

Submission  
No 19

## INQUIRY INTO WAMBELONG FIRE

**Name:** Mr Wayne West

**Date received:** 31/01/2014

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Partially Confidential

## SUBMISSIONS BY WAYNE WEST

### Introduction

I am one of the landholders with my wife, Lesley West, of a property on the Goodradigbee River, known as Wyora Station Brindabella NSW, that was burnt out on 18 January 2003 by the McIntyres Hut Fire (herein referred to as *MHF*) which is now known as the "Canberra Bushfires."

I wish to make submissions in writing and orally in relation to the misconduct of the Rural Fire Service in the subsequent Inquiries.

### Queanbeyan Inquest

The NSW Deputy Coroner, Carl Milovanovich, carried out "*The Inquest into the Circumstances of the Fire(s) in the Brindabella Ranges in January, 2003*" (herein referred to as *The Inquest*). Coroner Milovanovich made several comments and findings that I wish to comment on. Namely:

1. On 7 March 2003, a Press Release into the NSW Bushfires did not mention the MHF and none of the victims were notified of this Inquiry.
2. The final date for submissions was set at May 2003. Why was the NSW Rural Fire Service (herein referred to as *RFS*) or NSW National Parks and Wildlife Service (herein referred to as *NPWS*) allowed to hand in their submissions after the Inquiry had started? Was it to prevent comments from the victimised public?
3. The Coroner stated that the 21 submissions received from the public "*were investigated*." Who carried out that investigation? In my case, I had to ring the Coroner's Office several times and wrote to them. I then had a number of phone calls to Task Force Tronto. In fact, they made every attempt to avoid me. I had to drive two members of Task Force Tronto to my property in my vehicle. I expressed my concerns of various public statements made by RFS and NPWS & personal conversations I had with fire fighters and other property owners. In fact, I told them to attend a meeting at Wee Jasper which would give them an informed view as the following issues were to be discussed; lack of response to the fire, the fire was left to burn, fire trucks were turned away and told not to respond to the fire, the local brigade was not despatched for 4 days, a local brigade captain manned the buoy wall as a volunteer from the public whose truck stayed in the shed and he was not permitted to attend the fire as a RFS member.
4. People were told throughout the fire by the RFS that there was no danger to their property. In one phone call, fire control told Dr Mikhailovich (see Submission No 10) that there were no buildings on her property. She had previously reported and raised the issue of property protection and the

lack of resources at the fire with the RFS. At the time of this particular phone call, the fire was less than 100 metres from her buildings.

5. The submissions outlined directly below were critical of matters arising out of the MHF. Again, the Coroner did not call them. The Coroner solely relied upon evidence and statements made by paid staff who were responsible for managing the fire; one could relate this to a robber investigating a robbery.

- No 3 Gregory Morrison
- No 4 Brian Williams
- No 6 Geoff Walker
- No 7 Val Jeffery
- No 8 Michael Lonergan
- No 9 John Parker
- No 10 Dr Mikhailovich
- No 11 David Menzel
- No 14 Wayne West
- No 15 Peter Smith
- No 16 Noeline Franklin
- No 18 Mr Franklin
- No 19 Donald Maxwell
- No 20 Brian Barlin
- No 21 Mrs N Franklin

6. The Coroner mentions the fire at 5.30pm to in excess of 200 hectares. If this was the case, the fire had completed its run as the fire remained the same size overnight. I attended the fire front on the night of 8 January. The fire was not burning aggressively in fact, burning slowly.
7. Evidence has come predominantly from Ariel reconnaissance. No witnesses from RFS or NPWS could see the eastern front fire front due to the smoke; one would presume they could not say where the fire was on the eastern front. Therefore, any statement made on eastern perimeter of the fire had no substance to the factual location of the fire.  
in her professional opinion, "the size of the fire, it was too dangerous to deploy ground crews." What does the size of the fire have to do with deploying ground crews for reconnaissance, which is a standard RI S procedure?

Had a ground crew (local brigades) been dispatched a difference approach would have been taken. The RFS Policy is that you attack the fire from the back (if burning rapidly) and work your way around to the front. This could have been employed on 8 January 2003.

- a. RFS and NPWS claimed it was beyond direct attack. No ground reconnaissance had been made.
  - b. No brigades were despatched on the western side.
  - c. No adjoining landowners were contacted.
8. The decision was made on the fact the smoke could be seen from Queanbeyan. , RFS Fire Controller, said "*we knew we had a big fire.*"
9. of the NPWS attended Mount Corree and only could see smoke, no flames.
10. Had the Coroner called local brigade group captains, captains, RFS members and other eye witnesses to the MIF on 8 January 2003, he would have found a different approach should have been taken in combating the fire. The following persons gave evidence in the case of *West & Anor v State of New South Wales (2006)* that supports this statement:
- a. Peter Smith;
  - b. Barry Walker;
  - c. Peter Cathles;
  - d. Tim Cathles;
  - e. Frank Kaveney;
  - f. Tony Walker;
  - g. Phil Cheeney; and
  - h. Roger Fenwick.

11. Containment strategy was successful until 18 January 2003 (see Page 14 of Coroner Milovanovich's Findings in The Inquest); **what a cover up**. This was another false finding.

Many RFS, NPWS and Forestry staff were witnesses to the fact that the MHF broke containment lines on 17 January 2003 and was burning out of control. Tape recordings could have shown various radio calls, phone calls and aviation reports. **Is this why tapes go missing?**

#### Issue of Resources

12. Coroner Milovanovich said in The Inquest, "It is clear that all available resources including ground forces and aircraft were used." There is overwhelming evidence to contradict this statement. Namely:

- a. McLeod Report;
- b. Nairn Report – Inquiry into the Recent Australian Bushfires October 2003;
  - i. Availability of Aircraft – 9 fixed wing fire bombers were engaged and another 11 fixed wing aircrafts were available but not used between 8 and 17 January 2003” (see Page 218, 6.94).
- c. Canberra Coronial/Inquest -- Maria Doogan
- d. *West & Anor v State of New South Wales*
  - i. Evidence of \_\_\_\_\_ Incident Controller, gave direction to stand brigades down on 8 January 2003. These brigades including raft teams were standing by but were told to go home.
- e. Bulldozer Availability
  - i. Not one of the bulldozer owners advertising in the Yellow Pages were rung on 8 or 9 January. Two adjoining land owners had dozers, Nottingham Station had one dozer and Timberlands (Wyora) had two dozers (1 D6 and 1 D8)

13. Coroner Milovanovich stated, "*No evidence was presented to me, other than innuendo.*" Well, I wonder why. Was it because you called no witnesses or did not investigate the fire?

14. He went on to say, "*NSW's loss was limited to property loss.*" Was the Coroner in denial of the fact that MHF caused the 4 deaths in Canberra and burnt 498 homes, or was it in his interest not to know?

#### **The tape recordings at the fire control centre**

15. In January 2003, \_\_\_\_\_, Media Officer RFS, told me all phone calls and radio conversations were taped. I said, "*You bastards will hang on your own evidence.*" RFS failed to provide any tapes from fire control centres. Why Not? The Coroner should have subpoenaed all tapes from Queanbeyan, Yass, Tumut, Braidwood, Goulburn and Canberra.

#### **Intimidation**

16. A wife of a local captain was rung by \_\_\_\_\_ Deputy FCO, Operations Manager of MHF who threatened the lady and told her she was in

contempt of court for not giving her personal hand written notes to the Fire Control Centre.

17. Senior Group Captain                      wrote to the ACT Coroner about the management of the MHF. Shortly after, his position as Senior Group Captain was abolished and he was asked or demanded to hand back his equipment.

18. Mr                      was also asked to hand in his equipment by the Fire Control Officer at Harden by a letter which sacked him from the brigade.

### Environmental Damage

19. It would take 200 years to recover, according to CSIRO.

20. 11 years on, there are no signs of platypus or water rats in the river; not to mention other native animals.

### Summary

21. The submissions made to the fire inquest by Bret Walker, Senior Counsel for NSW, that                      brought discredit upon himself "by alleging the fire could have been fought from an early stage" have been turned on their head by Chief Justice Higgins in the ACT Supreme Court case

22. In summing up I ask, is the RFS a protected species?

They for some reason do not produce or provide tape recordings to Coronial Inquest/Inquiries, I wonder why. This Inquiry must answer that question.

23. I ask or insist on a judicial inquiry or royal commission.

24. I would be pleased to supply any further evidence as required.

Dated:

31 JAN 2014

WAYNE WEST