

SHIRE of WYNDHAM | EAST KIMBERLEY



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5 April 2012

Dr M D Mahan MLA
 Economics and Industry Standing Committee
 Parliament House
 PERTH WA 6000

Sent via email to: Mr Tim Hughes – laeisc@parliament.wa.gov.au



Dear Minister

Inquiry into 2011 Kimberley Ultramarathon – Submission

Please find attached submission to the above inquiry prepared by Gary Gaffney, Chief Executive Officer, Shire of Wyndham East Kimberley.

The Submission is signed by Nick Kearns, Acting Chief Executive Officer, as Mr Gaffney is on Annual Leave at the moment. Although Mr Gaffney is on leave he is contactable and I have confirmed with him on this matter that he is happy to have Mr Kearns sign on his behalf. Mr Tim Hughes of your office has advised this would be acceptable.

Should you have any further enquiries please do not hesitate to contact Therese Whalan, Executive Assistant on 08 9168 4100.

Yours sincerely

Therese Whalan
 Executive Assistant



4 April 2012

ECONOMIC AND INDUSTRY STANDING COMMITTEE

INQUIRY INTO 2011 KIMBERLEY ULTRAMARATHON

Submitter: Gary Gaffney, Chief Executive Officer, Shire of Wyndham East Kimberley

SUBMISSION:

I Gary Gaffney on behalf of the Shire of Wyndham East Kimberley make the following submission to the Inquiry into the 2011 Kimberley Ultramarathon in response to Section e) of the terms of reference which states:

e) the role and actions of Western Australia government departments and agencies, including WA Tourism, DEC, FESA, Police and Health departments and local governments in respect of the event and the protection and rescue of competitors, employees, contractors, volunteers and spectators: and

EVENT:

The Shire was not involved in the planning, organisation or establishment of the Kimberley Ultramarathon.

The incident that occurred at Tier Gorge on Doon Doon Station is within the Shire of Wyndham East Kimberley boundaries. Doon Doon Station is a pastoral lease held by Aboriginal Lands Trust who sub-leases the property to the Doon Doon Aboriginal Community. The Doon Doon Station has an area of some 384 948 ha. The Shire of Wyndham East Kimberley is not responsible for fuel reduction burns on pastoral stations.

The Shire did not conduct any controlled burns around the time of the incident that would have any relevance to the incident.

The 2011 Kimberley Ultramarathon was to conclude within the Kununurra township at Celebrity Tree Park and this facility hire was requested on 17 August 2011. A facility hire bond was receipted into the Bond trust account on 1 September 2011.

PROTECTION:

As the Shire was not involved in the planning or organisation of the Kimberley Ultramarathon, it played no role in the establishment of procedures for the protection of the participants.

RESCUE:

The Shire of Wyndham East Kimberley became aware of an incident regarding participants in the 2011 Kimberley Ultramarathon at 2:25 PM on 2 September 2011.

The Senior Ranger, Mr Mark Crumblin was contacted by FESA communication centre Perth. He was told that they had received a phone call (by a satellite telephone) regarding a fire and that two people were unaccounted for and maybe injured.

Mr Crumblin telephoned Mr Tony Stevenson at FESA Kununurra. Mr Stevenson informed Mr Crumblin that he would call FESA Communications to obtain more information so that he could formulate a plan of action between himself and Mr Graham Sears another FESA employee.

Mr Crumblin received a call from Mr Stevenson. Mr Stevenson informed Mr Crumblin that he (Stevenson) had spoken to El Questro staff who informed him that three four-wheel drives involved in the race had left for Teir Gorge and there were two runners still unaccounted for, but all information was not confirmed.

Mr Crumblin then informed Mr Stevenson that he would obtain a satellite phone and drive out to the Gibb River Road to see if he could gather more information and relay it to him. Mr Crumblin then received a further telephone call from FESA communications centre relaying GPS coordinates to the location of the incident. Mr Crumblin also requested FESA communication centre to relay information to Mr Tony Stevenson.

When Mr Crumblin arrived at the Gibb River Road turnoff he found 10 to 12 people that were competitors and organisers of the race, gathered in the location. He was informed by an organiser that the race organisers had left them there with food and gone back to look for runners.

Mr Crumblin then attempted to contact Mr Stevenson by his satellite phone. He had communications difficulties and could not do so and proceeded to the Wyndham Township so he could relay information to Mr Stevenson. He was informed by Mr Stevenson that staff at El Questro would look after the fire and if there was anyone injured a paramedic was on the way and he could be stood down from the incident.

At 8:32pm Mr Crumblin received a telephone call from Mr Stevenson informing him that there were two people seriously injured and were receiving medical treatment and two other participants were currently at the Wyndham hospital.

I first learnt of the incident regarding the 2011 Kimberley Ultramarathon on Saturday, 3 September 2011 at 7:45 am via ABC regional news. At 8:48 am Mr Mark Crumblin rang to inform me of his involvement. I asked Mr Crumblin to document all issues regarding the incident.

At 9:37 am, Mr Damian Jolly, Operations Manager Kununurra District Hospital, rang requesting that a Local Emergency Management Committee (LEMC) be instigated so that an inter-service debrief regarding the Kimberley Ultramarathon could be undertaken. I agreed to Mr Jolly's request and this meeting was held at 9:00 am Tuesday, 6 September 2011. Minutes of the Local Emergency Management Committee (LEMC) meeting for 6 September 2011 are attached.

On or about the 11th or 12th of September 2011 I received a copy of a letter from Mr John Storey to the Premier Mr Colin Barnett where he stated that "Twice reported these fires to the Shire President (it is a SWEK control area) and nothing was done to suppress them." I spoke to the Former Shire President Mr Fred Mills regarding Mr Storey's comments. He confirmed that he had a conversation regarding fires over a coffee but Mr Storey did not make a formal report that required any action or response from Mr Mills or the Shire. On 13 September 2011 I requested the Former Shire President in a memo if he could comment on Mr Storey's letter, no response has been received. Mr Mills is no longer a Shire of Wyndham East Kimberley Councillor.

Gary Gaffney
Chief Executive Officer

 4/4/12

Signed by:

Nick Kearns
Acting Chief Executive Officer



Kununurra Local Emergency Management Committee (LEMC)

Minutes

Council Chambers, Shire Offices, Kununurra
9am, Tuesday 6 September 2011

Meeting Opened by Gary Gaffney (SWEK) at 9:05am.

PRESENT

Gary Gaffney (SWEK)	Rick Spry (SWEK)
Tony Stevenson (FESA)	Peter Janzcyk (WALPOL)
Carmen Standing (DEC)	Damian Jolly (WACHS)
Eric Beltz (WACHS)	Kelly Cripps (SWEK)
Ruth Bath(WACHS)	Rod Liversidge (SWEK)
Lincoln Heading (SES)	Sarel de Koker (St John Ambulance)
Don Learbuch (St John Ambulance)	Daryl Moncrieff (DEC)
Kevin Hannagan (SWEK)	Meagan Le Riche (SWEK, Minutes)

APOLOGIES

Mark Crumblin (SWEK)
Steve Massey
David Hasted

In Attendance

Leigh Sonneman (SJA Kununurra)
Bonny Rugendyke (SJA Kununurra)
Lynne Schreurs (SJA Kununurra)
Angela Hales (SJA Boyup Brook)
Paul Cripps (Sling Air/Heliworks)
Ian Silvester (Sling Air/Heliworks)

NEW BUSINESS

Race the Planet debrief

Shire

Gary Gaffney informed the LEMC meeting that the Shire Senior Ranger Mark Crumblin received a call at 2:25pm Friday from race organisers that people participating in the Race the Planet were missing.

Mark Crumblin (senior ranger) called Tony Stevenson of FESA and obtained a satellite phone and headed out to the event area. There were problems with obtaining satellite coverage for the satellite phones once at the event area.

Groups of runners were coming through the check point where Senior Ranger Mark Crumblin first came upon the event but there were communication issues with the event organisers and information was not passed on.

Gary informed the LEMC committee (and in response to several media questions) at no time has the Shire issued permits for burns within the area in which the race was taking places.

WA Police

WA Police were NOT in charge of this event/ situation or fire at any time. Due to the seriousness of the injuries of people -Kimberley Police Superintendent Mick Sutherland requested a police only investigation by Arson Squad and FESA investigator to ascertain if there is any criminality around the 'lighting of the fire'. Adam Cromwell (Acting Officer In Charge) could not be at meeting today.

Broome office of WAPOL are questioning the actions of the race organisers. Police and FESA arson Investigators are currently conducting a review of the fire path and its origins Police are currently taking statements with regard to the event from all people involved.

FESA

Tony Stevenson told the LEMC committee that an investigation is taking place into the course of and point of origin of the fire. The investigation commenced shortly after notification of the event (being the fire). FESA has spent 3 days out on site gathering data and talking to people. The police and FESA investigators have been used a helicopter taking aerial photography to map the fires path. FESA have been able to determine that the fire started on Monday 29 August 2011.

SES

Gary Gaffney asked if the SES had been called. Lincoln Heading responded that they had not. Tony Stevenson clarified that Graham Sears (District Manager SES) had been liaising with WAPOL in Wyndham to work out who the Hazard Management Agency (HMA) was.

Gary Gaffney asked if any agency had received notification of the proposed event from race organisers?

WA Police

Peter Janzcyk advised that Police had received an email around 1 September advising that the race would be held.

FESA

Tony Stevenson advised that DEC had been contacted but the only thing they were asked about were if there were any crocodiles. Tony Stevenson stated that DEC had passed the details of their conversation on to him. and that the event organiser was informed they should contact FESA as fire was of greater concern than crocodiles.

DEC

Carmen Standing from DEC said she could not confirm this as her role was not operational.

SES

Lincoln Heading stated again that SES volunteers had not been called upon to assist with a search for missing persons.

WACHS

Ruth Bath advised that WACHS had been contacted by the event organiser a few days prior to the event for health back-up.

Gary Gaffney left the room at 9:15am. and Kevin Hannagan took over the Chair role.

St Johns

Sarel de Koker from St John Ambulance (SJA) outlined events as they unfolded for SJA:

- FESA Comms phoned in an incident involving fire at 1430/1435hrs
- A further call was received stating people missing with possible injuries
- Responded at 1450hrs
- Received a satellite phone number for race organisers
- Team made way to first check point known as "Barrels" at 1535hrs
- Information received by UHF radio said there were injuries. 3 people had passed the second check point with minor injuries.
- Arrived at bottom of range at 1620hrs
- With 35 minutes of daylight left the SJA team located the injured on a cliff face
- A helicopter appeared out of nowhere to help take the injured back to Kununurra.
- Half way back to town SJA realised there were no ambulances available to take patients from Airport to Hospital.
- Helicopter landed outside hospital at 1720hrs

Ruth Bath asked why was the hospital not notified in advance?

Heliworks

Paul Cripps from Heliworks stated that a helicopter departed Kununurra Airport at 1635hrs and within 5 minutes was on the phone to 000 and the hospital. They spoke to the emergency department and advised them that there were 2-5 seriously burnt casualties. They asked for a stretcher. A second call was made to the Emergency department when the helicopter was inbound to Kununurra.

Paul told the meeting that Heliwork had been doing filming for the race organisers. They were booked on August 15 and had no further contact from the event organisers until 1 September. The possibility of chartering a second helicopter for medivac purposes was discussed but the event organiser decided against putting a second helicopter on standby.

Heliworks were aware around 1330 to 1400hrs that there were injured people although did not have much details. By 1500hrs they were waiting at checkpoint 3. The film crew made its way up to the patients and made 2 satellite calls – one at 1550hrs and on at 1600hrs.

Kununurra Hospital

Damien Jolly advised that the hospital was notified at 1710hours that a scoop stretcher was needed. He stated that the following casualties were received from the event:

- 2 women in a critical condition had been transferred to Darwin

- 2 males in a serious condition had been transferred to Perth
- 1 female was discharged on Friday with mild burns
- 1 male was admitted with dehydration
- 2 competitors were admitted to Wyndham with smoke inhalation.

Also at Kununurra Hospital at the time were:

- 1 baby being born
- 1 child with pneumonia
- 1 child with whooping cough

Eric Beltz said that the hospital was going to review their response to the situation.

Other Discussions

Daryl Moncrieff (DEC) entered the meeting at 9:45am

Lincoln Heading asked where were the Risk Management plans for the event? He also advised that an SES volunteer was on site but not in an SES capacity. The volunteer has provided a statement to Police, but advised Lincoln that the accident happened around 1230 to 1300hrs.

Peter Janzcyk stated that Police were advised at 1434hrs. They have asked event organisers for a copy of their risk management plans and anything done behind the scenes. Numerous statements have been taken and are generally consistent. Broome WAPOL is advising that no blame is being attached to any agency or person. Communication from the race organisers could have been better.

Don Learbush from St John Ambulance stated that ambulance volunteers should not have gone into an active fire site. There needs to be better communication between agencies. Sarel de Koker asked how do they get the SES involved in such a situation.

Tony Stevenson stated that no notification was received by FESA that a rescue from hight needed to be done.

Sarel asked why, if the information received by SJA was that there were fires in a mountainous region with injuries, no other agency was there?

Tony Stevenson reiterated that FESA were never told exactly what the situation was.

Kevin Hannagan asked how could the LEMC have received better information at the beginning – it appeared that there was no communications from a central point. Peter Janzcyk advised that the agency first on site sets up a command post which would provide a central point for all communications.

Tony Stevenson suggested that extra desktop exercises could be used to train for similar scenarios in the future. He stated that he felt the main issue was a lack of communications from the event organisers. Tony had found out about the event from a third party whom he asked to pass on his contact details to the event organisers and ask them to provide him with a risk assessment and advice if they had contacted other agencies. He did not hear anything back.

Kelly Cripps (SWEK) advised that some events come under the Building Regulations and Events Package. In this package it asks “have you notified agencies?” The Race

the Planet event did not fall into the category requiring an events package to go through the Shire as it was not a spectator sport. Kelly has subsequently spoken to the Department of Health and the event was not classed as a public event. Nothing was received by the Shire and there is no legal obligation for the Shire to have been notified.

The question was asked if it was appropriate to put a proposal through to include as part of the local bylaws that organisers of events must advise the Shire in advance of an event entering the Shire.

Kelly Cripps advised that following the incident she did a risk assessment of the event based on the criteria used for an events package and it did not result in the event being classed as High Risk. She also advised that we have to be very careful where you draw the line – it is very hard to regulate.

It was stated that if someone wants to hold a public event WAPOL and the Shire need to see a risk management plan. however Race the Planet was not a public event.

Kevin Hannagan stated that the Shire cannot demand something when they do not have the legislative/regulatory powers to do so. All agencies heard different bits of information but alone these bits of information did not constitute mobilisation of the LEMC. Perhaps in the future the LEMC members could consider pooling of this information some how so that future event organisers can be informed that they need to consider contacting appropriate agencies such as FESA and a risk assessment asked for by the LEMC. There needs to be a central repository for information so that somehow the LEMC may be able to determine that the organisers of this type of event may not have considered the risks properly and take action to ask the organisers if they have.

Daryl Moncrieff advised that he first heard about the event on Saturday after the incident when he received a call from a colleague.

Rick Spry asked if El Questro had a duty of care? The answer was that the event started at Emma Gorge but was not organised by El Questro.

The question was asked – no matter how much planning was involved, could the situation have been avoided?

Kevin Hannagan asked that perhaps at our next LEMC meeting we could discuss new procedures as discussed earlier in the meeting to pool information that might have prompted the calling of a LEMC meeting to discuss the event and enquire of the organisers if they have adequately considered the risks.

Kelly Cripps advised that the Department of Health are considering coming out with a set of guidelines for events from a state-wide basis.

Kevin asked when various agencies hear bits of information that something was wrong as happened with this event who is in control of the agency responses.

Peter Janzcyk responded that AIIMS training provided that knowledge. No police should be running the command post at the time. This was a private event on private property. The event management hold the responsibility for the event management/ establishing a command post –including evacuation and recovery. WA Police are NOT the HMA in this instance – and not seen as HMA in 99% of incidents. If the SES

were needed the Police would call to engage them. On the day the information kept changing as time went by which hampered communications.

Tony Stevenson advised that he had been given the satellite phone number of the Race Organiser (Samantha) however the prefix for the number was missing. It took a while to work out which prefix to use as they are different depending on the brand of satellite phone. Once they were able to dial the number there were problems with the phone receiving and sending due to the location of the person.

Don Learbuch stated that every agency needed to have the same gear so that they could talk to each other.

Peter Janzcyk advised that the simplest way to do this was with a command post so that there are representatives of each agency at the post and they communicated with their own people and it is centrally co-ordinated. HMA will set up a command post in an emergency as part of their procedures. WA Police were NOT the HMA and not responsible for any command post. This responsibility rests with the event management in this incident.

There is a lot of learning to come out of the incident for all agencies. Essentially the issue was poor communication from the event organisers with agencies (such as FESA) prior to the event and during the incident (such as lack of advice about extent of injuries or location of people was at high for rescue).

Tony Stevenson reminded everyone that whilst the race started at Emma Gorge it quickly moved off of the property onto the Gibb River Road.

Kevin re-capped that he would discuss with Gary Gaffney:

- 1 - the potential of pooling information for LEMC consideration for future events not requiring any approval process
- 2 - AIMES training update

For agenda items at next meeting.

NEXT MEETING

To be advised

CLOSURE OF MEETING

The meeting closed at 10:20am