

**ECONOMICS AND INDUSTRY  
STANDING COMMITTEE**

**INQUIRY INTO 2011 KIMBERLEY ULTRAMARATHON EVENT**

**TRANSCRIPT OF EVIDENCE  
TAKEN AT PERTH  
FRIDAY, 20 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)**

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**Hearing commenced at 1.36 pm**

**McNAMARA, MR KEIRAN**

**Director General, Department of Environment and Conservation, examined:**

**BENTLEY, MR LUKE**

**Acting East Kimberley District Manager, Department of Environment and Conservation, examined:**

**The CHAIRMAN:** I have an opening statement. Before we commence today, could I ask those in the public gallery to refrain from using audio recording devices as they may interfere with Hansard's recording equipment, and I would also ask you to switch your mobile phones off during the hearing.

To the Department of Environment and Conservation, thank you for your appearance before the committee today. A 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 a 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:** Do you understand the notes at the bottom of the form?

**The Witnesses:** Yes.

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

**The Witnesses:** Yes.

**The CHAIRMAN:** Do you have any questions relating to your appearance before the committee today?

**The Witnesses:** No.

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

**Mr McNamara:** No.

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

**Mr McNamara:** Thank you, Chair. I will make a very brief statement. The submission that the department has provided to your committee is a brief one that simply outlines our basic responsibilities in respect of the matter that you are inquiring into and the contact that we received from the organisers of the race. It does not seek to go to advice or commentary around the way these things might be handled in the future, but we are happy to expand on our submission and talk about some of the processes and conditions that would be applied if such an event were to be operating on land managed by the department under the Conservation and Land Management Act.

**The CHAIRMAN:** There are a lot of types of risky events and events held around Western Australia that are close to land managed by DEC. Do you often get requests of this nature for these types of events?

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**Mr McNamara:** Yes, we do. I spoke to our director of parks and visitor services this morning, and he characterised the broad numbers of such events—a variety of types of events: orienteering, trail bike events, adventure-type events. The number that he gave me for events involving 100 or more people would be in the vicinity of 20 or so a year, I think was what he said, and for smaller events with less than 100 or so competitors or participants, easily a couple of hundred or more of those a year, particularly around Perth and in the south west. We get large numbers of cross-country and similar types of events.

**The CHAIRMAN:** Growing, do you think, in number?

**Mr McNamara:** Yes. There is an increasing interest in adventure activity, yes.

**The CHAIRMAN:** The case in hand, the event up in the Kimberley, was not planned to go on to DEC-controlled land.

**Mr McNamara:** That is correct in respect of DEC-managed land, yes.

**The CHAIRMAN:** Why did they contact you, or DEC?

**Mr McNamara:** Mr Bentley I will ask to answer that in a moment, because he is the officer who was contacted. But the organisers contacted DEC, as outlined in our submission, to inquire about safety in respect of crocodiles. They received advice in respect of crocodiles from Mr Bentley, and they then went on to ask about fire, and Mr Bentley advised them that FESA was the appropriate organisation to contact. But I will ask Mr Bentley to elaborate, and he can step through exactly what that contact was.

**Mr Bentley:** Thank you, Chair. On 31 August I received a phone call from a woman named Sam.

**The CHAIRMAN:** Where are you based?

**Mr Bentley:** Sorry; in the Kununurra office, in the DEC East Kimberley district.

**The CHAIRMAN:** Okay.

**Mr Bentley:** I received a phone call at our office in Kununurra from a woman identifying herself as Sam, and subsequently I found out her name was Samantha Fanshawe. She described herself as a race organiser.

**The CHAIRMAN:** This was on 31 August.

**Mr Bentley:** Yes, on 31 August. She described herself as a race organiser, and she was inquiring about crocodile safety along the route of her race. I asked her to provide a map of the route of her race so I could provide some accurate advice on the actual race route and the real risks that were posed. That day someone provided an A4 black and white map to the DEC office in Kununurra. When I had a look at the map, I then contacted her back at her accommodation. I discussed one crossing in particular. It is the Dunham River, which is west of Kununurra and flows into the Ord River north of the diversion dam, which is saltwater or estuarine crocodile habitat. There is one crossing there that she was questioning in particular, and I advised that it would not be safe for people to actually walk across that crossing. I suggested to her that they actually ferry people across, and she agreed that that would be what they would do; they would actually ferry competitors across that crossing so they would not walk across it.

**The CHAIRMAN:** How long or how wide is the crossing?

**Mr Bentley:** At that time of year it is probably a 10 or 15-metre crossing.

**The CHAIRMAN:** Is it deep?

**Mr Bentley:** Probably knee-deep. Samantha then inquired about fires in the area, and I said that I was not aware of any fires, and as the route did not cross any DEC-managed land, that we could not provide any advice on that and that she would need to contact the FESA office in Kununurra. She asked me a second time if I could provide some advice. I said, “No. It’s not DEC-managed land. I

think you'd need to contact FESA." I then provided her with the phone number and the local FESA officer's name, and that was Tony Stevenson, and that was the last that I spoke to her.

**The CHAIRMAN:** Did she tell you when the race was going to take place?

**Mr Bentley:** I do not recall.

**The CHAIRMAN:** Okay. So you do not know, only that she called you for risks a few days before the scheduled start of the race?

**Mr Bentley:** That is right.

**The CHAIRMAN:** Do you know if there were any controlled burns in the area?

**Mr Bentley:** No.

**The CHAIRMAN:** So DEC was not involved or was not undertaking or was not informed of controlled burns in the area, even on pastoral leases?

**Mr Bentley:** Yes. Certainly, from a DEC perspective, our controlled burns had finished months before and I was not aware of any other authorities or land managers conducting any controlled burns.

**Mr McNamara:** Chair, just to be clear on that, as it states in our submission, our last ignition anywhere in the vicinity of this site was back on 20 May of that year.

**The CHAIRMAN:** Okay, yes. Did you indicate to her the risk of fire in the area? Even though they are not controlled burns, there are a lot of fires out there. Did you indicate, "Listen, this is a big issue, you should contact FESA"?

**Mr Bentley:** I emphasised that she would need to contact FESA to get some accurate advice on what was actually the situation at that time.

**The CHAIRMAN:** Do you know if she contacted FESA?

**Mr Bentley:** I do not know.

**The CHAIRMAN:** The minutes of the local emergency management committee on 6 September—this is from the shire's submission, on page 6—states that DEC had passed on the details of their conversation with Sam from RacingThePlanet to FESA's Tony Stevenson. Can DEC confirm who passed the details on to Mr Stevenson, and what information was conveyed?

**Mr Bentley:** What I did was I received a phone call, Chair, on 31 August. I heard late PM on the Saturday, which was 3 September, that there had been an incident. The following morning I rang Ed Hatherley, who is the regional fire coordinator for DEC in the Kimberley region, advising that I had had a conversation with race organisers on the Wednesday. I provided a quick summary of what that conversation was about, regarding crocodile safety, and that I directed them to actually talk to FESA regarding fire. Monday morning I spoke with Daryl Moncrieff, the regional manager for DEC in the Kimberley region and provided additional details to Daryl regarding that, and a number of hours later I also spoke to a FESA and WA Police arson investigator and provided them an update as well.

**Mr McNamara:** The minutes of the local emergency management committee meeting, I think, are open to the interpretation that Tony Stevenson, in saying he was advised that DEC had been contacted and had passed the details of the conversation on to him, is open to that being after the event in terms of the —

**The CHAIRMAN:** Yes, it was on 6 September. In emergencies up there, does DEC sometimes lend a hand? Do you have helicopters, do you have people, other issues, so would it be reasonable for them, for FESA or somebody else, if they were going to do a management plan for an event, to contact and bring DEC into that discussion?

**Mr Bentley:** For DEC-managed land, yes.

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**Mr McNamara:** If I can just go beyond that, particularly in terms of bushfire response there are strong mutual-aid arrangements around the state, so it is not uncommon to be asked to assist, but not as the lead agency, not outside our land.

**The CHAIRMAN:** DEC does not coordinate controlled burns or bushfires on pastoral leases, except the ones that you own or manage?

**Mr McNamara:** We do not have responsibility for prescribed burning or bushfire suppression on pastoral leases.

**The CHAIRMAN:** Okay. You have heard the issue here, and this is an important event. Largely it has run ultra-marathon events around the world, it came here to Kununurra and ran an event, and it had a terrible outcome. It appears that from other evidence, like to you, they only got to this risk management program when they arrived in country a few days before the race. It also appears, even from your evidence in my interpretation, that they did not know much about the area at all, even though they had run a race before. They focused on crocodiles rather than bushfires and other issues. Do you think there is something wrong with the process of developing this risk management strategy, if they only contacted you two days before the race?

**Mr McNamara:** If I could perhaps answer that first, I think the answer is reasonably obvious, and reasonably obviously yes, that there was something wrong in that sense. If I can answer by analogy, if you like, with what we would require, we actually have, under the CALM regulations, requirements for people to have permission to carry out these sorts of events on land that we manage. We have standard conditions and expectations that are on our website and that are in our commercial tour operators' handbook and various other documents about the requirements that people have to meet. In the types of conditions that we issue for permission to carry out such events, we require event management plans; we require emergency response plans; we require identification of emergency vehicles; we require the carriage of appropriate communication equipment; we require that organisers and participants are all appropriately briefed about those matters; we have requirements in terms of the advance notice of those sorts of documents; and so on so they can be looked at properly. On our website, in terms of some of the guidance for the sorts of things that people need to be conscious of, we have mention of the fact that we do carry out a range of operations, prescribed burning being one of those. But aerial feral animal control, for example, is another sort of operation, and those are the logical reasons why people need to seek prior permission and so on. We also, of course, given the responsibilities we have for the land, have a series of requirements related to environmental issues and waste and those sorts of things, but we certainly do have requirements for a proper event plan and a proper emergency response plan as part of the process of seeking permission to carry out such events on DEC-managed lands.

[1.50 pm]

**Mr W.J. JOHNSTON:** Mr McNamara, could I just clarify that? So, this is a requirement: if people use DEC lands, they have to meet these standards —

**Mr McNamara:** For these types of events, yes.

**Mr W.J. JOHNSTON:** Yes; so what do you do internal to the department to assess those plans when they are presented to you?

**Mr McNamara:** By and large that would happen, I would think, in our regional offices by people who are locally expert. Clearly, it is logical that they would look for factors such as exposure to extreme weather, exposure to crocodiles, exposure to fire, and to make sure that all the standard things that you would expect in an emergency plan and a response plan would be covered. I mean, I do not normally see those sorts of documents, but that is —

**Mrs M.H. ROBERTS:** How far in advance of the event would you require to see that emergency plan and so forth?

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**Mr McNamara:** I do not have that detail at my fingertips. There is an interplay between some broad standard condition documents and some policy documents and so on and regulatory requirements here. I cannot answer that question straightaway, but we can certainly come back to the committee with what we expect of people in that respect.

**Mrs M.H. ROBERTS:** That would be good.

**The CHAIRMAN:** What happens if an event like this took place and you only saw the documents three days, two days, a day, before the event was going to happen?

**Mr McNamara:** Clearly, we would have the prerogative to not give permission and people would be in breach of the CALM regulations should they proceed without permission in a case where permission is required. Now, what we would do in such a circumstance would depend on the circumstances of the case, but that is the legal situation.

**The CHAIRMAN:** Were you up in Kununurra in 2010?

**Mr Bentley:** Yes.

**The CHAIRMAN:** Did you hear about RacingThePlanet's race in 2010?

**Mr Bentley:** Yes.

**The CHAIRMAN:** Did you hear anything about how successful or otherwise it was?

**Mr Bentley:** No.

**Mr W.J. JOHNSTON:** Did you know about people being hospitalised from that 2010 event?

**Mr Bentley:** No.

**The CHAIRMAN:** Thanks for that. It appears that—we have got evidence that—because it did not go onto DEC land, it did not go through your processes. It did not interact with various agencies and therefore there was no clear oversight or requirement imposed on this race organiser from the shire, from DEC, from FESA—for any of the government bodies that could have enforced better preparation. Is this a weakness in the system?

**Mr McNamara:** Well, I think —

**The CHAIRMAN:** The question is: if it goes between all those, which department should be responsible for ensuring that an adequate risk management system is set up in place?

**Mr McNamara:** The last bit is not necessarily something that there is an easy answer to. But, clearly, our functions and powers in this sort of matter relate only to land to which the CALM act applies, so we are not the appropriate people for access to and use of any land in Western Australia. It is difficult to conceive of an approach that does not rely basically on the permission being from the landowner or manager or vesting authority or whatever it is, because they, I think by definition, are probably in the best position to be conscious of the necessary issues, to give permission and to assess risk and circumstances and those sorts of things. The difficulty then I would think is that in many such events you could jump in and out of different land tenures quite frequently, so you then move to another question which is whether a local government authority or someone else should have at least point-of-contact responsibilities or some broader role. Now, I do not know the answer to that; it really is a matter that has got to be thought through. I think a range of agencies and local governments would have to look at their functions and powers and where such a thing might sit. I mean, it is quite easy for us in one sense; if it is on land that we manage, clearly, we have a process. But that does not help very much on unallocated crown land or unvested reserves or pastoral leases or whatever else.

**The CHAIRMAN:** At least to a large extent, this race took place because of the sponsorship provided by Tourism WA. It might have happened otherwise, but we are not sure of that. Tourism WA had a requirement in the contract to sight, or for the organiser to have, a risk management plan.

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Tourism WA did not sight that until the day before the race took place. It did not actually go through it in detail after the race took place. Its role is just to sight the existence of such a document and perhaps its thickness—it was a thick document—but it did not peruse it; it does not have any criteria what is in it and so on and so forth. But would it not be appropriate for the department of tourism who facilitates an event to oversee that the expertise is brought in to at least, if not assess the quality of the risk management, have input into it in a timely nature?

**Mr McNamara:** I will answer firstly by analogy with an example I have in front of me of such a licence issued by our department requiring an event management plan and emergency response plan to be submitted to the district manager of the department for approval at least 48 hours prior to the event. That is a stipulation of a time frame and submission for approval—not just for noting or being aware that it exists, but for approval—so, clearly, there is, if you like, a due diligence in looking at that. We as a land manager, and a land manager not just for conservation but for recreational use at times, would have the competency I think to make the right sort of assessment, you know, in general terms.

I know Tourism WA appeared separately and I do not know what their position is in respect of that matter, but as a sponsoring organisation, I am not sure where you draw the line at where responsibilities start and finish. It is certainly open to the view that it is reasonable that they should expect that there is such a plan. Whether Tourism would judge that they are the right sort of organisation to assess the adequacy or whatever of such a document would be a matter that they would have to express a view on and would be open to some judgement or discussion, I would have thought, or whether they should be, if you like, a conduit or an agent for that to be shown to anyone from the police to FESA to the local government or whatever. I have not formed a clear model in my mind that should apply on lands that we do not manage, but there is the answer somewhere in that space.

**The CHAIRMAN:** Because of your expertise in this area and it is clear that if it took place on your land—I do not think it would happen—at least they would have been better informed, that including advising people what to do if fire hits you. It is clear that I do not think they knew what to do. Could you in a, perhaps, contribution to the committee give some thought about what kind of processes we would put in place for such events when they go across land ownership patterns, where no landowner has clear governance over that, whether it be the shire or DEC or otherwise? One of the issues Tourism WA raised is that they do not have the competence in-house to assess the risk management strategy—the appropriateness or otherwise. They have the competence to look and see whether it exists, but nothing much more than that.

**Mr McNamara:** I am happy to give that some thought and to offer further advice —

**The CHAIRMAN:** We are not looking to load more work on your department.

**Mr McNamara:** I was perhaps going to come to that. I think every piece of land does have an appropriate governing agency one way or another, and the default position—well, not the default position—the position is, for example, unallocated crown land, unvested reserves, there is the Department of Regional Development and Lands. Then there is all sorts of land alienation and it is whoever owns the land, leases the land, has vesting of the land or whatever. So, every bit of land does have somebody who is responsible. What you go to is the competencies or even the regional presence of some of those organisations, whether local government because of its breadth of role in a local area has that capacity because of their broad understanding.

[2.00 pm]

But certainly, in terms of competency, our competency is strong on the land that we manage. We do not necessarily have the knowledge elsewhere: we have general-principles knowledge, if you like, but I am not sure that there should be a default position to an agency like ourselves—we would not

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be able to cope with the work anyway—because, once again, we have to think in the general space that also involves local government, police, FESA and organisations like that.

**The CHAIRMAN:** It appears that there is no trigger agency to say, “You’ve gotta do this” and then send it off to a competent assessor: whether that is in government or otherwise. There is no trigger to force or to say that a group from overseas has to do these things, be that trigger the shire, FESA or DEC—in this case it was not DEC—or somebody else. There was no-one saying “Well, you’ve gotta do these things.”

**Mr McNamara:** I guess, the other starting point that I would normally operate from is that this race could have happened sponsored or unsponsored.

**The CHAIRMAN:** Yes.

**Mr McNamara:** You do not go on to land that you do not own or control and run an event without some form of contact with and permission from the responsible authority. That is the logical starting point.

**Mr M.P. MURRAY:** Following on from that, since this incident has DEC made any changes or reviewed its policy? The cape-to-cape mountain bike race and those sorts of events are totally on your land. Have you had any review about how you allow those events to carry on?

**Mr McNamara:** I am aware of—I am sorry, I will step back. I have already very superficially outlined the arrangements that we have in place via regulations, via standard conditions and via the nature of the permissions that we actually give on a case-by-case basis. We have broad policy guidance for recreational use of CALM act lands that has been in place for many years. We are doing some work to sharpen up, if you like, the policy and guidelines documents in the area of these sorts of events. It is not necessarily inspired by this particular event, per se. I think it is inspired by the growth in interest in such events and—as well as participant and community safety—by a range of issues including environmental ones. We have the potential for damage to the values that we manage through some of these events. We have, particularly in the south west, competition for space. We have events for sand boarding, mountain bike racing and car rallies and these types of things that conflict with other users of the same real estate. And we have impacts in relation to dieback and those sorts of things. I think for a breadth of reasons that we have been doing some work to review our overarching policy and guidelines, but I think that we would take the view that the standards that we have in place, that I have outlined, are well founded and sound and more than capable of dealing with what we have talked about today.

**Mr M.P. MURRAY:** Thank you.

**The CHAIRMAN:** I have a couple of issues. Does any body or any group have an overarching role for safety and emergencies in the Kimberley area? If someone, either the shire or yourself, Mr Bentley, heard about this event like you did, who would you send them to for advice? And does DEC have a coordinating role in that advisory or oversight responsibility?

**Mr Bentley:** In that instance?

**The CHAIRMAN:** Yes.

**Mr Bentley:** My understanding is WA Police is the principal agency responsible for responding to emergencies and that DEC obviously has a role in that and so —

**The CHAIRMAN:** What about the issue of setting up risk management plans? People come in with events of such a nature, whether they are or are not sponsored by Tourism, and there are many of them. You always hear about Japanese tourists coming in to walk across deserts—backwards, with no clothes! What process do you go through? Is there a standard protocol if someone is going to do this? Well, firstly, do not do it! And if you are going to do it, who do you go to?

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**Mr McNamara:** I think that what you are doing is planning for and looking at events that may become emergencies. I think that if you look at it through that prism or framework, you really move into a combination of the police and FESA who between them sit at the pinnacle of emergency management and response and have a whole lot of particular plans and so on for the different sorts of different factors that cause emergencies—be they floods or fires or whatever. The other key point is that in the emergency framework of the state, local governments sit very strongly because they are obviously, by definition, regionally there, and have the capacity for coordination or, at the very least, the bringing together of the role of the state agencies present in the region. If I remember correctly, the minutes of the committee meeting that we referred to earlier, indicated that meeting was hosted by the Shire of Wyndham–East Kimberley under the local emergency management arrangements. Once they have moved into response mode, another pillar, if you like, of emergency management is the preparedness and the mitigation part of the continuum. There is an answer partly in there, but it is really, I think, something that advice from police and FESA and local government has to substantially inform.

**Mr W.J. JOHNSTON:** Would it be a good idea to say to departments that if these types of events are being planned and they hear about them, they should refer the organisers to the LEMC—as I think it is called—in each area, so that every government department is referring everybody to the one point—if you see what I mean.

**Mr McNamara:** The answer to that is potentially “yes”, but I am not sufficiently au fait with the precise terms of reference of LEMCs to answer that authoritatively. It is a valid question and I think that it should be asked of a combination of police, FESA and WALGA.

**Mr W.J. JOHNSTON:** Thank you.

**The CHAIRMAN:** Further to that, according to the Shire of Wyndham–East Kimberley, DEC has a presence on the local emergency management committee. What role does DEC generally play with this committee?

**Mr McNamara:** If I speak in general terms as a land manager: firstly, we have substantial areas of land in many parts of the state; secondly, we have a regionalised presence; and thirdly we have particular responsibilities for bushfire and for other hazards and responses to other incidents in respect of the lands that we manage. In addition to that, we have mutual aid capacities and mutual aid actions that we take in respect of the land we do not manage. I mean, we have just invested an incredible resource over the past summer in major fires in the Gascoyne that were, for example, 95 per cent not on our land. I have seen our staff respond to the flooding of pastoral homesteads that have nothing to do with our land. So just by virtue of being regionally present, by virtue of having people, by virtue of having four-wheel drives and trucks and so on—we assist; as others assist us. However, our particular role in LEMCs is significantly as a result of our hazard management responsibilities in respect of fire.

**The CHAIRMAN:** And not just on your own land. It is a kind of co-ordinated advisory role.

**Mr McNamara:** The reason that we are there really derives from our direct responsibilities in relation to the land that we manage, but obviously most of the agencies at the table in those forums clearly bring a broader capacity and broader interest.

**The CHAIRMAN:** In the case of the LEMC in the Wyndham–East Kimberley, have you had any experience of events like this being brought to the attention of the LEMC?

**Mr Bentley:** No; I have not.

**Mr M.P. MURRAY:** Further to that, in the lead-up to the event itself, were you aware of any community concerns raised in sporting clubs or pubs or places where people talk about these events in country towns?

[2.10 pm]

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**Mr Bentley:** I was not aware of any, no.

**Mr McNamara:** Mr Bentley outlined his role earlier on; the regional manager, Daryl Moncrieff, is not here today, but he would be a more appropriate person to ask some questions about the functioning of the local LEMC and general contact with other agencies in that area.

**The CHAIRMAN:** Can we forward that question to him through you or otherwise?

**Mr McNamara:** I am quite happy to do that.

**Mr W.J. JOHNSTON:** Mr Bentley, of course you are here on behalf of the department, but as a resident did you hear about the Kimberley Ultramarathon back in August 2011, in the lead-up to when the race was going to be held, before that woman rang you on 31 August?

**Mr Bentley:** I could not honestly say; I do not recall. I clearly remember the conversation and hearing about it clearly then.

**The CHAIRMAN:** I guess it is not a question for you, but you did not hear about the outcome of the RacingThePlanet race in 2010?

**Mr Bentley:** No.

**The CHAIRMAN:** Okay; maybe we can ask Mr Moncrieff that also.

**Mr McNamara:** Sure.

**The CHAIRMAN:** You have a map next to you, Mr Bentley. Can you indicate on the map provided to you by the staff the locations of the DEC conservation estate just north of the Victoria Highway?

**Mr Bentley:** Yes, Chair; how would you like me to do it? Would you like me to circle it?

**The CHAIRMAN:** Yes.

**Mr McNamara:** Mr Chair, while Mr Bentley is doing that, we do have a couple of maps here that I think we are quite happy to leave with the committee. They clearly show the DEC-managed land in relation to Kununurra and the highway and so on. It also shows some of the hotspots on the northern Australia fire system that we can look at. It might be easier, when the hearing finishes, just for Mr Bentley to explain those maps to whoever might take them from us.

**The CHAIRMAN:** But DEC would monitor fires in the area, just in case it went on their land? You would keep an eye on it, would you not?

**Mr Bentley:** Yes.

**The CHAIRMAN:** Were you aware of any fires in the region around the 1, 2 or 3 September 2011?

**Mr Bentley:** I was not, no

**The CHAIRMAN:** You had no reports of it?

**Mr Bentley:** No.

**Mr McNamara:** But having said that, the regional fire coordinator's name was given earlier by Mr Bentley, and during the fire season we have daily teleconferences around the state with our fire coordinators and for the coordination of our activities—twice daily in fact. I am not quite sure what might have been in place back in August, because that was before it gets too serious in the south west. But fire is an important part of our business in the Kimberley, and I would expect our regional fire coordinator and others to have quite a good overview of the extent of fire activity across the Kimberley. To put context around this, fire across northern Australia, including the Kimberley, is extensive on an annual basis. I actually have a copy of our *Landscape* magazine here with an article on some of the changes to the burning regime that we have made under the government's Kimberley science and conservation strategy. We are trying to do more burning late in the wet season and early in the dry season so that it is smaller, cooler and more of a mosaic outcome

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compared with the big hot fires that can go for months at a time and take out millions of hectares at a time later in the drier season in that period when you get a lot of lightning and so on, shortly before the wet starts. We get massive fires and we are trying to break those up, as indeed are the people in the Northern Territory and Queensland. We have achieved a significant change—well, we are on the path to achieving quite a significant change in the pattern of fire, but if you look at the mapping of the fire in the Kimberley you will see that a very large proportion of the Kimberley burns every year. We are trying to get that smaller, cooler and more broken up by doing it earlier.

**Mr W.J. JOHNSTON:** Mr McNamara, it is my understanding that there is a live, satellite-based mapping system for fires in northern Australia. So the people who are part of this system have got access—in fact, I think anybody virtually can have access to the system.

**Mr McNamara:** That is right. I think people who are in the business, so to speak—as I have said our regional fire coordinator was but equally FESA and equally pastoralists—are daily students of that site.

**The CHAIRMAN:** We have received evidence that there were controlled burns on a couple of pastoral leases at the time of the race—statements rather, okay, referring to it. If you could provide us any indication—check your records, if you wish—to see if you had any reports of that, it was on the pastoral leases.

**Mr McNamara:** We could certainly check whether we know anything else other than what we have said in our submission but, as I said, our prescribed burning in that part of the world stopped in May.

**The CHAIRMAN:** Yes, it does not relate to yours; the statements related to potential sighting of controlled burns on two of the relevant pastoral leases in the track, in the race path, at that time of the year.

**Mr McNamara:** I do not know on what basis people might have concluded that they were controlled burns as distinct from another reason or another source.

**The CHAIRMAN:** Yes, exactly. But even if they were just burns, that would be interesting. We know of evidence of a burn south of the track that went north, but we have statements of controlled burns—but they might have been burns just generally—on the pastoral leases along the pathway of the race. We are just trying to get cross-substantiation of that statement. Can Mr Bentley confirm that the map that Samantha Fanshawe saw was a plain black and white map with no topographical information?

**Mr Bentley:** That is right, Mr Chair. It was a black and white map that had features like the town site of Kununurra and major roads and some rivers indicated, but it certainly was not a topographical map like this one.

**The CHAIRMAN:** Do you know if she contacted FESA?

**Mr Bentley:** I do not know.

**The CHAIRMAN:** Any other questions? I have a closing statement.

**Mrs M.H. ROBERTS:** Can I just ask one question?

**The CHAIRMAN:** Yes.

**Mrs M.H. ROBERTS:** What firefighting resources does CALM have on the ground at that time of the year—in September—in the Kimberley, or more particularly in the East Kimberley?

**Mr Bentley:** In the East Kimberley we generally have a number of heavy-duty vehicles which have a 1 000-litre water capacity. We also have up to five light units, which are LandCruisers with a 400-litre capacity. We have upwards of 20 staff trained to a level 1 firefighting capability.

**Mrs M.H. ROBERTS:** This is all in the East Kimberley, or in the whole of the Kimberley?

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**Mr Bentley:** This is based in Kununurra.

**Mrs M.H. ROBERTS:** I asked about August–September; does that vary at other times of the year or not?

**Mr Bentley:** We now actually have two permanent heavy duties based in the East Kimberley. So, previously we had heavy duties come up; we did not have them for the whole year. Now we actually have two new units based in the East Kimberley

**Mrs M.H. ROBERTS:** In Kununurra?

**Mr Bentley:** So, one will spend times in the park, so out to the Bungles, and then one will be based in Kununurra.

**Mr McNamara:** But, clearly, the disposition of our staff and resources varies seasonally in the Kimberley, as you would expect. The Bungles, for example, and the Mitchell Plateau are closed to ground access in the wet season so the resources are withdrawn and then opened up again in April or May, according to seasonal conditions.

**The CHAIRMAN:** I would like to thank Mr McNamara for personally coming to this committee; it signifies a positive response from DEC to that.

Thanks for your evidence 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 of the covering 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 transcript of evidence. Thank you again.

**Hearing concluded at 2.18 pm**

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