

**ECONOMICS AND INDUSTRY
STANDING COMMITTEE**

INQUIRY INTO 2011 KIMBERLEY ULTRAMARATHON EVENT

**TRANSCRIPT OF EVIDENCE
TAKEN AT KUNUNURRA
TUESDAY, 24 APRIL 2012**

SESSION TWO

Members

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

Hearing commenced at 10.39 am

CROOT, MR LON
Volunteer, examined:

MILLS, MR FREDERIC EVAN
Former Shire President, Shire of Wyndham–East Kimberley, examined:

The CHAIRMAN: Before we commence, as I said before, could those around the room refrain from using audio recording devices as it might interfere with Hansard; and switch your phone to silent, including the Chairman!

Thanks for your appearance today. This committee hearing is a proceeding of Parliament and warrants the same respect that proceedings in the house itself demand. Even though you are not required to give evidence on oath, any deliberate misleading of the committee may be regarded as a contempt of Parliament.

Before we commence, there are a number of procedural questions I need answers to. Have you completed the “Details of Witness” form?

The Witnesses: Yes.

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

The Witnesses: Yes.

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

The Witnesses: Yes.

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

The Witnesses: No.

The CHAIRMAN: Lon, you gave a submission.

Mr Croot: Yes, that is correct.

The CHAIRMAN: Thanks very much for it. Before we ask any questions, do either of you wish to make an opening statement or do you want to go directly to the questions?

Mr Mills: Direct to the questions.

The CHAIRMAN: Let us start with Lon. Could you tell your story in terms of how you got involved and what you did?

Mr Croot: I had a friend, Scott Connell, who asked me to come along. I had never done anything like it before. I am a contract forester by trade. He talked me into it. I came along as a volunteer —

The CHAIRMAN: Are you from Kununurra?

Mr Croot: Yes, I am from Kununurra. I have had a little bit of experience walking around in the bush and riding bikes and that sort of thing out there. I was asked to do certain duties. Before the race we had to go out and do some work on the track with some of my machinery. We had to go in and do a full-day briefing. We had to go in and learn how to do tents and encourage competitors; just everything they needed to do for the day. There was a bit of sat-phone training and things like

that. It was a pretty full day. I was quite surprised to see how many people were very—all the competitors were very intense, I guess. They had come into town. It is not what I was used to. We went through all their bags and packs and everything that day. Then the next day we got up very early, went out to the course to start it off. I had to go out and make banners and all that sort of thing. After that, we packed it all up. The competitors had all started running. We followed them along for a while. Got to checkpoint 1, encouraged them, gave them water. I had to walk from checkpoint 1 to checkpoint 2 to collect all the little flags and things after the last person, to make sure the last person had gone through with Emma. Before checkpoint 2 they picked me up, left Emma to collect the flags, and said, “There is a bit of a fire on the track and everything. Could you go in and re-mark it once it had burnt.” The flags had burnt and things like that. I could re-mark it with ribbon. They gave me a GPS so I knew my way through —

Mrs M.H. ROBERTS: That is on the day?

Mr Croot: Yes. They gave me a GPS as well so I knew my way without the ribbons. I had not been through the track or anything. I went in for the first time. There was smoke around. I felt quite uneasy about the smoke and the fire and everything. I kept going. Some competitors had turned back. I said, “I agree with you.” There was an older couple. Someone had told them from down below to turn back. I thought I better get to see them and where they were at. I suggested to the older people to keep going back and, anyone else behind, keep telling them to go back as well.

The CHAIRMAN: That was on the way to checkpoint 2?

Mr Croot: No. Between checkpoint 2 and checkpoint 3. This is close to where people were getting burnt and things.

Mrs M.H. ROBERTS: About what time was that?

Mr Croot: I had a massive day—I am guessing 11.30–12.00, I am not sure. I did not have a watch on. I just had a GPS in my hand sort of thing. I kept pushing past those two people to see if I could see the next people. I got to a ridge and looked down. I could see two people down there. I believe it was Mary and Rod. They were sitting there waiting to see what happened, I think, with the fire. I felt quite uneasy where I was and I was a long way away from where they were. The fires kept coming towards us. Sort of got into a little bit of a rise, and I guess the speed of the fire got going. There were massive flames. The last second they obviously got very hot and started to run up the hill a little bit. They went for a big rock. Rod seemed to have made it all right but Mary let out a pretty big scream. She obviously got burnt. I was lost into the smoke. There was definitely a big sweeping flame that went underneath Mary and burnt her. Before that as well, I did tell them to come back and they could not. I believe they could not come back because they were tired. There was a fairly big hill to come back up to get to where I was to keep going. I think they chose to try to get through the fire somehow, rather than return. Talking to Mary later, when she came back to Kununurra, she said there was no chance she could have gone back up the hill because she was too tired to come back up towards where I was. Anyway, I thought they had actually been burnt a lot worse than they ended up being burnt. I went back. Everyone that was behind me, we kept going back to checkpoint 2. Later at checkpoint 2 I said to the officials there, “I’m pretty sure there are some burns in there; I’d be calling emergency.” From there on, there was an emergency call. It seemed to take us, from that point, to get all the competitors from checkpoint 2, there was not enough room in the cars because we had nine-odd competitors there, plus there were doctors and volunteers and things. It was lucky there was a tourist there in her car. I knew her personally. She had a Troop Carrier, so we had two Troop Carriers. We took off back out to the road. Waited there, saw the phone calls and things. I think because it was a bit of an emergency, everyone was calling everyone. Phones were hard to—we had to wait to ages. They could not move along in the cars to talk on the sat phones. We ended up waiting there for a fairly long time, whereas I was keen as mustard to get in there and have a look. We could have come in from the other side of the fire and had a look already. I was not in charge so I had to stay put.

The CHAIRMAN: After you got back from checkpoint 2, were people getting through to emergency services on their various communication devices?

Mr Croot: Yes. Dr Brandee did call someone. I was sort of doing other things. There was loads of work to do all the time. We had to load the cars. I am not sure—I just left her with that job sort of thing. She did talk to someone. They said they would not come out until they had numbers. I sort of agree. The two that I saw burnt, I thought were burnt a lot worse, but in the end they were not burnt that bad. I had pretty much called an emergency. It was a little bit on gut feeling. I was not sure. When I heard there were actually numbers in there, as mad as it sounds I felt better that I had made the call, because it would have happened a lot later if I had not have done. We drove from there, got all the competitors into one safe spot and then eventually made our way up into the fire place where everyone was burnt. Loads more happened in between all this as well. Andrea Bolten drove in there on a whim. I am not sure why, but she just drove her car in there. That was a big help because we radioed backwards and forwards a fair few times and we got official numbers of who was in there and that sort of thing. Then the chopper went over into there. We all drove in there with the ambulance. We went from there.

The CHAIRMAN: When you were going from checkpoint 2 to 3 you could see the smoke in front of you.

Mr Croot: Yes, there was definitely smoke.

The CHAIRMAN: You were feeling a bit worried. An older couple went back. Did you advise anybody else who came towards you at that time to go back?

Mr Croot: I had passed three girl runners. There were a few people behind, because when I got picked up from Emma behind the last person, there were still three or four that had not made it through checkpoint 2 yet. There were three girls and then there was an older couple. That was all that I passed. An older couple was coming back towards me. The girls were still going forward. They had got to the point where I had got to. I think Mary and Rod had said, “Turn back.” Then they had turned back. I said, “I agree with that. I wouldn’t worry about the race.”

The CHAIRMAN: Did you have evidence about communication difficulties before, after or during the emergency?

Mr Croot: Prior to the race starting, we had forgotten one of the poles for the banner. There was a sat phone at the start line that was given from, I think, WA Tourism—or it was hired from somewhere—that we could not use. Riitta tried to use it for a while. She could not use it; she passed it to me. I have never really used a sat phone. I tried a fair bit and I could not get it to work. We went in to Emma Gorge and used their landline to call up and say, “Bring another pole out.” That was one time.

Mrs M.H. ROBERTS: What time was that?

Mr Croot: That was early morning. It was before the sun even came up. I would say 5.00 or something like that, 4.30.

The CHAIRMAN: You were at the briefing the day or so before about volunteers and race participants. Did they go through communication, show you what the technology was, what to do—if one type did not work, what to do?

Mr Croot: They did. They had trouble at the briefing to use the sat phone as well. They had four or five sat phones there. They had an extra three come in the next morning by email or something. We had one of the three the next morning that no-one had tried. They were different to the ones we tried at the briefing. The sat phones that we tried, we even had trouble, but I think as we were underneath the shade a little bit or something at the hotel. There were a few problems with numbers in the briefing. We did get it sorted.

[10.50 am]

The CHAIRMAN: When you left the briefing, the phones communicated; they actually worked?

Mr Croot: They worked, the ones we had, but there were three or four more that came the next morning that we did not use or know about.

The CHAIRMAN: When they sent you up the gorge to put the marking back on, did they give you any communication device?

Mr Croot: There were a few sitting on a table, I have got in mind, I think, or they must have forgotten because it was a bit of a rush. I was really rushed to go in. I did feel bad about not having communication. They were only going to give me a radio, it was not a sat phone. The radios did not work in there anyway because there was a hill in the way. They were really cheap radios that were not UHF—I did not think they were. I could have possibly talked from one point to checkpoint where the Barrels were, maybe.

The CHAIRMAN: Once you got up the hill —

Mr Croot: Maybe, yes.

The CHAIRMAN: Were there any other issues in the briefing for the volunteers and runners? What did you think of the briefing? You are from here, you are out in the bush: did they understand the types of risk and the extent of risk? Did they understand the conditions they were in? Did they provide adequate advice and preparation for —

Mr Croot: The doctors, I think, were mainly sports doctors. I do not think they were prepared for this sort of thing. There was a briefing. I do not think we really took into account the fires as much as we should have. I was not in charge in any kind of way; I was right at the bottom of the ladder here. I sort of went along with everything. There was something said that morning about smoke inhalation; they had to be careful of that because there was smoke along the track and things. They did not say anything, or did not give any kind of fire-type briefing.

The CHAIRMAN: Did you hear anything about communication with FESA, SES, St John Ambulance or anything like that?

Mr Croot: I do not think they knew who SES were. When I said, “Get SES out there”, because I am actually a volunteer, I am pretty sure she did not contact them or know who they were. That is Brandee, the doctor, though—she is from America. I guess it is all different.

The CHAIRMAN: Unless someone told them, how would they know? Did they tell you as a volunteer—especially as they were sending you on all sorts of jobs—who to contact if you came across someone injured, or for whatever reason, what to do?

Mr Croot: No. I do not think they did that, no. I would have been responsible enough to work that out.

The CHAIRMAN: Of course you would have, but just in case. The people who were severely injured, you did not see them down in the valley?

Mr Croot: I did. When we came back around, I did not see them from where my vantage point was to start with, but I did come back around in the cars and see them. But I did not see them from there.

The CHAIRMAN: What do you feel about the race? Any other comments on the race on the day? The key issue was: was there adequate risk identification, safety precautions and backup undertaken?

Mr Croot: A couple of days before the race started I did a little bit of machinery work, as I said, on the track. They said to me that some of the ribbons had been burnt off and they had to go back and re-tie the ribbons along the track. I said in the car, “Are you worried about that?” I am thinking of those Kalgoorlie fires where the trucks on the road got burnt. That was in a lot less scrub than this. If the wind picks up, I was a little concerned when I heard that. But as I say I was bottom of the

ladder. I was along for the ride. I do not know; I do not think the fires were taken into account enough as a danger.

The CHAIRMAN: Did you have a chat with the racers, the people participating in the race itself?

Mr Croot: Yes, I did talk to the competitors the next day and a little bit that day, but everyone was pretty busy. They were psyching themselves up.

The CHAIRMAN: Do you think they took inadequate personal risk? Did they understand what they were getting into? Did they take too much risk themselves?

Mr Croot: Possibly. I did see the danger there and possibly they did not see the danger as much as they should have. I had not run the whole way from there to there either. I can only say that I was not near as tired. They possibly could have seen the dangers a little bit more than they did. If they had, it would have been a hard slog back up that hill and over back to where we had come from anyway. They would have been struggling to do that.

The CHAIRMAN: They got down the hill and then they realised the flames were coming on, they were large and it was just too hard to get back up there?

Mr Croot: I think so. Some of the people, I think, ran around the fire—up the hill and around the fire. As it kept coming up, they must have had more and more trouble to do that. I think, as it turns out, some at the very bottom of the gorge were the least burnt. They could have run through there but there were trees there. I would not have chosen to run uphill. I was trying to work out what I would do if I was in that situation. I am not quite sure; I probably would have just run through it really fast or something like that.

The CHAIRMAN: Some did, but you are a local—you did not hear a briefing that, “If you get in a fire, here’s what you do”?

Mr Croot: No. There was definitely no briefing if you are in a fire.

The CHAIRMAN: Do you think there should have been? You are a local—is fire of that nature here?

Mr Croot: Possibly there could have been some kind of briefing. I am not sure. If I was running the whole race I guess I would have been a little bit more wary. I am really not sure; I cannot answer that.

The CHAIRMAN: What is the registration process for RacingThePlanet volunteers? Were there any terms and conditions of the agreement that you had to sign?

Mr Croot: I believe I somehow slipped through the net. I do not think I signed a thing. I think there possibly was something to sign. I did not mean not to sign anything. I think we were just that busy that we did not get to sign anything.

The CHAIRMAN: Was there any form for insurance for you as volunteers?

Mr Croot: I do not believe I signed anything.

The CHAIRMAN: You were not told about insurance?

Mr Croot: I am pretty sure we were told we had to sign something but I do not think I did, for some reason.

The CHAIRMAN: You returned to the hotel in Kununurra and called your friend Scott, who was still on the course plotting glow sticks, with no knowledge that the race had been stopped. Do you know what time it was when you made that call?

Mr Croot: I guess about 9.00.

The CHAIRMAN: At night?

Mr Croot: Or maybe 8.30 at night, yes.

The CHAIRMAN: So there were still people out there?

Mr Croot: Yes, there were still loads of people out there then. One competitor actually made it all the way to the finish line about 7.00 or something like that. Scott was making his way back from there through to, I guess, checkpoint 6 or something like that—I cannot remember. I think there was a load of people that were stopped at about checkpoint 4 or 5.

The CHAIRMAN: The race was officially called off at five o'clock. They knew that in certain sections it was very dangerous to be out at night. They did not have the means of communicating to volunteers and racers who were out there, because that is what your friend Scott was up to.

Mr Croot: I am not sure when we picked up—the girls had been taken away. It was just after dark. We had gone back to where we had dropped all those nine competitors off at that safe spot. We waited there for a fair while and just about every person out of RacingThePlanet was sitting there talking. Not sitting—they were all having a big discussion; everyone I think. All those people back there, I guess, were volunteers left out on the course. Everyone would have a communication set, as in radio, but possibly not sat phones; I am not sure.

The CHAIRMAN: You said the little ones did not work very well.

Mr Croot: They did not work that well. They were very short range.

The CHAIRMAN: Are these the little UHF hand-held ones?

Mr Croot: They are not UHF but they were hand-held radios. They were not actually UHF. UHFs were handy between the cars. If we had UHF hand radios, they could have talked a lot easier around the place, for sure.

The CHAIRMAN: Do you have anything else you want to say?

Mr Croot: Not that I can think of.

The CHAIRMAN: Thanks for your evidence today and for your submission.

Mr Mills, what was your role on the day? Did you know about the race?

Mr Mills: I knew about the race but had no involvement of this particular race. I did the previous race.

The CHAIRMAN: 2010?

Mr Mills: Yes.

The CHAIRMAN: What was your involvement in that?

Mr Mills: I was a bus driver.

The CHAIRMAN: On the day?

Mr Mills: Yes. I work for a company who volunteered their buses. I drove competitors.

The CHAIRMAN: Keith?

Mr Mills: Keith, yes. I drove competitors out to the start line and I picked up the cripples at Emma Gorge at the end of it!

The CHAIRMAN: You did not have a burning desire to participate in the race yourself?

Mr Mills: No. None whatsoever.

The CHAIRMAN: As the shire president, I guess in 2010 you were not informed about the race before?

Mr Mills: No. This last race, not officially. I knew about it of course through publicity and my relationship with John and Ann Storey. Also through council, I was a member of the north west tourism committee. We certainly knew about it through that.

[11.00 am]

The CHAIRMAN: Describe that committee and how you would know about that?

Mr Mills: The north west tourism committee is one of the regional committees that WA Tourism has. As a shire representative, I was a member of the committee that took in the Pilbara and the Kimberley. It was just an advisory committee.

Mrs M.H. ROBERTS: Who does it advise?

Mr Mills: Sorry?

Mrs M.H. ROBERTS: An advisory committee to whom?

Mr Mills: We had a board. I cannot for the life of me think of the chairman's name at the moment, which is a blank. Chris Ellison. Chris was the chair of that particular committee. Our function was to listen to tourism operators to see what they wanted and to promote tourism for the Kimberley and the Pilbara.

The CHAIRMAN: In that advisory committee, you were informed that Tourism WA, Eventscorp, were considering or planning to sponsor this race?

Mr Mills: I do not recall being told that. I recall it was a topic of discussion that the race was going to be on. It was a topic of conversation that after the first race, competitors and the organisers were so impressed with here that they wanted to have it as an alternative to their world calendar, to have a 100 kilometre race in the Kimberley each second year, or whatever it turned out to be.

The CHAIRMAN: Did the problems of the 2010 race get addressed at that tourism meeting; that is, this group was interested but were they up to scratch to do it?

Mr Mills: Not that I recall.

The CHAIRMAN: Was your advice sought by Tourism WA personally, given it was going to be raced in your patch, as they say?

Mr Mills: No. Our discussion usually centred around things like, "We can understand because we've got the best spot for it to happen." It was successful on the first round. I guess my comment would have been to the committee that I supported it because it brought a focus from a tourism point of view onto the East Kimberley and to Kununurra.

The CHAIRMAN: Do you think the first race was successful?

Mr Mills: I think from a publicity point of view and speaking to competitors at the end of the event, I heard many positive comments. The comments that I heard in relationship to us is they did not realise how tough it would be. I was at the briefing, at the first one —

The CHAIRMAN: The debriefing or briefing?

Mr Mills: The briefing. They were told then they needed extra water. That was on the advice of people like John Storey and so on. They had the organisers out prior to that particular race. They ran through Emma Gorge and through the maze and came out the other end pretty exhausted and pretty sorry for themselves. They did learn from that that the terrain was like nothing they had raced before. Their clothing did not stand up to it like anywhere else they had raced. Certainly at the first one, at the briefing they were advised of the terrain and dehydration and so on. Again, at that one there I do not recall there was any discussion on the risk of fire. I guess that is the main subject of the inquiry.

Mrs M.H. ROBERTS: Do you think that might have been because that race was at a different time of the year?

Mr Mills: I can only surmise why it was. I am positive that John would have mentioned the fire because it has always been a longstanding issue with him over fire and fire management in this region.

The CHAIRMAN: You as a shire president and discussion with him generally, thought it was positive about the first race. There were about five people brought to the hospital with dehydration.

Mr Mills: Yes, there was. Certainly I think they were underprepared in having medical supplies. They underestimated that in the first race. I guess the point I was making is that competitors were told at that first briefing that unless they raced to the conditions, they were going to end up with severe blisters and dehydration. They were advised to have more water. Some chose to; some did not.

The CHAIRMAN: In the 2011 race, when did you first hear about it?

Mr Mills: I heard that it was planned certainly before the race.

The CHAIRMAN: How long before the race?

Mr Mills: I cannot really say. From the 2010 race, I was on a mailing list from RacingThePlanet. Every month, or whatever it was, a newsletter would come. Sometimes I would read it, sometimes I would not, but it was there. I knew they had planned to have this particular style of race, a shortened version. I guess the first I knew they proposed to do that was not long after the first race.

The CHAIRMAN: Some time in 2010?

Mr Mills: Yes.

The CHAIRMAN: Did you ever at any time think they should have gone through the local emergency management committee and say, “Listen, why don’t you put your proposal there just to make sure we have everything ticked off or otherwise”?

Mr Mills: I never suggested it. I was not that involved. Even as shire president I was not that involved in the organisation or management of it. In the first race I was a bus driver. I just happened to be the shire president at the time. We knew about it because of the publicity. The second race, I knew about it and I did not have the time to volunteer for anything. All I knew was what I was getting in discussion with John mainly, or other people.

The CHAIRMAN: Do you think there was a flaw in the process; that is, the organisers did not sit down with the local service providers—SES, FESA and the shire—to go through the shire’s standard risk management strategy?

Mr Mills: In hindsight there were a number of shortcomings.

The CHAIRMAN: What were they?

Mr Mills: Knowing that the fires were in the area, making sure that local people knew what was going on. They probably could have discussed it with a wider group of organisations, certainly emergency people, so that they were aware. I guess prior to that my own thought was that these people have raced some of the worst deserts in the world and they have done it for a number of years. Competitors from the previous race had come back to race in this. They tried to kill themselves in the Sahara and the Antarctica and all that sort of thing—I just thought they were pretty stupid. I guess I worked on the assumption that they have organised these races over a wide variety of terrain, they would have had this sort of thing in place.

The CHAIRMAN: But in those other areas, the Gobi Desert and Antarctica, there are no emergency services, you are on your own. This one is different. Every place has different conditions.

Mr Mills: I spoke to some competitors about that. When I spoke to them after the first one, instead of about their blisters and so on—we had people hobbling and we would have to carry them onto the bus—they said there was no different preparation for this, where there was backup, than when they race in those places where there is no backup. As I said, it confirmed what I thought about it.

[11.10 am]

Mrs M.H. ROBERTS: We were told this morning that in the Gobi Desert there is mobile phone coverage.

Mr Mills: Is there?

Mrs M.H. ROBERTS: Yes.

Mr Mills: There you go.

The CHAIRMAN: In fact coverage around the world in most developing countries is far superior to here.

Mr Mills: I still think they are silly!

The CHAIRMAN: I do not think you are going to get too much debate on this!

On fire on the day, were you informed that there was fire in the area?

Mr Mills: Again, as I said I have a fair bit of association with John Storey. For a number of years, while I have been on council anyway, John has pushed the issue in relationship to fire management in the region. Over a coffee, John again said—I do not know whether it was before the event or after the event, or both; it may be both—there was fire out there that had been indiscriminately lit again et cetera, et cetera. John has mentioned it over the years. I guess it was just in our normal conversation that I was aware there was fire. There was a lot of smoke around so —

The CHAIRMAN: You could not miss it.

Mr Mills: That is not unusual.

The CHAIRMAN: Should the existence of the fire, given that John Storey had communication with some of the organisers that there was fire in the area and you could see it, would that be a clear-cut case in your view that the race organisers should have raised the tick on the need to do something about fire?

Mr Mills: There is no doubt about that. I have had over 30 years' experience with bushfire control at a fairly senior level. I guess with that sort of background, with that knowledge, any fire in the distance is unpredictable in this country. Most of my fire experience was down in the Gosnells shire, but then I have been involved in the mining industry in Tom Price and came across spinifex. I have never seen anything burn like that. This is the same country. I guess the worst part about this is it is so inaccessible for fire control. The issues that we have had over the last few years while I have been on council is trying to get some support, or better support, from agencies in fire control and fire management, which I think they are working towards. But I think, again looking at the race, with that knowledge of how this fire is unpredictable here, race organisers or officials should have either stopped it beforehand or diverted the course, or taken some steps to see that people were not going to be put at risk.

The CHAIRMAN: From checkpoint 1 to checkpoint 2, you mentioned that you saw fire.

Mr Croot: There was fire on the right of the track, yes.

The CHAIRMAN: Some of the tags got burnt out; right? That is what you were doing—you were sent in there to replace the marker tags.

Mr Croot: That was between checkpoint 2 and 3. Between checkpoint 1 and 2, I do not think there were too many burnt. There was not any —

Mrs M.H. ROBERTS: I think you were collecting them up, were you not?

Mr Croot: We were collecting them up, yes, that is right. There were big fires on the right of the road as we were going along and we were taking photos. They were not really a danger to us.

The CHAIRMAN: The Salerno family told me that they were really surprised that anybody got hurt because the fires in that area—they know the area—you could dance around them. They were

not significant, they were not like the ones down the south west where they come on like a roaring train. Is that your experience?

Mr Croot: Those people that I saw, when I saw Mary get burnt, that was not “dancing around” fire; it was a massive flame. If she stayed where she stood, she would be worse than those girls. They luckily got to a rock—there was a clearing. As it comes up the hill a big lot of wind and everything comes with it. The flame, I swear, would have been half the size of this room. It came around for them. I would not have been dancing around that.

Mr Mills: Each year we do fire control out around our patch. I am still involved with the volunteers out our way. We do bushfire control. We have just done some burning in the last couple of weeks. I could take you to an area out there where the fire has trickled along, dribbled along, and you would walk through it. You would not have to run through it; you would walk through it, a small flame. But then you will get a patch that might be 100 metres or so where the flames are four or five metres high. The same sort of thing can happen in this terrain. The fire could have been in an area—it could have just been a circumstance of fate that is where they were when the fire came. Fire behaviour going up a hill is much more severe than going down the hill. They could have been in a high fuel build-up area. It can be 100 000 hectares or it can be one hectare. The Salernos are probably right, they know that country out there pretty well—there will be areas where there is very little fuel and the fire will just creep through. If that had been there, there would not have been the tragedy that we had.

Mrs M.H. ROBERTS: Can I be clear that given the unpredictability of the local fires, given the inaccessibility of the terrain, particularly between checkpoints 2 and 3, and given your knowledge of fires in the area, do you think the race should have been cancelled given people knew there were fires in the area, or do you think the course should have somehow been changed?

Mr Mills: That is what I said earlier. With those circumstances, I do not know—I was not there, I do not know, so what I hear was just second-hand. I did hear that John flew over it and the fire was well away and the next thing you know the fire was there. Whether it had cut around, whether it was a second fire, I do not know. To answer your question, I suspect that if people had known more about the unpredictability of the fire situation and if it was within a certain distance, and if the wind strength was known—we have had fires that have burnt out there for weeks and they travel at a kilometre a day. My understanding of this is the fires travelled fairly quickly. That can happen also. Just last year we had a bushfire down here that travelled 12 kilometres in an hour, yet we have been to other fires where they have travelled 12 kilometres in a day or two days. In an area like that, in that terrain, I do not know what it is like but that is the possibilities of it.

The CHAIRMAN: You have to give large margins for risk.

Mr Mills: I think so, yes.

Mrs M.H. ROBERTS: Given your knowledge of fires and so forth, say for example people want to hold an ultra-marathon in the East Kimberley again, do you think there is an optimum time of year to hold the race? Are there periods of time during the year that it is inadvisable to hold a race of that nature?

Mr Croot: The fires have started around the place already. You would not want to run it in the wet season because it would be far too hot. That was the last of the dry season sort of thing. Most of the place is usually burnt out by then. Possibly they came at the right time—it was obviously the wrong time—but it is hard to say. There are fires already. They would be cooler fires now than they would be later on with a lot more dead and everything.

Mr Mills: I would agree with that. There are times, but again it is unpredictable. Now we have thunderstorms—they will set it off. We can have people who deliberately light fires. They will usually light them on a day when the temperature is high and there is a strong wind. They travel. There is maximum effect. Then we have pastoralists who like to burn to promote a bit of growth,

which, at this time of the year, while the ground is still moist, if you light a fire now and the stuff has just started to brown off, the long grass, that will burn and new growth comes through within a couple of weeks. I guess the time that they had it was probably right. Again, I do not know, I understand the fire was going for a bit longer.

[11.20 am]

The CHAIRMAN: One of the things about protocols, particularly with your ex-shire president hat on: when did you require events to go to the LEMC? Did you have the power to say to a group, “Listen, if you’re planning that, come in to us”?

Mr Mills: I am not sure. I do not know what power I had in relationship to that. I think the answer to that is that protocol should have dictated that they did speak to the local authority.

The CHAIRMAN: Who should have determined that protocol—a regulatory body or the sponsor or the organisers themselves?

Mr Mills: My personal feeling?

The CHAIRMAN: Yes.

Mr Mills: I think it should have probably been the responsibility of the organisers to negotiate with the local shire who would have, I guess, been responsible to bring the agencies together. For a number of years, as local government we think—not just here, but local governments—that a lot of control for a whole range of issues is taken out of our hands. I think local government are the closest with the local knowledge and they should be involved. Whether we have got a protocol in place for that, whether it is recognised by governments, I do not know.

The CHAIRMAN: Do you recall John Storey sending you an email on 29 August 2011 advising you that a fire would encroach on the course that the people were running?

Mr Mills: I do not recall. I read that, I think, in his submission, did I?

The CHAIRMAN: Yes.

Mr Mills: I do not recall a particular email. Over the last few years John has written me a number of emails in relationship to fire. I went to look through my emails to see. About three or four months ago I lost everything off my computer—it crashed. I was not able to track it down. He could have, he may have, but I could not say for sure.

The CHAIRMAN: You do not remember the details of that email?

Mr Mills: No. The only thing I remember discussing the fire and the course out there was having a coffee with John at the local cafe.

Mrs M.H. ROBERTS: You said before that you were a member, as a councillor, of the north west tourism committee and that that was an advisory committee. I asked who it was advising. Was it advising the Western Australian Tourism Commission?

Mr Mills: We had communication with them through Glen Chidlow and the chairperson.

Mrs M.H. ROBERTS: Was Glen Chidlow the chairman of the north west tourism committee?

Mr Mills: No, he is the executive officer of north west tourism.

Mrs M.H. ROBERTS: Does that committee still exist?

Mr Mills: Yes

The CHAIRMAN: Is he a department of tourism officer?

Mr Mills: He is paid for by subscription, through the members of the committee. Some funds come from WA Tourism to the committee and there is also funding through membership, which goes to promotion of tourism in the region.

Mrs M.H. ROBERTS: Is that membership by the shires?

Mr Mills: Membership by tourism operators. We were getting donations from people like Woodside and Rio Tinto and so on. One of the main functions of the chairperson was to source funds. That is why I think we appointed ex-politicians, because they had a line to some of these people who had deep or shallow pockets.

Ms A.R. MITCHELL: Mr Mills, can I clarify: as a tour operator, you could be expected to join the tourism council and also the north west tourism body? They could be paying twice.

Mr Mills: A lot of people do, yes, and often a member of their local. We had the Kununurra tourism organisation, the visitor centre committee, and a lot of tourist operators here are members of that and they are also members of Australia's NorthWest.

The CHAIRMAN: What do you recall of the discussions of the advisory committee about RacingThePlanet and the race? You might have already stated this, but was it just raised as an issue that was under consideration?

Mr Mills: It was raised as an issue that, first off, was under consideration by RacingThePlanet to hold these interim events in the Kimberley, in Kununurra.

Mrs M.H. ROBERTS: Would there be minutes of those committee meetings?

Mr Mills: I am sure there would be. There were always minutes. I am sure Glen Chidlow was the person who took the minutes of those.

Mrs M.H. ROBERTS: Would it have been members of the committee who raised the issue of the ultra-marathon or would there have been advice to that committee directly from either Eventscorp or the Western Australian Tourism Commission?

Mr Mills: I think members of the committee may have mentioned it. I think they were the Kimberley members of the committee because the Pilbara ones did not know about it. It was brought up as an item of interest. I believe that there was some small discussion from Glen which would have given us information they had either from WA Tourism or from his personal knowledge.

Mrs M.H. ROBERTS: Can I ask whether you know who Glen reported to? Did he just report to the committee or did he report to the Tourism Commission?

Mr Mills: He reported to Australia's NorthWest, which is the Pilbara and Kimberley group. I think WA Tourism split up into six or seven regions or something like that. We have Golden, Outback, the Esperance crowd, and down around Margaret River that way. I think it goes back a while when funding used to be done differently. Then they broke it up into regions. Funding went a different stream as governments changed. The politics side of it, I am not sure how it worked. I happened to become a member as president. I represented the East Kimberley or the Kimberley on the board. How it came about and how the thing was set up, I do not know. The chairman's position, I think he just received it honorarium. It was not a paid position as such.

Mrs M.H. ROBERTS: What I am trying to establish is: what is the relationship between Australia's NorthWest and the Western Australian Tourism Commission? We can ask someone else if you do not know.

Mr Mills: I guess what we were left to do was to promote our own region. There was funding that came from WA Tourism. There were usually guidelines on that. None of us reported. The chairman or the CEO did not report to Tourism WA. A Tourism WA representative often would attend our meetings but not as a member of the board.

Mrs M.H. ROBERTS: Would it be normal that in considering a major event like this, in which the Western Australian Tourism Commission was contemplating sponsoring it, that they would seek advice from your committee?

Mr Mills: Yes.

Mrs M.H. ROBERTS: Do you know whether they sought advice from the committee on this occasion?

Mr Mills: As I say, I cannot recall who was party to the conversation, but at most of our Australia's NorthWest board meetings there was a representative from Tourism WA who would bring us up to date on a whole range of things—their promotions, what they planned for our particular region and other regions, and who they were planning to bring here.

[11.30 am]

The CHAIRMAN: But you were not given any role to tick it off or otherwise?

Mr Mills: No. Not in the case of RacingThePlanet.

The CHAIRMAN: Were you asked your views; and, if so, did you give a view on the idea of sponsorship or otherwise?

Mr Mills: I cannot recall. I do not think we were asked. I cannot recall being asked about sponsorship for it.

The CHAIRMAN: Or support for it? Would you have been asked your view about whether Tourism Western Australia, Eventscorp, should sponsor this event?

Mr Mills: My recollection is that when we discussed it, we supported it. But we did not support it to the tune of putting any money into it or anything like that.

The CHAIRMAN: That was done by somebody else.

Mr Mills: We just thought that it was a good idea for it to happen. It was good for the region.

The CHAIRMAN: Do you think because of the problems it had that it backfired? It was meant to be promotional. Tourism WA support was meant to promote the iconic nature of Kununurra and the Kimberley. Because of the injuries, do you think that has backfired?

Mr Mills: I have had mixed feedback. People have said to me that it should not have happened, it was badly organised and a whole range of things. Other people have said that it has highlighted the extreme conditions of the Kimberley which is something that has been promoted for a number of years, that this is something that is nowhere else in the world. It reiterated that. Diverse views have been expressed to me over the last couple of years.

The CHAIRMAN: Do you think that the Kununurra community would welcome RacingThePlanet back to the area?

Mr Mills: Again, with hindsight I think it could be done differently. I think a lot of people, certainly in the tourism industry, would welcome anything like that that gives the publicity and the need for other people to want to come here. Certainly when people get burnt, like the girls did, that is not something that the tourism operators would like to see. But if something brings people here, they like to see that because it not only benefits the tourism operators but it benefits every other business in town.

The CHAIRMAN: Can you recall the details of the coffee discussion with John Storey?

Mr Mills: I had a place over at a cafe over here I used to call my office because I met a lot of the public there and often discussed a lot of council issues. On a number of occasions I met John over there. On more than one occasion we discussed fire issues per se. I think the particular time that is being referred to, John had just mentioned that the fire was out there again. He expressed views, as he had done many times, that it was within the shire and it was our responsibility to issue fire permits and so on and we should have known what was going on out there and should have taken action about that. On numerous occasions I explained to John that while I agreed we had the responsibility as fire control officers for the shire, there are other agencies involved, and I was not

100 per cent sure of what we could do to control those agencies, because we have found in the past that government agencies are pretty hard to control. I know I had discussed it with council staff and I was happy that we were doing the best we could with the resources that we had and with the law as it stood. John was not always happy with that. I could not see that we could go out and tell someone there was a government agency that told us that we did not have any control over them anyway if they did things right and they were invited in et cetera, et cetera, that we could do much about it. We certainly did not have the resources to go and put a fire out in that terrain.

The CHAIRMAN: Could you have done it?

Mr Mills: I doubt it. It was an argument that council had had for some time in relationship to resources that are deployed in Perth that we could not get up here. There are occasions when we could use resources that we have got here but we did not get approval to use those resources because it had to be paid for by a government agency or a senior government agency. To answer the question about could we do anything about it—in a lot of cases, no.

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

Hearing concluded at 11.37 am
