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

FRIDAY, 31st MARCH, 1939.

PRESENT:

HIS HONOUR JUDGE STRETTON, Royal Commissioner.

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MR. GREGORY GOWANS, to assist the Commissioner.

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

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

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

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

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

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MR. GOWANS: If your Honour pleases; I should like before taking of
evidence is commenced, to refer to a statement which has been
furnished to me by Mr. Kelso pursuant to a request I made
during the taking of his evidence. The statement is as
follows:--
Works maintained:

Firebreaks - mostly 3 chains wide - 79 1/2 miles
Access roads and tracks - some for fire control only, mostly for all forms of access 112 "
Control plantations (to check bracken or control landslides, etc.) in which the undergrowth is cut and burnt regularly as a fire control measure - 780 acres

Cost for 12 months to 28.2.39:

Firebreak maintenance 23,565
Fire control in plantations, and along roads and tracks (i.e. cutting etc.) 2,480
Supervision 119
Fire fighting and patrolling 1,371

£7,535

No new construction was carried out in this period, although in periods previous to it some considerable amounts were spent on construction of access tracks, etc., in the Plenty Catchments.

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MAURICE WILLIAM CARVER: Sworn and Examined:

MR. BARBER: You are a clerical officer in the employ of the Forests Commission?—That is so.

Your duties are those of publicity officer and honorary secretary of the Bush Fire Brigades Association?—That is so.

Your duties in the latter capacity are of an honorary nature, but are actually part of your official duties?—They are semi-official in a way.

In regard to your publicity duties, what is the object of the publicity work you undertake?—The object is to publish as widely as possible the destructiveness of bush fires, and to encourage the general public to exercise great care for the preservation, not only of forests, but also of private assets in rural districts.

What form does that publicity take?—The form is varied. For a number of years—practically since the inception of the Forests Commission—some publicity has been carried out, originally it took the form of advertising, with articles in the newspapers, magazines, journals, etc. Lectures were given when the opportunity presented itself, the lectures being given to societies and clubs. Radio talks were given over the National broadcasting stations, and occasionally from the B class stations. A number of roadside signs—16 x 8 ft.—have been erected in strategic places adjacent to forest reserves. We have also held and participated in exhibitions and shows in which we have endeavoured to show the public the utility of our forest products, and at the same time we have encouraged them to preserve these assets. Posters have been distributed to railway stations throughout the State, and endeavours have been made to educate the child mind to appreciate the value of forests. In this regard the school plantation scheme has played a very large part. I understand that approximately 360 of these plantations have been established, and the Forests Commission has participated to a very large extent in these schemes. Children are taught by
that means to appreciate the value of trees, and we hope that
the community now growing up will have a greater realisation
of the value of forestry than perhaps we have at the present
time. The Forests Commission is already represented on the
League of Youth which is doing a wonderful lot of work in
child education in civic matters. We have also supplied
timber samples, pamphlets and blotters, and articles have been
published in school papers from time to time drawing
attention to the value of forests and the need for protecting
them. That publicity was more or less spasmodic until 1930,
when it was decided to bring all our publicity measures into
one week which we termed "Bush Fire Prevention Week". All the
publicity resources available to the Commission were concentrated
in that period, and we have received a wonderful lot of
co-operation from various firms and from the general public.

THE COMMISSIONER: What time of the year do you hold the Bush Fire
Prevention Week?---Last year it was held in January because our
statistics show that February is the worst fire month. We
hope that our campaign will be in the mind of the public when
the fire danger is the greatest.

Did you hold a campaign this year?---We had all the arrangements made,
but we thought ———

That it would be somewhat inappropriate?---Yes. Posters are prepared
for exhibition during Bush Fire Prevention Week. This is
the poster prepared for this year. I might say that the
drawing was made in our/office.

EXHIBIT EXHIBIT Poster handed in.

Here is another poster. It was also designed in the
Commission's own office. These posters are distributed to
over 700 country areas in which we have what we term organizers
who may be Shire Councillors or members of bush fire brigades,
and arrangements are made locally with them to organize publicity
within their areas. That local publicity consists
of the display of these posters, arrangements for
local press publicity, getting into touch with the various clergymen and asking them to mention the need for exercising care with fire, etc. We have also prepared lantern slides and dispatched them to these people, and these slides more or less graphically depict the necessity for being careful with fire. I have here some of the slides.

THE COMMISSIONER: (examining slides) I see you strike a definite note of warning here, "Prevent Forest Fires by Putting out that flaming match". It is equivocal?--Yes.

MR. GOWANS: Definitely a striking note!

THE WITNESS: Posters are also displayed in butter factories and in numerous city and suburban stores. A large number is distributed through the National Safety Council, and by the Trades Hall Council. Posters are also displayed at a large number of railway stations. The railway publicity, by the way, takes place prior to the Christmas holidays. During Bush Fire Prevention Week, there is also a very strong press campaign, not only in Melbourne papers, but also in the provincial press. We also receive a great deal of co-operation from the radio stations, both A and B class, and they put over what we call "scatters" or slogans at numerous periods throughout the day during the Bush Fire Prevention Week. Short slogans are put over such as, "A match may be down but not out - Break yours in two". In addition, talks are given from time to time by officers of the Commission. Lantern talks are also held during that week. Lectures are given again whenever the opportunity presents itself, and arrangements have been made with the Postmaster General's Department for bush fire warning slogans to be incorporated in cancellation stamps for postal matter. (Specimen exhibited) In addition a large number of firms owning stamp franking machines have incorporated fire-warning slogans in their frank stamps. (Specimen exhibited). A large volume of publicity is arranged without cost to the Forests Commission. The other day we received a letter from
a B class broadcast station, stating that it had complied with our requests to put over numerous appeals for care with fire, and the value of the advertisement put over by that station was £35, although no charge was made against us. The same applies to the cost of dies for the stamp franking machines. Firms have prepared these at their own cost.

I think that covers more or less the general publicity of that nature during Fire Prevention Week. Other forms of publicity are going on from time to time, and we have made an endeavour to obtain the co-operation of landowners living adjacent to forest reserves, in the reporting of forest fires, so that we can obtain early notification of outbreaks. Cards of this type (exhibited) have been prepared and sent to forest officers for distribution. I will quote one of these cards for the information of the Commission:

**BUSH FIRES,**

however small, are always a menace and, if left unattended, might assume uncontrollable proportions.

The Forests Commission seeks your co-operation in its efforts to subdue all bush fires before they attain serious dimensions and will appreciate early notification of outbreaks in your locality.

When a bush fire starts in your district kindly advise your telephone exchange and request the operator to inform the forest officer of the location of the outbreak. No charge will be made for calls of this nature.

(CONTINUED ON PAGE 2295.)
That is an arrangement we had with the Postmaster General's Department, whereby when they receive calls regarding bush fires they pass the information on free of charge to the fire fighting authority, which may be the forest office, the police, or the Bush Fire Brigade. Postcards have been distributed among guest houses and they make an appeal for the preservation of tourist resorts from fire. Little pamphlets which have been distributed through garages call on the public to save our forests, and they give motorists generally warnings as to what they can or cannot or should not do in the forest reserves. I mentioned the the blotter's distributed to school children. One of them is really a story without words, and the other is more graphic and possibly more appealing to the child mind. Wind-shield stickers have also been provided. They are given to us by the Shell Company. We also have some envelope stickers which have been used at various times during Bush Fire Prevention Week. There is also an insert for a tobacco tin used by the British-Australasian Tobacco Company, which says "A match may be down but not out". Our acknowledgment card sent out in connection with practically every letter received in the office bears a warning against bush fires similar to the one on the blotter. Our envelopes also carry a warning. We also do a great deal of advertising in the newspapers, and I have a few proofs of the advertisements inserted recently, wherein we direct attention to the necessity for the preservation of the forests in order to prevent erosion and wastage of territory and stressing the necessity for the maintenance of a regular stream flow in the interests of the water supply. The advertisements also point out the general damage that may be caused by a bush fire. There are blocks with some of the advertisements but some consist only of words. A number of calico signs have been prepared for attachment to trees. We have made them distinctive as
possible so that they cannot be overlooked. One was prepared more or less on the suggestion of the Bush Fire Brigades and it is used mainly in the vicinity of private property. It says "Help to prevent bush fires. Where possible obtain boiling water from residents". In others we draw attention to the illegality of lighting fires in certain reserves.

We call on landowners to extinguish fires and appeal to graziers, settlers, sportsmen and tourists to protect their forests. We have also erected in a number of places fireplaces for the safe lighting of fires. Those are for the convenience of tourists. Motorists travelling along the road will see a notice drawing attention to the fact that a fireplace is so many miles further on, and when they approach the fireplace they will see a notice saying that the fireplace is there. There is another similar notice regarding campers and picnickers. The publicity given to the proclamation is mainly through the press and the radio stations.

By the Act we are compelled to advertise the proclamation in the newspapers circulating in the district, and also in the Government Gazette. In addition some publicity is given to the proclamation in the news columns of the newspapers. Items are also put on the air, through the radio stations. I know that because I have heard them. The proclamation is also published in a form in which the regulations are shown. We have supplied 5,100 copies of the proclamation throughout the state. They are displayed in the country by Forest Officers, Bush Fire Brigades, Shire Secretaries, on railway stations and at post offices. That form of notice is also drawn up in briefer form. It states, "Lighting of open fires in this district prohibited by proclamation from ..........to.................except under regulation conditions. Copies of the proclamation may be inspected at any forests office, police station, post office, railway

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station, or shire office". We have also produced a similar notice in Italian for the guidance of certain Italian communities who state that they cannot understand English.

THE COMMISSIONER: The placard setting out the proclamation is a very awkward thing. It is all right for a Court of Law, but what would the ordinary man be able to make of it? I do not think he would read far enough to get the explanation. By the time he had stumbled through the recital I think he would give it up?—The trouble is that the public have to know the period, the places and the conditions, and this form of proclamation was first drawn up by the Crown Solicitor.

What is wrong with saying "You are forbidden by law to light fires between such and such dates. Penalty so much. Forests Commission of Victoria"?—To my mind that would not actually be correct, because there are some places where the lighting of fires is not forbidden.

You would know in what places it is forbidden?—Yes.

Then what about putting the notices in those places? All through the country we have found that people do not understand it. There is a general idea that they cannot light fires, and cannot get permission to light them. The ordinary man in the city would find it difficult to make out what the proclamation means?—We feel that we should give them every opportunity of knowing what they can and cannot do. I think the regulations should be there for them to see.

Could you not give a precis of the regulations?—We do give a precis of them on the other notice, but the danger is that the precis might not be the exact interpretation of the regulations.

MR. BARBER: The Commission is compelled by law, rightly or wrongly, to publish the proclamation as such. I agree that it is difficult to know why they cannot give a precis of it, except that they might not do so accurately. Something might turn on the precise interpretation of the words.
WITNESS: I think we have overcome that difficulty to a certain extent by the distribution of the summary I have referred to.

THE COMMISSIONER: I agree that that will strike the person's notice at once. The dates are there and if he wants to see what the exceptions are he can find them out. Do the two notices go together?—The summary was published this year for the first time.

In future will it go with the proclamation?—Yes.

It seems a better idea to me.

MR. BARBER: Is the summary to which you refer the same as is published in Italian?—I understand they are alike.

THE COMMISSIONER: You are not going to have all the regulations translated into Italian?—We have not thought of that. We have also supplied, I think the number was 20,000, slips to the Vermin and Noxious Weeds Destruction Branch of the Lands Department for distribution with notices calling on landowners to destroy blackberries or noxious weeds. It reads:

"NOTE: When dealing with blackberries or other noxious weeds, fire must not be used within half a mile of a State Forest or Crown Lands (Protected Forest) during November, December, January, February and March, or in any place where a Proclamation under Section 69, Forests Act 1928, prohibits the lighting of fires in the open."

In the Forests Commission office we produce a monthly bulletin for the Bush Fire Brigades members. It is distributed among the individual members of the Association through the brigades. In the November issue and in every issue in the past we have given a fairly full summary of the fire lighting restrictions that are applicable at the present time, and we draw attention to the proclamation and to certain conditions under which fires may be lighted. In that way a large number of members of the Bush Fire Brigades, which include about 18,000 landowners, learn of the fire lighting restrictions which are in operation.
MR. BARBER: Going back to 1933-34 season, what are the amounts expended on publicity?—-1933-34, £481-16-6; 1934-35, £680-12-2; 1935-36, £854-6-6; 1936-37, £1,659-8-0; 1937-38, £1,630-6-0.

I gather that your publicity was more active and widespread in 1936?—- I think that what accounts for the fluctuation is the number of shows and exhibitions in which we participate. We have displayed right through the countryside a large number of enamel fire signs measuring 6 ft. by 3 ft. From reports we understand that they are very distinctive and we hope they will be very effective.

Your other function is Secretary of the Bush Fire Brigades Association. Do you desire to say anything about that?—- Following the 1926 fires the Commission realized that probably some form of organized fire fighting was necessary, and during January 1927, it arranged for a small delegation consisting of two of its own officers, one representative of the Fire Brigades' Board and one of the Police Department, to visit Gippsland and Eastern Gippsland, with the intention of forming Bush Fire Brigades in that area. During a ten-day tour 31 brigades were formed by that party, but they struck a certain amount of apathy, bordering on opposition, in some districts. The number of brigades then in existence was as far as we could ascertain 106. Later in the same year the Forests Commission co-operated in a movement to form a Melbourne Volunteer Bush Fire Brigade.

I think Mr. Swindon said there are only three financial brigades in Gippsland now?—- By "financial" I assume he means financial members of the Bush Fire Brigades Association. A Brigade can be registered or affiliated, or both. There are 28 Brigades in Eastern Gippsland and three are financial members of the Bush Fire Brigades Association. We called a meeting in the Melbourne Town Hall. Sir Henry Gullett was the convenor and organizer, but the secretarial work was carried
out by the Commission. At that meeting it was decided to
form a Melbourne Volunteer Bush Fire Brigade, whose objective
was to suppress bush fires within a radius of 30 miles of
Melbourne. About 800 enrolled and they were drafted into
groups of 40 or 50 each, with a group leader and a deputy-
group leader, and each group was sub-divided into units, each
with a unit leader. Training demonstrations were held under
the guidance of Forrest officers. Equipment was donated by
the Forests Commission and a number of city firms. That
organization was to my mind a very sound one on paper. There
were no calls for assistance for a number of years and in the
meantime members were losing their enthusiasm. Also the
nearer districts had formed local bush fire brigades and the
need for assistance from Melbourne was not so apparent as when
the Melbourne Brigade was formed. As a result of lack of
calls the brigade practically ceased to function, but it retained
a nucleus of organization with equipment and officers available
for duty when required. Both the equipment and the officers
used during the January fires of 1959 in charge of various
parties. The brigade also supplied some men. I feel that
the publicity given to the Melbourne Volunteer Bush Fire Brigade
awakened the people in the country to the necessity for some
organized form of fire control, and as a result it was decided
to call a further meeting in the Melbourne Town Hall in
September, 1928, to discuss the best ways of using the
volunteers then available in the form of bush fire brigades.
The Commission, through the Minister of Forests, arranged
that conference, and it was there decided to form the
Victorian Bush Fire Brigades Association. The Forests
Commission provided the secretariat of the organization
and has continued to do so ever since. One of the objects
of the Association was to have an Act passed creating a
Board to delegate certain powers to approved officers of

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brigades. The Commission has at all times supported the 
Association in obtaining that legislation which was passed 
in 1933. Since the formation of the Association and with the 
very large amount of assistance given to it by the Forests Commission, 
there has been quite a steady and continuous growth in the 
Bush Fire Brigade movement. So far as our records show there 
are now 394 bush fire brigades in Victoria, and it is estimated 
that they have approximately 18,000 individual members. I 
think the constitution of a brigade has already been given to 
this Commission. The Forests Commission has no authority to 
expand its funds on the protection of private property, but it does help those brigades which are adjacent to forest reserves 
and Crown lands donating them certain apparatus. The Commiss-
ion has also supported the brigades in their endeavours to 
obtain further assistance from the Government or the munici-
palities. The expenditure incurred by the Commission in 
connection with bush fire brigades is: 1933-34, £94-1-10; 
1934-35, £159-11-6; 1935-36, £199-6-7; 1936-37, £198-10-11; 
1937-38, £284-5-8.

These amounts do not include any portion of your salary, or any expend-
iture like that?—None of it. Indeed they do not include 
travelling expenses incurred by me when I am asked to go into 
the country to form a brigade, or travelling expenses of our 
inspectors when they are asked to do such things.

Or typing or anything like that?—Nothing like that.

MR. HARDY: Is it a fact that your ordinary duties in the Forests Commiss-
ion and your duties as honorary officer of the Fire Brigades 
are not concurrent? You do a tremendous amount of overtime 
work and are sometimes up all night during the bush fire period. 
It might be thought that your honorary services in office hours 
do not mean much?—Your statement is correct.

Committees of national parks can always get help from the Commission 
through you in the way of supplies of fire notices and so on?—
Yes, as required.
Have you any record of forest fires having been caused by the use of phosphorous baits? It has been mentioned at bush fire meetings, and conferences of fire officers, but I have no direct evidence of it.

You may have read the evidence given before this Commission by an ex-Vermin Destruction Branch Inspector who attributed most of the bush fires to phosphorous baits laid by the Department? I have not heard reports to that effect. I can neither affirm nor deny it, but I have had no reports.

MR. GOWANS: Would it be possible to print the legal part of the proclamation in small type and the other part in large type, with a statement at the bottom: "These regulations apply in this area between this place and that place"? I agree to a certain extent that it is difficult to get people to read a long statement, unless they want to read it. Whatever form you put it in you cannot make them read it. I understand that the wording used is desirable. I do not know whether it is necessary, but I am under the impression that the Crown Solicitor considers it necessary. It was drawn up by him in that form.

After all it boils down to this: there is a proclamation, it has been issued, it applies between such and such dates and in such and such areas. Having said that, what the person in the particular area wants to know, does it apply in this area and what are the dates? Those are the most important things, and should be the biggest.

He could hardly read the small print on this proclamation.

(Continued on Page 2302.)
MR. GOWANS: It may be that the people in the country have not spoiled their eyesight.

MR. BARBER: In the country, they are not spoiling their eyesight by poring over briefs.

MR. GOWANS: We saw a fine American film the other day. Has anything of that kind been attempted by the Forests Commission?—We have a certain number of films, but we have not taken any ourselves. I must give the same reason for that as has been given for many other things that have not been done—lack of finance.

Is it an expensive business?—Yes, a talking film would cost about 1/2d. a foot. In these days we must have talking films.

THE COMMISSIONER: How many feet would you want?—I understand that the film goes through at the rate of 120 feet a minute.

The other day, the film took about three quarters of an hour.

MR. GOWANS: You would agree that a talking film of that nature is more effective than a thousand dodgers?—I would not say more effective.

The Commissioner: To those who see it. It would be a good thing to show the film in the schools and city theatres?—We are collaborating with the Education Department in what is termed visual education. It is a short strip of film.

MR. GOWANS: A Commonwealth Department used to produce films dealing with Australian industries?—We have used their films, and we have used Fox films. My answer is that we have not taken any ourselves, but we have displayed films.

That is films dealing with Australian conditions?—Dealing with Victorian forestry.

Are they exhibited publicly?—Yes. One was displayed in the Fox News, and one by Hersheil. We arranged for an American film, and we arranged for its routing through the theatres, until the film was worn out.

Have you gone into the possibility of the type of film we saw?—Not very thoroughly. You mean that we should take the films and retail them to others?
Yes?—I would say there were possibilities. I should like to delve into the matter.

It occurred to me that a film such as we saw might have commercial possibilities?—I did not see that film.

MR. BARBER: Would that come under the heading of forest produce? You said that the Forests Commission had not made any films, but have they not had films made for them?—Yes, Her Excellency of the Cinema Sound has taken some films to help us.

At the Commission's expense?—I do not think he charges.

So far as finance will permit, you are exploring the possibility of propaganda with films, and have gone a certain distance?—We intend to explore every avenue of publicity available to us.

THE COMMISSIONER: Is it part of your publicity to draw attention to the way in which fires are caused?—We feel that the publicity is more effective in showing the effects of fire. We show the people what might happen to them personally.

Some persons do not know how to put out a billy fire?—We encourage them not to start fires. We explain where they are to light billy fires, and also what they are to do if they see a fire.

For a year or two, you will have hundreds of unofficial wardens of the forests, but in time it will all be forgotten?—The matter has to be kept before the people all the time. They soon forget.

THE WITNESS WITHDREW.

CHARLES MONTGOMERY AWART, Sworn and Examined:

MR. BARBER: You are an officer in the Forests Commission?—Yes.

I do not know whether it is part of your duties, but have you made a special study of the legislation relating to forestry and to bush fires in the other States?—Not especially a special study, but, as a matter of interest and as something that might be of use to Your Honour, I have looked into the legislation that has been enacted in the other States.
concerning the prevention, suppression and extinguishing of bush fires.

You are giving your evidence at short notice rather, in the way of time?—Yes.

You have before you copies of the legislation passed in the other States. Will you explain the result of your investigations?—Yes. In presenting to Your Honour the legislation of the other States of the Commonwealth, and of several other countries, I desire to point out just briefly several aspects in respect of which that legislation strikes a new line and differs from the legislation in Victoria covering the same subject. While in Victoria our bush fire legislation, such as it is, is contained in the Forests Act, the Police Offences Act, and the Bush Fire Brigades Act, there is in existence in each of the other States a special Act dealing with bush fires. Some of those Acts are of recent origin, and others go back as far as 1854. In the main, they contain provisions similar to those that are to be found in the Victorian legislation, but they differ considerably in one aspect; that is, that while in Victoria there is no definite responsibility placed on any authority as regards fires outside forest areas, the other Acts take into consideration that aspect, and place a definite responsibility on the local authorities. I propose briefly to state that important aspect of the other legislation.

The Western Australian Act came into existence in 1902, and was amended as recently as last year. It provides for the establishment of what are called local authorities.

MR. GOWANS: Will you please give the title of each Act you mention?—

The Western Australian Bush Fires Act 1897, No. 55. Under the Act are created the local authorities which are appointed by the Governor in Council, and include any municipal
council or Road Board. These authorities are given power to
expend certain of their funds in the creation of bush fire
brigades, the purchase of fire fighting material, and generally
for carrying out the objects of the Act, which are the prevention,
suppression and extinction of bush fires on areas within the
respective municipalities. The important point that I saw in
this particular Act was that, in contradistinction to the
Victorian legislation, which aims mainly at prohibitions and
penalties, it gives power to the local authorities or their
officers - bush fire control officers, as they are called - to
enter private property at any time during the year for the
purpose of seeing that preventive measures are carried out. In
this connection the local authorities have power to order the owner
of any land to clean it up, to construct fire breaks, and, if
the work is not carried out by the owner, then the local
authority, by itself or by its officers, has power to perform
that work and to charge the expense of it to the owner of the
property.

A similar provision is to be found in the Queensland
Rural Fires Act 1927, No.55. That measure gives power to the
officers of the Rural Fires Board, which is the authority under
the Act, to look after fires outside forests, to enter a property
for the purpose of seeing that the works are carried out. If
they are not carried out by the owner, they can be carried out
at his expense. The power to enter property does not occur in
any of the other Acts that I have seen. It is peculiar to the
Acts of the States of Western Australia and Queensland.

Another important aspect of the legislation is that
relating to the conscription of labour for bush fire fighting
purposes. There is a Tasmanian measure, which is called the
Bush Fires Act 1935, No.36. Incidentally, that Act, which
originally went back to 1854, provides that the fire patrol officer,
who is concerned with the work of preventing and extinguishing
fires on Crown lands or within a mile of Crown lands, may
require any able bodied male, between the ages of eighteen
and sixty years, to assist in combating any fires in his area,
unless such an area comes under the jurisdiction of the Fire
Brigades Board. The services of any person so conscripted
are to be remunerated at the rates approved by the Governor in
Council. Those rates have been fixed by regulation under
the Act at 5/- a day for a labourer and 6/- a day for a
foreman. That is when they are fighting fires within their
own districts, but when they are required to go outside their
own districts, the rates are double - 10/- for the labourer,
and an extra 1/- for the foreman.

The power to conscript labour is also found
in the New Zealand Forests Act. There is in New Zealand no
Act specifically devoted to bush fire fighting. The conditions
are contained in the New Zealand Forests Act. There is power
to conscript male persons over the age of sixteen years for
fire fighting, and they are to be remunerated at the rates to
be prescribed by the Minister.

Going outside Australian States, another
interesting Act is that of Saskatchewan, in Canada. Here
again, the control of fires is left in the hands of officers
called fire wardens, who are appointed by municipalities.
The fire wardens have power to conscript males who are able
bodied and are not suffering from any infirmity to attend fires,
taking with them such equipment to fight fires as they may possess,
and which the fire guardians may require them to take there.
The main aspects in which the legislation differs from the
Victorian legislation - and it was that note in particular that
led me to think, Your Honour, this information, if not already
known to you, might be of some help to you - are that it did make
provision, where such is lacking in Victorian legislation,
for the control of areas outside Government reserves.
But the other provisions of the Acts, as I promised, are those
to be found in the existing legislation, and I do not propose
to take up Your Honour's time in going over that ground.
Suffice it to say that some of these provisions go to
considerable extremes. One Act provides that no person shall
use, during certain summer months, any ammunition containing
cotton mixture. Another provision sets out that a person
in a moving vehicle shall not throw out a cigar or cigarette
butt outside a township. Another provision prohibits the
smoking of a cigar or a pipe within a certain distance of
standing crops.

MR. BARBER: In what Act are these provisions?—I think the Western
Australian Act, but I am not certain.

THE COMMISSIONER: Probably the incidents to which the gentlemen has
referred are covered by the general burning provisions.

MR. BARBER: Yes. The witness has put it that some of the Acts go to
extremes of particularisation.

THE WITNESS: Those are the main points that I desire to present
to Your Honour. There is a differentiation between some of
the other legislation and ours, in that there is a provision
relating to the responsibility for fire fighting outside
Crown areas.

THE COMMISSIONER: Apparently in some cases an independent body is
set up for the purpose?—Yes, that is so. In Queensland,
the Rural Fires Board is comprised of representatives of the
rural interests concerned. The Act does not stipulate what
they are. The Board is appointed by the Governor in Council,
and it is invested with the requisite powers to carry out
its duties.

Is it appointed on the recommendation of anybody?—No, it is appointed
by the Governor in Council. If Your Honour desires it, this
information could be gone through and tabulated.

I thank you for what you have done. You have gone to much trouble.
Having got the foundation from you, I shall make an investigation without troubling you further.

MR. SLATER: Have you made any examination of the conditions of training forest officers in the other States?—No.

You are not familiar with those conditions?—No.

Are you familiar with the number of acres controlled by the officers in the various States?—No.

You have made no study of that matter?—No, I cannot give you any information concerning that aspect of the matter.

Have you seen reports from the forest authorities in the other States from which information along that line might be got?—From time to time I have seen reports of the Western Australian forest authorities, but I have not seen anything in them bearing on the aspect on which you desire information.

MR. GOWANS: Did you look at any other Australian Acts besides the ones that you have mentioned?—Yes, I looked at the Forests Acts in those States. New South Wales has the Careless Use of Fire Act.

What Acts did you find had been passed in New South Wales?—I found the Forest Act and the Careless Use of Fire Act. That Act was very scanty in its provisions and did not strike an outstanding note. There is no Act comparable with those of the other States I have mentioned.

Take South Australia; it has the Bush Fire Brigades Act of 1933?—That is so.

South Australia has very special legislation in regard to the right of local authorities to appoint fire control officers?—Yes, that is so.

Did you find anything in that legislation to which you think it worth while drawing attention?—I did not particularly study that legislation. I saw it in passing, but I was devoting my attention particularly to specific legislation under the title of Bush Fires Act.

I understand that the South Australian legislation is of fairly long
standing, and that that State claims the honour of having started the bush fire brigades movement. Did you find any early legislation dealing with the subject?--I did not. The Tasmanian Act goes back to 1854.

Did you look up the South Australian Forests Act?--I did look at it, but it has nothing much different from what we have about fire control.

Is there a Forests Act in Western Australia?--Yes. Again, that Act has very few provisions relating to fires. The provisions are mainly, as in our case, prohibitions and fixing penalties.

Did you find that Queensland has a Forests Act?--Yes, but again there was nothing much in it.

THE COMMISSIONER: Perhaps we should embark on some survey of that matter.

MR. GOWANS: I appreciate that, Your Honour, but I thought we might squeeze some more assistance from Mr.ewart for a start?--I am giving you all the facts I can recall.

I appreciate that, but I thought there might be some other matters to which you wished to refer.

THE COMMISSIONER: Mr. Gowans thought he might save himself some trouble?--I should be pleased to go over the information that I have.

We can communicate with you later.

MR. GOWANS: Did you find anything in the Acts providing legislative power comparable with our Proclamation powers?--Yes. Probably in the Western Australian, South Australian and Tasmanian Acts there are provisions for proclaiming special periods during which fires shall not be lighted, or shall be lighted only under special conditions. I think in the Tasmanian Act there is provision for special fire hazard purposes and areas.

During those periods, and within those areas, persons are not permitted to enter other than with a special permit.
Did you find any New Zealand legislation dealing with the question of fire districts?—There are provisions restricting the lighting of fires within certain areas.

Apart from the cases mentioned, did you find any legislation purporting to set up a unified fire control authority?—No.

Did you find any legislation setting up the Forests Commission or the forest authority as a central fire control authority?—No.

The South Australian Act is administered by the Conservator of Forests.

(Continued on page 2310)
The South Australian Forests Act or the Bush Fires Act?—The Bush Fires Act is administered by the Conservator of Forests.

Is that as near as any of the legislation that placed the whole thing under a Forests Act as you could get?—Yes, I think it is.

Did you look to see if there is any Commonwealth legislation on those lines?—No.

If there were any, it would only apply to rather small areas under the control of the Commonwealth Government?—I should think so.

MR. GOWANS: I understand, Your Honour, the Commonwealth Government has not taken over the subject of forests in general, although it has power under the Constitution to do so.

THE WITNESS WITHDREW.

REGINALD EDWARD TORBET, Recalled and Further Examined:

MR. BARBER: You have been sworn. You are the Fire Protection Officer for the Forests Commission of Victoria?—Yes.

You are a graduate of the Creswick Forestry School in 1920, and you graduated from the Australian Forestry School in Canberra in 1929?—Yes.

Since 1920 you have had field experience in charge of forestry districts throughout the State?—Yes.

When were you appointed to the present position you occupy?—In December, 1937.

As Fire Protection Officer, what functions do you perform?—The position entails the survey of fire protection measures throughout the State and the compilation of definite fire protection plans for each individual forest district, arranging for co-ordination of those various schemes as between district and district.

How far have you gone with your scheme?—To date, work has been concentrated on the central mountain division which is recognized as the main fire hazard area of the State. Definite protection plans have been compiled for the protection measures to be carried out in each district in that division.
Will you tell us how you go about the preparation of those plans?

In the first place, such plans necessitate investigation into causes of fires, the damage done to the more valuable timber stands, and the danger which those fires entail to forest communities and forest townships. Taking all those things into consideration, the system of works to offset those dangers are planned in the protective plans. The measures adopted in the plans consist of controlled strip burning; the construction of fire lines and controls; the construction of motor roads and tracks; the construction of fire lookout points and lookout towers; telephonic communication; radio; re-afforestation of blank bracken areas; patrolling, both aerial and ground; water conservation; the co-operation of adjoining landowners and co-operative efforts generally; the resumption of freehold land; investigation into all the latest and most modern tools and equipment available; the maintenance of roads, tracks, and breaks, which are generally cleaned up annually; arranging for suitable or satisfactory labour over the fire danger periods; the construction of what are termed green breaks, but which are really thinning operations; the arrangement for transport of men during the fire danger period; and the experimental work in the use of bitterns and any other chemicals that might have prospects of success in the control of fires.

I shall deal briefly with those points. Controlled strip burning has been carried out over a good many years. Following the 1932 fires in the vicinity of Warburton, a definite buffer belt, varying in width from 10 chains to 20 chains, was commenced around the most hazardous portions of that district, which adjoins private property. The history of the 1926 and the 1932 fires showed definitely that those fires came from private property, and by the construction of that buffer belt it was, and still is, our aim to prevent the fires from entering the forests. We decided to make an absolute sacrifice of that strip of land. We felled quite
a quantity of timber, and as often as possible we repeatedly burnt that strip. It was so burnt during the present season and although there were fires in that locality, no fires spread into our forest areas. That system is being extended right around that forest boundary, and, in addition, internal fire strips are being constructed in the lower foothill country with the idea of bringing that less valuable country, from a timber standpoint, into comparatively small sections, with the object of confining the fires to comparatively small areas. That system is constant right throughout the forest districts. I should like to make it definitely clear at this stage that that is not a new-found idea that has just come into operation in the last 12 months. For years those works have been carried out by district officers. I carried them out myself as a district officer, and the work has so progressed and has reached a stage that definite co-ordination between districts is advisable, hence my appointment.

The construction of fire lines and trails has proceeded since 1926, so much so that the major part of the area of the central division has been subdivided into comparatively small areas, varying from 700 acres to 1,000 acres, giving actual means of ingress and egress to practically each part of our area. Of necessity, the work has been concentrated in the more valuable stands and where industry has been concentrated, but it has progressed to such a degree that we are now pushing back into the more inaccessible and less valuable areas.

The construction of motor trafficable roads and tracks were commenced about 1930 - in isolated cases before that - but road construction, of necessity, has followed the development in motor transport. As motor transport has become more advanced, so has our road policy developed, with the result that today we have a definite road policy. The roads are being constructed and surveys have been
completed. Plans have been laid down for future roads. The plan I have compiled indicates the necessity for the construction of 400 miles of motor roads in the central division, and I hope ultimately that that plan will be adopted in full.

Lookout towers are a necessity for the quick detection of fires. It is our aim to detect the presence of fire as soon as possible and to get on to it in the absolute minimum time. We believe in hitting hard and hitting fast, with that object in view, lookout towers have been constructed and, where necessary, towers have been erected on high points. That system needs to be greatly enlarged, the ultimate object being that the Forests Commission will have a system of lookout towers throughout the bush, and they will be in constant communication by means of telephone or other methods with headquarters and with each other. In that way a system of triangulation for the detection of fires may be adopted.

Working in conjunction with our reading scheme, we hope to be able to get to the fires very quickly. As I have said, all towers and lookout points are connected by telephone.

Following previous fires, many comparatively small areas have become bracken wastes, and definite efforts are being made with a view to re-afforesting those areas. Broadcast sowing has taken place and in all probability the planting out of seedlings will be undertaken in the near future.

The Commission has already been told about the aerial patrol. During the fire season, we have good reliable men who are thoroughly conversant with the country they are traversing and they are acting as ground patrols. Those men are concentrated in the most dangerous areas, and their job is the detection of fire. If they are able to cope with those fires single-handed, they do so. The ground patrols are on duty for seven days of the week, and, incidentally, the lookout points are manned throughout the fire danger.
season.

Water conservation in the main mountain districts has been slow in development. Of necessity, it must follow the means of success, and in many parts where roads have already been constructed, streams or creeks that flow across those roads are being dammed with the object of allowing a motor truck to back in, and, by means of an outpipe, fill tanks, knapsack pumps, and so on. Where that is not available, small tracks are being cut off the main roads to streams so that motor trucks might pull in and get water.

Efforts have been made to obtain the co-operation of adjoining landowners, but from my own personal experience this has not been a success. Following the 1932 fires, I put a proposition to adjoining landowners that they should form groups for the burning off of their property, that the Forests Commission would help them by making a certain number of men available, and we would provide for the use of the Commission's equipment. I could not get the co-operation of the landowners.

How was that proposition put to them?—In one case, it was put to the landowners through the local Shire Council. Councillors in the individual ridings were asked to co-operate with me in the organization of the landowners in those ridings. I received no support. One councillor did call a public meeting in his riding, and he, and another gentleman and I were the only ones present. Nevertheless efforts have always been continued, and we do get a measure of success in some parts. It has been my aim and it is the aim of the Commission, that whatever equipment we have available and whatever labour we can spare will be made available. We have been only too willing to place that at the disposal of the landowners.

The transport of men and the supplying of fire fighting forces is my next point. We claim that the experienced reliable employee whom we have is the means of forming the
nucleus of a successful fire-fighting force. Unfortunately
we have been unable to employ as many of those men as we should
like to employ. In certain forest districts previous to the
recent disastrous fires, we made a census of the townships,
finding out what labour was available and, in addition, what
means of transport was available. We called on those men in
reliefs, working them at fire-fighting for a period of 8
or 10 hours, then signing them off for a rest, and replacing
them with a fresh gang.

Green break construction: this work is carried out
along roads, tracks, so-called fire breaks, tramlines and so
on. Much has been made of the fact that our thinning
proposals in mountain ash forests have been dropped over the
last 18 months. I wish to correct that view. Green break
construction is really the thinning of the young re-growth,
of the scrub and undergrowth, with the idea of forming a
complete canopy, to suppress the growth of such undergrowth.
That is carried to a width of a couple of chains on either
sides of the breaks, and so on, and that undergrowth is
disposed of. The floor there is kept permanently clean.
It is a costly operation as 100 acres spread out to a width
of one chain or two chains along fire breaks, roads, and so
on, we consider give us a more effective use. Despite the
efforts of Mr. Kelso to prove that this debris and stuff
was not burnt, I can definitely say that during the last 18
months it has been burnt, as well as in the past. From work
of the same description which I personally undertook as a
district officer, the majority of that undergrowth was burnt.
Furthermore, I consider that had no relation whatever to the
intensity of the recent fire.

Throughout the forest areas there are various selected
blocks of free-hold property. Where possible, in cases
where such property forms a danger to our forests, it has
been the aim of the Commission to buy out such properties
at a fair valuation. It is remarkable, however, that when
the Forests Commission endeavours to do, that, the price of
the land jumps enormously. Those measures have been briefly
described by me and are all included in the precautionary plans
which have been compiled during the past 12 months or so, and
which I now hand to Your Honour for perusal.

EXHIBIT..........................EXHIBIT 00 ....FIVE VOLUMES SHOWING FIRE
PROTECTION PLANS.

I shall now deal with the precautionary measures which
have been carried out up to date throughout the State as a
whole. Despite suggestions that have been offered in evidence
that these measures have come about all of a sudden, I suggest
rather that they have been developed over a period of time.
As our knowledge of the use of these measures has developed,
so have we developed our system of works. In that regard,
it is worthy of record that our fire break construction is
now to a standardized width of 16 feet. We believe that to be
just as effective as a wider break. It is more economical
to construct and the annual maintenance is lighter. The
work allows us to cover a large area, and to construct a
greater length of those tracks than we otherwise would be
able to do. To date fire lines and breaks totalling 184,719
chains have been constructed, roughly 2,509 miles. We have
constructed 1492 miles of roads and tracks - negotiable tracks
for motor traffic. In many cases they consisted of old
roads and tracks which have been opened up and repaired.
Therefore, I suggest, our road policy has been one of
gradual development. We would not have been able to accomplish
such a large mileage if we had attempted it only within the
last year or so.

In connection with water conservation, 229 dams of
varying capacity have been constructed or cleaned out through-
out the State. We have 172 miles of telephonic communication,
and 25 lookout towers or lookout peaks have been established;

TORBOT.
Are they all connected by telephone?—Yes. Our control-burning operations consists of burning upwards of 50,000 acres per annum.

Fire guard patrol: This year 83 special men were employed on fire detection work. Generally they are mounted men. In addition, special controls, consisting of special officers of the Commission and of the Police Department, were on fire duty.

Transport: The Foresta Commission has 40 motor trucks for the use of its forest staff, and it is the aim of the Commission to increase that number.

Labour: Labour employed during the fire season amounted to 932 persons. In view of the intensity of the number of outbreaks, I suggest that that number of employees was totally inadequate. I should now like to deal with the fires that actually occurred during the month of January last.

Before you get on to that aspect, prior to the establishment of your scheme, the various districts individually would have fire prevention methods established or in progress. What have you to say generally as to the efficiency of those works and schemes?—I should say that as a general rule the works were devised on sound principles. The district officer, through his plan of operations which he submits to the Commission each year, draws up his plan of fire protection works. Since 1926 that has been mainly of a departmental character. Before we could carry out intensive programmes, we had to have means of ingress and access to and from our forest reserves. That system has been carried out by the district officers, so much so that the basis of all fire breaks works has been well and truly laid by the district officer.

In the fires of 1932, the Erica district system played an important part, did it not? Is that a fair example of the kind of work district planning did?—Yes. After the 1926 fires, this plan of the Erica district that I produce was drawn up.
I think in 1927 - and it proved a definite scheme of sub-division with ingress and egress, showing the breaks and tracks that were considered to be necessary, also the amount of controlled burning and its location that was considered necessary. The plan also made provision for the construction of a break around the township of Erica and the burning back from that break of another wide break. Previous to then, very little work had been done in that district. The scheme that was drawn up in 1927 has, in fact, been carried out almost in toto, and the work has been considerably increased by operations further afield.

(CONTINUED ON PAGE 2319.)
WITNESS continued: Every break and every track is maintained at least once annually, sometimes twice annually. The maintenance cost amounts to a pretty high figure, but every break and every fire line within the whole district is maintained.

THE COMMISSIONER: What does that maintenance work consist of?---You may have fallen trees over the track; they are cut off. There is a certain amount of scrub and bracken coming up. That is cut, slashed, raked and burnt. In maintenance work we carry out burning back for a distance of a few chains from the tracks. Where road works are constructed any scouring, gutters, and so on that are needed are done.

MR. BARBER: Those works were found very effective in the 1932 fire outbreaks?---Yes, they were found very effective. Unfortunately a fire came from further afield in which no protection measures, as far as I understand, had been taken. I will deal with that a little later on under the need of co-ordination.

Where is the advantage of co-ordination over the local works. I assume there is no advantage?---The advantage is that while one District officer may know his district perfectly he may not have such an intense knowledge of an adjoining district. He may plan a series of tracks or roads which should be developed and pushed on to the adjoining district to give a through road; but the location so picked out by him may be all right for his individual district but may be totally wrong from the adjoining district's point of view. In addition look-out towers know no district boundaries. If left to the individual officer he may pick out a point that is eminently suitable for his own district; the adjoining district may do likewise; but there may be an intervening point which would serve the two districts equally well. Further co-ordinating effort is needed in the transfer of men, in case of danger, from one district to another.
You were about to deal with the fires of this season?—Yes. During January of this year our records show that there were 427 outbreaks of fire. Of those, 93 commenced within forest reserves, 130 commenced within protected forests, and the remaining 204 commenced on private property. Our analysis of the causes of these fires showed that 21½ per cent. were caused by settlers burning off; 23 per cent. by grazing interests; 5 per cent. by fishermen and sportsmen; 23 per cent. apparently deliberate, for vindictive purposes or otherwise; forest industries caused 2½ per cent.; lightning one per cent.; other known causes 5 per cent., and unknown causes 19 per cent. The fact that 204 of those fires commenced on private property leads us to believe that we should have a greater measure over the control of marginal lands than we have had hitherto, and that control which we desire has already been expanded. Those fires burnt a total forest area of over 4,000,000 acres. Of those, 2½ million acres were Crown lands, which definitively serves to show that there is a definite need for a greater measure of fire protection works in protected forests. At this stage I would like to mention that the Forests Commission has done a considerable amount of fire protection work in protected forests. The whole of the Woods Point district is protected forests; a very big slice of the Erica district is protected forests, and I think the whole of the Thompson Valley is protected forests. It is there where our fire protection works are concentrated. The fires start at the lower levels in the less valuable timber types, and they sweep with intensity up the steep slopes to our more valuable timber at the higher levels. We are, therefore, concentrating such efforts at the focus point, and quite an amount of work has been done on protected forest areas.

That leads me to factors concerning the spread of fire. As I have already pointed out, the policy has been, through
through lack of finance and men, to concentrate on our more valuable timber areas. Thus, through the large number of outbreaks in January and the unprecedented climatic conditions many fires in the inaccessible and less valuable timber areas of Crown lands burnt not under control.

Here, I would like to refer briefly to those areas held by the Melbourne and Metropolitan Board of Works.

Extending from Warburton along the Yarra Valley to McVeigh's we have either reserved or protected forests. We then run into an area of approximately 45,000 acres of Board of Works country ascending the Yarra River for a distance of approximately 30 miles. It has been my aim to have a complete protective chain around our forest boundary, more particularly for the protection of those forest areas lying to the south; but when we come to this Board of Works area we find a weak link in the chain. To the best of my belief no protective work of any description has been carried out in that area. Lying to the south of that area are the important Heerim and Erica districts. Fires do occur, it is immaterial whether they start in forest land or in the Board of Works land - and they have to be put out. We would have no hesitation in going into the Board of Works' land and putting out a fire; but in that fairly large expanse of 45,000 acres there is only one little foottrack to give means of ingress and egress, and the scrub and undergrowth on that area - I will say it is natural, but it is also dirty. It is in the same category as the scrub on State forests. I draw no distinction. It is the one belt right throughout. I claim that for us to have effective fire prevention methods there must be a very strict code of co-ordination and co-operation, and while I have the greatest sympathy with the Board of Works in aiming at a pure water supply, I will say they must open up their country by

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means of tracks to allow ingress to it so that should a fire occur within it, or spread to it, men and equipment could be got in to fight such a fire. I mentioned particularly the Upper Yarra Watershed, the same thing applies to the Maroondah watershed. I know Mr. Kelso is going to tell me he has a break on the western side of that; but that break does not go the full length of the western boundary. It ends up in mid-air, and it ends in a very thick patch of scrub.

What about the break itself?—It had a good deal of bracken on it the last time I saw it. The point I wish to make is this, that if we are to have a line of protection measures it must be consistent. I think there is room for a good deal of co-ordination and co-operation in the protective measures of the Board of Works and the Forests Commission.

What about their O'Shannassay catchment, do you know anything about that?—

—On the northern boundary of the O'Shannassay the old Marysville to Woods Point Road passes through a section of the Board's country. That track has become overgrown and impassable. In my opinion being on the northern boundary it should form a good protective unit for the Board of Works. I think it was in 1933 or 1934 the Forests Commission opened that track. The Forests Commission maintains it and keeps it in a traffickable condition.

Can you say whether any fire protection works have been carried out within those three areas - the Upper Yarra, the Maroondah, and the O'Shannassay?—As far as I am aware I think there has been none in the Upper Yarra, and in the Maroondah and O'Shannassay I am not so sure; but I should say if any is carried out it is to a very limited extent.

Have there ever been fires coming out of those areas?—Apart from the big fires of 1926 and this year I know of no fires which have spread from those areas; but I do know of fires which have occurred within them and which would certainly
have spread to Forests Commission territory except for the efforts of the Forests employees.

There does not appear to be any fire lines, roads, or anything like that in those areas. Reverting to your remark of putting out fires in the Board of Works areas, did Forests Commission men actually go into the Board's area and deal with the fires? Is that how you are putting it?—Yes.

With the aid of the Metropolitan Board's men?—The fire I am referring to occurred either in the late part of 1935 or early in 1936 in the Watt's catchment area. The fire was on Mt. Riddell, and the late Mr. Denby from Toolangi was at the fire at the time. I was stationed at Powelltown, and the main body of men was concentrated on Mt. Riddell. A wing of that fire was spreading towards Panton Gap, Ben Cairn, and I with a body of forest employees from Powelltown tackled it on that wing and subdued it.

If you had not subdued it it would have come right out?—It would.

The next matter you want to deal with is that of forest staff?—I think the suggestion has been given in evidence that forestry officers and the staff are lax in dealing with outbreaks of fire. I would just like to quote some figures extending from 1951 to the 1937-38 season. There were 1,293 outbreaks of fire. Of those 23 per cent. were less than 10 acres in size; 29 per cent. ranged from 10 acres to 100 acres; 33 per cent. ranged from 100 acres to 1,000 acres in extent; and 15 per cent. were over 1,000 in extent. Considering that we had the disastrous 1932 fires in that period I think those figures will offset any suggestion that forestry officers do not immediately attend to fires. In this regard I state that we go far outside our own areas. We go miles into private property. We receive numerous calls from private property owners whose properties are in such a position the fires would have no effect on our
forests reserves whatsoever, and we make men available to go out and fight those fires.

You desire now to say something about precautionary measures in regard to burning off by millers?—I think that has been fully dealt with. I had intended to hand in circulars, but I believe they have been handed in already.

THE COMMISSIONER: Do you consider you have enough funds available to carry out the work in your forest areas which you want to carry out?—No, definitely not.

What do you think your programme would cost if it went on uninterruptedly and you were not hampered by lack of money? What do you think you ought to budget for to carry out your programme. That may not be in your line, but can you give any idea?—I think the figures quoted by our Chairman were worked out on a 6-year period and embraced an expenditure of £1,000,000 over that 6-year period. If the money were definitely ear-marked for fire protection works, and made available regularly I think we could go a long way.

You want to spend £1,000,000 in six years on fire protection?—Yes. Have you any idea what you have lost in the recent fires; the value of the timber?—I would not dare assess it. You would not like to state it to the nearest million?—No, I would not.

You have no idea?—I might put it this way, the figures have shown that 2,000,000,000 super feet of commercial timber has been fire killed, and of that we hope to recover 916,000,000 ft. Roughly, that is 1,000,000,000 feet of commercial timber which is absolutely gone.

Roughly, what is the value of it?—If you put the market value down at approximately £1 per 100, that is £10,000,000.

MR. BARBER: One witness suggested there was £1,000,000 lost in royalties.

MR. KELSO: They cannot have lost the value of the timber including the labour. They have lost the royalties and this country has
lost some use for the employment of the people.

THE COMMISSIONER: I was just trying to find out whether this scheme would be fair average insurance rates, if £1,000,000 was spent in six years.

MR. BARBER: I suppose it is almost impossible to work out what we have lost; there are all sorts of other factors.

THE COMMISSIONER: I know that, but you have to start somewhere.

MR. GOWANS: The annual expenditure estimated by the Commissioner of the Forests Commission was £166,000, and that means a million in six years.

MR. BARBER: Your next matter is in reference to the Proclamation?—I believe that in the past the Proclamation has been too widespread in its incidence. We have two more or less climatic zones. North of the Divide the summer comes in earlier and lasts longer than in the country south of the Divide. There are possibly more outbreaks of fire north of the Divide than south of the Divide, though they may not reach the same intensity. I think, depending on the climatic conditions, the Proclamation should come in earlier north of the Divide than it does south of the Divide. I am also strongly of the opinion that when it is brought in there should be a complete black-out of all fires.

THE COMMISSIONER: Would you have it a fixed statutory period, or just have the statutory power to fix a period for each particular season?—The climatic conditions would determine the period. You would not have this fixed statutory prohibition?—No.

You would merely have the power under statute to proclaim?—Yes.

MR. BARBER: There were two matters of criticism that have been levelled at the Forests Commission at one time or another. First of all, the vaguely humorous story of the nine axe handles supplied to the Selby Bush Fire Brigade. Did you take the trouble to find out what that story was?—Yes.
I looked that up and found the Selby Brigade applied for two knapsack spray pumps, 12 beaters, six rakes, six slashers, and three axes. They had that material supplied to them and they then applied for some handles, including six axe handles. They also had them supplied, so that in actual fact they got all they applied for, including the six axe handles.

MR. GOWANS: It seems to suggest that when they asked for six axes they got six axes but no handles?—No, they got three axes the first time, and they then asked for handles.

MR. BARBER: They asked for a number of handles including axe handles.

THE COMMISSIONER: I do not think we will elaborate this. As you say, it was vaguely humorous at the expense of the Forests Commission.

MR. BARBER: I thought it proper to answer that. It turns out that the Commission did all it should have done. There was one other matter with which I am not familiar, with regard to the prosecution of a sawmiller. The matter was mentioned by a man named Bell at Mansfield.

THE COMMISSIONER: What does it matter?

MR. BARBER: It was a criticism which I understand Mr. Torbet desires to answer.

THE COMMISSIONER: I had rather forgotten that incident.

THE WITNESS: When Mr. Bell gave evidence the suggestion was that even in times of danger the Forests Commission and its officers would not allow people to take steps to protect their property. He quoted the case of a certain man having been prosecuted for lighting a fire to protect his mill against approaching fires. In actual fact I found that the man who was prosecuted was clearing a track, and lit fires to burn rubbish on 30/12/37. The fire got away and the Forestry officer and the fire guard came on the scene and put the fire out. The man concerned
denied having lit the fire, but afterwards admitted doing so. Later on the fire again broke out and the same man was again responsible. He was then prosecuted and fined. He did not appear and was not represented by Counsel.

LUNCHEON ADJOURNMENT.
UPON RESUMING AT 2.15 P.M.

MR. BARBER: Now Mr. Torbet, there is only one other matter that I would like you to discuss. In spite of the fact that the circulars have been put in, you might deal briefly with the instructions that have been issued from time to time and particularly the instructions issued to the field staff, with regard to the enforcement on millers of the burning of tops, etc. You have some ideas on that subject, I understand, and I should like you to give them?—It is the general policy of the Forests Commission that the tops resulting from forest operations should be burnt, and I have no hesitation in saying that the majority of such tops are burnt each year. Admittedly for the fire-danger months, there is an accumulation of tops, but there is no way to offset this unless you stop forest industries for that period. In the northern forests the tops are generally burnt green, off the axe. They are stacked and burnt. The same applies to post cutting and so on, and then when we come to the milling areas, the general practice is for the forest officers to instruct the millers concerned, either in writing or verbally, that the tops should be dealt with, and they are given a certain time in which to do this. Generally speaking that is done. Certain factors enter into each case. During the present season, for instance, although notice to dispose of tops had been issued, the weather conditions became such that it was considered advisable to withdraw these notices, and they were withdrawn. These notices have been issued from time to time in the form of circulars. This matter has been brought to the notice of officers at the conference of district officers.

MR. KELSO: In regard to your comments on the Upper Yarra area, you know what part of that area is actually under the control of the Board of Works at present?—I am of opinion that there is an area of 45,000 acres, extending up the Yarra
valley from, roughly, McVeigh's, and bounded by the Wood's Point Road on one side.

Do you know that that is so?-- I do not know definitely. I am of opinion that that is so, and certain factors lead me to believe that.

I suggest to you that there is no boundary fixed for the area which is to become the Board of Works area. Will you tell me that I am wrong?-- I suggest to you that the Board of Works have certain areas there, by reason of the fact that it has spent a considerable sum of money on them, including the construction of an aqueduct through them.

The suggestion is correct, but are you in a position to tell us what the boundary is there or what actually constitutes the want answered Upper Yarra area?-- That is the question I want answered.

So far as the Forests Commission is concerned, yes. Can you define the area?-- I believe there is a certain boundary in dispute, but I believe that the other boundaries are fixed.

Do you know the extent of the boundary in dispute?-- I have a fair idea of it.

This is relevant to the evidence you have given about fire control?-- I believe that the boundary in dispute is roughly running from south to Wood's point road on the Divide between the Yarra and Thompson Rivers.

Are you not aware that the boundary in dispute is for a substantial distance along Wood's Point road almost to the Divide between Walsh's Creek and the Yarra. Are you not aware that that is so?-- Possibly not. The boundary I was referring to was the southern boundary.

Are you not aware that this disputed area goes as far as Horsfall, and that in fact no one can say where the boundary is because it has not actually been settled?-- I am not aware of that.

Are you aware how long it is since the Board has had any rights whatsoever in that watershed?-- Some considerable time ago.

How long ago?-- I think the question was more or less definitely
settled in 1930.

If you say that that area is in a desperate condition, is/not a fact that that condition was set up whilst the area was in the possession of the Forests Commission?-- I do not know what you mean by a "desperate condition."

A desperate condition from a water supply point of view particularly with the real timber-cover destroyed, and great areas overgrown with bracken and scrub comparable with the rest of your forests?-- I did not say that. I say that it is in a natural condition. It is no less dirty as regards undergrowth than the continuous belt of forest of which it is a part.

If I say that these areas have been handed over, from the point of view of water supply, to the Board of Works to do the best it can, and that the areas are in what I might describe as a desperate condition, would I be wrong?-- I disagree with you.

Is there much real forest country in that watershed?-- There is not a big percentage is there?-- Quite a big percentage.

Is that your own opinion?--

MR. BARRER: It is a matter of fact.

MR. KELSO: I will let it stand as a matter of fact meantime.

It can be taken that that area has not yet become a watershed - that the area has not been defined as to where the watershed boundary is?-- I take up the view that that is not an essential factor. The fact remains that you have spent quite a few thousand pounds in the building of an aqueduct, and yet you have given no means of access into that area.

For fire fighting purposes?-- Yes, or for any other purpose.

Are you aware as to what deal has been arrived at between the Board of Works, the Minister of Forests and Cabinet in relation to fire protection in that area, provided the board is given control?-- No.

You have actually plunged into this without a knowledge of that matter, and you have talked about fire protection in that
area without any knowledge of that?— I am talking facts as they are. There are no tracks or breaks and there have been no other measures taken in that area, and as a link in the fire protection scheme it is my opinion that they should be there, constructed by; well, it is immaterial.

It is common ground that there are no fire protection works in the Upper Yarra watershed. On what do you base your opinion that the Board of Works should have done this?— For the simple reason that it is generally considered that the Board of Works has control of that area, and that is borne out by the fact that you have spent a considerable sum of money there.

THE COMMISSIONER: This is more or less a mystery to me. As you have been a witness, Mr. Kelso, I should like to ask you if you will explain this matter more fully.

MR. KELSO: The Board of Works made application to the Crown somewhere about 1920 for the control of the whole area. An agreement was entered into between the Board of Works, the then Minister of Forests on behalf of the Crown, and the Chairman of the Forests Commission, to hand over an area of 45,000 acres. The Board of Works asked for 50,000 acres. There are two watersheds under consideration, and one is approximately an area of 50,000 acres. Of that area the Board was given 45,000 with a stipulation that the 5,000 acres, situated somewhere round the boundary of that watershed from the junction of the ridge between Walsh's Creek and the Yarra with the ridge between the Yarra and the Big River, stretching from that point eastwards past the Matlock Mills we have heard so much about, namely, Porter's, and not quite as far as Yelland's, turning south along the Divide between the Yarra and Thompson and carrying further south to the Divide between the Yarra and Gippsland, and no one knows how far it goes along that Divide. The agreement set out that the 5,000 acres should be surveyed by the Board of Works and if it were found that the drainage from that area
entered into the Upper Yarra watershed, the Board would have the
right to approach the Crown to have the 5,000 acres included
with the 45,000 acres, from the point of view of water pollution.
The Board has made application on many occasions for the inclusion
of that 5,000 acres, and as there is no definition of it as yet, the only safe thing for me to say is that as yet there is
no decision in the matter.

THE COMMISSIONER: Is that decision merely a question of boundaries?—
MR. KELSO: Yes.

THE COMMISSIONER: You know what tract you have got?—
MR. KELSO: We know what area we have got, but we do not know on
what boundary that finishes.

THE COMMISSIONER: You will know within a mile or two.

MR. KELSO: No.

THE COMMISSIONER: Only one boundary is uncertain.

MR. KELSO: This is actually half of the whole boundary. The 5,000
acres in dispute is around that boundary for about half of it.

When I represented the Board with the Secretary in an interview,
first with the minister and later at Cabinet, it was stated
that the Board would construct 35 miles of firebreaks right
around that area, but this could not be done until the areas were
defined.

THE COMMISSIONER: You are at present in a sense utilising that area?—
MR. KELSO: We are not utilising it.

THE COMMISSIONER: Not for the purpose of water catchment?—
MR. KELSO: We have never taken water from it.

THE COMMISSIONER: I gather you have taken possession of something
you think is there?—

MR. KELSO: We are in the process of constructing an aqueduct up
to the area, but we have not carried out any works in the
area in question because we are afraid to take water from
there as it may be settled or entered for milling.

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THE COMMISSIONER: How far has the conveyancing part of it gone?—
Is there a conveyancing system between departments, or does a
mere Act of Parliament declare your title?—

MR. KELSO: In the past we have had Crown grants, but in this area
so far we hold it only by agreement.

THE COMMISSIONER: How long has that been so held under this agree-
ment?

MR. KELSO: Since about 1930.

THE COMMISSIONER: And it is awaiting definition of boundary?—

MR. KELSO: It was first awaiting a survey and since that time it
has been awaiting a decision of the Crown on our application.

THE COMMISSIONER: Have you now defined the boundary?—

MR. KELSO: The boundaries are not defined in the form of agreement
which gave the Board the right to apply. I may say that we
must look at the question in this way. The city is short of
water; the Board would be blameworthy if it waited for a
decision and then started to do the work. The Board has been
forced to push on with works, not within that area, but in prop-
erty which it owns approaching that area, that is to say, it
is constructing a channel that will take water from this area
in expectation of the Crown making the area available. I am
not in a position to say what will happen if the Crown refuses
that application.

THE COMMISSIONER: What are the terms of the agreement exactly?—

MR. KELSO: That the 5,000 acres of the 50,000 acres will be made
available to the Board for supply purposes, without any
definition as to where that 45,000 acres stops.

THE COMMISSIONER: It is no agreement.

MR. KELSO: It has been said that it is not an agreement, but actually
that is what exists.

THE COMMISSIONER: You must be able to know where the core is.

MR. KELSO: The protection works required in that area are in the
northern boundary, and in the vicinity of the mills, and that
is just the part that is being withheld. We have constantly
anticipated settlement.
MR. BARBER: It cannot be said that it can be settled - it is permanent forest.

MR. KELSO: It has been set aside for water supply purposes.

(Continued on page 2336).
THE COMMISSIONER: I think you are using the word in different senses.

MR. KELSO: The matter has not been settled. We have been continually expecting that it would be settled over the intervening years. I should say that it was not until 1936 that the survey revealed all that was asked of it in the so-called agreement.

THE COMMISSIONER: What is the reason for the delay?

MR. KELSO: I feel that I should not answer that question, Your Honour.

THE COMMISSIONER: Are you being kind to somebody?

MR. KELSO: It is not because of that. I feel that negotiations which are proceeding between the Board and Cabinet should be left as negotiations at this stage. Certain offers have been made by the Board, and they are under consideration.

THE COMMISSIONER: You are doing works to connect up an area which is not definitely under something which is not an agreement?

MR. KELSO: Virtually that.

THE COMMISSIONER: A shaky enterprise?

MR. KELSO: It cannot be a shaky enterprise in the end, because this city must have water, and the present position is such that, although the enterprise may be shaky, we are bound to carry it forward. We are bound to take steps so that we will not be left in the position that we might have been all right at some stage. It would take us nine months to construct the aqueduct at the greatest possible speed. It will not take us only one month to get water, because we have taken a chance. I say now that, in our judgment, we were justified in taking the chance.

MR. BARBER: As far as I can understand it, Mr. Kelso has not answered the objection of the witness. As I understand it, apart from the construction on the boundary, there was no intention of constructing other roads.

MR. KELSO: The first step which it is the Board's intention to take is to protect the northern and eastern boundaries, because of the
mills there. It would be costly, but it would be the first step. The question of roading water Catchments is a special one. Up to 1936, the Board did not do it, for reasons relating to policy. That has now been altered in one of the catchments as an experiment. Whether it will be extended to other catchments is a matter for future decision. In my opinion, it will be. The fire protection for this area, as we visualise it, is a fire break around it - north and west, to protect us from the mill; and on the south, to protect the forest on the south from us. That has been our policy in the past, and it will be done when this matter is cleared up.

(To Witness): When you were discussing the Yarra watershed, you used the words "co-ordination" and co-operation." Is that what you want, or is it more nearly the domination that I gathered Mr. Galbraith wants?-- Do you feel that co-ordination would suffice?-- Yes. I think there should be a greater measure of co-ordination and co-operation than has obtained in the past. I do not like the use of the word "domination." I think there was no intention to dominate.

Are you satisfied with the use of the word "co-ordination"?-- Yes.
When you spoke about the Maroondah area, you mentioned the areas into which you would divide the forest by tracks and roads. What would be the size of those areas?-- That would depend on the topographical features, but they would be somewhere in the vicinity of 1,000 acres.
Did you not say 7,000 acres?-- No.
Do you expect to divide the State forests into sections of 1,000 acres by roads?-- I did not necessarily say by roads, by tracks.
This area is an area of 40,000 acres?-- Yes.
You agree that it has a motor road through the middle of it?-- Yes, I agree with that.
And that it has a smaller road not so good around it, from Mount 2337.
St. Leonard, through Healesville, and along the Ben Cairn road to Donna Buang? -- Yes.

By that means there is some degree of access to the area? -- Yes, limited.

Are you also aware that there are twenty-four miles of access tracks in the area? -- No, I am not aware of that.

Would you consider, in those circumstances, that the amount of access provided is reasonable? -- No, I do not consider it is reasonable.

Would you not also be guided by the fact that it has proved sufficient for a good number of years to enable access to be got to fires.

That is by actual experience, irrespective of any theoretical basis? -- The point I was making was that a fire should be hit in the least minimum time, and, by the provision of a good network of tracks, you might hit a fire much quicker than you could do under present conditions.

Is it not a fact that we are comparing something you would do with something that actually has been done in this watershed? -- I suggest that we have provided access, and that it has been used with success? -- At the same time, I think the means of access should be increased.

That is an opinion of yours without, at all events, the knowledge of the tracks that are there? -- I do not know exactly what tracks are there, but I know of considerable sections within the area which should be further subdivided.

I do not want to contend that that may not be so. I want to find out on what you base the sweeping statement that there are not enough tracks. Is it not a fact that the area has been successfully handled with the tracks that exist for a long time? -- With small local fires, probably yes.

With all fires except the very big ones? -- That is the point. If you have your area subdivided into small sections, you have a better chance of tackling fires. If the area is in large sections, the fire gains intensity in them as it sweeps along.
Do you think that further subdivision would have done anything in the intensity of the 1939 fires when they reached that area?

It might have done, in the early stages of the fire entering the Watts' catchment area.

Are you not suggesting something that has no meaning in relation to that sort of fire. Dividing the area up into 1,000 acre blocks by means of tracks I suggest would not have meant anything in that fire?

Not as it turned out to be.

And for other fires, the area has been effectively handed?

I think I pointed you to one instance where a fire would definitely have got out of your area.

I shall come to that later, but have you had any other similar experience to that?

That is the only one I have had personally.

Your comments on the O'Shanassy catchment are subject to the same lack of information, namely, that you do not know of the tracks that are there?

The comment I made was that the track on the northern boundary was opened and is being maintained by the Forests Commission.

You referred to it as the Marysville to Wood's Point track?

It runs through the Cumberland. It is a continuation of the road that runs through the Cumberland.

What part of the continuation of the Cumberland road do you suggest is inside the Board's area?

I think a small section of it is between the Cumberland and Wood's Point.

If I suggest that that is quite inaccurate, and that the part in question is between Marysville and the Cumberland, would you feel inclined to withdraw the statement that you had to open up the track in the Board's area?

If that is so, I will withdraw the statement. At the same time, the track is to the north of the Board's area.

You mean the track between the Cumberland and Wood's Point?

Yes.

Is it not a fact that the track is wholly east of the Board's area when it passes the Cumberland?

On the Wood's Point to
Marysville road, once the Cumberland is passed, the track passes wholly through the Big River catchment and is wholly east of the Board of Works' area, is not that so?— The fact remains that it lies to the North.

Not to the north; it might be called the north-east?— Possibly so.

The fact remains that we have been criticised for the spreading of fires into Board of Works' land, and I suggest that, even though it maybe to the north east, it is a good potential fire protection measure for the Board of Works' land, as well as our own.

Would you suggest that the Board should go down that road, although it is outside its territory and east of it, and construct works to keep the forest safe in the vicinity?— The suggestion is that there is room for greater co-operation, and we have it on your own saying that you have been forced to go outside your own areas in the past. If that is so, I suggest that here is another place.

Do you suggest that we should be forced to go out of our area to construct forest tracks?— This is not a construction, it is a clearing.

Was it not to put out fires?— I cannot say.

Do you suggest that we should have crossed the road and gone into the Rubicon to carry out works?— I do not suggest that.

I suppose you are not aware of the expenditure of the Board on that road where it does go through the Board's area?— No.

Are you aware that that road is patrolled continually during the summer?— No.

Are you aware that the Board of Works' patrol man last January was able to save a serious fire in the Cumberland itself by calling on the forest people from Marysville and thus safeguarding a forest which is Forests Commission's property?— No, I was not aware of that.

Getting back to the Watts' catchment, you told us of a fire break hanging in the air on Mount St. Leonard. Are you aware of the
length of it where it is on the ground?-- Three or four miles.
Will you correct me if I say it is five miles and is three chains wide?-- I would not deny it.
Will you deny that it was not cut over and burned for the whole length in the spring?-- I did not say that.
When did you see the bracken that you referred to on it?-- Early this year, before the fires. It might have been late last year.
That bracken had grown up?-- Possibly.
Was it green and young?-- There was fresh growth and older growth.
Are you in a position to say that the fire break was not cut and burned in the spring?-- I would not deny that.
Do you suggest that the Board should have done any more to it?-- The only suggestion I made was that the break should be continued to the top.
The break extends along the Board's western boundary between the Board's territory and Myers Creek?-- Yes.
There is a fire break the whole of the way between the Board's territory and that settlement?-- Yes.
Who is the Board's neighbor in the section not constructed?-- The Forests Commission.
Do you think the Board should assume that it is reasonably safe outside its own territory when it has got the Forests Commission for a neighbor?-- You might have thought that.
Do you not think we might have learned something from the 1939 fires?-- I think you should.
Are you in a position to say what the condition at the end of the fire break was where it was not cleared and burned?-- It was typical of the general condition all the way through.
Are you aware that the section had never been burned before near the top of it and it was found impossible to burn it when men attempted to make the break?-- Would you think that so?-- I would not.
This statement was made here - "This break on the south is seven miles long by sixteen feet wide, having originally been three chains wide and reduced to sixteen feet at the suggestion of the Forests Commission". Four miles is maintained by the Commission, and the remainder by the Board. I am referring to the break from the Acheron Gap and Donna Buang through Donna Buang and round the southern boundary of the Watt’s catchment, over to or past Ben Cairn?---I was under the impression that we maintained the lot of it. I think that, in the first place, the majority of it was built by co-operative effort between the Board and the Commission.

Are you in a position to say that the Board’s section was not cut over and burned in November?---No.

And that there was also some fire provision at Maroondah watershed of which you did not know, or which you overlooked?---I knew of that. It is on the extreme southern boundary, but the difficulty I see is that, if a fire starts within your area, you have no adequate means, in my opinion, of getting into the area.

You will agree that what I have said about the track is correct, as far as you know?---Yes.

Regarding the fire on Mt. Riddell, I have a statement that on a certain day a fire broke out in private property between the Don Road and the Board’s boundary?---I cannot say. The only thing I know is that when we came into the picture it was in the Board’s area.

That is common ground. I am trying to get at the suggestion that the Board knew nothing of this fire?---I did not suggest that. I said that the late Mr. Denby was on Mount Riddell in conjunction with the Board’s employees.

Is it not a fact that the Forests Commission, townspeople from Healesville, and the Board’s employees fought the fire on
private property?---Yes.

Is it not a fact that the fire extended as much as five miles south and west from the point where it broke out near Mount Riddell, and threatened the Sanctuary, among other places?---Yes.

Is it not reasonable to expect that, on such a fire, not only the Board's men but also the Forests Commission's men and the settlers would work together on it?---That is the whole point I am making.

There is some implication that, had not the Forests Commission's officers come to the assistance of the Board, that fire would have got out of the Board's area. Is it not a fact that it did not start in the Board's area?---I am not concerned with that; I say definitely that if we had not stopped it at one place, it would have got out.

It already being out. Is it not a fact that it first threatened Sunny Lodge, secondly, the Sanctuary, and that it was only many hours after that that it entered substantially into the Board's area?---I do not agree with that.

It is very difficult for me to suggest anything against the Commission which helped the Board, and I do not propose to do so.

Did not the fire start outside the Board's area, and, at one time, penetrate into the Board's area. It was fought in the Board's area by the Board's men and the Commission's men, and outside the Board's area by the Board's men, the Commission's men and the general public. Is not that a fair statement of the position?---Yes.

So there was no question of the fire starting in the Board's area and getting out of it. It was a fire outside that came in, and was properly fought when it did come in, as well as the rest of the time?---Yes, but it ultimately would have got away but for certain help that was given. The suggestion has been made and put pretty strongly by you that we have been lax in attending to fires, and that the Board is more
or less superhuman in keeping their fires confined to their own boundaries. I know that plenty of fires go from forest areas into Board of Works' areas, but I suggest, too, that there is a well known possibility of fires starting, no matter where, and spreading from the Board's areas into forest areas. There was one place where that would have happened but for the efforts of the Forests Commission's employees.

You say the fire entered into the Board's area, and that, if it had not been fought by the Board's men and the Commission's men, it would have gone somewhere else?---The point I am making is that the Board of Works is no more competent in the fire fighting business than the Forests Commission.

I would not expect you to say anything else. You did make a suggestion that the Board of Works might not be able to control these fires. Was not this fire well controlled?---Not by the Board of Works wholly.

I am quite sure that the implication now is something quite different from your original statement.

THE COMMISSIONER: Is it a fact, Mr. Kelso, that you have fires start on your property?

MR. KELSO: Of course we do.

THE COMMISSIONER: You have some that escape.

MR. KELSO: I do not think so. I know of no such fires, unless you refer to the one at Silvan. I gave particulars of that in evidence, when I was subject to cross-examination. I have been subject to cross-examination twice, and no one has cross-examined me on that, and no one has made any statement in an endeavour to prove that that fire started on our area and got out.

THE COMMISSIONER: I am not saying that it did. I am only enquiring. It seems the normal course of events, unless you have an immensely efficient fire fighting force.

MR. KELSO: We have an efficient fire fighting force, but the problem of putting out fires is not so difficult if they are tackled quickly, and we have the advantage of an area that has not been made inflammable by regular firing.
THE COMMISSIONER: Do you suggest that the areas were not inflammable at the end of last year?

MR. KELSO: I will take that as referring to the areas before the fires. I feel convinced that the areas not subject to regular firing had become less inflammable. The longer they go free of fires, the easier it is.

THE COMMISSIONER: I am taking a long view. Long experience has made me cynical about the perfect case. If a man puts forward a perfect case, I look for the catch; I cannot conceive that there has never been a fire that started in your property and never escaped.

MR. KELSO: I can only say that I don't know of such fires and our men say that. If you go back, you will probably find one, but there has not been one for many years. My knowledge of the watersheds goes back beyond the 1926 fires.

MR. GOWANS: I am suggesting that so far as you were concerned a lot must have been hearsay.

MR. KELSO: I am responsible for knowing what is going on in the areas. Mr. Gowan's point is right that a good deal must depend on the officers under me, but there is no reason why the officers should deceive me, knowing that I should see the place where the fire was sooner or later. So far as my knowledge is concerned, I am reasonably sure. I would rather rely on the knowledge of officers who must know the facts.

MR. GOWANS: I am answering what Mr. Kelso said. His statement amounts to this; I know of no fire that started and escaped.

MR. KELSO: My statement is that I am sure it has not happened.

MR. GOWANS: No one thought it worth while to challenge your opinion on that point.

MR. KELSO: I feel certain that my evidence was to the effect that I am confident that it has not happened. It is not a matter of opinion. It is my job to know these things. I gave the opinion as the result of the inquiry answered by the persons who held my job before, and many other persons employed.
under them. I cannot go any further than that.

THE COMMISSIONER: I don't think anybody is attacking you on your probity, but I think that counsel is suggesting that you may have been misinformed. I suggested that the perfect case is not convincing. It looks to me as though your case was well

high perfect.

MR. KELSO: Your Honour leaves me with that comment.

THE COMMISSIONER: That might be attributed to various reasons. Do I understand that you have never known of a fire starting in your areas and escaping?

MR. KELSO: There is the greatest doubt whether it started in our area. I believe it started on the road, but the answer to the point raised is that I have not known a fire start in our area and get outside it. I have known a great deal about fires in which our areas have been involved.

THE COMMISSIONER: How long have you been interested in fires?

MR. KELSO: In 1923 I joined the staff of the Board and went to the o'Shamassy where I was until 1928, having fought the 1926 fires. With the exception of two or three years, I have been in an administrative position and have gained general knowledge of the whole fire area. It has been my job to consult with the officers about the fires they have had and how they have suppressed those fires and will prevent them in future.

THE COMMISSIONER: It seems that no one is safe. A cross-examining advocate is liable to be sat on.

MR. COWANS: It is difficult to tell the difference between counsel and a witness.

MR. KELSO: I presume that I am a witness.

THE COMMISSIONER: You are appearing in a dual capacity.

MR. BARBER: Some of Mr. Kelso's best evidence has been given down here from the table.

THE COMMISSIONER: Did you say you had had infrequent outbreaks?

MR. KELSO: There was evidence of three fires in December. I have not troubled to go back further than that. In the early summer
we had three fires in Fernshaw. They were only camp fires. We had patrol men out. The fires were lit by persons who did not use the fireplaces. In Wallaby Creek there was a fire from the west and it burned in the area, and was put out with difficulty. Fires have started along the roads like those fires in the Maroondah catchment. When such fires burn, some of the debris flies away. There may have been other causes, I know of no case of a fire caused by lightning.

THE COMMISSIONER: You have smaller areas?

MR. KELSO: In a sense, and that is where I combat Mr. Torbett. There are reasonably accessible lookouts from certain vantage points.

THE COMMISSIONER: What is your biggest area?

MR. KELSO: 40,000 acres. The Watts has 40,000 acres of watershed and the O'Shamassy 32,000 acres.

THE COMMISSIONER: What staff have you on the 40,000 acres?

MR. KELSO: The number of men putting in all their time doing that class of work would not total more than 5 or 6 in that area. In addition we have a permanent staff that does other duties, and there are patrol men.

THE COMMISSIONER: How many men are there on the 40,000 acres?

MR. KELSO: I should think 15 on the Watts and more on the Wallaby Creek, because we look on that as the worst area. There are 20 odd.

THE COMMISSIONER: In proportion you are better staffed than the Forests Commission.

MR. KELSO: I don't want you to imagine that they are all on that job.

At Wallaby there are 16 men doing full-time work.

THE COMMISSIONER: I imagine that in the case of both bodies every man in a fire fighter when there is a fire.

MR. KELSO: I am talking of fire patrol men. They are on the job all the time. I am sorry if you feel that we have tried to make ourselves out as perfect. I have tried to state the
truth. I am sure you will say I have not exaggerated.

THE COMMISSIONER: Don't take it to heart. You must be a good advocate and make the case sound perfect.

MR. KELSO: It seems that I am not.

THE COMMISSIONER: I don't think anybody can say that of you.

MR. KELSO: When the Riddell fire occurred, I was assistant engineer of water supply. The engineer came to me just before tea time and said, "I have been informed of a fire at Mt. Riddell and if you can come, I should like you to come". When we got to Healesville at 7 o'clock, I found he had made all the arrangements. All the men from Wallsby and Yan Yean had been concentrated in Warburton before I got there. That was his work. He and I and 40 men all went to that fire. I remained with him on the fire from 8 o'clock in the evening until 12.30 past midnight, when the dangerous section was actually subdued and the fire was nearly out. I say that to show that there is no paltering with fires. At that time the Forests Commission was working on another important section of the fire which I believe was on private property. I went over most of the fire area on the Board's area and some of the private properties. I have said in evidence that the Commission has helped us sometimes. If Mr. Torbett said so, I am certain that the Forests Commission was working on the south side and probably in the Board's territory. It was a big fire outside the watershed. The section that came into our watershed was comparatively small. There is no doubt as to where it originated - it originated in private property between the Don Road and our property. Our man lives there and he saw it. Perhaps it would be better if I read from a report of March the 16th, 1936. This has been copied from the letter book. I don't know whether I should put it in.

THE COMMISSIONER: Is there any point in putting it in?

MR. KELSO: The report states, among other things:

"The southern face of the fire was attended to by
Healesville residents, Forest Department men and caretaker Ockwell. It swept to the Don Road, crossing it and at one period threatened the Sanctuary."
That really clears up what Mr. Torbett has been saying. It does not establish that the fire would have gone outside our watershed. In the beginning, the fire was outside the watershed and it came in.

MR. BARBER: From what statement have you made that extract?

MR. KELSO: It is from the copy of a report made to the engineer of Water Supply on March 16th, 1936. It is relevant to the cross-examination. I have covered as much ground affecting the fires as I XXX wished. Whatever has happened, there is no doubt that the fire started on private property outside the Board’s watershed. There XXX is no doubt that 70 per cent. of the fire was at all times outside the Board’s watershed. I should like to ask the witness whether he feels that there is anything incorrect in what I have said?

THE WITNESS: The only thing I know is that the flank of the fire I attended came from the Board’s land.

MR. KELSO: How can the flank of a fire come out? Is not the position that the fire was in a certain place? You cannot say where a fire comes out or goes in?—You can trace the direction of a fire.

It was travelling in the Board’s watershed?—I told you I don’t know where it started.

Coming to the question of thinning, I understand you to say that it has never been the practice of the Commission to leave thinnings unburnt?—I didn’t say that.

Has that been the policy only for the last 18 months?—No.
Can you tell me what you did say?—I said that during the last 18 months thinning has been concentrated in the form of green breaks.
On those green breaks all tops and debris are burnt.
Was there silviculture thinning to improve the timber?—In the mountain ash area?
I leave it general?—There was a lot going on in the northern district, and a bit near Moosaa. I think that was about all.

Was this associated in any with fire breaks?—I think practically all the thinnings were burnt.

Were the thinnings in the other places burnt at this time?—I have been told yes by the officers in charge of those districts.

You don't know of your own knowledge?—I don't know everything of my own knowledge, I am like you in that respect.

What was that you said in answer to my question?—I don't know of everything of my own knowledge.

MR. BARBER: If all the witnesses were confined to their own knowledge, most of them would be dumb.

MR. KELSO: During the 18 months, have you any knowledge that you would consider as good knowledge as to whether the thinnings were burnt?—From my own personal knowledge I know that a considerable portion was burnt.

There was some change about 18 month ago?—Not to my knowledge.

Witnesses have said that there was a substantial amount of thinnings in the forests but they did not know whether it was before the 18 months' period. Are these witnesses wrong?—It depends on what you mean by a substantial amount. There were tops and debris in general, but generally they were flattened down as close to the ground as possible. To the best of my knowledge there was a direction strip of burnt country put around them.

When you say "to the best of your knowledge, how much of that knowledge related to the heads? Were you in a position to know what the position was in the areas?—Yes.

Or is this a deduction?—I was in a position to know because I was doing such work in Powell town.

Did you know the position in the Rubicon when you were in Powell town?—

Only from hearsay.

That was hearsay?—Yes, since then I have seen some of them in the Rubicon.
I suppose witnesses who were in the Rubicon are likely to give a better opinion?—Yes.

Does the same thing apply to heads? You said "I have no hesitation in saying that tops are generally burnt". Are you in a position to know whether they were generally burnt throughout Victoria?—Yes.

Is it your job to see whether they are burnt?—Not to go to the hills, but in travelling about I see them.

Can you say that they are generally burnt?—I am drawing on my experience. I know definitely that the tops were burnt.

Some tops were burnt?—No, the lot, in that particular case.

What you are really telling us is that in your travels throughout various areas you saw that generally the tops had been burnt?—Generally, yes.

You don't presume to say that you have seen all the tops throughout Victoria, and that they are burnt?—I don't presume that.

You have given evidence different from that given by people who should know?—The point I was making that it is the general policy to burn the tops, but there might be certain factors which might prevent the burning of certain tops.

Are you in a position to know those factors?—Not in every case.

Would you go through a mill and see the miller or the Commission's employees and discuss the matter with them?—Not necessarily.

That is based on deduction, is it not?—On observation and on reports received from the district officers.

Do district officers report to you?—Not to me, but I certainly discuss matters with them.

The matter is discussed?—Yes, certainly.

MR. SWINDON: You spoke about making proclamations in accordance with the needs of the seasons. Do you know that in 1936 the period of the proclamation was from the 30th of January to the 31st of March?—Yes.

In 1937, do you know that the period was from the 27th of January to the 31st of March?—I could not tell you the dates.
In one case, was it not necessary to extend the proclamation period to the 15th of April?—Yes.
The position got so bad that that became necessary?—Yes.
You think yourself that the proclamation should be divided into areas?—
I think that is so.

MR. GOWANS: Will you tell us in what districts you were after you graduated at the Canberra School of Forestry?—I was in the Bushworth district for approximately two years, and in the Upper Yarra district with headquarters at Powelltown for 4½ years; I was at Maryborough for 12 months roughly and I have been in my present position for 12 months.

What was your position immediately prior to your appointment to this post in December, 1933?—I was chief forester.

Where?—At Maryborough.

How long were you there?—12 months.

And later where were you?—Powelltown. I was there 4½ years.

When you speak of the policy prior to 1937, you were speaking in reference to your districts and to what took place at the conferences which you attended from time to time as district officer?—Yes.

You have told us of the policy or system drawn up since your appointment in December, 1937. Did you get any of that policy or system into operation before the 1939 fires?—Yes, a certain amount.

Where?—In the district of the central division.

And some in the Otways?—No, I don't deal deal with the Otways.

Did you draw up a fire protection scheme there?—Not in the Otways.

I suppose you did not get enough of your fire protection scheme in the central division to have any great effect on the 1939 fires?—No.

Going back to the position before 1939 and before you were appointed in 1937, you told us that certain of these works were carried out more or less, and you referred to the Matlock areas and I think Thompson's Valley. Were there any other places where the fire protection schemes were carried out on Crown
I have no personal knowledge of any.

I am not asking you about personal knowledge, but do you know from reports?—I could not say.

When works of this nature were carried out on Crown lands and they were likely to be of a permanent nature, was there a conference with the Lands Department with a view to their preservation?—I could not say.

Were any works of a permanent nature carried out on Crown Lands?—No, so far as I know.

I understand that where they were carried out on Crown lands, it was to protect valuable stretches of timber such as woollybutt in the Woods Point and Matlock area. Was there valuable timber in the Thompson area?—At the higher levels, on the Baw Baws?—On the slopes.

Then the work on the Thompson Valley was to protect the reserved forests on the Baw Baws?—Yes. All of the Baw Baws are not reserved forests, I think some are protected forests.

As I understand the position, there is no doubt that your fire protection schemes up to date have been leveled at the preservation of valuable timber. Is not that the aim and object?—Yes.

Do you know from your researches and discussions whether it has been the policy of the Commission to treat Crown land areas or its own areas from the point of view of getting rid of a nuisance—a fire menace—apart from the question whether the works were going to affect valuable timber areas or not?—

(Continued on page 2354)
THE WITNESS: What do you mean by a nuisance?

MR. GOORAH: A nuisance in a legal sense is something which creates a
danger or a menace.

THE COMMISSIONER: Or diminishes enjoyment of your own property?—No, the whole object of doing that protective work on those Crown lands for the protection of the more valuable stands is the fact that generally fires start on those low level lands and with a hot wind driving them, they soon open out on a large face and ascend with increasing fire velocity to the more valuable slopes above.

MR. GOORAH: I accept that as being a policy of the Commission in the past, so to speak, on Crown lands. You are limiting to works on Crown lands, are you not?—No, that is done on reserved forests too.

Has it ever entered the minds of the Commissioners, or the officers of the Commission, so far as you know, that the Commission being the person owning the reserved forests, so to speak, and in charge of the Crown lands, it was under some obligation to the community to get rid of any menace or danger on any point of those lands and, purely from that point of view, in that they might affect private persons, other authorities, or people having an interest in the lands of the State. Has the policy been directed to that point?—Our policy has been directed to the minimization protection of the lands of the State, either from a timber or a water point of view.

Or from the point of view of protecting settlements?—Yes, that has been done.

Do you think that is really so? Do you think that is a debating answer, or is it in fact the position, that you have directed your policy to that end? Or is it not rather that you have directed your policy to the preservation of valuable timber, the Commission regarding itself as the forestry authority first and last?—Not wholly. Steps have been taken in certain definite cases for the protection of communities.
I accept that, but even accepting that position would you be prepared to go so far as to say that in the head and front of the policy was the diminishment of the nuisance which may possibly be a danger to settlements, and lands of other authorities?---No, I would not go so far as that, but I will say that as far as possible we took into consideration the protection of private lands, communities, and so on.

Suppose you do get what you are asking for from the Government, namely $1,000,000 set aside for six years to provide for fire protection, will those protective schemes be directed to placing all protected forests and reserved forests in a safe condition, or if it intended that it should be directed to the preservation of only valuable timber?---No, I think I can safely say that the first consideration would be given to the protection of communities.

THE COMMISSIONER: That is your idea?---That is my idea.

As Chief Fire Officer will you have a free hand, or are you still to be guided by the Commissioners if they do not agree with your plans?---I cannot answer for what the Commission will do. They will still have power of veto over me.

You are still subject to the ordinary control that is exercised on a member of the staff?---Yes.

You are not an independent fire officer, necessarily?---No.

Or you might not be. You might be called on to do things with which you entirely disagree, but at the direction of the Commission?---That is quite possible, but I feel sure that if the Commission did differ seriously from me it would probe into the matter and find out all there is to it.

I should think if they set you up as their expert the Commissioners should take your advice—money and other things permitting?---Up to date they have.

MR. SPARPE: You realize the importance of this. The Forests Commission asks to be set up as the fire authority and, as Mr. Geilraith put it yesterday, bush fires start in the bush;
the Forests Commission controls the bush, therefore the Commis-
sion should be the bush fire authority. If that is so, and
the Commission is established as the fire authority for the
State, you would agree with me that it is obvious that that
policy, that that money and that those schemes cannot be directed
merely to the preservation of timber?—Undoubtedly.

Even if the Commission did not set up as the fire authority for the
State, if it is established as the fire authority for its own
reserved forests and protected forests, it still must take into
consideration the fact that protected forests, even though not
valuable as timber, may be a menace to the community?—Yes.

THE COMMISSIONER: Do you think the policy in the past has been to pre-
serve as much timber as possible by means other than those fire
precautionary means? It comes back to the old theory, but I
want to get your opinion. Do you think that the Commission in
the past— or its officers—have been so concerned with
preserving timber, that they have not allowed themselves to
take sufficient precautionary methods against fire?—I think in
the past more use could have been made of controlled burning
for the protection of forest areas and communities.

That comes close to answering my question, but it is not quite it. Do
you think that the Commission has not realised, perhaps, or for
some reason has not practised or wished to practise sufficiently
strong precautionary methods because they were so anxious to
preserve their forests? That general proposition could be
truly enunciated?—No, I do not believe in that. I know that
since I have been on the job my plans have been approved of,
although they have not been put into full operation.

That is over a very short time, is it not?—It is a short time.

That about before your appointment?—Before that anything I put up to
the Commission along those lines was approved of, as far as
finance would allow.
You would not agree that it has followed perhaps a mistaken policy?—No.
Then I say that I mean the Commission through its officers?—No, I
could not say that.
I am not suggesting by means of questions that that is so. If people
like to read something into my questions I cannot help that.
MR. GOWANS: At this stage it may be convenient to put in evidence a
file from the Forests Commission, No. 37/1939, dealing with
land additions at Brice. It is the corresponding file to a
file which has been put in evidence by the Lands Department.
I would remind Your Honour that the position is this; in
1933 the Forests Commission was asking for the dedication of
certain land at Brice, in the Tenjill East district, and the
question cropped up whether it should be dedicated, in which
case it passes under the control of the Forests Commission,
or whether it should remain in the hands of the Lands
Department, with an undertaking being given that it should not
be thrown open for settlement, in order that the Forests Com-
mission could take the necessary steps on that area and would
understand that the land was not going to be disposed of by way
of settlement over its head. I think what ultimately happened
was that a large area was held by the Lands Department on the
undertaking that it would not be thrown open for settlement for
a number of years. There is a report on this file, furnished
by the Working Plans Officer, Mr. Hals, as to the potentialities
of that area. I shall quote from the report dated the 24th
of July, 1933, at page 4. (Mr. Gowans read report "given
fair protection..............management"). Reading through
the report and the file, it becomes obvious that at all events
that at that stage the Forests Commission was not to give fire
protection unless the area was given to it in some way.

...EXHIBIT "PP" ..................File No. 37/1939.
MR. GOWANS (to witness): Assuming that this money were made available in the future, would it be directed to the carrying out of fire protection schemes on Crown lands in general? Have you taken that into account in making your estimates?—Yes, there would need to be definite plans drawn up to cover the whole area, and those protected forests would be taken into consideration in such plans.

So far your plans have only been directed to the preservation of the reserved forests, have they not?—No, to Crown lands to a limited extent.

To the limits you have already mentioned?—Yes.

You apparently come very close to a suggestion made by Mr. Clarke that it is desirable to break up some of those aggregate areas, from the point of view of forest areas, but you only go to this extent, that you suggest it should be done by means of access tracks?—Roads and tracks, with back-firing from those tracks.

In substance that is not a breaking up, is it? Have you ever considered the desirability of clearing areas around some of your forest areas for the purpose of dividing one area from the other?—Not to a great width of cleared area.

Would it be feasible to break up those large areas of yours with cleared lands, not necessarily settled land, but with the timber cleared off and the area planted down with some form of grass?—I think the suggestion made by Mr. Clarke was to break it up and to have the breaks to a width of two miles. That would have to be given serious consideration.

Even if it were not cleared, but were burnt and sown down with grass that would be cheaper, would it not?—That would be cheaper, yes.

Do you see any merit in the suggestion, or do you think it would be too expensive? What are your comments about it?—I think possibly it would be expensive, and before anything like that should be adopted on a wholesale scale one would have to try
Looking at the map that has been put in evidence by the Forests Commission it becomes fairly obvious that some of the large areas must be a nightmare to you. You have an area starting near the Neagroon forest in the north, and sweeping south through the Rubicon, south-easterly right down to North, along the Narrows to Walbaalia. That is practically one great aggregate area of reserve forests?—Yes.

It is about 50 miles long. What do you say about the possibility or desirability of breaking that up in some way with something more than tracks or roads, so that if a fire started in the north, as it did start this year, it would not sweep down and finish right at the other end of the area near Walbaalia?—I think that would have to be of extraordinary width to stop fires such as we experienced in January last.

Suppose you put the breaks along the tops of the ridges, would you be able to grow grass on burnt areas there?—In some places it is quite possible, but you have a good many ridges through there.

There are certain areas, such as this area marked yellow, between two Board of Works areas, where your forest is fairly narrow. That would not help very much if the Board of Works area was burnt through. I understand fires do not stop at the boundaries between the areas colored in red, and the areas colored in yellow.

The Commissioner: All the evidence is that they do not.

Mr. Gowans: Then look at this enormous area of green lands spreading over the mountainsous country, with no settlement except near the Mounts River. Such an area as that must be a nightmare to anybody who is contemplating the fire protection of the State?—Yes.

What could you do about those areas?—I cannot say just now, but that is a problem we have to solve in the future. Possibly Mr. Clarke’s suggestion is worthy of serious consideration.
but at this moment I would not care to express an opinion on it.

THE COMMISSIONER: If you were given unlimited finance what would you do there?—I should prefer a good roaded system right through-out that area, and it may be possible in certain parts to cut a wide break and saw it down in grass as suggested. That would only be if we had unlimited money. I would be inclined to adopt the suggestion in those circumstances, but first of all you must open up the whole of the area by means of access roads.

4. Would your roaded system criss-cross so as to have the areas in compartments?—Yes.

In that rough hilly country it would be difficult to make roads. What do you think ought to be the biggest area in each compartment, enclosed by your roaded system? Take it as a chess-board; what is the biggest area you would have? I know it would depend on the ruggedness of the country, and such things, but you know the country, I do not know it very well.—In that class of country I should say the compartments should include about 7,000 acres.

If it were a square what would be the length of that square? It would be a little over three miles each way, and you would need hundreds of thousands of pounds to do that work?—I do not mean they should be main roads all through, but I would have main roads in certain places, and other roads, linking them all up. You would need much money and plenty of men?—We are talking in terms of unlimited finance.

MR. CONWAY: The ideal country from the point of view of fire protection is the western part of the State, where the forests are represented by little green patches on this map?—Yes.

If you could reduce the forest areas on the eastern part of the State to areas similar to those small green patches in western Victoria you would not have much of a problem?—I should be
very happy.

In connection with marginal breaks and fire breaks, do you ever sow them down with grass?—No.

Do you see any virtue in it?—Not a great deal at the moment.

Not from the point of view of erosion prevention?—Right on the margins.

I do not think there is a great deal of erosion.

Would it not depend entirely on the country?—It would.

If you had those marginal breaks where you were burning over regularly, keeping them cleared of scrub, would there not be the possibility of sheet erosion occurring?—In years to come, yes; but I am not an erosion expert.

I suppose you will take your erosion expert into conclave with you before you decide?—Undoubtedly, yes.

What about the idea we heard so much about in country centres, but not so much recently, of local committees being appointed for settled areas? Could that fit in with your scheme of fire protection?—It would fit into the scheme under a rural fire board such as is proposed. The Bush Fire Brigades would come into the scheme pretty fully there. It would have its present bush fire brigades districts, and each district would have its local council that would appoint a fire warden for that district.

Apart from that I do not see that it would be a success to form local committees constituted of the average laymen in those districts.

Some form of co-ordination between the bush fire authority and the settlement fire authority would have to be developed?—Definitely it would have to be developed.

When you are putting roads into either reserved forest areas or Crown lands do you call into collaboration with you any experts from other departments?—We have our own forest engineer who is in charge of the road works.

Does he deal with roads in all your areas?—As far as I know he deals with all the major constructions.

There must be a good deal of road making from the point of view of access.
roads which must be left entirely to the forestry officers?

There is quite a deal of road work going on in the form of
opening up old roads, and the conversion of fire breaks into
trafficable roads. That is generally done by the district
officer, but where a completely new road is to be built the
survey is first carried out and then the work is carried on
under the supervision of the engineer.

Is there any room for co-ordination between your department and other
departments or municipalities with regard to road construction?

Yes, and in some cases that is carried out. For instance, if
a municipality is building a road into a certain area which
joins a reserved forest, and the Commission intends putting a
road in in that locality, the obvious thing is to co-ordinate
and to make a through of it, the municipality doing its section
and the Forests Commission doing its section. That has been
done.

Taking these measures you have referred to in your evidence as measures
to be carried out in the future, and some of which have been
carried out in the past — strip burning, fire lines, motor
roads, and so on — do you feel that it would be necessary to
amplify and extend any of these measures in future, in the
light of your experience this year?—Undoubtedly.

Which do you think should be emphasised at the expense of others?—I
think first consideration has to be given to areas designated
Fire Zone No. 1 in that group. Where plans have already been
provided for the districts within that zone I think they will
have to be amplified and extended in the light of our experience
during the 1939 fires.

I was not referring so much to the areas as to the measures themselves.
Are there any of these measures that you have set up — strip
burning, fire lines, motor roads, lookout towers, telephonic
communication, radio, and so on — should any of these measures
be emphasised even at the expense of others, in the light of
what you have learned?—Yes, in my opinion controlled strip
burning will have to be greatly extended and more use made of it. The road policy will have to be speeded up; more lookout towers will have to be provided and water conservation will have to be speeded up.

Those, we may take it, are the lessons learnt from the 1939 fires.---

Together with the legislation asked for in the proposals.

MR. GOWANS (to the Commissioner): I do not want to bring my way into any of the fights between DEPARTMENTS, but I direct Your Honour's attention to the fact that in this map put in by the Forests Commission the yellow areas are marked either areas in the control of the Melbourne and Metropolitan Board of Works, or they are reserved areas under other authorities. Your Honour will notice that this small yellow area represents the Nacrooddah area, and the next represents the O'Shamassy area. The Upper Yarra area should be where I indicate: in fact it is marked in a Forest Commission map. It may be that is due to the fact that on the title it is still so called, but it is not shown on this map as a Board of Works area.

MR. BARBER: I am instructed that is the position, that legally it is still forest and there has been no conveyancing.

MR. GOWANS: I now produce the map put in evidence by the Melbourne and Metropolitan Board of Works. I understand the areas are marked on that map, with the boundaries set out as actually Board of Works areas. I desired to look at Mr. Kelso's evidence with regard to those areas, but I have not had an opportunity of doing so during the cross-examination.

(Continued on page 2364).
MR. KELSO: Did you say that the 5,000 acres boundary is marked?

MR. GOWANS: I understand that is shown here.

MR. KELSO: No. These marks are shown on that plan because they were on an original drawing from which that plan was copied, or made up. It is a plotting of a survey to show whether this area or some area would drain within the watershed. The 5,000 acres have not been regarded by any party as a fixed area. It is a tentative marking of a possible 5,000 acres.

MR. GOWANS: It was intended to mark out 5,000 acres.

MR. KELSO: This is a plotting of a survey to delineate 5,000 acres.

MR. GOWANS: I wanted to draw Your Honour's attention to the fact that apparently the limits are there set out.

MR. KELSO: I should explain that the only marking of the 5,000 acres is a red ink mark drawn by the Minister of Forests, himself, in his own office, around the boundaries of these areas, but I do not think it included anything like a total of 5,000 acres.

MR. BARTER: But the area of 45,000 acres is shown on your own map, and confirmed exactly what we have been saying.

MR. KELSO: Will I go in the box and explain it?

MR. BARTER: I think you had better.

MR. KELSO: "45,000 acres" is printed across that area merely to indicate that it is a total area over which the Board allegedly has control. The cross hedging on the plan actually covers the whole of the watershed, and the double cross hedging on the plan is a record of the survey. If Mr. Barber will glance at the boundary, he will see that it is perfectly obvious that it cannot possibly be the boundary between the Board's actual area, because it goes in and out among the spurs, and it would be impossible to make boundaries there.

MR. BARTER: It is curious that you should have shown them.

MR. KELSO: It is, in essence, a print of a plan prepared for another purpose.
MR. GOWANS: I must have been misled by the title, which showed
"Plan of the Upper Yarra Reservation".

THE COMMISSIONER: I think, Mr. Kelso, they are merely trying to bait you.

MR. KELSO: I am trying to answer all the questions.

THE COMMISSIONER: I think you are. That is all, Mr. Torbett.

THE WITNESS WITHDRAWS.

THE COMMISSIONER: I should like to have an indication of the
final evidence to be called, in order that we can fix the
close of the sitting.

MR. BARBER: I have two more witnesses, and they will take half a day.

MR. GOWANS: Tomorrow morning we will take Mr. Lane-Peelo, and I will
call another witness on Monday. This witness, and Mr.
Berber's two witnesses, will occupy Monday?

THE COMMISSIONER: That being so, Counsel will be able to address me
on Tuesday, - this, if they want to make final addresses.

MR. KELSO: I will make my remarks very short, possibly an hour.

MR. BARBER: I do not propose to make a marathon speech. I should like
to have a day in which to read the evidence, in order to enable
me to decide what matters to refer to.

THE COMMISSIONER: We can take it that the evidence will be finished on
Monday evening. I want to rise for Easter on Wednesday
evening. What about addressing me after Easter?

MR. BARBER: I would rather have the addresses off my mind and on my
conscience for Easter.

THE COMMISSIONER: I think that the one will rest easily, and the other
will not bother you. I think there is a spirit of frivolity
present. I think that we are all getting mentally depleted
and physically exhausted.

MR. BARBER: If Mr. Kelso is to take only one hour, I shall also be very
brief.

THE COMMISSIONER: I do not think there is any particular need to hear
Mr. Gowans, who is impartial in this matter. I shall ask
him, however, to assist me later on with the survey of
legislation, the construction of the plan of the report, and so on. Unless you feel that you can assist me, Mr. Gowan, I do not think there is any need for you to make a final address.

MR. GOWAN: If Your Honour wishes me to assist in planning the report and preparing a survey of legislation, it seems to me that there is very little that I can do, in the way of an address, to further the work of the Commission.

THE COMMISSIONER: The whole question has been thoroughly canvassed, and at great length. I do not see any need for you to address me, Mr. Swinden. Your position is abundantly clear. I think also that I know your position quite well, Mr. Hardy, and there should be no need for you to address me. What about Mr. Slater?

MR. SLATER: I should like to clear up one matter, now or at a later stage.

THE COMMISSIONER: We can hear it now.

MR. SLATER: I wish to refer to a passage occurring in the transcript of evidence taken yesterday, page 2276, during the taking of evidence from Mr. Galbraith, the Chairman of the Forests Commission. My clients desire me to state that they are perturbed at an observation made there. I will hand my copy of the evidence to Your Honour.

THE COMMISSIONER: I see what the subject is. What is the trouble?

MR. SLATER: I am sorry that I was not able to be present when this part of the evidence was being taken. Your Honour will observe that, at page 2276, Your Honour asked this question of Mr. Galbraith: "May not some of your officers have been far too friendly with the millers? Has not that possibility occurred to you?" It is felt that two inferences might be drawn from these words, the first inference that there have been dishonest or corrupt practices on the part of some of the officers, and the second or less sinister inference, which suggests that, because of friendship with millers, some
of them might have been diverted from the proper course of their duty. I am instructed to say, on behalf of my clients, that they know of no instance where charges of either of these influences could be sustained.

THE COMMISSIONER: You have read the rest of the transcript, of course. It creates a rather different impression.

MR. SLATER: I have underlined the passages in the copy handed to Your Honour.

THE COMMISSIONER: All through this investigation, I have tried, rightly or wrongly - and thinking that I know where certain people stand - to attempt not to injure them in any way by what I might say or do. I have even stopped Counsel from pursuing certain lines of investigation. I have attempted to get at the truth, and I think I have got at it - the greater part. Nevertheless, I have to conduct this inquiry, and I cannot condition every question I wish to ask as to whether it will be approved by any particular section of the public, or by anyone else. If, as one who has wandered through this world, I see something that ought to be investigated, or if I consider questions ought to be asked, I am going to ask them.

MR. SLATER: Your Honour will appreciate the attitude of my clients.

That observation stands as it is. - - - -

THE COMMISSIONER: It does not stand as that. Let us put it this way. On the same page of the transcript, you will see that I said this - and I repeat the statement now:-

"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."

To this the Chairman of the Forests Commission replied:

"We watch them very carefully. We have strict control over them."
somewhere else, the witness agreed with me that they were an honest lot of men. How do you take exception to that? Must I put on kid gloves, and handle the questions accordingly?

MR. SLATER: I suggest, with all respect to Your Honour, that my clients consider that, as things stand, it is open for some unthinking members of the public to reflect upon them, or that there is a chance of a suspicion being thrown upon them. These inferences are capable of being drawn from this observation. I looked at the newspapers to see if this statement were thrown into bold relief in the report, but fortunately that was not so. Still, some person might get hold of the transcript and draw an inference which my clients feel is unwarranted.

THE COMMISSIONER: I see your position, but this is something that is inevitable in any inquiry. If it is a public inquiry, we cannot conduct it with too much feeling for the sensibility of others. I have not attacked anyone. I am not on the defensive. I am trying to explain what is clear from the transcripts.

MR. SLATER: I am instructed in these submissions I am making to Your Honour that that is the view of the men concerned. It is unfortunate that the Chairman of the Forests Commission did not clear up these matters more fully. If Your Honour feels any doubt about the matter, I desire, perhaps at a later stage, to recall witnesses to prove beyond a shadow of doubt that there is no suspicion entertained by the Commission in regard to the conduct of any of its officers.

THE COMMISSIONER: I do not think that is necessary at all.

MR. SLATER: We will leave it at that.

THE COMMISSIONER: I do not think I had better add anything. I think one of those things that must happen when one wants to find out the truth, particularly when the inquiry is a public one, as I have said, I have safeguarded many people in this
enquiry, but I cannot let that be a prime consideration. The position is quite clear from the transcript. I think you are unduly sensitive, or rather your clients are. You have my opinion expressly stated in the evidence that, as a class, the great majority of your officers are honest decent men.

MR. Slater: But still you say that some fall short of the standard.

The Commissioner: Is that not generally applicable in any body of men? No body of men is perfect. Take our own profession, or take the army, or the Forests Commission, or even the Board of Works, you will find some wrong ones in every body of men, and you know that, Mr. Slater.

MR. Slater: I am conscious of that.

The Commissioner: I think you are making too much of this little incident. I know that you have to do your best for your clients, but I think that they are over-sensitive, perhaps.

MR. Kelso: This has nothing to do with the previous subject. If Your Honour would like to have more evidence regarding the 1926 fires, Mr. Swindon says that he knows where they started, and how they started.

MR. GOWANS: I do not want to know anything about the 1926 fires at this stage. I should like, if Your Honour pleases to ask Mr. Kelso to amplify some information he gave this morning in regard to a statement of the Fire Breaks and Protective Works carried out by the Melbourne and Metropolitan Board of Works. In that statement he gave the nature and areas of the pre-suppression measures carried out, without particular reference to specified areas. I should like to ask if he would also set out the particular areas where this work has been done, whether it has been done in the O'Shanassy catchment, or elsewhere, so that we may more readily understand the nature of the work marked on the map before us. Further I asked only for the details relating to the last twelve months, and I find, according to a footnote on the statement submitted, that there
were no new works carried out within that period, although, in previous periods, some considerable amounts were spent on the construction of access tracks, and for other purposes.

In the circumstances, I should like to ask that the details supplied this morning, with the additional information asked for, should be supplied in respect of the last six years. I do not think that would be too much to ask. For instance, if it has been shown that for the last twelve months seventy-nine miles of fire breaks have been maintained, and one hundred and twelve miles of access roads and tracks have also been maintained, etcetera, it should not be very difficult to show the same information in the simplified form asked for in respect of the former years. We have asked for this information from the Forests Commission.

Mr. Nelson: I think that can be supplied.

The Commissioner: The transcript will indicate exactly what is wanted. We will now adjourn.

The Commission adjourned until 9.30 a.m.
On Saturday, April 1st, 1939.