

**ECONOMICS AND INDUSTRY
STANDING COMMITTEE**

INQUIRY INTO 2011 KIMBERLEY ULTRAMARATHON EVENT

**TRANSCRIPT OF EVIDENCE
TAKEN AT KUNUNURRA
MONDAY, 23 APRIL 2012**

SESSION TWO

Members

Dr M.D. Nahan (Chairman)
Mr W.J. Johnston (Deputy Chairman)
Mr M.P. Murray
Ms A.R. Mitchell
Mr I.C. Blayney
Mrs M.H. Roberts (Co-opted Member)

Hearing commenced at 10.59 am

BURNBY, ASSISTANT COMMISSIONER MICHAEL
Police Officer, WA Police, examined:

SUTHERLAND, SUPERINTENDENT MICHAEL JOHN
Kimberley Police District Officer, WA Police, examined:

SEAMAN, DETECTIVE SENIOR CONSTABLE ROBERT CRAIG
Police Officer, Arson Squad, WA Police, examined:

DUCKETT, FIRST CLASS CONSTABLE KRYSTLE RAE
Police Officer, Wyndham Police Station, WA Police, examined:

WOLFE, FIRST CLASS CONSTABLE ROBERT
Police Officer, WA Police, examined:

The CHAIRMAN: I have an opening statement. Before we commence today, could I ask those of you around the room to refrain from using audio recording devices as they may interfere with Hansard's recording equipment. I would also ask you to switch off your mobile phones for the duration of the hearing. I will check to see if I need to do it myself.

Thank you for your appearance before the committee today. This committee hearing is a proceeding of Parliament and warrants the same respect that proceedings in the house itself demand. Even though you are not required to give evidence on oath, any deliberate misleading of the committee may be regarded as contempt of Parliament. Before we commence, there are a number of procedural questions that I need you to answer. Have you completed the "Details of Witness" form?

The Witnesses: Yes.

The CHAIRMAN: Did you understand the notes at the bottom of the form?

The Witnesses: Yes.

The CHAIRMAN: Did you receive and read and information for witnesses briefing sheet regarding giving evidence before parliamentary committees?

The Witnesses: Yes.

The CHAIRMAN: Do you have any questions about appearing before the committee today?

The Witnesses: No.

The CHAIRMAN: The committee has received your submission. Thanks for your evidence and your contribution. Do you propose to make any amendments to your submission?

Mr Burnby: No.

The CHAIRMAN: Before we ask any questions, do you wish to make a brief opening statement to address the terms of reference?

Mr Burnby: No.

The CHAIRMAN: Your submission states at pages 6–7 that the police assistance centre received its first call from FESA about the emergency in terms of the race at 2.34 pm, but it was 4.45 pm before the Wyndham police officers arrived at the checkpoint as directed. Can you confirm the sequence of events following that call to PAC? How long was it before a vehicle was dispatched and what were the poor communication issues referred to in the submission?

Ms Duckett: I have got a copy of, I guess, the job that was put on the system by our PAC centre down in Perth. It has got the time–date stamps. The job was put on the system on 2 September at 14.38—that was 2.38 in the afternoon. We received—can you say how we were notified of the job?

Mr Wolfe: About 3.00 pm we were at the office and I was on the computer system, on CAP, and I noticed that the job was on there, so that is when we first became aware of the job.

The CHAIRMAN: About half an hour after the PAC was first notified by FESA?

Mr Wolfe: Yes.

Mrs M.H. ROBERTS: Can I just ask: what is the normal process there? If there is a job, because it goes through the communications centre in Midland, to notify a regional police station, is it just normal that they put it up on the computer system, or would they on occasion phone or —

Mr Wolfe: On occasion they will phone. Ordinarily, they just put it there, and we check the computer system and we will notice it is there. If we do not notice it is there in a certain amount of time, they will give us a call through Broome.

Mrs M.H. ROBERTS: If you notice it is there, do you email back to them or —

Mr Wolfe: No; we just —

Mrs M.H. ROBERTS: So how do they know whether you have noticed it or not, I suppose is what I am getting to?

Mr Wolfe: It gets assigned to a vehicle.

Mrs M.H. ROBERTS: And then they can see that on their system.

Mr Wolfe: Yes.

The CHAIRMAN: What did the notice on their form say?

Ms Duckett: I can read it verbatim. It says —

FEMALE IN GROUP OF ADVENTURERS HIKING IN ELQUESTRO HAVE BEEN SEPARATED BY A BUSH FIRE. FESA CONTACTING EL QUESTRO STATION FOR FURTHER DETAILS. NUMBER OF PERSONS UNKNOWN. CALLER WAS ON SATELITE PHONE —

And it lists their phone number. It does not say who the caller's name is on this.

The CHAIRMAN: Okay. You can provide a copy of that to us?

Ms Duckett: Yes, I can.

The CHAIRMAN: What difficulties ensued in the response that led to police being the last of the emergency services to arrive at the scene?

Ms Duckett: Sorry; can you please say that again?

The CHAIRMAN: What difficulties ensued in your response to the request that led to police being the last emergency service to arrive at the scene? Why were you the last ones there? Were there other issues?

Mr Wolfe: I am not sure why we were the last ones there. As soon as we noticed the job, we have certain things that we do before we head out. We had some difficulties contacting the number because the satellite phone number that was provided did not ring properly. Because it was an

international number, we could not work out the prefix to come beforehand, so we were trying to get as much information as we could. We have what we call an emergency pack that we have to get ready. We have to get satellite phones; we have to get water; we have to get everything we are going to need if we are going to be going out to—we do not really know what, so that usually takes 15, 20 minutes.

Mrs M.H. ROBERTS: What kind of priority was the incident listed as?

The CHAIRMAN: What kind —

Mrs M.H. ROBERTS: At the call centre, they give all the calls for help a priority. The words you have read out there, to me, do not sound like it is a particular emergency. There is no reference to people's lives being in danger or that kind of thing, so I am wondering what kind of priority the call centre gave it when they put it up on the system.

Mr Wolfe: It was 348, which means basically a welfare checking. That was given priority 3. Priority 2: that is considered high priority.

Mr Sutherland: It was listed as a missing person.

The CHAIRMAN: And that was the information that PAC received from FESA.

Mr Sutherland: That is correct.

The CHAIRMAN: I notice it did not refer to the race.

Mr Sutherland: No.

The CHAIRMAN: If it had referred to the race, they would have known there were other people potentially involved in whatever event was on hand.

Mr Sutherland: That is correct.

The CHAIRMAN: Superintendent Sutherland, at page 8 of your submission you say that there are many unanswered questions on the management of these events by RacingThePlanet. What are some of these unanswered questions you refer to? Did you or any of the officers obtain a copy of the event organiser's risk management plan following the event?

Mr Sutherland: We did. As part of the statements taken, I do believe there was a risk assessment amongst those papers that I did hand over.

The CHAIRMAN: Did you sight it or even look at it?

Mr Sutherland: No, not in detail.

The CHAIRMAN: Okay. You handed it over to people doing the assessment or the follow-up. Is that —

Mr Sutherland: No. It was handed over to yourselves. I think I need to outline the terms of reference—why we took the statements in the first place. As the district superintendent, I ordered an immediate investigation into the Kimberley Ultramarathon event run by the company RacingThePlanet. The terms of reference were —

1. The seriousness of the injuries to competitors—in respect that some injuries appeared life threatening and may involve a **Coroners Report**. Two competitors were critically injured with 60% burns—Kate Sanderson and Turia Pitt.
 2. Majority of event managers and competitors were from overseas and it was a priority to obtain statements before they left the country.
 3. Police in partnership with a FESA fire investigator had a WA Police Arson Squad officer investigate the fire to see if there was any criminality linked to the lighting of the fire.
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So that was my terms of reference. And the investigation: there is the obtaining of the statements. However, there was no investigation or comments around the management or organisation of the event, around the planning of the event, the preparedness of the event, risk plans, response, evacuation or recovery. This was a private event run on private property, and that did not need a police intervention at that point.

The CHAIRMAN: The police were not notified directly or through the local emergency management committee about the event.

Mr Sutherland: Not at all. We were notified by an email that the event was running on that day.

The CHAIRMAN: Can you remember the day that you received the email?

Mr Sutherland: Yes. I will just refer to an email from Riitta Hanninen. It was dated Tuesday, 16 August 2011, at 18.07, and it was to the Kununurra Police Station station mail. A copy went to Samantha Fanshawe, and it was “Attention to: Officer in Charge”. This was a generic type of email, and the contents did not—we could not make assumptions out of this that there were any risks around this event being run.

The CHAIRMAN: Did you correspond with them in any way?

Mr Sutherland: This was picked up by the acting senior sergeant at the time, Peter Janczyk. He has maintained that for, obviously, his own purposes. Then, on Thursday, 1 September, at 12.02, the day before the event, if I am correct, he sent this out to notify the staff that there may be a marathon coming into town. Did you want me to read the content?

The CHAIRMAN: If you could just table it.

Mr Sutherland: Yes, I would like to table that.

The CHAIRMAN: That will be adequate.

Mr W.J. JOHNSTON: You have said that they did not require permitting because it was on private land, but we saw ourselves that it actually went on the Gibb River Road for 10 kilometres or something. Technically, would they have actually required approval for the use of the Gibb River Road for that distance?

Mr Sutherland: They did actually contact and have a discussion with Tony Watson, a police officer, and the only thing they had a discussion on was the plan to go across the dam bridge, as they called it, that is located between Kununurra airport and Kununurra town site. Mr Watson from the police advised that no permission was needed for the small event, but asked to guide the competitors to run or walk on the left side of the bridge against the traffic and to take care.

Mrs M.H. ROBERTS: Had they advised how many people were going to be in the event?

Mr Sutherland: The number of competitors was 40; the number of staff 20, including four medical doctors.

Mrs M.H. ROBERTS: It is just that they had been advising government and Eventscorp more generally up until a few days before the event that they were having 100 competitors from 30 countries, which clearly the organisers knew they could not get.

The CHAIRMAN: Once you got the email, what would be required for the police to take action to upgrade it to require more input from them or to send it to the local emergency management committee?

Mr Sutherland: Well, as we have seen post-event, as pointed out by Mr Johnston, they did run along the road, and I would assume that if they were going to run along the road, they should have contacted ourselves for that, so some sort of traffic management plan could have been discussed with the event management.

Mr W.J. JOHNSTON: So, just to clarify, if you had known that they were going to use the Gibb River Road, they would have required approval.

Mr Sutherland: Yes.

The CHAIRMAN: In 2010, the same group had a race in the same vicinity—a slightly different race—where some people had heat exhaustion and it impacted the local hospital. Were the police aware of that race and the outcome of it?

Mr Sutherland: No, the police were not aware of the race. However, if I could just refer to my report, WA Police had no direct involvement in respect of the 2010 event. The officer in charge of Kununurra at the time, ex-police officer Graham Sears, stated that Kununurra police were not involved and were unaware of the event. Sears recalls that a number of competitors were taken to the Kununurra Hospital with dehydration. The officer in charge of the Wyndham Police Station at the time, Sergeant Jon Kazandzis, states that there was no involvement by Wyndham police in 2010. Superintendent Murray Smalpage, on 30 April 2010, called Samantha Fanshawe, event director, expressing his concern at the number of people being taken to hospital due to dehydration, after being contacted by Kerry Winsor, who is the director of health in the Kimberley. That is the only involvement the police had.

The CHAIRMAN: Can you explain the model used by the Major Events Coordination Unit for ensuring appropriate risk management plans are in place? How long before an event does the MECU require a risk management plan to be presented?

Mr Burnby: The Major Events Coordination Unit is down in Perth, and it depends on the size of the event. There are examinations of risk assessments now for events that are planned into the future and could lead up to two years of preparation. So, depending on the size of the event, it depends on the amount of risk assessment and risk mitigation.

The CHAIRMAN: This was not a large one, but it is in a relatively isolated place relative to many such events in the south west, and also more difficult to access it and also less availability of emergency support.

[11:15 am]

Mr Burnby: Absolutely. I mean the larger events in Perth, as I have previously said, attract exercising as well as debriefing for the purpose of adjusting to those lessons learnt. You know, I think that the email that was received by police was rather innocuous. It says that it is over 100 kilometres of off-road use. I think that is probably what has not pricked up their attention.

Mrs M.H. ROBERTS: Were the police given a copy of the route in advance? Also, there is the route with directions. As we have now found, it was originally going to be finishing at Emma Gorge and starting in Kununurra and then it was reversed a day or two before the race. Were the police ever given the route beforehand? Have you subsequently become aware of why they changed the direction of the route?

Mr Sutherland: No. As far as my knowledge is concerned, we did not receive any correspondence other than that email. Post the event we were made aware that due to the fires in the area at the time there had been a number of changes made to the route. We did receive a copy, and that formed part of the statements we took at the time.

Mrs M.H. ROBERTS: Including the direction that the race was going to be going in. Was that because of the fires, or you do not know?

Mr Sutherland: I could not comment on that.

The CHAIRMAN: Ideally, I suppose, an event like this should go through the local emergency management committee, which the police are intimately involved in. Is that what your view is?

Mr Burnby: My personal view would be that if there is a public liability issue, there should be a risk assessment. The majority of events in local areas would certainly inquire with the local government authority to see if there are any permits required. At that point I would say that there is probably not a generic template that fits over events. If the risks were such that they would involve other agencies, then it could be referred through the LEM committee.

The CHAIRMAN: It appears to me that even though RacingThePlanet had an event in 2010 in the area, so they had some track record and a record that there were some risks here, most of them were from overseas—the doctors, the volunteers and everybody—so they would not be aware perhaps of the smoke, fire, snake and other risks associated with it. It was a big event in terms of publicity internationally. How do we trigger a situation to make sure that people from outside come in here and know the risks in the first case, and correspond with groups such as the police who can advise them on the risks and address those risks if need be?

Mr Burnby: I would simplify it and simply say that if assistance was required outside of the event organiser's capacity, then that would be the trigger to include other agencies.

The CHAIRMAN: If a risk outside the capacity of the event organiser is expected, then that should be the trigger for the local emergency management committee. Okay. One of the issues is you have a lot of four-wheel-drive groups out there who kind of have a different variety of skills inside. It may not be commercial events, but they take risks. You would not want to necessarily involve every four-wheel-drive trip going through the Kimberley in a risk management plan. As politicians, we definitely would not want to hear feedback from all of them. So what is the trigger and how do you deal with those different scales of both risk and events?

Mr Burnby: Once again that would come down to the organisers. We actually send out safety and security messages, so if there was a four-wheel-drive club going through, our recommendation would be that they carry an EPIRB. In the event that they require outside assistance, they could trigger that and we could get the earliest response to them. Otherwise, we would anticipate they would examine their capacity, and generally they have very good road rules and manage themselves and extricate themselves from the challenges that they experience. That is a fact that they want to go there and experience those challenges.

The CHAIRMAN: Yes. One of the issues with the four-wheel-drives is that they do have clubs that provide advice, skills and back-up, and links and advice for routes and whatnot. This ultra-marathon does have international ultra-marathon associations, but they did not appear to have advice mechanisms through, let us say, their associations, which might be adequate to advise them on this race. Do most groups who are taking these risky events have some kind of association oversight that helps set up and mitigate risks, in your experience?

Mr Burnby: Generally, those that are ignorant of what is available, I think they generally make inquiries that inform them. I think it is through those inquiries that the risks are identified and then determine whether or not they are within their capacity or outside. I think that would be a general trigger.

The CHAIRMAN: What is the police comment upon the preparedness of RacingThePlanet for conducting this race in 2011 and its carriage of the race? In terms of its preparation for its carriage of the race, do you think they were adequately prepared, understood the risk and did the best they could, and it was a freak of nature that happened?

Mr Burnby: I can only speak in hindsight, I guess, with very limited exposure to how they prepared themselves and all the participants and the supporters, but I think if the police had been involved with others in the risk assessment, there would have been a difference to the situation that we are talking about today.

The CHAIRMAN: The police arson squad report could not determine the cause of the fire which swept the course, but attributed that the probable area borders the Wuggubun community. The

report said that Senior Constable Conwell wanted to undertake further inquiry to see if the witnesses could provide information about fires at the waste disposal site. Was any further information obtained that was of value to the police arson squad about other fires?

Mr Seaman: With respect to the inquiries at Wuggubun, I have not been advised of what came of those inquiries. There were limited inquiries that we did make down there. I guess there was some uncertainty about days and times, but generally we ascertained that there was a fire around the tip site across the back of the community, but any further inquiries to say whether it was a deliberate ignition or not, I am not sure of.

The CHAIRMAN: There was a report by some of the police on the day that there was a controlled burn in Doon Doon and in El Questro. Did you hear about or follow up on those statements?

Mr Seaman: Certainly it did come to my attention during the time, but the fire indicators that we did track back were back to the Wuggubun community. That fire started on the Monday, from the evidence of the witnesses who live in the community, the adjoining property owners at El Questro and also the North Australia Fire Information index satellite imaging, so we were able to corroborate that back to the one ignition.

The CHAIRMAN: Okay. The police arson squad investigation conducted with FESA was undertaken to see if there was any criminality linked to the lighting of the fire. What acts or omissions constitute criminality in these circumstances?

Mr Seaman: Deliberate ignitions. There are a number of offences to do with that, but a deliberate lighting of the bush for one or more outcomes. You cannot go lighting a fire in a national park or on someone else's property, but of course property owners can go and light fires within their own property, the same as houses as well. We looked for any deliberacy in the fire. From there, we obviously looked for evidence that it was a criminal act.

The CHAIRMAN: In this case the evidence is that the fire was started in the waste area and then they did some back-burning to protect assets. There is no criminality involved in either of those.

Mr Seaman: No; nothing identified.

The CHAIRMAN: So you found no criminality.

Mr Seaman: No. Certainly the community out there have reasons to protect their assets and their access road for the survival of the people who live out there, so the fires they have lit to back-burn were obviously legitimate fires. There was nothing criminal in it.

The CHAIRMAN: Okay. Detective Senior Constable Seaman, we know from witness statements that you attended a meeting at the Kimberley Grande hotel on Sunday, 4 September with officers from FESA, senior RacingThePlanet staff and Mr Storey.

Mr Seaman: Yes.

The CHAIRMAN: What issues were discussed at this meeting? Was this meeting conducted as part of your formal investigation?

Mr Seaman: The meeting I attended, yes, there were a number of issues discussed. I was receiving a number of phone calls that I had to go outside for. It was organised by people from FESA and I was working in partnership with them, so through that I attended the meeting. There were a number of issues discussed, more along the lines of people's roles. That was the first opportunity we had had to speak to witnesses. Part of the fire scene examination process is not just to look at the physical indicators but also talk to people who were there to then find out what they observed, what they heard, what they saw. It all formed part of, I guess, the jigsaw puzzle of putting together how the fire started, where it travelled from and what actually caused it.

The CHAIRMAN: Mr Wolfe, earlier on we discussed the call-out that you received and that it was not a high-order priority. I assume it related to some injured people.

Mr Wolfe: Missing.

The CHAIRMAN: Yours was missing, but it actually related to some people who were injured. Was there miscommunication from the participants or the organisers of the race to the police as to the severity and real nature of the injury?

Mr Wolfe: I am afraid I do not know. We only went off what was on the computer. That was all we had.

The CHAIRMAN: Okay.

Mr W.J. JOHNSTON: What happened when you went out? You got yourself prepared and then you responded. You did not think it was a dire emergency for a missing person. So what happened when you got out in the field?

Ms Duckett: We had some advice to go to a particular checkpoint, which was where we went to the barrels yesterday.

Mr W.J. JOHNSTON: So how did you get that advice?

Ms Duckett: I did not receive the advice.

Mr Wolfe: Before we left we finally managed to get hold of Samantha Fanshawe, and she told us where the checkpoint was.

Mr W.J. JOHNSTON: And Samantha is?

Mr Wolfe: One of the RacingThePlanet people.

Mr W.J. JOHNSTON: Please continue.

Ms Duckett: We were told that that track was about two kilometres east of the Gibb River Road and to look for pink flags, which indicated it. We went to there and found it and went up the track. Some distance down the track we came across a gazebo thing that had been erected and there was one lady there, who was an Asian lady. We at this stage still did not really know what we were coming to. We thought there were missing people. We did not really have much information, so we thought we would be able to get more information from the source at the scene, but unfortunately she did not speak very much English at all and the only information we could sort of ascertain from her was that we were to follow pink bits of tag into the bush. We did not know what we were going to or that anybody else was there at that stage.

Mrs M.H. ROBERTS: Was there a lot of smoke? Did you think you were in any danger or not?

Mr Wolfe: Having been up here for about two years now and seen a lot of the grass fires, we thought a lot of it had burnt and it had burnt off the tape, so in those bits we were finding that the fire had already been through and was more now sort of past there up in the hills and towards where we were going and not directly where we were. Bits of logs were still on fire.

Mr W.J. JOHNSTON: And in a four-wheel-drive you felt safe and protected.

Ms Duckett: Yes.

The CHAIRMAN: Ms Fanshawe, when she called you to clarify to go to the barrels, did she not update you on the nature of the event?

Mr Wolfe: In what way?

The CHAIRMAN: She told you to go to the barrels, so you were on your way. She contacted you or otherwise and said, "Go to the barrels and we'll send you on from there." You were still operating under the advice that it was a missing person. Did she not tell you the true nature of the call-out at that time; that is, there was somebody burnt?

Mr Wolfe: I do not believe she knew at that stage. From memory they were still missing. We obviously knew there was some sort of urgency at that stage because there were fires in the area and

the fact that they were missing because they had turned back because of the fires. We knew that much. We did not actually know anyone had been injured until we had almost got to the site, and by that stage the helicopter was there lifting them away.

The CHAIRMAN: And there were difficulties with communication between them and you and with each other amongst the group.

Mrs M.H. ROBERTS: Were there any other calls to the police communications centre that day about the fire other than the one from FESA?

Mr Wolfe: I am not sure.

Mrs M.H. ROBERTS: Is that something we can find out? Police communications is taking the calls for all the emergency services.

Mr Sutherland: We could follow that up for you.

[11.30 am]

The CHAIRMAN: Particularly with regard to the police investigation, did you obtain extracts from the phone calls between the then organisers and the 000 call centre?

Mr Sutherland: Like I said, there was no investigation into this. I collated a number of statements but there was no investigation done. I did not ask if they could, but I could find that out and produce them.

Mrs M.H. ROBERTS: It would be helpful to know what calls were made, from whom on the day and what was said.

Mr M.P. MURRAY: I would like to expand on that. The crossed communications lines between FESA and the police when there is an emergency, for my information, how does that work in this area? Did the police get the first call? Were you not aware that other people were out there? How do we get that centre —

Mr Sutherland: If it had been the 000 call, that would have gone into the Broome—the closest, as far as I know, it goes into the police assistance —

Mr Burnby: No, it is all Perth now.

Mr Sutherland: —the Perth police assistance centre. Obviously, for a 000 call, the police put it on the system straightaway and they would also make a phone call through to the police station. If that was not manned it would go to Broome Police Station, who would follow up with Wyndham.

Mrs M.H. ROBERTS: Essentially, it was a 131444 call, rather than a 000 call?

Mr Sutherland: Yes.

Mrs M.H. ROBERTS: They all go to the communications centre but there are different people answering the phones there.

Mr Sutherland: Yes, and of course it is prioritised. This was obviously prioritised well down the list; it is a non-emergency, it is a missing person. There was no emergency wrapped around this at all.

Mr M.P. MURRAY: What I am trying to find out in a way is how do you have that cross-communication with other agencies when there is an emergency, or is there cross-communication?

Mrs M.H. ROBERTS: I suppose that what Mick is asking is: locally here, around Kununurra and Wyndham way, how does FESA communicate with the police, and did they communicate?

Mr M.P. MURRAY: Or the ambulance or the hospital.

Mr Sutherland: As the normal process, we would communicate with FESA directors here or the on-call people. We always have an on-call person and FESA has an after-hours number. Locally, we have that all the time on the ground and operationally.

The CHAIRMAN: On the day was there correspondence between FESA and the emergency services and the ambulance?

Mr Wolfe: Yes, there was, but I believe we contacted FESA before Chris and I left. Acting Sergeant Connell did that whilst we were on our way to the scene.

Mrs M.H. ROBERTS: What date did the communication centre in Perth take over all the 000 calls for the country? They used to be dealt with locally in the country.

Mr Burnby: They did as an overflow. We can find out when that is. That was some time ago. I am not quite sure if it was post this event or not. We can determine that on your behalf. The other thing —

Mrs M.H. ROBERTS: My rough idea is that it happened sometime in the last two or three years.

Mr Sutherland: In 2008.

Mr Seaman: From memory, it was late 2009 or somewhere around then when everything got transferred over.

Mr Sutherland: I know that Kalgoorlie went across to that in 2008 and then obviously it moved out to up here. It would have been in the last two years.

Mr I.C. BLAYNEY: Was Kalgoorlie the first?

Mr Sutherland: No, it was the south west.

Mrs M.H. ROBERTS: It would be useful for the committee to see just when that occurred, just in case there are any issues with those calls now being taken out of the metro area. I know that the police officers that I have spoken to in Perth have raised concerns with me that all the country 000 calls are now going through Midland.

Mr Sutherland: Through the Chair, I will present something factual from communications.

The CHAIRMAN: Were there any problems with communication because of the links with Perth in this case?

Mrs M.H. ROBERTS: What I am raising is not so much the links—this is not what the police officer raised with me—the issue is local knowledge. The people taking the calls at the call centre have no local knowledge of the Kimberley or the goldfields or the various regions that they are taking the calls on. Previously, the calls would have been handled in the actual district—the Kimberley or Kalgoorlie district—and the people taking the calls would actually be based in the Kimberley so therefore there is the potential for them to have a much greater knowledge of the local circumstances than there is for people based at the call centre in Midland. I am not so much getting to the actual logistics of the communications but the knowledge base that exists.

The CHAIRMAN: Again, besides the logistics of the communication, in this case, which we are dealing with at hand, not with speculation otherwise, was there any concern that you had with the lack of local knowledge of the people transferring along the communication route?

Mr Sutherland: Not based on what they have put on to the system. We can only go with what was put on to the system. We do not have any evidence to say that what was put on there was not relayed from the scene by the person. However, I must point out about our CAD desk that we do have a CAD desk here in Kununurra, and we have one in Broome, so people calling in at any time go straight onto the computer. We run our own CAD desks in those two major centres.

The CHAIRMAN: The call got picked up by the CAD desk there?

Mr Sutherland: In Perth, and then it was typed straight on. Because it was a low priority, it went straight to—that is why these two would have been in the office, and it was not until they checked the screen that they came across the job. However, had it been a higher priority, they certainly would have received a phone call.

Mrs M.H. ROBERTS: Why would it go to the CAD desk in Perth rather than the CAD desk in Kununurra?

Mr Burnby: Because that is where the phone call was received and it was loaded on CAD at Perth. It then gets mirrored on the Kununurra Police Station.

Mrs M.H. ROBERTS: So the calls are not actually received at Kununurra and Broome; they are all received at Perth. Is that what is being said? They are then relayed to Kununurra and Broome.

Mr Burnby: It depends if it was a 000 call. We believe that to be the case, but if it is a 131444 call, they can divert to the large centre in the district.

The CHAIRMAN: If the term “injured person” was put on the original message, would you have operated in a different way and given a higher priority to it?

Mr Wolfe: We probably would not have left any sooner—we may have left a little bit sooner, but we still had to get everything together to get more information as to exactly where it was. There is no point heading off in the wrong direction.

Ms Duckett: A difference would have been that we would have made sure that an ambulance was on the way also.

The CHAIRMAN: You sometimes correspond with the ambulance?

Ms Duckett: Yes.

Mr W.J. JOHNSTON: Can I clarify that a bit further? Given that it was a missing person, who else—you would not have thought to talk to any other agency for a missing person?

Mr Wolfe: It had already been through FESA, so we knew that FESA was aware of it. Until we actually knew who was missing, we had already spoken to the organisers of the race before we left, so there was no-one else we could contact.

The CHAIRMAN: If they had identified it in the first request as an injured person, you would have responded but you would have picked it up a bit earlier on your information system; is that it?

Mr Wolfe: Not necessarily, no.

The CHAIRMAN: You being there a little bit earlier, if you could have, would that have had a different impact on the outcomes or the services that you provided to the people on the site?

Mr Wolfe: If I had noticed it at 2.38—the exact moment it came on—we still would not have been there—we would have been there 20 minutes sooner, but that still would have put us back at the beginning of —

Mrs M.H. ROBERTS: I do not know whether any of you will know the answer to this, but did the communications centre in Midland communicate with any of the other emergency agencies, because it is their job to take the calls for the ambulance and fire as well?

Mr Burnby: I do not know the answer to that, but it actually depends on the caller’s request whether it goes to police, ambulance or the fire service. The police do not answer on behalf of a fire.

Mrs M.H. ROBERTS: The only caller we are aware of at this stage was FESA themselves calling, is it? I cannot work this out because earlier you said that FESA had alerted through the CAD system and now it seems that it was a 131444 call, not a 000 call. If it is FESA themselves calling, had they thought it was a missing person at the time that they called?

Ms Duckett: It says, according to the text of the CAD job, that the caller was on a satellite phone and the number is listed. It looks like an overseas number. It does not say the name of the person until further down the list.

Mr Sutherland: At 15:01 update by FESA—two people unaccounted for.

The CHAIRMAN: So you got a message at 2.30?

Mr Sutherland: Obviously the communications personnel have notified FESA.

Mrs M.H. ROBERTS: So someone, maybe Samantha Fanshawe or maybe somebody else from RTP, has made the first call to communications. That has come through not on the 000 line but, effectively, on the 131444 line, then at a later stage FESA have contacted police communications in Midland and updated. Is that what happened, do you think?

Mr Sutherland: I do not think we are qualified to—this is only a readout. Like I said, I would need to table, through the Chair, a copy of the communications the appropriate details of what happened and answer your questions. If I could ask Mr Hughes to write me those questions that were put to me, I think I could get the answers.

The CHAIRMAN: Okay; that is good. You discussed at the conclusion of your submission having events such as these fall under Tourism WA to provide an application/notification in writing to the local authority to enlist the services of the local emergency management committee, with advice to the district emergency management committee. Is it correct that you see Tourism WA as being the responsible agency for ensuring such applications in cases like this can be made?

Mr Sutherland: I do.

The CHAIRMAN: Why would that be?

Mr Sutherland: Because this is a commercial event and obviously that was falling under Tourism or Eventscorp. I think that even if it was not these two, and in my experience from the south west, a lot of event management areas should have their own risk assessments. It is just normal practice in the larger events that they do advise the local authority. I just recommend that that is the only way we could come together and actually confirm and study that risk assessment.

The CHAIRMAN: Tourism WA did sight the risk management plan the day before the race took place but their view was that they did not have any expertise to assess whether it was an adequate risk management plan or not. Can you comment on those two points?

Mr Sutherland: I think that is exactly where it should go—to the local knowledge. We could have a coordinated approach to the incident around the event and just have the local input that covers off their management.

The CHAIRMAN: How far in front? What is the planning required for an event to proceed?

Mr Sutherland: It all depends on the event, but the sooner the better.

The CHAIRMAN: For an event like this, they had obviously been thinking about it for months.

Mr Burnby: My position would be that if an event was going to become an annual event, there should be a debrief at the conclusion of it and that the lessons learnt get tabled and addressed prior to the next event and then that would itself fall under risk assessment.

Mrs M.H. ROBERTS: Given that they requested a risk management plan, and that is part of the contract and the company had to provide it to be able to have the event, they then received it the day before, which I think everyone pretty much agrees it is ludicrous to receive it the day before because what could you possibly do about it when you receive it the day before other than either hold the event or cancel the event? Given that Tourism is saying that they cannot assess the risk management plan, at the very least, you would think you would want to refer that risk management plan to LEMC so that police and FESA and Health and other people and local government could review the plan and have a look at it. How far in advance would that need to go to LEMC for them to be able to give any kind of opinion on it at all or to spot any shortcomings?

Mr Sutherland: At least six months, in my view. That is my opinion.

Mr M.P. MURRAY: Just further to that, do you think there should be a pro forma and not just the tick box saying have you contacted FESA, have you contacted the police in the six months you are talking about so that with the knowledge that is hopefully gained out of this inquiry we will be able to look back and say, “There is your criteria for that”, and then you put the finer details, whether it be local or whatever; do you think that would be an advantage?

Mr Sutherland: It definitely would be an advantage. Like I said, if I could again refer to the south west, which holds a lot of events down there, most of those event management companies already have that in place. They bring it to you and check it months and months ahead, especially, as Mr Burnby has pointed out, if it is an annual event or an event like this one, which was held the year before. They had a few problems there. If they had brought that to the attention of LEMC, we could have had a debrief and spoken about it and given them some direction.

[11.45 am]

Mr M.P. MURRAY: And also be able to, if there is an annual one, while you are talking about it, tick off what was good and what was bad about the one you have just had.

Mr Sutherland: That is correct.

The CHAIRMAN: I note that the intent was for this to be at least for three consecutive years, the rights, at least from the department of tourism. If it did not have the expertise in-house, which I assume it does not, are there other areas and ways that you could obtain that expertise?

Mr Sutherland: I think you would have to commence with the local input. I am sure between us all, out of the agencies here, we would find an expertise, and that way we could at least raise the hazards that most people would face in their challenges.

The CHAIRMAN: The Department of Health had some troubles with the 2010 race. They then had a meeting with the health services planning committee in respect of this 2011 race. I do not believe the police were involved on that, but a few other groups like FESA were there. They focused, as Health wanted to, on the health, particularly registration of doctors and whatnot, and resolved those. For some reason, it did not get percolated to other departments. Is there a problem of groups, let us say, operating too much in silos without communicating, or is this an issue where it was not identified appropriately as a major issue and therefore communicated between the groups?

Mr Sutherland: Speaking in the Kimberley, the interagency cooperation is very good and I would say that we do not operate in silos. I would say that, at the end of the day, if it had been brought to our attention at the LEMC, we could have covered that off. But that comes back to having the debrief and that obviously comes back to personalities around that.

Mr W.J. JOHNSTON: When the 2010 event went ahead, there was no government money in it—whatever happened, happened. Now we are discussing this one because there was government money in the 2011 event and things went wrong again. There would be an argument that if you had a set of procedures that said, “Tourism WA has to make sure it gets referred to LEMC”, there still could be events that go ahead without any government agency knowing about them. So, you cannot have a perfect system. But is an advance better than nothing, or the fact that there will be events that fall through the cracks, is that an argument not to have a new system where Tourism WA is required to refer these matters to LEMC?

Mr Burnby: I guess I think that is the challenge, is it not? What is the template that is going to draw a requirement for risk assessments to be signed off on? I think I stipulated at the beginning that I thought that if there was a public liability issue and you had sought insurance for it, they obviously identified some form of risk. But I do not know if that would be the commencement of it, but to formalise a template will be the challenge, I am sure. There will be lots of low-level events that would not be able to predict circumstances and there could be an incident then that we would collectively criticise post-event as well.

Mr W.J. JOHNSTON: I suppose then the four-wheel-drive tour is the example. I mean, they have already got insurance, have they not?

Mr Burnby: Personal insurance.

Mr W.J. JOHNSTON: Because they are in the third party insurance scheme anyway, whereas these ones are sort of very different to that, are they not, the risk nature is very different?

The CHAIRMAN: What about touring organisations that could organise tours around the outback? They would have to have insurance because they bring on clients and whatnot. Would you want a risk management plan for every route that they would take?

Mr Burnby: No, we do not. I mean, once again, they believe that they can operate within their own capacity; they provide tour guides, they do briefings, they have got insurance, and there are many instances where there have been deaths that the coroner has investigated and corrected their behaviours. I think it comes down to the organisation committee, whether or not it is within their capacity.

The CHAIRMAN: One of the issues was that the health services subcommittee met on 14 February 2011 and one of the issues related to the RTP event. There were WA Police, St John Ambulance, the local government association—I think this was done in Perth—and FESA and royal flying doctors. Then they had correspondence from the RTP people and numerous times through the next two, three months, and then on 21 June, the Kimberley Ultramarathon event was approved as a special event by Health. So, in terms of Health—which is a major area of consideration besides fire, because it is health and safety which is at risk—gave them the tick of approval. That was with plenty of time for reassessment among that, so this is significantly in advance of the race. It did bring together the relevant organisations to consider this. Two things: one is could the police check up on if there is any correspondence from that health services subcommittee to the police about RTP?

Mrs M.H. ROBERTS: Mr Chairman, when you said that Health gave them the tick of approval, did you mean that they really gave them the tick of approval or did you mean that they categorised them as a major event?

The CHAIRMAN: I would say, yes, they categorised them as a—they gave them a tick of approval in terms to operate and they stated the Kimberley Ultramarathon event was approved as a special event. That was a potential meeting of interested agencies to look at the RTP from a health perspective, which was a major issue —

Mr Burnby: Did you say police were involved in this?

The CHAIRMAN: Yes, I did—on 14 February 2011 in respect of the 2011 race.

The health department had problems in the 2010 race. When RacingThePlanet came back and said they thinking about putting on a 2011 race, they notified Health. Health then said, “Well, you had some troubles last time.” Health was primarily focused on issues of making sure the doctors were registered and issues of delivering medicines and other issues, and they were satisfied that the doctors were registered or were approved and whatnot. They did not go on to all the risks; it was quite a narrow subcommittee in terms of definition. But, clearly, one sector operated to some extent well, but it appears to lack communication across FESA, royal flying doctors and other issues. My guess is that it was too narrow a brief in terms of looking at the totality of the risk assessment.

One of the problems is that when groups like this come in, it is hard to hear about them. This one was quite a large one, but some of them are not; some of them are in the private sector, so we have to have some kind of, let us say, mechanism to identify these groups and then communicate to others who might have an interest, particularly since this one came from overseas and clearly did not know very much of the nature of the risk that they were exposing some of their participants to. So, could you find out if there was any follow-up communication to the police on that?

Mr Sutherland: I will.

The CHAIRMAN: And if we provide you in writing whether or not that was an adequate subcommittee or grouping to identify and then address and encourage the group to have a risk management strategy.

Mr M.P. MURRAY: My question is to the constables that turned up to the fire. While the chopper was going out as you got there, or just about was ready to move on, what was your first—and this is in hindsight of what your thoughts were about the inadequacies when you got there—what would you like to have had? I mean, we can wish for the world, but at that moment thinking, you know, “Should we have been here earlier? Should we have had a better communication? I wish we had a helicopter that had a winch on-call.” What were your thoughts at that time?

Mr Wolfe: It is difficult to say. When we got there, the helicopter was already there. In fact, the only reason we found the site was because we were directed onto it by someone—two people in two different helicopters.

Mr M.P. MURRAY: So you bush-bashed down to the site?

Mr Wolfe: Yes; there was no track. It started with two—you could see that vehicles had driven through, but that disappeared. So we sort of reached a point where we literally had no idea where we were, just in the middle of the bush, and that is when a gyrocopter came over. They helped us and then a helicopter helped us onto the site. That helicopter, we found out, was the one that was picking up those patients.

Mr W.J. JOHNSTON: When you say they helped you onto the site, what do you mean? You saw them and —

Mr Wolfe: Yes; Krystle was literally standing on top of the roof of our car trying to see anything. They have seen us, they have sort of circled around us and someone was leaning out—were they not?—sort of directing us. We had no direct radio with them, unfortunately. Yes, they helped us onto the site, which they from our point of view —

The CHAIRMAN: Did you go to the site itself?

Mr Wolfe: We went to the base of the cliff; we did not climb up the cliff.

The CHAIRMAN: Was the fire around at the time or had it moved on?

Mr Wolfe: It was around, but by then it had pretty much—grass had burnt; it was just logs and a few trees. The fire was still up in the hills.

The CHAIRMAN: A lot of smoke.

Mr Wolfe: Yes; lots of smoke.

Mrs M.H. ROBERTS: We understand that there was a cabinet submission on 26 August to provide funding for not just RacingThePlanet but also a film production company called Beyond Action, so that went to cabinet then. I think it partly went to cabinet because it was getting royalties for regions funding and it needed to be approved. Mr Robertson from the health department advised that Health provided a briefing note to the minister with respect to that cabinet submission. The usual process is that cabinet comments are sought from relevant agencies. Health were, obviously, aware of the issues of the 2010 event and say that they would have raised those concerns. I do not think they have provided us with the actual cabinet comment sheet yet, but Andrew Robertson said that he felt that Health would have commented on their dissatisfaction with the 2010 event. I am just wondering whether the cabinet item was circulated to police; and, if so, whether police provided any comment when the item was put before cabinet for approval of funding for the 2011 event.

Mr Burnby: I think it would certainly come to my attention, but I do not have any knowledge of a cabinet submission coming to me for a position on it at all.

Mrs M.H. ROBERTS: Could I request that that be investigated and if the committee could be advised whether or not the cabinet minute was circulated to police; and if police provided any comment; and if they have provided any comment either to cabinet or to the minister, if that information could be provided to the committee?

Mr Burnby: We will be able to secure that from our ministerial liaison unit.

The CHAIRMAN: Just one follow up: can officers Wolfe and Duckett comment on any information they obtained on the day regarding controlled burns in the vicinity of the course?

Mr Wolfe: I had spoken to the female at El Questro, unfortunately, I did not write down her name, I do not think, but she told me that there were fires in the area. They were aware of that before then.

The CHAIRMAN: Okay, so she did not say there were controlled burns on El Questro; there were just fires in the area.

Mr Wolfe: There were fires in the area.

The CHAIRMAN: Thanks for your evidence before the committee today. A transcript of this hearing will be forwarded to you for correction of minor errors. Please make these corrections and return the transcript within 10 working days of the date at the top of the letter. If the transcript is not returned within this period, it will be deemed to be correct. New material cannot be introduced via these corrections and the sense of your evidence cannot be altered. Should you wish to provide additional information or elaborate on a particular point, please include a supplementary submission for the committee's consideration when you return your corrected transcript, and you have agreed to do that in certain cases; Tim will be in correspondence with you. Thanks for your evidence.

Hearing concluded at 11.58 am
