

**ECONOMICS AND INDUSTRY
STANDING COMMITTEE**

INQUIRY INTO 2011 KIMBERLEY ULTRAMARATHON EVENT

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

SESSION ONE

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 9.31 am**WATERS, MR CRAIG****District Manager, Fire Investigation and Analysis Unit, Fire and Emergency Services Authority of Western Australia, examined:**

The CHAIRMAN: Before we commence today, could I ask those who are around the room to refrain from using audio recording devices as they may interfere with Hansard's recording equipment; it is a small room. Also please switch off your mobile phones during the hearing. 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 command. 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 I need you to answer. Have you completed the "Details of Witness" form?

Mr Waters: Yes.

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

Mr Waters: Yes.

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

Mr Waters: Yes.

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

Mr Waters: No.

The CHAIRMAN: Thank you. Would you please state the role in which you appear before the committee today?

Mr Waters: I am currently the District Officer and District Manager of Swan, which is an operational role. My substantive position is District Manager, Fire Investigation and Analysis Unit, and I return to that position as of Friday of this week.

The CHAIRMAN: The committee has received your submission and advice all through yesterday, for which we are very much thankful; it was a good contribution. Do you propose any amendments to your submission?

Mr Waters: No.

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

Mr Waters: No. I suppose from our perspective when we came up to investigate, the scope of our fire investigation was to determine the origin and cause of the fire. As in my report, we did discuss some of the management of the event, but the whole guts of us investigating was to determine the cause and origin of the original fire which occurred and later impacted on the competitors.

The CHAIRMAN: So FESA was not involved in the advice or preparation or had knowledge of the event beforehand or on the day of the race?

Mr Waters: No.

The CHAIRMAN: Your involvement was actually assessing the aftermath?

Mr Waters: Yes. We came in post fire to determine the consequences that started or caused the fire and the circumstances that led up to that.

The CHAIRMAN: Was FESA at all involved in the 2010 race put on, I think, in March 2010 by RacingThePlanet?

Mr Waters: I am not too sure. I think they would have been involved in some way. The local manager, Tony Stevenson, did have local knowledge of that previous race in 2010, but he had no prior knowledge of this one other than the information that came through from the tourist centre.

The CHAIRMAN: Obviously from what happened it was a big mistake to not have you involved?

Mr Waters: From our investigation it appears that in lieu of obtaining the local fire service's input, they have relied heavily on Mr Storey as being sort of an expert in relation to the conditions on the day, getting him to fly over the course and give the all clear for the event to go ahead. So yes, probably a little bit lacking in liaison with the local fire managers to get their input into the event itself.

The CHAIRMAN: On page 3 of your submission you state that September is the peak period in the Kimberley for fire season. When would be the most appropriate time to hold an event like the Kimberley Ultramarathon, taking account of the fire risk?

Mr Waters: Probably early on into the dry season, or probably around this time—the end of the wet season—when the risk of fire is extremely low, although you are still going to get the local thunderstorms. One of the main issues with the Kimberley or Pilbara region is the high incidence of lightning strikes through that sort of activity, which sparks a lot of fires throughout the Kimberley region itself.

The CHAIRMAN: In your investigation of the fire's path, did you determine whether other parts of the course were impacted by fire in the 48-hour period before the race commenced?

Mr Waters: We put the fire as coming out of the Wuggubun community, which is south west of Kununurra. Going on the MODIS satellite imagery and also witness accounts, pretty much the fire, once it has come out of the Wuggubun community in a north easterly direction, it has basically split up into three separate fingers, and these have been meandering around since 29 August, so five days prior to the race starting. So those fires have pretty much operated as their own entity, all being the same fire, but three different fingers meandering through the ranges—the Tier ranges and the Saw ranges. So, yes, there was evidence, especially on the north eastern side, that there were previous fires, and also to the south west, which I think Mr Storey saw and really did not have much concern of because they were a fair distance away from where the race course was proposed to be. Unfortunately, even when we flew over on 3 September, there were still extremely large pockets of unburnt ground even on that north eastern side of the Saw ranges, and that is where we observed a flame height of between 0.5 and 1.5 to two metres just on the grass vegetation that was burning. You could tell by that that the fire had just been slowly meandering its way around through the general region and pretty much in inaccessible terrain.

The CHAIRMAN: In those conditions, is it fair to say that the path and severity of the fire is predictable?

Mr Waters: No, not really. It would be dependent on the prevailing wind conditions and the available fuel that was present. We estimated, given our grassland fire indicators, that there was probably around 4.5 tonnes per hectare of fuel available.

The CHAIRMAN: That is quite a bit.

Mr Waters: But it was pretty sporadic. There were some areas of not much vegetation, rocky outcrops and the like, pretty much around the whole area, and again large unburnt pockets of vegetation that pretty much were untouched.

The CHAIRMAN: We received verbal evidence from one of the pastoralists yesterday. He lived in the area for many decades and knows it well. He knows how running events like this on his lease goes, because he held a couple of them decades ago. He was quite perplexed at how this could have happened, given the nature of fire in his area, and how it is easily avoidable; therefore, he did not perceive it to be a real threat. Can you comment on that?

Mr Waters: Fires are always a threat. It does not matter how much fuel is there. I am not really sure whether he had been to that area within the Tier Valley there. It is pretty much a bad situation to be where you have got like a funnelling effect coming in between two large ranges. So the prevailing wind would have basically bounced off those ranges, pushing the fire through at a fair rate of spread. Also, there was a fairly large creek line running to the west of the main sort of ridge line that runs through. So the increased water supply would have meant also an increase in vegetation growth as well, which he may not have encountered if he had not been there for a while. It would have also depended on when the previous fires had gone through that area as well. So there are a whole heap of variables that need to be considered.

The CHAIRMAN: When we were talking with him, he was on the flat lands right before the ridge. But what you are saying is that that might be the case generally where he is, but where the injuries took place there was probably greater fuel load up the hill and the wind funnelling effect.

Mr Waters: I think the whole thing coming together, the funnelling of the wind, the greater fuel loading within that area, and also the slope, just considering that we get a doubling of the rate of spread for every 10 degrees increase in slope. So with a fire that is travelling at two kilometres on flat ground, if you have only got a 10 degree slope, then it is travelling at four kilometres an hour, and exponentially as you come up. Given that where the casualties were burnt there was probably around about between a 40 and 50 degree incline, the fire would have been fairly fast travelling up that area.

The CHAIRMAN: So when you are planning for an event in that area, it is obvious that fire should have been a higher priority. What advice would you have given these people if they had brought you in?

Mr Waters: Having spoken to Tony as well, the local manager up here, had he been given the course map and the risk management plan prior to the event, and given the existence of fires in and around the area, our recommendation would have been that it should have been cancelled, or at least moved to a safe location, whether they were running along the roads through those areas, to a safer area. Had there been no fires present and they elected to go along that proposed route, we would have probably given them advice in the event that a fire did occur. Probably the worst thing they did do, which we would advise them not to do, is try and outrun it up a hill. In the area where they got impacted by the fire, there were a lot of areas they could have sought refuge in. There was a large creek bed running just south west of their location. So we would have given them advice on what actions to take should they be confronted with a fire. It was probably more so on their own safety.

The CHAIRMAN: In your post briefing of the participants, did you ask them whether they had a briefing on what to do about fire or how to address it?

Mr Waters: Yes. We spoke to a fair few on the official briefing they had—I think it was on the Thursday night—and the fires were raised. But they were raised not in an alarming manner. They said there was pretty much fires burning in the area and it is part of the Kimberley landscape that fires are commonplace.

The CHAIRMAN: That is true.

Mr Waters: And really not much focus was actually placed on the importance and the dangers of them. I suppose another thing that came out in the investigation was that I think there were 21 volunteers that RacingThePlanet brought into Australia to be used for the event, and 16 of those were from outside of Australia. I am not sure on their level of knowledge of, first, bushfires, and secondly, the terrain and topography up here as well. So the suitability of using non-nationals to control events within Australia, I am not too sure on the benefits of that either.

The CHAIRMAN: They do it in the Gobi Desert, but this is not the Gobi Desert.

Mr Waters: No.

Mr M.P. MURRAY: In the briefing, did it go beyond fires—say if someone was bitten by a snake, how do you get them out?

Mr Waters: They did have their risk assessment. I was not there for the briefing, so I am not really privy to actually what happened. But they were given a safety briefing pretty much predominantly on hydration to make sure they kept their fluids up, which was a huge issue in the 2010 race. Apparently a lot of the runners were admitted to Kununurra hospital suffering dehydration and had to be put on saline drips, which was the main issue back with the 2010 race, apparently. So they were given a safety briefing, but not so much covering the aspect of fires and the dangers of fires in the area.

Mr M.P. MURRAY: The line I am looking at is you are saying the majority of the volunteers were not Australian nationals.

Mr Waters: They were given a full day's training prior to the event. I think it was on how to contact the doctors that RacingThePlanet had brought with them and the process of dealing with blisters and minor injuries that they could cover at the checkpoints, I suppose. But pretty much it was left at that. Even with the communications, from reading all the statements, a lot of people, including John Storey, had issues trying to communicate either on sat phones or via radio. It is interesting to see the schedule for the volunteer training. It only committed I think 30 minutes to the communications side of things, which would have covered sat phones and the BGAN satellite dish to relay the messages, UHF radios and the like. So again, coming from a fire service background, I know it is more complicated to get around the communications equipment than what 30 minutes would actually provide you with.

[9:45 am]

The CHAIRMAN: There appears to be inconsistencies or incompatibilities with phones and coms.

Mr Waters: Yes; and people not knowing. I think the first 000 call that came through to the FESA communications centre was about 11 minutes past two. The level of confusion in that phone call came from one of the doctors from RacingThePlanet, and they had real issues even obtaining the GPS coordinates of their location and, again, confusion of which agency they required. There was confusion on whether it was the ambulance service, the SES or the fire brigade. The second 000 caller that came through was from the event coordinator, Samantha Fanshawe. Again, being the race director, she was unable to provide the communication centre operator with any GPS plots of where they were and she rang back, I think it was about 34 minutes later, eventually with those coordinates. Again, getting out that timely information had an appropriate risk management plan been in place, if a situation had occurred between check point 2 or check point 3, these are the two coordinates there somewhere between, at least it gives us a starting point for either police —

The CHAIRMAN: Do individual runners have GPSs on them?

Mr Waters: Some of them did, yes. I believe some of them had their own GPS.

The CHAIRMAN: You can put it on a watch nowadays.

Ms A.R. MITCHELL: Mr Waters, did you or Mr Stevenson see RacingThePlanet's risk management plan at all?

Mr Waters: Not prior to the event. We requested it on, I think, 4 September, and we got an email from Samantha Fanshawe saying that she was just about to get on a plane and she would email it to us as soon as she got to Hong Kong. We did not receive it. We received it on 8 September. The first thing we do whenever we receive a file is a property search. It had been created, again, on 8 September, the day it was sent at five minutes past nine in the morning. That may have been just the creation of a PDF document; I am not too sure on that, but it was also stated that it was modified at 7.54 am on the same day.

The CHAIRMAN: Did you compare that one with the risk management plan received the day before the race by Tourism WA?

Mr Waters: No.

The CHAIRMAN: Has that comparison been done, to your knowledge?

Mr Waters: No, it has not been done at this point.

Mrs M.H. ROBERTS: We do not actually know whether it was received. Did you not say you sighted it?

Mr W.J. JOHNSTON: He did not say he received it; he said he sighted it.

Ms A.R. MITCHELL: I thought he looked at it and mulled over it after the event.

Mr Waters: I have a full copy of the one we received.

The CHAIRMAN: We do not know whether he actually took possession of it. Tourism WA received a copy on 4 or 6 September. It was after the race.

Mrs M.H. ROBERTS: I think Mr Hamilton said he just sighted it.

The CHAIRMAN: Yes.

Mr Waters: We had questions on the validity of that risk management plan—whether it had been amended or had items added to it later on. But given that, pretty much it was still lacking from the one we received. I do not profess to be a risk management expert, but it seemed to be lacking in a lot of areas. The risk management plan where they had all the GPS coordinates of all the locations was pretty much only a risk management plan for the difficulty of the course, not the potential injuries that could have occurred to the competitors running in the event itself.

Mr W.J. JOHNSTON: In your reading of the risk management plan when you did receive it, was there any discussion in there, for example, of how to medivac a person if they had a serious back injury?

Mr Waters: No; we did raise that. We spoke to the race organisers on 4 September at the Kununurra Grande Hotel. We put the question to them: in the event of someone falling down a gorge, how would you have medivaced them out if they had spinal injuries? Again; their response was that, "We would have just thrown them in the back of the helicopter and medivaced them out." We put it to them again: "Was that aircraft suitable to actually facilitate that type of rescue." They were fairly comfortable that it was. We then put it to them that it was not; it did not have a stretcher capacity in the back of the chopper and then they said, "Well they probably just would've winched them up in a chair." Again, the helicopter did not have a winch. The third process was that they would be slung in a net underneath the chopper, which we found would be totally inappropriate. That sort of had us wondering about the level of preparedness they had undertaken.

The CHAIRMAN: What other things did you talk about at that meeting?

Mr Waters: Pretty much just all their actions—what they did; how they intended the communications side of things; what they talked about at their briefing; whether they instructed

their competitors in the event of a bushfire; what level of liaising they did with the other agencies it was incumbent on them to contact. They did say they contacted DEC about a rogue crocodile that was seen near one of the lagoons they needed to cross. They put in a plan that the competitors would be traversed across that region in the back of a ute, which was fine. They also in passing did question the DEC about fires. I think it was Mr Burnley who stated that it was not their jurisdiction; it was either private land or FESA and gave Tony Stevenson's contact details of the East Kimberley regional office for FESA to be contacted.

Mr W.J. JOHNSTON: Did you say they acknowledged that they were told to talk to FESA by the DEC people?

Mr Waters: Yes. I think Mr Burnley gave the contact details of Tony Stevenson

The CHAIRMAN: Bentley.

Mr Waters: Bentley, sorry, yes.

Mr W.J. JOHNSTON: Was a record kept of that meeting that you had at the community ground?

Mr Waters: Yes, we just took notes pretty much—myself, the member from the arson squad, Rob Seaman and also Tony Stevenson himself.

The CHAIRMAN: Who was at that meeting from their side?

Mr Waters: Emma Ferguson, Samantha Fanshawe, Mary Gadams, Alistair Morrison. I think there was another one; I cannot recall at this stage.

Mr M.P. MURRAY: Was the half-hour delay between the coordinates being sent through because of a language problem or not being able to read the mapping system?

Mr Waters: They had the coordinates down on their risk assessment plan for the one that was basically discussed—the difficulty with the course, which parts were easy to run through and which parts were not. Had they had a copy of their risk management plan with them, it was just a process of looking at it and getting across. I think they tried, from listening to the 000 callers, to get someone with a GPS and get a reading off their own GPS unit at the time of the 000 call.

Mr M.P. MURRAY: There were no language problems in between?

Mr Waters: No; the lady who rang through was English, Samantha Fanshawe. The first doctor I think was Dr Waite, who made the first call; she was American. There were no language issues there.

The CHAIRMAN: Was Mr Storey at that meeting we just discussed?

Mr Waters: Sorry, yes he was.

Mrs M.H. ROBERTS: Did FESA receive at any time in advance of the race a copy of the route they were going to be running? Was FESA at any stage contacted by EventsCorp about the race?

Mr Waters: EventsCorp, no; pretty much we were not contacted. The only contact we had prior to the race occurring was from a lady called Nadia from the tourism centre, who rang up saying —

Mrs M.H. ROBERTS: Is that a local tourism centre?

Mr Waters: Yes. I think EventsCorp went through Nadia to advise Tony Stevenson that RacingThePlanet was trying to get in contact with him or advise him about the race. Tony did send an email back to Nadia saying, "Before I can make comment, I need a map of the route from where they intend to go through and also a copy of their risk management plan."

Mr W.J. JOHNSTON: That is the end of August or early September?

Mr Waters: Yes.

Mr W.J. JOHNSTON: A matter of days before the event?

Mr Waters: Days before the event, yes.

Mr W.J. JOHNSTON: I have not read all the statements, but I understand there was discussion about people using the term “controlled burn” a number of times in different statements. Were controlled burns going on in the area?

Mr Waters: Not that we can establish. Given the Kimberley region, a lot of inappropriate fire lighting occurs throughout the Kimberley–Pilbara region. A lot of it is from pastoralists lighting up their own land to assist (a) with mustering and (b) with the assistance of revegetation once a fire goes through. But it is really hard to prove and it is usually done in isolated areas away from anywhere else. There were no controlled burns or burning undertaken during that period.

The CHAIRMAN: There was a police report that stated, which was not collaborated, that there was a controlled burn on El Questro station around the days of the race.

Mr Waters: We heard that, but we could not substantiate any of that report. There were also complaints that there was no fire suppression actually undertaken for any of the fires that were burning. But, again, it is just impractical to do any sort of fire suppression in those remote areas where you cannot gain access. A lot has been given about using aircraft to water bomb fires throughout the Kimberley region. Given the number of fires up here you would need a fleet of about 500 helicopters, I imagine, just to keep track of it.

The CHAIRMAN: Did you make that in your budget submission this year?

Mr Waters: I wish. Again even in the metro area where we use helitacks and water bombers on a regular basis; they are only as good as the ground crews you have got working in conjunction with them, so you cannot have aerial firefighting undertaken without the ground support that comes along with it. It is just farcical to consider using that sort of resource up there.

Mr W.J. JOHNSTON: Where there is active fire suppression in the Kimberley, is it right to say that it is for protection of homes and other physical assets?

Mr Waters: Yes, pretty much. The only level of firefighting it would undertake is if it threatened assets—any critical infrastructure or property assets that were at risk. Generally, that form of firefighting is proactively done with back burning around the assets they are trying to protect rather than the application of water to extinguish the fire itself.

The CHAIRMAN: Did you discuss with El Questro whether it had a controlled burn?

Mr Waters: Yes, we spoke with Michael Bass, the operations manager at El Questro and he said they had no burns running during that period. The only back burn we were aware of was, again, from the Wuggubun community. We were happy that for the decision-making process, the fires come out of the tip area or the refuge area of the Wuggubun community tip or disposal area, but when the local community saw the fire over the ridge line they basically put in a back burn on each side of their properties and a third back burn was placed adjacent to their power station, or their power plant to protect that asset. They are the only burns we knew were placed by human intervention at that point in time that has travelled up and over the Saw Range.

The CHAIRMAN: How many staff does FESA have in the East Kimberley?

Mr Waters: Two.

Mrs M.H. ROBERTS: We should ask how many volunteers FESA has.

Mr Waters: They probably number in the twenties I would say, 20 or 25.

The CHAIRMAN: We understood that on 14 February 2011 the Department of Health set up a health subcommittee. Just for background, the Department of Health had a discussion or interaction with RacingThePlanet in respect of the 2010 race when a number of people went to the hospital with dehydration. They had interaction with RacingThePlanet. They knew RacingThePlanet was going to have a race later that year of 2011, so they convened a health subcommittee which,

reportedly, FESA was a member of to discuss issues relating to that race. Did you hear anything about that meeting?

Mr Waters: No. I would not even have known who sat on it from FESA's perspective.

The CHAIRMAN: Can you get back to us and tell us who sat on it and whether there was feedback from it?

Mr Waters: Sure. What meeting was that again?

The CHAIRMAN: On 14 February 2011, a representative from FESA attended the health services subcommittee.

[10.00 am]

Mr I.C. BLAYNEY: Was that here or was it in Perth?

The CHAIRMAN: We are not sure of that.

Mr W.J. JOHNSTON: But it was not a regional meeting.

The CHAIRMAN: No, it was not a local emergency management committee.

Mr Waters: But it was held in Kununurra?

Mr W.J. JOHNSTON: No. I understood from the evidence of Health that it was a central office-style meeting.

Mr Waters: It may have been someone from our special risk branch, which does the Red Bull events, I presume. I will try to work that one out for you.

The CHAIRMAN: Are you involved with the Gibb River Road classic that will be held later this year?

Mr Waters: FESA gets involved at a local emergency management committee level, yes.

The CHAIRMAN: The usual practice is that with an event of this nature, especially a large commercial one with media, it would discuss it with the local shire and then bring its issues to the local emergency management committee.

Mr Waters: Yes.

The CHAIRMAN: And then you bring in every agency of relevance, including FESA.

Mr Waters: Yes. I am just not sure of the triggers for that—what does trigger and what does not trigger the actual application to go through the LEMC.

The CHAIRMAN: That is an issue. In the other areas that you have experience with, what is the trigger for bringing a group or an issue to the LEMC?

Mr Waters: They are usually significant events that have a high profile, but there are no real set triggers. I do not think I could comment on what the triggers are to actually bring it into a LEMC. Maybe someone from the shire or even the police, who would be the chair of that meeting, would be better off.

Mr W.J. JOHNSTON: Can I just ask about this Gibb River bike ride event? It seems to me that there is a very different scale in terms of the risks of that—even if it was a foot race—compared with this race. Given that it would be on a road, it is easier to access and there would probably be less problem with fire because you have got a natural firebreak in the road itself. Would that be your view?

Mr Waters: Yes. There would probably be a lower risk than sending runners on foot through inaccessible terrain which could be impacted, especially with fires burning in and around the area at the time of the race. So, yes, the level of preparedness and the risks associated with a bike race on a road would be far less than traipsing through the bush.

The CHAIRMAN: One of the issues that has to be raised is that this event obviously is risky by its nature, and one would presume that the riskiness is part of the attraction for the participants.

Mr Waters: Yes.

The CHAIRMAN: To what extent do you think people should have known the risk and just self-insured, if you wish, and taken it on themselves, or do you think to some extent these things happen in these types of events versus the idea of trying to minimise the extreme risk that can arise, and did in this case?

Mr Waters: From a personal perspective, it is an extreme sport and with it goes extreme risk on occasion, I would imagine. I do not think I would have made it to the end of the airstrip at the start line myself! As we saw yesterday when we walked through some of that terrain, it is fairly rugged country out there. I am not really sure of the preparedness of the runners who go through these things. They run through the Gobi Desert. For a lot of them, even going from their own individual profiles, this was their first event that they had competed in. Whether they fully understood what they were getting themselves into, I am not too sure. Personally, you need to consider the level of risk you are putting yourself at. Not everything needs to go back to the company organising it. I am sure they have organised the event and where you are going to run and how you are going to run and the control measures on how it will be measured and the control point set-up and stuff. At the end of the day, the onus needs to come back to the individual competitors to ensure that they are adequately prepared as well.

The CHAIRMAN: In your debriefing from them, did you discuss if they vetted the competitors?

Mr Waters: They do a full medical check. I think they did that side of the equation really well. They have to provide a medical report prior to participation and then they get checked on the day as well. Then the people controlling at the checkpoints throughout the race basically keep an eye out for them. They also had four doctors out on the course at any one time monitoring their wellbeing as they came through those checkpoints. I think they had covered the actual health and welfare from a running event perspective fairly significantly.

Mr M.P. MURRAY: You do not think they need a psychiatric test!

Mr Waters: If you are going to put your hand up to run in one of them, I reckon you would do; yes, for sure! That is my opinion. I could not run out of sight on a dark night!

The CHAIRMAN: You mentioned in passing FESA's special risk branch. Could they approve risk management plans for events such as this?

Mr Waters: They would not approve it. If a risk management plan was developed, I would imagine it would go through a local emergency management committee process, and they would have input during that process on what needed to be included in the risk management plan. They are basically there to coordinate FESA's side of things, whether it be prevention, preparedness, response or the recovery side of things if something did go wrong. I will use the Red Bull Air Race as an example. We actually bring in additional staff and have firefighting crews available at Langley Park for an immediate response purely for the air race itself. Those sorts of things are put in place.

The CHAIRMAN: I would like to talk about the psychology of people being impacted by or confronting fire. One of the issues is that if they had known, you could have given the participants a briefing on what to do if they were confronted with fire. Of course, the pastoralists just said, "Just step around it or dance around it." But it looks as though the flames were much higher than a dance would suffice. There were some geologists in the front group working for Telfer. Geologists in Western Australia have confronted these issues before. Obviously, they ran up the hill too; they did exactly the wrong thing. Could you talk about that? The important point is that even if you had briefed them, you do not know that they would have reacted properly. Therefore, it would be better to avoid the risk.

Mr Waters: It is all good in hindsight. We say, “Just step around this” or “Just jump over that” or “Lie down there.” Again, as I said before, a lot of these people were in their first event in a foreign location and did not have a lot of local knowledge of the specific area. I have seen a lot of people in houses in the Perth metropolitan area that really are not at any threat but still get extremely panicked by the presence of a fire. Given on the day of this event when they were confronted with a wall of fire—it would have been a wall of fire coming through that whole valley —

The CHAIRMAN: How high would it have been?

Mr Waters: We estimate flame heights would have been in excess of two to 2.5 metres at some points, and that was just purely on the day that we observed the fire just burning in the low grass. Yes, we would presume in excess of around the two-metre mark. Also given that, there would have been an extremely high level of smoke in the area. Orientating themselves around trying to locate areas of rocky outcrops or large safe areas that they could have travelled to was probably very limited. It all gets back to fight or flight. Generally, what people do is they try to run away from the danger. When the committee flew over that area yesterday, you could still see pockets, especially even where they were picked up—the vegetation has grown back—of rocky outcrops. Given that the smoke would have been pushed down fairly low, they probably saw that and decided that that was probably the best course of action, which is against what firefighters are taught. But in saying that, firefighters have done the same thing in those circumstances themselves.

The CHAIRMAN: Even if you had given them a briefing, it would have been useful. But if you are in, say, an unfortunate incident in front of a fire, you would have to factor into risk management just panic.

Mr Waters: Yes, exactly. It does not matter whether you are talking about fire or any other danger that you are talking to them about. I remember one of the statements and the guy said, “They spoke about fires, but I really can’t recall what it was about. I didn’t pay much attention.” He was excited just about competing in the event. You can give a briefing until the cows come home, but unless they take it on board and are going to follow through with the actions, it is pretty difficult.

The CHAIRMAN: Was smoke inhalation a risk in that area?

Mr Waters: It would have been, yes, extremely, because of that funnelling effect through with the prevailing wind coming due north-east, straight down through that valley passage. It would have been fairly intense.

The CHAIRMAN: They saw the smoke and they were running into it. Would that of itself, besides the flames, been justification for cancelling or rerouting the race?

Mr Waters: Yes, for sure.

Mrs M.H. ROBERTS: What is the physical impact of smoke inhalation?

Mr Waters: It is an asphyxiant. It can knock you out and basically kill you. It is the same as a residential house fire. It is a silent killer. In a house environment, you do not think it is doing any damage, but you do not usually wake up if you are not alerted by a smoke alarm. There is no difference in the bush, and you cannot get away from it; wherever you go, the smoke is there. Even for us guys in firefighting, predominantly we do not have any breathing apparatus on in a bushfire environment; we just have a respirator. If you have not got your respirator in your back pocket, you need to run back to the appliance to get it. There have been many occasions when you are coughing and spluttering and not feeling that well when you get back.

The CHAIRMAN: If they had retraced the track up the ravine, which had very little material in it, they might have been able to avoid the fire.

Mr Waters: Yes. The fire pretty much travelled along the valley and then up to that gorge or that narrowing section and went back towards Tier Gorge. However, there was the creek line at the bottom of that location, which did have water in it. It was not a lot, but it was wet and they could

have sought refuge there. But, again, they may have been impacted by the smoke at that stage and at that location.

The CHAIRMAN: That is the point.

Mr Waters: Again, it would have been funnelling all through there, being a low-lying area and, again, influenced by the prevailing winds.

The CHAIRMAN: In fact, we were told some of the people did go back and suffered from smoke inhalation.

Mr I.C. BLAYNEY: Those light-weight blanket things —

Mr Waters: The survival blanket.

Mr I.C. BLAYNEY: Would that have helped them if they had wrapped themselves in that? Is it big enough to wrap yourself in?

Mr Waters: Yes, it would be, but I am not sure how much it would have deflected. I do not think so. The radiant heat would have been pretty horrific and they are really flimsy. That is not what they are designed for. They are not like a fire blanket that you can throw on something.

The CHAIRMAN: Runners in that condition are not going to be carrying blankets.

Mr Waters: No.

Mr I.C. BLAYNEY: Did they not have them with them? No? Sorry; I thought they had the blankets with them.

Mr Waters: They had the silver survival blankets. That was part of their requirement—their inventory that they had to provide on the race.

The CHAIRMAN: How many events of this nature are held around here? Are they very common, whether it be organised or individuals?

Mr Waters: I would not be able to answer that, Mike. I am not a local Kununurra person.

The CHAIRMAN: Have you ever had any similar events like this?

Mr Waters: Just the previous one in 2010 that was run up here. It was run in reverse. It actually started in Kununurra and finished at El Questro. That was a 250-kilometre event. Then there is the Gibb River bike thing and the other festivals they have around the Kununurra region—Kimberley Moon—that go through that formal LEMC risk management process.

The CHAIRMAN: One of the reasons why Tourism WA sponsored this is that they wanted to attract international attention to the Kimberley.

Mr Waters: I think they did that.

The CHAIRMAN: They did that. They had very few offerings. One of the reasons they had few offerings is that it is pretty isolated and rugged and whatnot compared with the south west, where most of their events are. Our advice is that the south west ones, almost without exception, are very well prepared and run and whatnot. There is risk but they are very well done—whether it be the Rottneest swim, the Lancelin classic, the Red Bull Air Race or whatever it is. When you are sponsoring something in an area and you are doing that because it is isolated and there is not much going on, do you not think that you have to be more concerned about investigating the risk preparedness of the group? If you are going to organise something down in Perth—let us say the Rottneest swim, with all the lifesaving clubs that do that on a weekend basis—they have systems in place. You can rely on them. But up here, in the middle of nowhere, if you wish, you would think a sponsor would be a bit more concerned about checking the bona fides and preparedness of the group because it is so much more difficult.

[10.15 am]

Mr Waters: Yes, you would expect so, and whether they know the different level of risk. I mean I am not sure who made the decision or lack of decision, but whether they purely thought that the level of risk for an event such as the Rottnest swim is the same as the level of risk for the Kimberley Ultramarathon, I am not too sure.

The CHAIRMAN: Just on to a practical issue, clearly you indicated earlier that you think the local emergency management committee is the appropriate body to coordinate and vet and advise on risk management strategies for events like this. There are two issues: how do we go about triggering that requirement; and, second, how far down the events path do we go, because this one was clear-cut? This was an international event and we had people from overseas coming out for the first time, in the Kimberley at least. But we have all sorts of amateur events going on—four-wheel driving going down the road in the middle of nowhere. So, how do you deal with these, and you do not want to stop people from taking risks?

Mr Waters: I think it is a can of worms really. It is one that I probably could not answer. Whether you look at the possibility for liability if something does go wrong, I am not sure. It is a really hard line to manage. And probably the most difficult component—what you alluded to—where do you draw the line that you do not need it? It is a really hard one to come across.

Mr W.J. JOHNSTON: On that point, if you had the local emergency management committee as the body that makes the decision, then it would be local people making the decision, would it not?

Mr Waters: Yes.

Mr W.J. JOHNSTON: So you would be less likely to have bureaucracy if you had LEMC making the decision to that effect to refer it to central office and get an opinion.

Mr Waters: Yes. I suppose had Eventscorp not been involved at all, what is to stop a group like RacingThePlanet coming out here on their own and running an event with no input from a local emergency management committee?

Mrs M.H. ROBERTS: I suppose that depends on the land tenure for the route, does it not? That is one of the factors.

Mr Waters: Yes. It was pretty much predominantly run on private property initially; then it went through Doon Doon, which is leased or can be leased but —

The CHAIRMAN: Private property.

Mr Waters: Private property still, and it is not until they get back out onto the roadway and finishing up here at Celebrity Tree Park —

Mrs M.H. ROBERTS: I have just one question while you mention that. Are you aware of why they actually changed the route direction? The runners who showed up here believed that they were going to be starting in Kununurra and running to Emma Gorge, and so in the day or two before the event the whole direction of the event was changed. Are you aware of why that occurred?

Mr Waters: I am not too sure. I know they had to change part of the route because Mr Salerno was not happy with one component of it. But we flew into El Questro and when we spoke to Michael Bass he stated that he was quite happy that the event this year was the other way around—starting in El Questro land and then moving to Kununurra; because his words were the sooner they're off the land, no more problem for him sort of thing. So he was not really that happy with the way the event was coordinated, I do not think, from reading between the lines and when we spoke to him. But, you know, I am not sure why they changed that.

Mrs M.H. ROBERTS: Because some of the runners had booked accommodation at El Questro believing that that is where —

Mr Waters: That they were going to finish there, yes.

Mrs M.H. ROBERTS: Yes, that is where they were finishing.

Mr Waters: Yes. I have no understanding of why they did that at all.

The CHAIRMAN: Let us explore that issue. In 2010 this group, RacingThePlanet, did have a race that had no government funding or backing. They asked for it but did not receive it, in time at least. Then this year they did. Do you think that the 2010 race should have gone through the emergency management committee?

Mr Waters: Yes. Given the time of year, I think the 2010 race was in May, so at the end of the wet season. So, again, the risk of fire would have been lower, but still the level of preparedness and the notification processes and the liaising between all the agencies would have taken effect.

The CHAIRMAN: This is a big issue, because there are, let us say, four-wheel-drive groups coming through the area and going out and exploring and they vary in their competence. And you would not want every one of them to necessarily go through LEMC.

Mr Waters: No, no.

The CHAIRMAN: LEMC would get rather busy.

Mr Waters: Rather busy, yes.

The CHAIRMAN: So we have an issue. I think in this case my own view is clear-cut: given the nature of the funding and whatnot and the size, it should have gone through LEMC.

Mr Waters: Yes. I suppose the difficulty is, as we alluded to before, actually working out the triggers, what the triggers actually are and the cut-off point of when it does and does not have to go to a LEMC meeting.

The CHAIRMAN: Yes.

Mr W.J. JOHNSTON: Can I just explore the four-wheel-drive analogy a bit further? There is a commercial operator who does four-wheel-drive trips on the Gunbarrel Highway. Do they tell authorities before they go out?

Mr Waters: I am not too sure. You might have to check with the police or who would be the chair of the LEMC or local shire.

The CHAIRMAN: What about various tourist agencies, for instance, going out of Broome and up to the Kimberley? Someone might get munched by a shark. It could happen. Do they have a risk management strategy?

Mr Waters: I am not too sure. I could not answer that. I presume it may be linked with their insurance side of things.

The CHAIRMAN: Oh yes.

Mr Waters: Whether it comes in that their insurance company wants to know what sort of processes they have in place to mitigate the level of risk. I am sure they would have something in place with that process.

The CHAIRMAN: But so did RacingThePlanet have insurance.

Mr Waters: Yes.

The CHAIRMAN: That is not an issue. The issue is that I am just trying to explore what exists now in terms of going to LEMC and trying to prepare for it.

Mr Waters: I do not sit on a local committee up here so it is probably a question better directed to the police and the local shire, I would say.

The CHAIRMAN: At what time of year does FESA conduct aerial control burning in the area?

Mr Waters: I am not too sure. When I come up here it would be just —

The CHAIRMAN: Now?

Mr Waters: Yes, now. So you have still got a lot of green vegetation, being the end of the wet season, so carrying on.

The CHAIRMAN: What measures do FESA have in place to ensure that aerial fire management does not impact remote areas where sport and recreational activities are taking place? For instance, what happens if you decide to aerial burn that area —

Mr Waters: And there are some people down below?

The CHAIRMAN: Yes.

Mrs M.H. ROBERTS: But you would not in any event because that is El Questro's role to do that, is it not?

Mr Waters: Yes. We would only do it on our FESA-gazetted fire areas, and —

The CHAIRMAN: But is there not a conservation—oh, that is DEC's role.

Mr Waters: DEC, yes.

The CHAIRMAN: Do you have any land that you do control burning on in that area?

Mr Waters: Yes, there would be sections that FESA get involved with control burning.

Mr W.J. JOHNSTON: Even if it was in the south west of the state, what is your process to ensure that there is not a bunch of pushbikers?

Mr Waters: I am not too sure. I could not answer that question. I do not get involved with aerial prescribed burning.

Mrs M.H. ROBERTS: That is not Craig's role but there are other people at FESA who could answer those questions.

Mr Waters: That is someone like Ralph Smith who does our bushfire and environmental protection.

The CHAIRMAN: Could you take that on notice?

Mr Waters: Yes.

The CHAIRMAN: What about the issues of coordination with the pastoralists about control burning with you? You monitor them, as you discussed. Would you know in advance if they were deciding to go and do something or could you rely on that notice?

Mr Waters: No, we do not get any notification of what a pastoralist does. The only notification we would get is if they are in contravention of a law. If they are contravening a local shire and the local bushfire control officer notifies us, or the local pastoralist does a burn and it gets out of control and they ring FESA, and FESA, DEC or local government come in and offer assistance; that is all.

The CHAIRMAN: So part of the emergency preparation would be, on a race like this where you are going to traverse three properties, you would go to the property owners and find out what they are up to during the period of the race before and during.

Mr Waters: Yes. And it is that constant liaising between all the parties involved. So, whether it is a DEC-gazetted fire district or a gazetted area, or whether it is just a local private property, pretty much anyone who is going to be impacted by that event needs to be liaised with and communicated with.

The CHAIRMAN: Would the local emergency management committee have that capacity for liaison with—let us say in this case—the pastoral leaseholders?

Mr Waters: Yes, for sure.

The CHAIRMAN: The shire would do it?

Mr Waters: Yes.

Mrs M.H. ROBERTS: Or even the police would do it?

Mr Waters: Yes. The chair of the local emergency management committee is the local police anyhow. It would be the district officer of the police.

The CHAIRMAN: We might have a few more questions and we intend that we will be in contact with you.

Mr Waters: Yes; no worries.

The CHAIRMAN: If there are no other issues, I have a closing statement. Thank you for your evidence before the committee. There are a number of questions that we have not been able to ask you today. Would you be willing to answer a series of further questions that the committee can provide when it sends you a copy of today's transcript?

Mr Waters: Yes, sure.

The CHAIRMAN: 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 by 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 of evidence. Thanks very much.

And could I please ask those in the public seats to adjourn while the committee deliberates in private? The secretary will come out and advise you when we are ready to proceed again, and I think it is going to be 11.00 am.

Hearing concluded at 10.26 am
