aircraft would be over his district. The message would be relayed to Laverton and back again on the land lines. The Head Office would confirm the message. There would be the circulation of the message from the aircraft to the forest officer, and from the aircraft to Laverton in another direction. Each signal was repeated three times, so that the forest officer received six messages. A great advancement was made after the season 1936. In the season 1937-38, ground inspection for ground sing sites was
made by Squadron-Leader Eaton. He is Commanding Officer No.21
G.F. (City of Melbourne) Squadron, and is an old Queensland
Forester. When it became his duty to give effect to the
requirements of the Air Board, his assistance was most marked.
Hitherto the method of locating fires was that the officer
of the aircraft had to get the position of fires from the
position of mills, which had certain numbers painted on their
roofs. The paint deteriorated or had to be renewed. The
smoke from the mill was a deterrent for visibility. At that
stage, a new method of ground control was instituted whereby
over 5,000 square miles over which the patrol flies a co-
ordinate method of pin pointing fire position was instituted.
Each 100 square miles was supposed to have one permanent
ground mark that the pilot could recognise. This
has taken the form of ground signs established at vulnerable
points, preferably at high points.

THE COMMISSIONER: We are not conducting an inquiry into the technical
side of communication, but it appears that, after an aeroplane
has moved over one spot for a few minutes, it might be gone
for some hours?---The actual flying is so arranged that the
aircraft passes over certain districts at certain times.
The pilot has a fair area to traverse. He would see a place and pass
over it, and he would not see it again for some hours?---He
does not cover the ground again.

He covers it once in twenty-four hours. That is not comparable with
outlooks from towers?---No, but the lookout from towers is
more restricted. The following is the procedure: A warning
of approaching bad fire weather will be issued during the
late afternoon; that is, the day before. The communi-
cation will be direct from the Forests Commission to
Commanding Officer No. 21 G.F. (City of Melbourne) Squadron,
Adjuntant or other Officer of Unit from Monday to
Thursday inclusive, and Fridays to Sundays to the Duty Pilot, Laverton. The Duty Pilot is to inform the Commanding Officer, Adjutant or Duty Crew. Under the second procedure for proceeding on fire patrol, the communication is to be direct from the Forests Commission to Unit Pilot concerned at approximately 11 a.m. on the day the patrol is required.

In regard to the notification to forest officers, the forest officers concerned would be notified of the approximate time that the aircraft would be over the various districts. The forest officers would receive all R.T. messages from patrolling aircraft, while the aircraft is in wireless range. Under the methods of reporting fires, there are the following:

(a) From aircraft to forest officers - R.T. on 3500 K.C.s.
(b) From aircraft to Laverton - W.T. on 3500 K.C.s.
(c) The following procedure to be complied with:

Station call sign
Aircraft call sign
Report Number (reports numbered consecutively during each patrol)

The word "square"
Large Square number
Small Square letter (within large square)
Scale of fire (L. large, M. Medium, S. small)
Time

Message to be repeated twice.

These maps are the patrol maps used both on the ground and in the air. Your Honour can follow the procedure and see how efficiently the messages are sent, and how easy it is to detect a fire. If fires were detected at Powelltown, in the second "0" on the map, it would be wirelessed in this way: The word "Square" representing 100 square miles would be No. 25. That square is divided in alphabetical order into twenty-five smaller squares, and each square equals four square miles. Each lettered square mile is again divided into
100 parts, giving co-ordinate squares of 1/100 square inch. The result is that by reference to a large square, a small square and a co-ordinate square, the fire position is placed within an area of 25 acres. The second "0" in Powelltown will represent 25 0, and the co-ordinated number is 25 - 49 which is the exact position of the fire. That is briefly the procedure. Seven or eight wireless sets have been used in several districts. One was destroyed at Woods Point.

MR. BARBER: Has the system you have described been effective in spotting fires and as a fire fighting arm?---I am not in a position to say exactly what use has been made of the reports, but the accuracy of the reports and the possibility of discovering the fire position within an area of twenty-five acres are practical.

Is that dependent on the knowledge of the observer?---Not necessarily. How does he know whether the place is Powelltown or Warburton?---The ground signs are on the top of Donna Swang.

There is a progression of signs?---Yes. If the flight officer is over "X.V.12" and he wants to go to another place, he looks down and sees where he is and alters his course. Actually they are dependent solely on the ground signs, of which there are twenty-seven on the map.

MR. GOWARDS: How do you decide what day you will go on?---That is subject to the meteorological report given the day before to Mr. Cerver. I think that if the Meteorological Bureau issues a bush fire warning the day before, it is conveyed to Laverton and is confirmed the next morning by the reports which are received at 10 o'clock, or thereabouts.

Does the plane go out every time there is a bush fire warning?---I am not conversant with the number of bush fire warnings, except that last year the aircraft was out eleven times in the season. You cannot say how many times there were real bush fire days?---That is how many there were over the eleven, no, I cannot.
MR. HARDY: In flying over country such as Niyagaroon reserve, would you have difficulty in locating a fire within a short distance of forest lands?—You mean, is there any difficulty in differentiating between forest lands and Crown lands?

Yes?—There is no difference so far as observers are concerned. They are not immediately concerned whether the fire is on Crown lands or on private lands. To them forest country is country covered by trees. On these maps, there are indicated the boundaries of timberlands. It is only when the right message is received and the position is re-plotted that it is known where the fire is.

In the event of a fire occurring on selected lands and travelling with favourable or unfavourable winds towards forest reserves, would you be able to say that the fires were on selected land outside the forests, or is that not ascertained until the map has been re-plotted?—From my ground knowledge of surveying, I am absolutely certain of the position, but, if the observing were done by a Laverton officer, he would not know.

Could you say during a flight whether the fires were on selected lands?—Within a margin of, perhaps, six or ten miles from my knowledge of the forest boundaries, I would say that the fires are approximately four times more numerous on the outside of the forest rather than inside those boundaries. On occasions I have been out in weather when bush fire warnings have been issued, and I have seen no fires in the forests and twenty outside them.

That is what I wanted to know.

MR. SWINDON: You report all fires?—Yes.

The planes pass at a fixed time. We have been told that when the patrol spotting plane goes over Olinda, there are no fires, but, after the plane has gone over, smoke starts to rise. Is there a possibility of altering the times for the plane to pass over given points, and to make the times different.
THE COMMISSIONER: I thought you were going to blame the plane. There
might have been so many post hoc arguments that I thought there
would be another.

THE WITNESS: I have heard that about the Clinda plane. To obviate
that, suggestions were made that the course of the plane
should differ each day, but that brought us up against
trouble with the aircraft authorities, but it was agreed that
one plane would leave at nine o'clock in the morning, and
another at a later time during the day.

THE COMMISSION ADJOURNED UNTIL 10.30 A.M.

ON FRIDAY, MARCH 31ST, 1939.
Author/s:
Victoria. Parliament

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

Date:
1939

Citation:

Persistent Link:
http://hdl.handle.net/11343/21344

File Description:
Day 30-Melbourne 30_03_1939