

**ECONOMICS AND INDUSTRY STANDING COMMITTEE**

*Thirteenth Report — “Inquiry into the 2011 Kimberley Ultramarathon” — Tabling*

**DR M.D. NAHAN (Riverton — Parliamentary Secretary)** [11.04 am]: I present for tabling the thirteenth report of the Economics and Industry Standing Committee entitled “Inquiry into the 2011 Kimberley Ultramarathon”.

[See paper 5125.]

**Dr M.D. NAHAN:** On Friday, 2 September 2011, a 100-kilometre ultra-marathon was conducted in the Kimberley region across a predominantly off-road course. The race was organised as a commercial event by Hong Kong-based RacingThePlanet Ltd—a company that has staged more than 33 foot races around the world over the past decade. Forty-one competitors registered for the event. The event attracted sponsorship from Eventscorp, the Western Australian government events agency, for an amount up to \$105 000, with an option for a further two years. Eventscorp also entered into a separate agreement with a film company, Beyond Action, to film the event as part of a proposed documentary series that was intended to be distributed internationally to highlight the race and the state’s north west. Approximately five hours into the race, at least 13 competitors in an area known as Tier Gorge were confronted by a large bushfire. Five competitors suffered burns of varying extent. Two of these competitors, Ms Turia Pitt and Ms Kate Sanderson, suffered burns to 60 to 70 per cent of their bodies, and two other competitors, Michael Hull and Martin Van Der Merwe, suffered burns to 35 per cent of their legs. The burns were severe.

On 1 March 2012, the Legislative Assembly directed the standing committee to investigate and report to the house on the 2011 Kimberley Ultramarathon. The committee makes no findings of legal liability of any party. Such a role is for the courts. The committee recognised that participation in the 2011 Kimberley Ultramarathon entailed risks. The committee was directed to examine whether the organisers, RacingThePlanet, took all reasonable steps to identify and reduce risks and to maintain the safety of competitors, employees and volunteers in the preparation of and the running of the event, and took all reasonable steps in responding to the threats, including access to medical support and evacuations. The committee found in respect of the 2011 Kimberley Ultramarathon that RacingThePlanet did not take all reasonable steps to identify associated risks, RacingThePlanet did not take all reasonable steps to reduce risks, and RacingThePlanet did not take all reasonable steps to maintain the safety of participants. The committee is of the view that RacingThePlanet, in its approach to planning for the event, did not involve people with appropriate knowledge in identifying risk. The level of communication and consultation with relevant agencies and individuals regarding the event’s risk management plan was generally inadequate both in terms of its timeliness and its approach. Specifically, RacingThePlanet failed to communicate and consult adequately with the Shire of Wyndham–East Kimberley, the shire in which the race was held, WA Police, Fire and Emergency Services and St John’s Ambulance. As a result, RacingThePlanet deprived itself of the opportunity to identify risks that it may not have contemplated by itself, and to establish relationships with key agencies that would have been able to provide ongoing assistance with risk identification and mitigation. Our belief is that the significant omission from RacingThePlanet’s pre-race communication and consultation process was FESA in Kununurra. FESA’s fire monitoring expertise and advice prior to the race could have been highly valuable to RacingThePlanet in terms of whether the race needed to be rerouted, with fires in the vicinity of the course, or possibly cancelled. Similarly, during the race when a message of the fire approaching checkpoint 2 was relayed to RacingThePlanet staff, counsel with FESA and the local fire authority regarding the appropriate response could well have improved the decision-making capacity of the organisers and changed the outcome of the race.

RacingThePlanet was aware of fires on and in the vicinity of the course prior to and on the day of the event. A few days before the race, RacingThePlanet sought advice on fire risk and was advised to contact the Fire and Emergency Services Authority in Kununurra by both the Kununurra Visitors Centre and an officer of the local Department of Environment and Conservation, but did not do so. RacingThePlanet failed to heed that advice. Medical support, aside from ambulance support, was an area in which RacingThePlanet was well prepared, in part because it had sought the advice and procured the involvement of the WA Department of Health at an early stage in its planning process. The outcome of the race may well have been different if RacingThePlanet had done the same consultation early and thoroughly with other agencies.

Another critical shortcoming in the pre-event consultation process was the planning for emergency helicopters. Despite knowing for some time that a helicopter was the only means of evacuation from the Tier Gorge section of the course, where the bushfire and the incident happened, RacingThePlanet sought to make arrangements for the use of a helicopter only in the event of an emergency the day before the race. RacingThePlanet elected not to put a helicopter on standby from the local helicopter firm, Heliwork WA, and instead made informal and

inadequate arrangements for the use of the helicopter hired separately by the media company, Beyond Action, filming the event. This helicopter was not appropriately equipped for a range of emergency evacuation scenarios.

As events unfolded on the day, RacingThePlanet's plan for using this helicopter in the event of an emergency was not enacted correctly and was not well understood, and suffered due to being determined only the day before the race. Luckily for the injured parties, the helicopter that RacingThePlanet chose not to put on standby was available and helped rescue the victims. Without its help, the event would have turned out for the worse. Compounding these issues around planning for fire risk and emergency evacuation was a communications plan that was limited by the fact that key equipment, in particular the satellite phones, were not tested on the course prior to the race. Moreover, checkpoints were placed at distances too far apart to compensate for the difficulty in maintaining communications in these parts of the Kimberley. Critically, these issues conspired to leave RacingThePlanet exposed when critical decisions needed to be made about a reported fire threat to the race course. At approximately 10.30 am a message was conveyed to a RacingThePlanet staff member at checkpoint 2—before Tier Gorge—that a fire would likely be reaching that area within two hours. As I said, this checkpoint was the gateway to Tier Gorge—the most difficult and inaccessible section of the course. Between approximately 10.30 am and 1.00 pm, it became increasingly apparent to RacingThePlanet race officials that a fire was encroaching upon the course. Despite this information, competitors were not held at checkpoint 2 while the direction, location and severity of this fire were determined. The committee is surprised also that the media helicopter, which landed at checkpoint 2 to convey the message regarding the fire threat to RacingThePlanet staff at checkpoint 2, was not subsequently engaged to investigate the reported threat by going in the air and finding out where the fire actually was.

The committee was also asked to examine the roles and actions of a range of government departments in relation to the event. The department that had the greatest responsibility for helping to ensure that the event ran smoothly and safely was Tourism WA, in its capacity as event sponsor. Tourism WA advised the committee that it had applied its adventure sports sponsorship—what it labels “responsible sponsorship”. We assessed the approach of Tourism WA and its subsidiary, EventsCorp, to the 2011 Kimberley Ultramarathon, vis-a-vis its responsible sponsorship plan, and found that WA Tourism had failed to meet its own standards. WA Tourism standard requires event managers to demonstrate that they have a competent risk management plan. In this respect, Tourism WA was found to have signed the sponsorship agreement with RacingThePlanet without requesting or sighting the company's risk management plan. Nor did Tourism WA have any protocols in place to ensure that the plans could have been properly assessed by Tourism WA or another expert party had they been provided any earlier.

The committee recommends that WA Tourism require events it sponsors to have risk management plans submitted for approval with all relevant agencies and local and state authorities no later than two months before an event is staged. EventsCorp should also use its facilitation skills to make sure that organisers of sponsored events are directed to all the appropriate authorities and stakeholders.

The sponsorship agreement for the 2011 Kimberley Ultramarathon had requirements for the event holder to effect and maintain a series of insurances with an Australian Prudential Regulatory Authority-approved insurer acceptable to Tourism WA. These included a \$10 million public liability policy, the terms of which are reasonable and approved by Tourism WA. Workers' compensation and personal accident insurance for persons engaged as volunteers was also required. Based on the evidence it received, the committee can only deduce that Tourism WA signed the sponsorship agreement without confirming whether any of these insurance requirements were in place. Moreover, the department has failed to formally request the full insurance policies and schedules, as it appears contractually empowered to do, even after the race was cancelled. Three months after the event a relatively informal email was sent to RacingThePlanet requesting copies of the certificates for insurance. The committee sought the advice of a barrister with expertise in insurance law. According to this advice, the documents provided to confirm public liability are of no apparent value to Tourism WA or to injured participants. These and the other documents do not provide evidence that RacingThePlanet complied with any of the obligations imposed on it by the clause of the sponsorship agreement pertaining to insurance.

Finally, the committee considered that Tourism WA's due diligence processes were deficient. Specifically, Tourism WA conducted an inadequate level of independent research and showed an excessive reliance on information provided by RacingThePlanet on the ultra-marathon; Tourism WA failed to liaise with relevant stakeholders, including entities that had some level of involvement with the event staged in the Kimberley by RacingThePlanet in the previous year; and Tourism WA provided inaccurate advice to departmental heads, the Board of Tourism WA, and, ultimately, the government. Regarding the latter point, this led the board of Tourism WA and cabinet approval of the sponsorship agreement to be premised on incorrect assumption. Those assumptions were that over 100 competitors from 30 countries would compete in the race—there were 13, or maybe 14, represented, including Australia—and that a local event organiser had been engaged to assist

RacingThePlanet. In my view that would have led to a material change. The committee calls on Tourism WA to develop a minimum standard of due diligence to address the deficiencies noted in the report.

The committee examined the roles and actions of a series of other government agencies in the event and in the protection and rescue of competitors, employees, volunteers and spectators. In terms of FESA's response on the day of the race, the committee is generally satisfied with its performance, although the committee was surprised at the way the FESA communications centre handled the initial call made from the course by RacingThePlanet's Dr Brandee Waite. The committee has recommended that FESA, WA Police and St John Ambulance establish a uniform protocol for handling multiple emergency responses that does not involve callers having to make multiple calls. The Shire of Wyndham-East Kimberley received relatively late notification of the event from RacingThePlanet, and that contact was about the hire of a local park for the finish line. An offer was made by RacingThePlanet at that time to provide risk assessment documents as part of the application. While there were some mitigating circumstances for the Shire of Wyndham-East Kimberley, including late notification of the event and the place that was notified to the council, it still would have been prudent for the shire to have made further inquiries about RacingThePlanet's risk management plan.

Although the committee believes the WA Department of Health acted appropriately in several aspects relating to the ultra-marathon, it argues that other agencies in Kununurra and the state would have benefited from the information that the Department of Health had acquired regarding the race. While not directly involved in any capacity on the day, the Department of Regional Development and Lands was involved in jointly approving the funding proposal put forward by Tourism WA. As it transpires, the race was largely run on pastoral leases, and under the law all non-pastoralist activity on pastoral lease land must get the permission of the Department of Regional Development and Lands through a section 91 process. It is the view of the committee that if this had happened, the department's internal processes would have led to RacingThePlanet's risk management plan being considered at least by the department and probably by the shire, therefore putting in process a wider distribution and knowledge of the race.

The committee discussed future measures it sees as worthy of consideration by government departments to make sure that risks, including bushfire risks in remote areas, in the context of extreme sporting events, are adequately addressed and identified. While the committee has not made any findings of legal liability or sought to apportion blame on any party for the injuries sustained by the competitors, the committee believes there is a strong moral case for the state government to consider making ex gratia payments to injured competitors. The physical and emotional recovery, particularly for Ms Pitt and Ms Sanderson, will be arduous and entails significant financial cost.

The event was sponsored by the state government through Tourism WA. Although Tourism WA was not responsible for organising the event or even attracting it to the state, it did not perform its identified role in a responsible manner.

While the committee and its staff have done an excellent job, we believe the coroner is the most appropriate agency to undertake investigations into events such as the 2011 Kimberley Ultramarathon. Currently the coroner has jurisdiction only in case of death. In the past in Western Australia and currently in other states, coroners have been given powers to investigate fires when there were no deaths. It is the committee's view that the Coroners Act should be amended to bring this into effect.

Finally, I would like to thank the staff of the committee who have performed above and beyond the call of duty, in particular, Tim Hughes, Kristy Bryden, Renee Gould and Scott Nalder. I would also like to thank my fellow committee members, who have put in a huge amount of effort under a great deal of strain and have worked collaboratively in the best example of parliamentary committees. I commend the report to the house.

**MR W.J. JOHNSTON (Cannington)** [11.22 am]: I rise to make some remarks on the tabling of this report, "Inquiry into the 2011 Kimberley Ultramarathon". I first want to start by expressing my sincere best wishes to all the injured competitors. Listening to the personal stories of the people injured in the race was quite moving. No member of the committee who heard the evidence of those injured witnesses was left unmoved. I would like to thank all the witnesses and other contributors to the report. The report comprises nearly 300 pages. I believe it is a very thorough report. There has been some good work done by the committee and the secretariat to try to get an even and balanced review of what were very complex circumstances. I would like to acknowledge their work. This has been a very intense inquiry to be involved with. There were lots of hearings and meetings to deliberate on what the meaning of the evidence was. I would like to acknowledge the chairman, the member for Riverton, who I understand is perhaps leaving the committee very soon; the member for Kingsley; the member for Collie-Preston; and the member for Geraldton; as well as the co-opted member, the member for Midland, for their outstanding work on this inquiry. I would like to particularly acknowledge the work of the member for Midland, because it was her campaigning that directly led to this inquiry. Without her good work, I do not believe the

inquiry would have commenced. I would like to thank all the committee staff, Tim Hughes, Renee Gould and Kristy Bryden, and the assistance of Scott Nalder towards the end of the inquiry. It was a very complex piece of work. For example, we engaged a surveyor to check the directions from some video evidence. We tried to do this in a thorough manner to make sure that it was a good report, and I believe it is.

But we are not a court. We were not to decide on guilt or innocence; we were simply to make recommendations to the Parliament and, through the Parliament, to the government. Of course, one of those recommendations is that the coroner be given jurisdiction to deal with all bushfires and not just bushfires that lead to death. If the law in Western Australia allowed that, this matter would have been able to be investigated by the coroner. I am sure in the circumstances that the coroner would have chosen to investigate this matter. The parliamentary inquiry was a good inquiry, but I am also confident that the coroner would have done an even better job. That recommendation is very much worth the consideration of the government.

I want to turn to some of the issues regarding the race. It might surprise members when they read the report to hear me say that I have some sympathy for Mary Gadams. The sympathy I have is that she came to a First World country and had been dealing with government, and when things went wrong, there did not seem to be any attempt by government to work through the process. Rather, she was being blamed for everything that had gone wrong. I imagine that if the event had been successful, the government would have been very happy to stand next to RacingThePlanet and get some reflected glory, so it is a bit of surprise that when things did not go well, there seemed to be an argument from government that there was effectively no real relationship, that it was all up to RacingThePlanet. Do not get me wrong: RacingThePlanet did not adequately prepare for this event. That is the principal conclusion of the report. I suggest that one of the reasons is they did not properly comprehend how difficult the Kimberley is. The Kimberley is very remote. There are no services available to people in the way that there are in the south west of the state. If things go wrong, it becomes very complex.

The fact that something went wrong in this race in Tier Gorge, which was basically the only part of the race in which there was no four-wheel-drive access, led to a whole series of other problems. We go through in detail to explain how we believe RacingThePlanet could have mitigated those risks. In our view, they failed to take advantage of all the opportunities they had to rely on others, which would have helped them.

There are some other issues that are involved in this report, and we go through those in the various chapters. One issue that I particularly draw attention to is the fact that the sponsorship of this event by Tourism WA was agreed to as an out-of-session resolution. The reason I raise that is that there seems to have been a bit of a rush by Tourism WA. It was originally decided that there would be five events in an adventure tourism process. Then it found that it would get additional money through royalties for regions. Having made a decision to have only five regional events, it then said, "Now we have got more money. Even though we made that decision on a set of criteria, we are now going to make a different decision." The board papers from the executive to the board do not explain that it was actually a change in the procedures that the board had agreed to. The board papers themselves were very inaccurate. There was a whole series of inaccuracies, some of which the chairman referred to, but there was no questioning of the executive from the board. The fact that it was being done at an out-of-session process in my view encouraged a lack of scrutiny. We have recommended, and I think it is a very important recommendation, that the board of Tourism WA review the papers that it receives and make sure that proper information is being provided to it. It is very hard for a board member to go behind the information that has been provided to them—clearly the information provided was one example—particularly after Tourism WA has been criticised in other parliamentary reports. It is time for Tourism WA to stop and get back to basics to make sure that its systems are robust, because currently they are clearly not. I will give an example. In its evidence, Tourism WA said that it is not an expert in assessing risk management claims. I asked whether it used a self-assessment system where it relied on people making applications to assess their own plans. Tourism WA said that that was not the case. They cannot have it both ways. If Tourism WA demands things from its project partners, it needs to have a system by which it can check and ensure that those things have been done. It is no good to say that it requires the risk management plan, when in fact the risk management plan in this instance was inadequate. We cannot find evidence that the insurance was in place in accordance with the contract with Tourism WA, and the economic modelling was wrong. All these things were wrong. Tourism WA needs to take responsibility for what has happened. Many things like that could be done better.

This is a very long report, and it is difficult to read such a long report. It is probably worth having a look at appendix 1, which is the satellite imagery of the fires on the day. I suggest to members that if they do not have time to read the whole report, they have a glance at appendix 1; it will be very worthwhile. I express my sympathy to the people who were injured, and I hope the government takes up the recommendation of providing some ex gratia payments to those people.

**MRS M.H. ROBERTS (Midland)** [11.32 am]: When Parliament opened on 21 February this year, I was on a mission—a mission to get an inquiry into the 2011 Kimberley Ultramarathon. Nearly five months had elapsed

since 2 September 2011 when Kate and Turia had suffered their life-threatening injuries, and Michael and Martin had sustained extremely serious burns. Doors appeared to have closed in their faces and the Western Australian government had advised them that they had limited capacity to hold an appropriate inquiry. In November 2011, I asked some parliamentary questions, and I had certainly received some answers that I considered spurious. More concerning, though, was that Kate, Turia and others were fast getting the impression that no-one in WA cared about their predicament, and they had also been advised by the state government that there was no capacity to hold the appropriate inquiry.

Kate's brother Ian Sanderson and others had strongly advocated for the inquiry, but their request had been denied. I met with Ian Sanderson, and I received letters from him and others. I also visited Kate in the Alfred Hospital in Melbourne. Her injuries were horrific. I now wish that I had also taken the opportunity to make inquiries to see Turia as well. On seeing Kate, it became absolutely evident to me that she deserved some answers as to why she had had to suffer so much and why her health and physical wellbeing would be detrimentally affected for the rest of her life. I determined that I would relentlessly pursue an inquiry and that Kate, Turia and others, at the very least, deserved some answers.

I commenced my speech in February saying that a grave injustice had been done to a group of people who participated in a sporting event, and part of that injustice was that they were not getting any answers from government in terms of how they were going to have an inquiry that would provide them with the opportunities they needed to get those answers. The inquiry was in the too-hard basket, and the hope of an inquiry that had been held out to them by the Minister for Tourism in November had vanished by the new year. They had hit a brick wall. I do not resile from criticism of government in this regard. Whether the minister likes it or not, he had received poor advice from Tourism WA, and that is borne out in the report. Any inquiry that shone a light into Eventscorp's role was always going to reveal significant failings. The day that Turia, Kate and Michael Hull appeared before the inquiry, I knew that the inquiry had been worthwhile, because, if nothing else, these race competitors deserved the opportunity to tell their story of what happened to them that fateful day and to put it on record. That was the very least that they deserved. They also deserved the opportunity to tell us of their suffering and the impact that their injuries had had and would continue to have on them for the rest of their lives. It was an exhausting and emotionally draining day for the committee, but those feelings were totally insignificant when compared with the enormous suffering that the two girls had endured. I am also glad that RacingThePlanet took the opportunity to offer testimony through its founder and principal, Mary Gadams. This enabled the committee to develop well-informed judgments about the event and added weight to the committee's findings.

With the limited time available to me, I do not have the opportunity to go through the range of things in the report. However, I will highlight this: I think there is a very good executive summary to the report that, at the very least, I would urge all members to read. I also note today that the chairman of the committee, the member for Riverton, and the deputy chairman, the member for Cannington, have given excellent and informed speeches in this house, and I commend both of them on their speeches and the way in which they have worked on the committee. I also commend the other committee members and the very able staff who have assisted us and have already been thanked by the earlier two speakers.

The committee is of the view that primary responsibility for what occurred at this event lies with the event organiser, and that is clear when one reads through the report, but significant responsibility also lies with Tourism WA and Eventscorp, which is part of Tourism WA. There are clear failings that are discussed in the report, and there are findings as to those failings by Eventscorp, Tourism WA and others. There are also some failings by other agencies, and I will highlight the issue with the Department of Regional Development and Lands mentioned in chapter 7 of the report. Members who are interested should look particularly at page 267, which refers to the requirement for a section 91 licence to be provided by DRDL when use is made of pastoral lease land. One of the answers that the Minister for Tourism gave to the house was that this was a private event held on private land. The committee was informed that this was not private land; it was crown land—pastoral lease land. One of the things that surprises me is that this is an item that went to cabinet. This is an item that the Leader of the National Party, who was responsible for that agency, had the opportunity to comment on. In fact, the Leader of the National Party, the Minister for Tourism, and the Minister for Sport and Recreation put out a press release about this event. I assume that the Leader of the National Party's department provided advice to him on the sponsorship of this event. However, I suggest that his department, the Department of Regional Development and Lands, clearly failed to advise him that this event would need the department's permission to go on the pastoral lease land. There was a clear failing there, which is discussed in greater detail in the report.

Chapter 8 of the report deals with the issue of compensation. Recommendation 14 calls on the Attorney General to give urgent consideration to determining an ex gratia payment for Turia Pitt and Kate Sanderson, and Michael Hull and Martin Van Der Merwe. Clearly, the quantum between the first two and the latter two would need to be

different. I think that is a most appropriate recommendation. Those girls have suffered horrifically. This was a tragedy.

Clearly, there were failings by the event organiser. I have stated that the primary responsibility is theirs, but there also have been failings by government agencies, principally Tourism WA. The state sponsored the event and three ministers were happy to promote it. If, as my colleagues have said, all had gone well, they certainly would have taken the credit for it.

In another chapter—the member for Cannington has referred to this—there is a very good recommendation for the State Coroner to undertake an inquiry into a situation such as this. In the remaining time I have left to speak, I commend Mick Sutherland from WA Police for very promptly taking statements from as many people as he could, given that many of the participants were from interstate and overseas, so that the committee had that resource available to it. The police drew the conclusion that one of the girls could die and that the police would need that information for the coroner. Until 1986 the coroner had the ability to do that, and so we are recommending a change in the law.

I am grateful for the opportunity to have served on the committee for the purpose of this inquiry. I think something like this can make a difference for not only the people affected on this occasion, but also hopefully it will be of benefit for people who find themselves in a comparable situation in the future.

**MS A.R. MITCHELL (Kingsley)** [11.42 am]: I wish to speak on the very comprehensive and extensive report by the Economics and Industry Standing Committee on the “Inquiry into the 2011 Kimberley Ultramarathon”. I encourage every agency that is involved in events management to read it because it is very important that we learn from this experience. This inquiry took me through every emotion possible, including disbelief, disgust, frustration, anger, embarrassment, sympathy, empathy and even admiration. Hopefully during this inquiry nearly every agency, organisation and person involved has said to themselves that perhaps they could and should have done better. I hope that everyone who was involved in some way understands the impact that a little, and in some cases a lot, of inactivity can have.

The Kimberley Ultramarathon could almost be described as a comedy of errors except it was not a comedy; it was almost a tragedy. Some errors were far worse than others, and I will go through some of them. Before I get into the detail, I will clarify a couple of my opening statements because there were two organisations—in fact, a couple of people in those organisations—who made a significant difference to the final outcome of this event, and they have my greatest admiration.

Let me say from the beginning that I am a great supporter of sporting events as an effective form of tourism and I am a great supporter also of holding events in regional Western Australia to promote our incredible state. I hope that out of this we will see an improved situation so that we will get more events that are run well. Let me also say that I am embarrassed by this event and the damage it may have done to future adventure tourism in Western Australia and future participants.

As I said, I would like to speak about a couple of areas only. The first section in the report is about RacingThePlanet. There is no doubt that RacingThePlanet has conducted events right around the world in some very unique and remote locations, but we can only surmise that it was complacent and failed to prepare adequately for an event in the Kimberley environment, even though it had conducted an event there in 2010 that was over a much longer distance. One can only assume that RacingThePlanet knew what it was dealing with. The committee found that RacingThePlanet did not give itself enough time on-site to prepare for the event and did not get professional advice prior to the event. It did not accurately communicate with agencies and the appropriate persons in those agencies. It did not have effective communications strategies for the event and in the event preparation. It did not have planned evacuation strategies in place. It did not have a decision making chain of command to deal with issues during the event. For all RacingThePlanet’s expertise, it made fundamental mistakes in event preparation and the conduct of it. Also, given the evidence that has been provided to the committee, it is extremely hard to understand why RacingThePlanet’s people paid scant attention to the fires that had been burning or were burning in the area in the days leading up to and on the day of the race. Findings 4, 5, 6 and 7, among others, should be of significant concern to RacingThePlanet.

Let me turn to Tourism WA and Eventscorp. Much has been written in the report regarding Tourism WA and the issues pertaining to sponsorship. A number of findings and recommendations go to that area. My comments probably refer mostly to recommendations 4 and 5. I want to speak in particular about responsible sponsorship. Responsible sponsorship and what it means was explained to me very early in my days of working in the not-for-profit sector. When I was dealing with other people’s money, I had to be responsible. It was not my personal money and therefore whatever I did with it needed to be done with much greater care, protection and analysis before making any decisions. The only time we do not have to take so much care is when it is our own money. That background should be right behind any government agency or organisation—it does not have to be only a

Dr Mike Nahan; Mr Bill Johnston; Mrs Michelle Roberts; Ms Andrea Mitchell; Mr Mick Murray; Mr Ian Blayney

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government agency—that deals with government funds, corporate funds or members’ funds, if it is a member association. It is very disappointing that Eventscorp and Tourism WA are only now acknowledging that they should operate under the term “responsible sponsorship”. I believe that should have been the way it operated all along. It is difficult to understand that this application for sponsorship was not given much greater assessment and analysis by all the people—there is a chain of them—who signed off on the processes given by Tourism WA. This event was basically a new event to Tourism WA. Yes, RacingThePlanet had run an event the year before, but it was the first time Tourism WA was funding it. Another reason to give a more detailed assessment and analysis is that the event was being conducted in a remote part of Western Australia and was run by a company that did not have an Australian base.

The committee also found difficulty with the statement by Eventscorp that it did not have the expertise to assess risk management plans. It is my understanding that Eventscorp has been in the business of sports sponsorship and management for over 20 years. We assume that risk management plans are a requirement of each sponsorship. It would appear that Eventscorp must have seen or requested many risk management plans and must have had some idea of what is a good plan and where the gaps might be. Let me assure members that one does not need to be an expert to make a considered assessment of the adequacy of a risk management plan, and many people are willing to assist in that area.

Another area that the committee found surprising was the fact that Tourism WA signed the contracts before seeing other documents that went with them. I am sure Tourism WA will reconsider that practice and make sure that the reverse happens; that is, that it sees all the other documents and checks they are fine before the contracts are signed.

Another area that surprised me was the emergency phone calls to 000. I refer to findings 27 and 28, and recommendation 8. I have been very fortunate and have never had to call 000. The experiences people had when they did call have been very surprising. Also, their experiences have not given me a great deal of confidence in ringing 000. Since the committee heard the evidence and went to the police call centre in Midland, I must admit that I tell my friends and relatives that if they ever have to call 000, they should ask for the police because I have more confidence that the police will keep people on the line and make sure that they get to where they want to go. I suspect that when people make a 000 call they are in great distress and do not really know who or what they need. We need people with expertise who will guide the person at the end of the phone through the situation and not tell them to hang up and ring 000 again and ask to speak to someone else. Findings 27 and 28 and recommendation 8 could alleviate the difficulties experienced during this event.

Let me talk a bit about the future. No doubt the 2011 Kimberley Ultramarathon has highlighted many areas that have contributed to a very unsatisfactory result. Many people’s lives have been adversely affected. It is most important that a situation such as this does not happen again. The committee encourages all parties to take note of these findings and recommendations and to act to improve the processes within their remit. Western Australia is a great place with a stunning environment, but we are diverse. We need all agencies to work together in the future so that WA can continue to hold unique and outstanding events throughout the state.

As I mentioned earlier in my speech, I experienced admiration during this inquiry and I would like to outline that to the chamber. Pilot Paul Cripps and his co-pilot Bryn Watson of Heliwork WA flew the helicopter out to the site. Due to the outstanding skills of Paul, they rescued Kate and Turia from the ledge and transported them to Kununurra District Hospital. Sarel de Koker from St John Ambulance acted above and beyond the call of duty. I also commend Nathan Summers for his role in the rescue. Some of these people went out to the area without really knowing what to expect and provided more than they needed to.

I thank a number of people for their outstanding work during this inquiry. I thank Tim Hughes and Kristy Bryden for such dedication to the inquiry. Their work has been outstanding. Thank you also to Renee Gould, who assisted during the inquiry, and Scott Nalder. To my fellow committee members and chairman, Dr Mike Nahan, it has been a difficult inquiry and one that has created much debate and work. I commend the report to the house.

**MR M.P. MURRAY (Collie–Preston)** [11.50 am]: I rise today to talk to the “Inquiry into the 2011 Kimberley Ultramarathon” report of the Economics and Industry Standing Committee. This inquiry has been very different from others that I have been associated with. It has been more like a police investigation than a parliamentary inquiry. Having said that, the inquiry also touched my emotions and, I am sure, those of other committee members. I thank my fellow committee members for not playing politics and for working as a team to make sure that such a tragic event should never happen again. We heard stories of bravery and stories of despair, but I cannot for a minute imagine the pain and level of torture that the victims of the Kimberley Ultramarathon fire have endured. To have to come and relive their horrific experiences over again and recount them to the committee must have been hell. I acknowledge them all for their courage to do so and to turn up to the

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committee and give their view of what went wrong or what could have been done. I admire Turia Pitt's compassion when it was tough for Kate Sanderson during evidence. Turia, who has burns beyond belief, reached out to console Kate in what was a traumatic moment. It showed just what a wonderful person Turia is, and I wish her well. Kate's energy and drive to have her say and get answers on the questions of why this happened has been a lesson for many in this place; in fact, I think in the future maybe she should be a person who is in this place. Michael Hull's ability to move on despite his horrific injuries is remarkable. For Michael to now be competing in further events shows great courage. I am sure that from Michael's experience, although the scars will be with him forever, he has been mentally strengthened and will contribute to our world in a great way. To Shaun Van Der Merwe, what should have been a wonderful journey for father and son turned into a horror experience. Again, he showed his leadership, which will lead him into the future. I wish Shaun and his father well.

I now take time to mention what happens when someone is well trained and well rehearsed. Firstly, the helicopter pilot flew in with assistance from an off-duty pilot mate to rescue those burnt people—an act of discipline and courage. I commend the pilots Paul Cripps and Bryn Watson for their efforts. In my view, there would have been a loss of life without their assistance. Mr Sarel de Koker's attention to detail and evidence to the committee was amazing. His work to help these burnt people was of the highest standard and recognised by all. Sarel is certainly an asset for any town in his role as a paramedic.

One of the negatives in the inquiry was that RacingThePlanet has not always been a willing contributor to it. That takes away from the company's ability to run events in the future. If a company does not want to contribute and help people to not make these mistakes into the future, I believe that it should be not be in the game. Surely, when the company sees the horrific burns these people endured, the compassion must get to it and it must realise that it should contribute and make sure that people do not have to go through this experience again. It is not only fire; it is about other events that are run around the world. We must ensure that attention to detail is given the highest importance in adventure events.

To all the government departments—I will not single out any particular one—this event shows that there can be no shortcuts. This event shows that attention to detail in these conditions must be of the highest order. I believe in some cases that it was not the case. Shortcuts were taken. People's eagerness to be on the front page or to get publicity for their departments or even ministers has clouded their view in this case. From the bottom of my heart, I ask people to make sure that in the future shortcuts are not taken.

Ministers, there is a lesson here. If ministers wish to get their names in lights, do not push people—I am not saying people did in this case—to tick off recommendations without thorough and due diligence. We do not want another incident such as this. I strongly recommend that all chiefs of staff, ministers and CEOs read the report to make sure that they do not make the same mistakes into the future.

We worked the committee staff overtime and nearly pushed them over the edge. In particular, Tim and Kristy along with Renee have been absolutely outstanding in their attention to detail. In reviewing much of what was put before us as evidence, the committee staff found other aspects that we had missed as a committee. Without those really strong attention-to-detail skills, I am sure that this report would have been lesser.

I hope that the report does not go onto another shelf and get buried in the government archives. It is something that we must take note of and look at and follow its recommendations. In finishing, I hope that this house takes the recommendation about financial compensation for the people who were burnt very, very seriously. I am sure that they are all struggling financially in the short term. There is a blank spot still to this day about where to go with insurance. It is my strongest recommendation that this government have a strong look at how we can assist these people. If they need lawyers or hospital treatment, we should be able to financially compensate them to a degree. I commend this report to the house and hope that it is taken very seriously.

**MR I.C. BLAYNEY (Geraldton)** [11.59 am]: Firstly, I thank our staff—Kristy Bryden, Tim Hughes, Renee Gould and Scott Nalder—for their work on the thirteenth report of the Economics and Industry Standing Committee, "Inquiry into the 2011 Kimberley Ultramarathon".

This inquiry has been the most difficult and high-pressure work I have seen done since coming into this place. This was a tough assignment. We have been dealing with facing and understanding the difficulties of two young women whose lives have been changed forever by being caught in this fire. We had a very tight time line and, frankly, at times there was a feeling of being in some kind of legal minefield. I spent 25 years as a farmer, during which time I was of course a member of my local fire brigade. I have spent enough time near fires to understand their power, unpredictability and danger. I nearly went farming on the Ord River when I was a younger man, so I have an interest in the region.



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I would like to thank the people of East Kimberley who welcomed our committee and were so open and honest. It is a pity that an event like this, which could have become valuable for the region, ended in this way. Most accidents occur because a number of things happen together; if they do not, life goes on. In this case it was the presence of a fire, the terrain, a wind, and the competitors. We learned of similar events that take place in the Kimberley such as the Lake Argyle Adventure Race and the Gibb River Road Mountain Bike Challenge, and similar previous events run by Mr Salerno. Clearly, with good preparation, involvement of local services and local knowledge, such events can be run in the Kimberley safely.

The nature of the Kimberley deserves mention. It is more than twice the size of Victoria and has a population around the size of that of my electorate of Geraldton. Services are limited—even more so out of population centres. This reduces the availability of emergency services and the usage of things like mobile phones. This isolation and lack of people is one of the attractions of the Kimberley, but it means that when planning for and organising such events organisers have to step up and frequently provide their own services.

Things fell down in a number of areas. Clearly, Tourism WA should have made sure that adequate insurance was provided by RacingThePlanet, and should have insisted on a thorough evaluation of its emergency management plan. I contrast this event with the funding of the Clipper Round the World Yacht Race—part of which is held through my home town of Geraldton—via the regional events program; it was a fantastic success. In my opinion, RacingThePlanet should have had a local in place for six to eight weeks to go over the ground and make sure all plans were checked and in place.

Clearly, communications were poor on the day; they could have been a lot better reasonably easily. I do not think people should have been allowed through checkpoint 2; had there been better communications, they probably would not have been. Walking in an area with fires, competitors probably should have been wearing long pants and boots, and long-sleeved shirts. Personally, I do not think the course route should have gone through the gorge; there was too much fuel with the presence of fires, and it is too hard to get someone out if injured. I commend the police and St John Ambulance for their work on the day.

A special mention needs to be made of the helicopter pilots, Paul Cripps and Nathan Summers, and the people who helped extract the seriously injured people from the gorge with a high level of personal risk. The actions of Sarel de Koker from St John Ambulance Service remind us why this service is held in such high regard by all Western Australians. I commend him.

At a broader level, a proposed event such as this should have been examined by a local emergency management advisory committee. Our committee would like to see rules put into place so that this would happen automatically in future.

The legal situation for the victims is hard. Insurance, even if it is any good, will only be triggered by a successful court case. The company that operated this event is based in Hong Kong, but appears to be based in the British Virgin Islands for legal purposes. This is clearly unfair, and so the committee has suggested a number of things such as making sure that in the future liability will reside in Australia with local insurance. I do not think it is too much to ask that if an Australian participates in an event run in Australia, issues of liability and compensation should be able to be clearly determined in our courts. This will not help the victims in this case, and I would ask the government to make an ex gratia payment of compensation to them. Their lives have been made harder to an unbelievable degree by these events, and I would support such a measure.

Finally, I would like to thank all the people who helped us with this report, and those who did so much to help the victims.