

TRANSCRIPT

STANDING COMMITTEE ON THE ENVIRONMENT AND PLANNING

Inquiry into fire season preparedness

Bairnsdale — 27 September 2016

Members

Mr David Davis — Chair

Ms Samantha Dunn

Ms Harriet Shing — Deputy Chair

Mr Khalil Eideh

Ms Melina Bath

Mr Cesar Melhem

Mr Richard Dalla-Riva

Mr Daniel Young

Participating Members

Mr Greg Barber

Mr James Purcell

Mr Jeff Bourman

Mr Simon Ramsay

Ms Colleen Hartland

Staff

Secretary: Mr Michael Baker

Witness

Mr Lindsay Ralph Barraclough (affirmed).

The CHAIR — I ask Mr Barraclough to come forward, please. I am conscious that we are behind time, so we are going to ask you to be succinct, and I am going to ask my committee members to be succinct as well. While Mr Barraclough is coming to the table, I acknowledge the mayor of East Gippsland shire, Cr Marianne Pelz, and I put on record again our thanks to the municipality for the facilities today.

Mr BARRACLOUGH — Firstly, I would like to thank this committee very sincerely for having the decency of being here. Parliamentary committee's investigations have been so far ahead of the rest of them that I just cannot thank you people enough.

Ms SHING — Hopefully that is not a reflection on our earlier investigations, Mr Barraclough.

Mr BARRACLOUGH — Just a little bit of my background. I grew up in Licola. I was in the mining exploration industry for nearly 12 years. I then went into manufacturing. I have been involved — there is a bit of overlap — in the bushwalking industry, something that has been very close to my heart since 1973. I was a fire brigade captain for nearly eight years. I joined the CFA 50 years ago, and since 1998 I have been campaigning to try and stop these disasters.

For those of you who see my emails — and probably most of you are on the list — and who would see me as a redneck up there, I have a piece from a past life. This is my old shop steward's ticket from when I was a shop steward for the Amalgamated Metal Workers Union under John Halfpenny. I am very, very proud — —

Ms SHING — My grandmother delivered John Halfpenny. There we are, so that is something we have got in common.

Mr BARRACLOUGH — Well, there you go! Given how far politics has degenerated, that could make me a redneck.

The CHAIR — Some of us might have a different view.

Ms SHING — And that is the Liberal members out for the day.

Ms BATH — John Halfpenny would have drunk our family farm milk. How is that?

Mr BARRACLOUGH — Okay. I will be as quick as I can with this presentation so that you can hopefully make up some time. I apologise for having so many appendages on my submission. There is just so much to cover. I put them in mainly because I have been giving warning after warning which have very sadly come true, and they are in those submissions, so that is why I did that.

If I may, I would like to read a letter which I have prepared for our Premier. It is headed 'Serious fire season concerns'. Can I do that?

Ms SHING — Is that already enclosed within your submission?

Mr BARRACLOUGH — No, it is not. It is today's date, and I am just about to sign it. It is headed 'Serious fire season concerns'.

Dear Mr Premier

It is a serious concern that the state of Victoria is in no way prepared for the coming fire season when we have the ongoing problem with the cover-up of serious organised arson.

My ongoing FOI request to the Victoria Police has been this:

'I require on disk, the two complete sets of photos at the start of the Aberfeldy fire (Seri & Paynter) taken from CFA "Fire Spotter 396" 17th January 2013, in the high resolution with no alterations, as it has been claimed they were given to the Victoria Police. I also require the complete sets of photos, with none missing, as I note there was well over 50 photos mentioned (from memory I think it was 56 or 57 photos) to have been taken by Julian Seri, the official photographer on board, when he gave the magistrate a disk in Morwell Court on 2 December 2013. I am well aware that there are other photos that did not appear in the police brief as I have some of the evidence in my possession'.

The much appreciated polite and courteous responses from Mr Shannon McBryde, case manager, from the FOI commissioner's office from an email and letter of 2 September 2016 and email and hard copy from 18 August (copies attached) have exposed that agencies had these photos all along.

In these letters it was advised the agency (police) 'does have possession of documents that meet your (my) request,' Mr McBryde has also confirmed this in a phone call, so I have no doubt there has been no mistake.

Mr Premier, just this admission alone exposes that we are dealing with a police force that perverted the course of justice by deliberately withholding and seriously tampered with evidence for a court case that I believe involved malicious prosecution and perjury to try and hide arson and has used this as an excuse not to investigate the arson (two letters from Victorian police dated 29-9-2014 and 21-11-2014 are attached).

I will be giving you those things.

I do not think this is an isolated incident as another is before the courts.

In my previous letter to you of 30-3-2016 (copy attached), I advised:

'I require all the copies of the photographs on disk taken from CFA "Fire Spotter 396" 17 January 2013, before they were deliberately tampered with as they appeared in the police brief with possibly as many as 18 photos missing to help pervert the course of justice while trying to frame someone for the Aberfeldy fire and hide what appears to be departmental arson which it is beginning to appear the CFA is also trying to hide.

If the CFA wishes to maintain they do not have any of these photos that have not been tampered with, to hide the arson that started this fire, then I think the coroner needs to be advised, as a person was killed from this fire and the effort I have gone to try and track these photos down needs to come out at an inquest. Mr Premier, are you able to assist'.

Mr Premier, I now have the predictable FOI response from the CFA, who have once again failed to supply the required photographs in a letter dated 3 June 2016 (copy attached). The decision from the CFA states:

'I have now been advised that there is currently a coroner's investigation underway in relation to this matter. Given this advice, your request for access to these photos in relation to the Aberfeldy fire has been denied in full in accordance with section 31(1)(a) of the act.

Section 31(1)(a) states that a document is exempt if its disclosure would, or would be reasonably likely to prejudice the investigation of a breach or possible breach of the law or prejudice the enforcement or proper administration of the law in a particular instance'.

A totally unanswered request dated 25-5-2016 for the photos to the State Coroner's Office on form 45, rule 67, sections 115 and 63 of the Coroner's Act 2008, was sent registered mail no. 942097735017 and is attached.

Mr Premier, I could only see this affecting a coronial investigation if the coroner wanted to go down the CFA and police line of trying to cover for serious arson. Coronial investigations in Victoria do not have a good record of exposing serious failures with the fire agencies. The coroner suppressed the report of his own —

independent —

expert witness that exposed the appalling dangerous nature of the plastic fire trucks that killed firefighters. The following crucial information below also appear almost hidden as item 28 on page 751, yes page 751, of the coroner's report into the Linton tragedy. This is when every CFA firefighter in the state should have been made aware of the dangerous combustibility of their plastic fire tankers at risk of killing them. What I think the coroner tried to hide:

'28: While the cause of death is the same for all 5 men, i.e. "Effects of fire", the mechanism between those on the back of the truck and those on the ground behind the truck may have been different. In particular, those on the back of the truck showed significant carbon monoxide levels consistent with being poisoned by gases from the burning plastics making up the truck. The men on the truck probably died as a result of hypoxaemia'.

A copy of the letter to the State Coroner's Office dated 3-8-2003 and titled 'Safety of CFA tankers' and signed by myself as the then captain of the Licola fire brigade is attached.

Mr Premier, we have gone from shonky firefighting from a department allowing fires to escape, to where people are being framed to cover for deliberate and planned arson that allows the vast sums of money to flow with little accountability. Are you able to tell me what you as Premier and your government are doing to protect the public from this problem?

Yours sincerely,

L. Ralph Barraclough.

I have attached all the things in there and I would like to make them as a presentation here, if I may.

The CHAIR — Thank you.

Mr BARRACLOUGH — I have here also — —

Ms SHING — We have a limited amount of time available to us today.

Mr BARRACLOUGH — Yes, I am going through it as fast as I can.

Ms SHING — We just want to give you an opportunity to answer questions.

Mr BARRACLOUGH — Am I able to present you with a letter in camera that I sent out to part of the legal team on the case? I do not want to read it out.

The CHAIR — You can give it to the secretary and we will deal with that at another meeting.

Mr BARRACLOUGH — Okay, that is fine. That is all I want to do. I just do not want it to be made public.

The CHAIR — All right.

Mr BARRACLOUGH — This letter is supplied in camera.

The CHAIR — Give it to the secretary and we will deal with it at another meeting.

Mr BARRACLOUGH — I have a bag. That is 1 square metre of snow grass from the Alpine National Park taken about three seasons ago. It grows underneath this candlebark. The 1939 fire — I think it is in my submission — went from west of Licola to the other side of Kosciusko in around 4 hours. Now, there were a lot of ancient single-track snow gums, and the ones that grow now are multi-track, because the tops have been burnt off and killed, that survived that fire. It would have had about 3 tonnes per hectare of snow grass there, because of the cattlemen's burning and grazing. Three seasons ago that was 20 tonnes per hectare. I could not have got stuff there — 40 or 50 tonnes. I tried with all my heart. I took three samples. I averaged them out. I wanted to do a really honest job, as I try to do all the time. You are looking at a fire intensity under the same circumstances as 1939, capable of being probably in excess of 50 times under the same conditions.

Ms SHING — As at three years ago?

Mr BARRACLOUGH — As in 1939. Here are the weather maps for 1939, which I would like to give you people, but I would also like to give you the Stretton transcripts from the mountain cattlemen that had the area where that snow grass sample — this is from 1939 — —

The CHAIR — Yes, I have read that.

Mr BARRACLOUGH — I will tender that there so you can see it for yourselves. If you are really short of time, I will just make one other comment. I do have a geological background. I have seen one example of the sort of flash flooding and erosion between now and the bloody ice age, 10 000 to 12 000 years ago, like we are getting now on a regular basis from these mega-fires. I am seeing rock fracturing that has not been around for thousands of years.

The CHAIR — Can I thank you for your submission. I have no questions, but we will put your submission to the CFA and ask them to respond.

Mr BARRACLOUGH — Look, would you, please?

Ms SHING — Thank you. I have one very brief question to you. You have referred to fuel build-up and fuel reduction in your submission. I would like to get your take on a fuel reduction target approach of 5 per cent as opposed to a risk-based approach for the purposes of minimising — —

Mr BARRACLOUGH — Okay.

Ms SHING — Sorry, just let me finish the question. It is for the purposes of minimising the risk to life, property and livestock as well as biodiversity. What are your thoughts on that?

Mr BARRACLOUGH — Okay. For a start, with the fuel reduction burns that we are getting now, I have to agree with a lot of the stuff. I mean, I do not agree with a lot of the stuff they are saying, but the complaints that these environmental people are making about the fuel reduction burns, they are too bloody hot. We are only getting mega-fires or too bloody hot fuel reduction burns.

Ms SHING — So do you support cool burns then?

Mr BARRACLOUGH — More of them, smaller ones —

Ms SHING — Mosaic stuff.

Mr BARRACLOUGH — and cool, low-intensity burns. They had no trouble on private land in Licola bringing it back to a beautiful grassy understorey with two cool burns, two years apart — end of story. That is what they have to do. The only place where wildlife, insects and birds, survived at Licola was where Brian Higgins's cattle had accumulated on the Spring Hill Plateau where they had logged the place, clear-felled the bloody stuff, hot burnt it, and it had not regenerated enough to carry a hot fire. In an area where they burnt along the Wellington River, which was too bloody hot, that was the only place in Crown and public land where birds and insects survived. What do you think when we come down to where we have got to rely on cattle grazing and logging to supply two-thirds of our wildlife survival?

Ms DUNN — My apologies, Mr Barraclough. I do have to depart back to Melbourne.

Mr BARRACLOUGH — Thank you for being here.

Ms BATH — Thank you, Mr Barraclough. Today we have heard about the importance of keeping our highways, our major roads and our minor roads going into towns clean and clear through fuel burns. I note that you live in Licola, which is a very high town with probably one road in and one road out. Do you have a comment around that and how do you see that playing out?

Mr BARRACLOUGH — Okay. In 2006 I do not know whether even one person evacuated from our community. I was captain there; I was captain through that fire. Our losses compared to what happened in other places were minimal. The fire intensity in some places was up to 80 megawatts per metre, according to David Packham. The fire that impacted my place was 10 megawatts per metre. I never so much as raised a sweat surviving in my place, and I lost about six strainer posts and a couple of trees. I was talking to a journo friend on the phone when the actual fire front went through.

I spent years as captain there, going around. Everybody had to have a plan. We all had our own equipment because we just did not trust the CFA. They only had one truck. A few weekenders lost their places and it was agreed that we should not have people in there. With a lot of these people I would have been worried about having them in there, because they were not all that experienced. We lost one house — that was somebody's house — and that burnt down two and half weeks after the fire. It was well insured. Nobody's life was ever in any danger — of the local people. We had a handful of outsiders. This leave-and-lose policy is the most stupid thing I have ever seen.

Ms SHING — Leave and live or leave and lose?

Mr BARRACLOUGH — We call it leave and lose.

Ms SHING — I just want to make sure we are getting it right for Hansard.

Mr BARRACLOUGH — Does that answer the question?

Ms BATH — Yes, thank you.

Mr BARRACLOUGH — We had our own network. We relied on almost nothing from outside.

Mr YOUNG — You said before that there were some people that you would not have liked there because they did not have experience.

Mr BARRACLOUGH — No, I did not say that. There were some people there who could have been in slight danger. They were the only people who were really frightened. I put out warnings just before the fire front. It suddenly spotted and it was a place where we knew that it was very likely to do this. It suddenly spotted and just lit up the whole bloody trunk beside the spot fires. Athol Hodgson was watching the whole thing on TV. He contacted David Packham, who got straight on to me, and then I put out a warning over our network. We had firefighters in there helping us who were very good people, but they did not consider it official and they did not pass it on. These people never got the warning, and the warning was, 'Get onto bloody safe ground'. That was the warning, because they thought they were safe.

Mr YOUNG — Right. So you have people with little experience doing this sort of stuff on the fire?

Mr BARRACLOUGH — Somebody had people there looking after a place that he rented out; he had friends in there. Yes, they would have had a bit of experience, but they were just out of the communications. They were supposed to be, but they just did not get it.

Mr YOUNG — So how hard is it for someone to stay and protect their place if they have got no experience?

Mr BARRACLOUGH — Provided they have got a fire plan — like, I went through everybody's fire plan. I spared nobody. I think I rebuilt 50 knapsack sprayers, there were 40 drip torches and they knew how to use the damned things. That is the policy they should be having. The marks of the fire are still there; it was a hell of an intense fire. We lost a shearing shed and one farmer who used to running around telling everybody else how they should be doing things, he lost a heap of sheds and bloody near lost himself because he put his tractor in long grass and it had the pump on it and of course the fire burnt through and burnt the bloody hoses. You cannot do a great deal for somebody like that. The shearing shed was burnt down. Everybody was told that you get inside when the fire front comes through. As soon as the fire front goes through and you can breathe in the hot air, you get out and you start putting things out. They bloody went to have lunch and did not leave anybody wandering around and they lost their shearing shed.

Mr YOUNG — Right. So it is pretty hard to have everyone that prepared.

Mr BARRACLOUGH — Look, these were people that came in to help us from outside. It was a big place; he just did not have the staff in.

Mr YOUNG — Yes.

Mr BARRACLOUGH — But the rest of the work he did was very good. But, look, I do not care what it is. Everybody puts heart and soul into it, they are under pretty tough conditions and there are always going to be mistakes, no matter how well you try and prepare things. I still think they did a pretty damn good job.

Ms SHING — How do we minimise the mistakes? How do we learn from them?

Mr BARRACLOUGH — Look, you need more fires so people can learn. Kevin Higgins on the high plains, he was burnt out in 1998. When I went up there in 2006 to help him — because they would not send anybody in there; they reckoned it was too dangerous — I looked around and I thought, 'God, what a lazy, useless bastard'. He had not done this and he had not done that.

Ms SHING — You were not impressed with the state of his property?

The CHAIR — I am not sure if that is parliamentary.

Ms SHING — Let us take that as your own personal opinion and perhaps just rein in our language a bit.

Mr BARRACLOUGH — I will tell you the rest of the story. When I was burnt out I looked out and I thought, 'I didn't need that, I didn't need that and I didn't need that'. For want of a better word, I used the same philosophy as Kevin Higgins: I called it the 'lazy bastard approach'.

The CHAIR — Mr Barraclough, I am going to draw a conclusion to this. I am conscious of time, and we have to hand this building back very shortly to the municipality. They are about to have another meeting, so we are going to be turfed out.

Ms BATH — Thank you very much.

Mr BARRACLOUGH — Thank you.

Witness withdrew.