

His Excellency General the Honourable
Sir Peter Cosgrove AK MC (Retd)
Government House
Dunrossil Drive
Yarralumla ACT 2600

Firestick Estate Inc.

4 Felicia Rise, Diamond Creek, 3089
secretary@firestickestate.com

10 August 2018

Dear Governor-General,

The State has failed

Thank you for your suggestion that we "...bring your concerns to the attention of your elected representatives" ¹. Our committee member June English's ² files show she started doing that 24 years ago. To show you a random sample, please see letters ^{4, 5 & 6}.

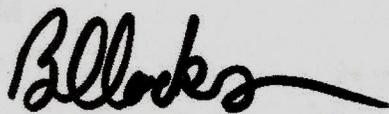
The letters reveal the State's negligence in passing laws to build explosive ³ fire-prone tree canopies over homes, roads, child and aged care facilities. The Minister's letter promised the removal of "...the Indigenous Vegetation Policy..." ⁴. The State "...ignore this, seriously increasing the fire risk for 50,000 people...(and)...ensures that in a firestorm, urban houses will burn" ⁵. June's second letter indicates the State ignored the Minister, due process, all educated fire risk advice, and their own "...environmental survey...residents were more concerned about fire danger than any other aspect of flora and fauna...turning even the urban parts into a time bomb that will eventually incinerate people..." ⁶.

Nine years later 41 local people were incinerated and about 2000 traumatised. The 2009 Victorian Bushfires Royal Commission apparently banned the word negligent. Any finding of negligence could have led to involuntary manslaughter through negligence charges, against those responsible for the exploding tree canopy. The State's insurance policies could have been nullified; "Will insurance companies continue to insure us once they know the facts?" ⁵. The 2013 Supreme Court class action's, "Justice Jack Forrest (ordered the Court) to not read any report or documentation from the...Royal Commission..." ³.

With increasing fuel, people, cars, emergency egress gridlock and explosive tree canopies, the predictable death toll indicators grow exponentially. Every few years, the predictable extreme bushfire death toll, doubles. The easily preventable loss of thousands of future lives is a crime that has occurred in the past. To knowingly allow that loss of life to double, then quadruple, is a crime that is occurring now and into the future.

Please act under your reserve powers and dismiss the Prime Minister for acting unlawfully.

Yours sincerely,



Belinda Clarkson (Secretary)
www.firestickestate.com

¹ **Governor-General letter to Firestick Estate Inc** 19 March 2018
² **Bushfire Death Trap - The Eltham Gateway** Packham & Malseed 2013, Acknowledgements
³ **Tears as deadly Black Saturday fire video shown in court** HeraldSun 4 March 2013
⁴ **New Format Nilumbik Planning Scheme** The Hon John Thwaites MP, Victorian Minister for Planning, 21 June 2000
⁵ **Fire hazards** Letter to the Editor, Diamond Valley News, News Ltd, 4 October 2000
⁶ **Fire-prone plants: danger to life and property** Letter to the Editor, Warrandyte Diary, March 2001

CC: Prime Minister Malcolm Turnbull, Opposition Leader Bill Shorten, Cabinet Ministers & Others

State:	Leaders:	Opposition Leaders:	Emergency Management Commissioners:	State Police Commissioners:
Australian Capital Territory	Chief Minister Andrew Barr	Alf Blair Coe	Executive Director Feargus O'Conner	Commissioner Michael Fuller
New South Wales	Premier Gladys Berejiklian	Luke Foley		
Northern Territory	Chief Minister Michael Gunner	Gary Higgins		
Queensland	Premier Annastacia Palaszczuk	Deb Frecklington		
South Australia	Premier Steven Marshall	Peter Malinauskas	Chief Executive Officer Malcolm Jackman	Commissioner Grant Stevens
Tasmania	Premier Will Hodgman	Rebecca White	Director Simon Roberts	Commissioner Darren Hine
Victoria	Premier Daniel Andrews	Matthew Guy	Commissioner Andrew Crisp	Chief Commissioner Graham Ashlon
Western Australia	Premier Mark McGowan	Mike Nathan	Executive Director Malcolm Cranstedt	Commissioner Chris Dawson

"...trying to set fires, rather than prevent them" - Bill Gammage 2012



OFFICE OF THE OFFICIAL SECRETARY
TO THE GOVERNOR-GENERAL

19 March 2018

Ms Belinda Clarkson
Secretary
Firestick Estate Inc
4 Felicia Rise
Diamond Creek Vic 3089

Dear Ms Clarkson

I refer to your letter to the Governor-General. His Excellency has asked me to reply to you on his behalf.

I understand that this issue is of great concern to you. I regret to advise, however, that the Governor-General cannot become involved in matters that are the responsibility of governments.

You may like to bring your concerns to the attention of your elected representatives.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul Singer'.

Paul Singer MVO
Deputy Official Secretary to the Governor-General

BUSHFIRE DEATH TRAP - THE ELTHAM GATEWAY

www.elthamsdeathtrap.com

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Eltham Gateway resident & corresponding author
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Acknowledgements

Special thanks to June English, Brian Murray & Mary McDonald Nillumbik Ratepayers Association, Rod Incoll former Victorian Government Chief Fire Officer, Belinda Clarkson former Victorian Government Councillor, Bill Gammage Eltham Death Trap's theme "...trying to set fires, rather than prevent them", Associate Professor Neville Norman "Difficult valuations", Felicity Dunne mental health, Peter Clarkson (volunteer fire fighter on Black Saturday), for design and layout

Foreword

Two weeks after Black Saturday, the Prime Minister of Australia was asked in parliament:

"My question is to the Prime Minister, and I recognise that he answered part of this to the member for McEwen earlier. My question relates to the Prime Minister's comments at yesterday's memorial service that successive governments have failed in terms of bushfire management, and also comments made by Wurundjeri elder, Aunty Joy Murphy, from Healesville who said that Aboriginal people historically burned the land every seven years for 'cleansing and regrowth', but Black Saturday was a 'torture of the land'. Prime Minister, could you elaborate on your comment and, given that every inquiry since 1939 has focused on fuel reduction in fire-prone areas, do you believe it is time we learnt from Aboriginal Australians, whose firestick management practices created the bush environment that white Australians are attempting to modify to a landscape that has never existed?" Tony Windsor Independent MP

Prime Minister Kevin Rudd replied to the Question without Notice:

"Given that our Aboriginal brothers and sisters have occupied this continent for 40,000 years, there is great wisdom to be learned. We also need to ensure that that wisdom is combined with that of early pioneering families ... these things need to be drawn together. What we cannot allow to happen is for this to drift on into the future without resolve. As a parliament and as a government we need to bring these things together and to agree on a course of action" Edited

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Tears as deadly Black Saturday fire video shown in court

THE deadliest of the Black Saturday bushfires was "entirely preventable", a Supreme Court class action has been told.

Emily Portelli

HeraldSun MARCH 4, 2013 10:46PM



Black Saturday Source: *The Daily Telegraph*

WEEPING people fled the courtroom today as emotional amateur footage was played depicting the moment a deadly Black Saturday "fire tornado", which killed more than 100 people, approached St Andrews homes. The lead plaintiff in the class action for compensation, Carol Matthews, cried through the four-and-a-half-minute video, shot only kilometres from the St Andrews home in which her 22-year-old son, Sam, died on February 7, 2009. Robert Richter, QC, for Mrs Matthews, told the court the "entirely preventable" Kilmore East-King Lake fire was sparked due to the negligence of energy provider SPI Electricity. "They did none of the things they should have done to prevent this old line from collapsing on Black Saturday and sparking the inferno that it did," Mr Richter told a packed courtroom. The fire killed 119 people, destroyed 1200 homes and caused an estimated \$1 billion damage. The court heard Sam Matthews, trained to fight fires by the CFA, told his mother on the phone as the inferno approached that **a tree near the family home had just exploded**. Mr Richter said she directed him to go to the bathroom and heard the windows explode. He said phone records show she unsuccessfully tried to call her son 15 more times, but he had died when the house burned down. Mrs Matthews claims she has suffered significant psychological injuries as a result. She represents more than 10,000 group members – including Darrin Gibson, who lost his partner, their two young daughters, three-year-old son, and parts of both his feet, which melted as he tried to save him family.

Warning: strong language in video

Mrs Matthews is also suing maintenance contractor Utility Services Corporation Limited, alleging it was **negligent** in its inspection and maintenance of the powerline, and the Department of Sustainability and Environment for allegedly failing to reduce fuel loads. The DSE, CFA and Victoria Police are also facing allegations they failed to give appropriate warnings about the bushfire. Mrs Matthews had alleged the CFA was **negligent** in failing to suppress the fire, but the claim was settled. All the defendants deny the allegations and are fighting the claims. In two separate recovery proceedings, the state government entities are claiming compensation for damage to government property from SPI and USC. The Transport Accident Commission and the Victorian Workcover Authority are also claiming indemnity from payments made as a result of the bushfire from the power companies. **Justice Jack Forrest said he complied with the parties' requests to not read any report or documentation from the 2009 Victorian Bushfires Royal Commission**, so "the trial starts on a blank canvas". The total number of group members in the proceeding is estimated to be 10,450, of whom at least 1,100 bring personal injury claims, 5,950 bring property damage claims and 3,400 bring property damage and personal injury claims. Affected people have until March 22 to register to join the group. The Victorian government funded a purpose-built courtroom to accommodate the teams of barristers, dozens of expert witnesses and large numbers of people interested in attending the trial. The thousands involved directly in the class action can watch the proceedings streamed live on the internet. The trial is expected to run for nine months, but if liability is established, there could be years of further hearings on sub-issues of liability and damages. Opening submissions began today and will last for one week. The Black Saturday bushfires in February 2009 killed 173 people. Four cases brought in relation to the other fires have settled. Originally published as ['Fire tornado' video shown in court](#)



Minister for Planning

File No: 141614

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21 JUN 2000

Ms June English
9 Godalmin Street
ELTHAM VIC 3095

Dear Ms English

NEW FORMAT NILLUMBIK PLANNING SCHEME

I refer to my earlier response of 19 January 2000 in relation to your letter and report of 12 and 25 November, 1999. Your correspondence referred to concerns about the introduction of the Indigenous Vegetation Policy and the use of Environmental Significance Overlays in the adopted Scheme.

I have now decided to approve the new format Nillumbik Planning Scheme, with changes. Of relevance to your concerns, one of the changes has been the removal of the Indigenous Vegetation Policy from the Scheme. In deciding to make this change I took into account the effect of this policy, the fact that it had been introduced without exhibition and also that it was not subject to the comments of the Panel.

I have also requested Council to undertake action to investigate most of the matters raised in the Panel's recommendations, over the next two years. This includes a review of the Environmental Rural Zone and I repeat my earlier encouragement to you to liaise closely with Council so that you are aware of opportunities to contribute to these investigations.

If you would like any further information please contact David Kirkland from the North West Metropolitan office of the Department of Infrastructure on telephone 9313 1315.

Yours sincerely

Hon John Thwaites MP
Minister for Planning

LETTERS

people and the economic viability of our commercial centre.

– Margaret Jennings,
Mayor,
Shire of Nillumbik.

Fire hazards

NILLUMBIK'S indigenous vegetation policy was removed from the Nillumbik planning scheme by Planning Minister John Thwaites for various reasons, including it being a fire hazard.

The Neighbourhood Character Study and Residential Design Guidelines currently before the council ignore this, seriously increasing the fire risk for 50,000 people in residential areas.

Fire risk is created by fuel that includes the understorey, tree bark and canopy of Nillumbik's locally indigenous flora. Sixteen of the 18 eucalypts listed in the council's live local plant local guide are listed in the Department of Natural Resources and Environment's fire management booklets as fire hazards.

Despite this, the study wants 80 of these indigenous canopy trees per acre planted in the bush precinct of Warrandyte North, an area the brigade will not even attend in a fire. It is too dangerous!

Although coroners' reports continually warn of the fire hazard at the urban/bushland interface, the study wants 40

Readers can send letters to the editor@ldr.newsltd.com.au. All supplied with a full name, for validation purposes. Preference is reserved the right to edit letters.

Attachment 5

canopy trees per acre planted in the low-density residential areas called semi-bush, which, in a firestorm, would link to the continuous canopy required in urban front yards from house to roadside, uninterrupted by a front fence.

Small blocks in urban areas must retain or plant five or six canopy trees in front and side setbacks. A check of the new draft ResCode's Mandatory Standard 13 indicates these distances are far too short to accommodate any of the 18 indigenous gum trees unless canopy overhangs houses. This ensures that in a firestorm, urban houses will burn.

This is people habitat we are talking about.

Will insurance companies continue to insure us once they know the facts?

We know the danger. The minister has banned the policy. The council has been warned.

DVN 4/10/2000
188
June English,
Godalmin St,
Eltham.

Bad council decisions

“PROVIDE no front fencing or side fencing visible from the street”. I quote just one of the many specific directions

Fire-prone plants: danger to life and property

An environmental survey by Nillumbik council indicated residents were more concerned about fire danger than any other aspect of flora and fauna.

And well they might be. Victoria receives the full blast of 3,000 kilometres of hot air which has blown over some of the biggest, driest, flattest and hottest deserts in the world. January 2001 has been the hottest on record, and already there have been 20 large fires and hundreds of medium-sized fires.

It was therefore gratifying that Emergency Services and Nillumbik council hosted a public community safety meeting in Diamond Creek on February 10. We were given a great deal of advice, amplified by spectacular film and graphics, to enable us to plan for fire safety in this high-risk urban fringe.

Unfortunately there was no public forum following the information giving, whereby the hundreds of people present could voice their concerns about Nillumbik planning policies which contradict CFA advice and seriously increase risk in this fire-prone area. Take, for instance, Nillumbik's Residential Design Guidelines, written by Brunswick consultants and passed by council on September 19, 2000. Despite the recommendation of the strategy committee, council failed to talk to the very group (Municipal Emergency Management Planning Commit-

DEAR DIARY

tee) that could have advised on this issue, and who have statutory responsibility for our safety. Councillors failed also to acknowledge that most of the shire is fire-prone, while the Wildfire Management Overlay (WHO) covers only the most seriously at-risk areas of North Warrandyte, Research, Eltham North, Hurstbridge, St Andrews, and parts of Diamond Creek and Plenty.

Why then does this adopted council policy recommend residents living in these wildfire-prone areas plant up to 40-80 incendiary gum trees to the acre? Why do these guidelines require planting indigenous fire flora to form a continuous canopy on and beyond private property, and to retain and revegetate understorey to duplicate bush ecologies? Joan Webster says in her bushfire safety book that "Nothing taller should be grown beneath trees than finely mown and raked grass. The flames of grass can rise from 2-6 times its height".

In eleven of the most urban Nillumbik precincts we are told to plant indigenous understorey from house to road-



side covered by indigenous gum tree canopy. We are also told to avoid solid front fences even though they could act as a radiation shield and deflect killer rays over the house. The CFA says do the opposite.

In the debate on this study, Cr Mullinar quoted the advice of the Christmas Hills fire captain as saying

there is no such thing as a fire-safe plant. This same CFA captain, Dianne Simmons, rejected "chopping down native trees in favour of 'fire retardant' plants". But Nillumbik actually lists 10 fire retardant natives as weeds. Ms Simmons ignores NRE and CFA literature that categorise locally indigenous flora as a fire hazard because of its

having the highest oil content and lowest moisture and ash content so it ignites at 60-90 degrees centigrade. On the contrary, deciduous trees (regarded as pests) ignite at 350-400 degrees centigrade because of their high water and ash content. Simmons also doesn't tell us that 16 out of 18 of Nillumbik's indigenous gums are also categorised by NRE as a serious fire hazard because of their bark. Webster says, "Trees with smooth bark are hard to ignite, while those with rough bark catch fire easily and fire from grass beneath them will race up, quicker than a possum, to their canopy".

Webster calls councils who refuse permits to fell trees, or even lop branches, as empyrean shires because they force residents to create pyres around their houses. She concludes the only way to conserve native bush is to have no houses in it.

Nillumbik has been a metropolitan shire for 30 years. Why are we now turning even the urban parts into a time bomb that will eventually incinerate people and property? 2,090 homes were burnt in Ash Wednesday's holocaust in 1983. Forty-seven people died, including 14 firefighters, five of whom were from Pantom Hill. Why will we never learn?

June English
Eltham