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## **TRANSCRIPT OF PROCEEDINGS**

### **CORONERS COURT OF THE AUSTRALIAN CAPITAL TERRITORY**

**MS M. DOOGAN, CORONER**

**CF No 154 of 2003**

**INQUEST AND INQUIRY**

**INTO**

**THE DEATHS OF DOROTHY MCGRATH, ALISON MARY  
TENANT, PETER BRABASON-BROOK, AND DOUGLAS JOHN  
FRASER, AND THE FIRES OF JANUARY 2003**

**CANBERRA**

**10.06 AM, MONDAY, 1 SEPTEMBER 2003  
(Continued from 16/6/03)**

Canberra Bushfires 1/9/03

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CF 154/03

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HER WORSHIP: Yes, Mr Lasry?

5 MR LASRY: Your Worship, one matter that was that was outstanding from the previous directions hearing which needs to be dealt with at some stage this morning, is the application which had been made by the ACT Sustainable Lands Group for leave to appear. Our instructing solicitor received a letter from them on 26 August which among other things set out the basis of the broad basis on which they sought to make their application. And indicated that counsel would be present at this hearing to make further submissions, I'm not sure if they're here yet, but if they are - - -

10 HER WORSHIP: All right. I'll just ask. Is there anybody here representing the Sustainable Lands Group? Any counsel - Mr Lowe.

15 MR LOWE: Yes. Yes, your Honour, but we're not represented by counsel- - -

20 HER WORSHIP: Your not represented by counsel?

MR LOWE:- - -our lawyer said we would be here.

HER WORSHIP: Yes, and you're Mr Lowe, aren't you?

25 MR LOWE: That's right. Yes.

HER WORSHIP: Yes, Mr Lowe. Are you still - you're still intending to seek leave to appear?

30 MR LOWE: I thought we'd needed to respond to the previous hearing, your Honour, so we'll - happy to make some comments and talk, your Honour.

35 HER WORSHIP: That might be just as opportune for Mr Lowe to be heard now.

MR LOWE: Yes.

40 HER WORSHIP: Just come forward.

MR LAKATOS: I'm sorry, before that happens, your Worship, perhaps as a matter of courtesy, I should say my name is Lakatos, l-a-k-a-t-o-s.

45 HER WORSHIP: Yes, Mr Lakatos.

MR LAKATOS: I appear for the Australian Capital Territory, instructed by Mr Bayliss of the Australian Capital Territory Government Solicitor, and I understand, your Worship, gave leave to that body to be represented- - -

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HER WORSHIP: I did.

MR LAKATOS:- - -on 16 June.

10 HER WORSHIP: I did, Mr Lakatos. Thank you.

MR LAKATOS: Thank you, you Worship.

15 HER WORSHIP: Yes, Mr Lowe? You're waiting on a response. You have had some correspondence with counsel assisting?

MR LOWE: Your Honour, the DPP wrote to us, several weeks ago, and asked us if we could have some submission to them by 26 August. We sent in a note, raising one particular point, but we wanted the opportunity to just discuss with you, at this hearing, about how we might go forward.

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HER WORSHIP: Yes.

MR LOWE: Do you want me to do that now?

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HER WORSHIP: You can do that now, if you would thank you.

MR LOWE: There's really - the points of concern are the same as they were at the initial hearing, your Honour, in relation to the possibility of an adverse finding against our members. Since that initial hearing, I think that concern's been heightened in that our members' lands, the closest - the closest rural lands on the urban edge of Canberra, and the fire past over the land and our members' lands covered from the south of Belconnen to the southern part of Weston Creek and we see that everybody will be interested to know what happened in the passage of the fire over those lands.

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We mentioned that there was already a number of comments by different groups about the behaviour of grasslands under the fire situation in that particular year. And, since that time, there has been comment made further by both ACT Forests, and also it's been raised in each of the inquiries including specific mention in the Federal Inquiry. Some of that information erroneous, and some of it's misleading, so we're very concerned that those matters be dealt with properly. So we do, I think, still have a case and it's of greater concern than it was before, as to what's

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likely to be said about grasslands.

5 For instance, the ACT Forests has made a statement about the fire passing  
over the lands. That's not quite true, in that, the information is not  
complete. On the northern flank of the fire, the information is totally  
10 wrong, in that, the fire was suppressed on the northern flank, on  
grasslands and that - there will be several gaps in the information to the  
inquiry, if we rely on former reporting, because in most of these  
grasslands areas there was no support from EST or fire support services,  
15 so the only reporting possibility is from the individual lessees and the  
people associated with them.

Certainly on the northern flank the efforts of the lessees and the people  
20 associated with them prevented the fires moving into Mt Painter, and onto  
Aranda, and, I think, your colleague in the 2001 inquiries mentioned, very  
clearly, his concern that had - there was a very strong risk of the 2003 fires  
burning right through the central business district of Canberra and beyond  
that.

20 And if you look at the maps that are in the various planning documents  
you'll see that, that's certainly been the case. So we're very concerned for  
a number of reasons as to why the grassland should be reported accurately  
and we think that we can provide some support to the - to your inquiry in  
that way. There's a number of factors that come out of that, and I'd like  
25 just to mention them, if I could, now?

HER WORSHIP: Yes.

30 MR LOWE: If you don't mind? First of all, in relation to the role of river  
corridors, there are some areas of river corridors still under private  
management, and some under public management and there's quite a  
difference in the way the fires behaved in that - in those two areas. In the  
areas of private management, then there was a degree of suppression; in  
35 the areas of public management, then there was - the most of the activities  
of the corridor was to refuel the fire.

And that's given us a great deal of concern about what's happening with  
the planning programs in the Molonglo area. The Molonglo area is  
40 dissected by the Molonglo river corridor, and the area to the west of  
Coppins Crossing, is really a fire funnel and we're very worried that the  
whole planning process underway at the moment is ignoring the bushfire  
risks to the rest of Canberra. And is - has some idea that by having a fire  
abatement zone somehow the risk will go away. I'm not sure what more  
45 we could do than to have a drought in grasslands as a fire abatement zone,  
so we're very concerned about a degree of naivety in the planning that's

going on in the ACT.

5 And if we look at the recent report that's come out from the Holloway group on the future of Canberra, one of the very worrying comments in that, is that, there is a very firm statement there will be no change in management of the Namadgi area. And I think that we're very concerned that the primary cause of the fire being as hot as it is, is not in the grasslands and that what we're going to be seeing here is, is a plan that will guarantee that the new areas in the Molonglo will be burnt.

10 And that the problems that you're addressing, in this inquiry, will be just something that we've guaranteed to happen in the future. We're very worried that this is not the worst fire that could have happened. It's pretty bad, for sure, but we're very lucky that it was drought, and if it had not been a drought, the fires that were in the corridors would have been even more vigorous than they were this year.

20 And that would have perhaps quite - mainly have different effects on the way in which the tornadoes that fell on Canberra - we're very lucky they fell in the grass - in the green areas, but you've got, Mr Chaney and no doubt he can advise you on that.

25 We're also involved in the 2001 fires and that we believe is a very important input into the 2003 Fire Inquiry, in that, the 2001 fires showed different impacts of fires in pine plantations.

30 There was a small area of managed pines and a lot of areas of unmanaged pine plantation and there's quite a contrast between how the fire behaved in those two areas. As well as contrast between how the fires behaved in forest land as against grassland. I think that the inquiry on that hearing is on 6 November, and there is an independent inquirer, who has just contacted us this morning to start his consideration on - directed by the Coroner to resolve the differences that exists between the reports of the EST and ourselves, as to how these fires progressed.

35 So, we're a little bit behind the eight ball in a way, your Honour, in that we wish to support your hearings, we've got our own particular issues and concern with damages. We don't have the resources to fully represent ourselves here, we've got no way of funding that the sort of costs that the other counsel here, are incurring to appear continuously. We do face the prospect of adverse comments and possibility of adverse findings which worry us greatly, amongst all the other things, that seem to be uncharacteristically being done to us at the moment in the way of leasing and all that sort of stuffing around.

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5 And we do have input on specific matters which will aid the inquiry and we would really perhaps like to discuss with you how we can perhaps remain part of the inquiry, but not delay it in anyway as your advisor has recommended, Mr Faulkner And how we can assist you and yet how we can protect ourselves and put input into it. We've got a few suggestions, would you like me to make them?

10 HER WORSHIP: Yes, is that - do you know of those suggestions, Mr Lasry?

MR LASRY: Not at this stage, your Worship. But perhaps, can I say, in relation to what - - -

15 HER WORSHIP: Have a seat Mr Lowe.

20 MR LASRY: - - - that being said that a great deal of - I think what has been said by Mr Lowe is probably material that can be dealt with by us, by liasing with Mr Lowes' group. And he in his outlining to, your Worship, seem to develop two broad areas, one relating to planning and fuel management and matters of that kind, and the other area being perhaps being a bit less specific, at this stage, being the prospect of some adverse criticism being levelled at his group, and therefore, at least, theoretically listing the prospect of an adverse finding.

25 Our feeling, your Worship, about it at the moment is that the group should probably be given leave to appear, specifically, for the purpose of defending any specific allegation that is made about their conduct, which exposes them to risk. But not generally, because the most - we still say the most efficient way of dealing with the sort of issues that he raised is to  
30 communicate them to us and we can deal with them and raise them in the usual role of counsel assisting.

35 From what's been said so far it doesn't sound as though the grant of unlimited leave for the purpose of dealing with criticisms of that particular group would add significantly to the time and so on that basis and on that limited basis we would consent to that group having such leave.

40 HER WORSHIP: Right. That would probably suit you as well, Mr Lowe, your members? Because it would address the concerns that you've expressed about any adverse criticism that may or may not be made.

45 MR LOWE: I think that's probably right. If we're able to demarcate the areas of my concern. Our experience - - -

HER WORSHIP: Yes. And I'm sure they'll become clear as the inquiry progresses.

5 MR LOWE: They could do. Is there someway that we can get access to the transcripts of the inquiries that go forward. So that we can - we're quite happy to work with counsel. We don't really have the time and resources - - -

10 HER WORSHIP: Yes.

MR LOWE: - - - to sit in here, and for the length of this inquiry.

HER WORSHIP: Yes.

15 MR LOWE: If we could get access, through counsel perhaps, to - through your advisor to the daily transcripts we can - and somebody - we can deal with in his office, we can certainly advise them immediately of any comment or direction of argument that's likely to come forward dealing with this area. It's very hard, your Honour, because there is no clear  
20 statement as to when a grassland becomes at risk.

There are some characteristics of fires on grasslands, when forests are just totally different. And totally different circumstances give totally different fire. And so we can't agree that, that it's easy to say, "Oh, okay  
25 now there's a word for grasslands, therefore, that's the only thing that's likely to come out of it". It's very likely that comments made in relation to fire behaviour generally can be made in way which is not fully informed, and by implication carry forward into considerations and grasslands.

30 HER WORSHIP: Right, thank you. All right, well - - -

MR LOWE: But apart from that we're quite happy to help you and deal with this.

35 HER WORSHIP: To proceed on that. I - that was the impression I had from the start, Mr Lowe, that your group - you and your members are more than willing to assist. And that certainly my plan also is to make sure that, that is facilitated, that your not necessarily put to the expense of  
40 having someone present here and it's not indeed necessary for you to have someone present throughout the course of the inquiry. But I do understand your concern about potential for adverse criticism. So - - -

45 MR LOWE: Would it be possible to ask, your Honour, that if we were

concerned, that we would have access to - make a representation to you in a more formal way?

5 HER WORSHIP: That's as I said on the last occasion, it's always opened. But - - -

MR LOWE: Because I can't just - - -

10 HER WORSHIP: - - - believed to be - to be sought by. So we'll do it on that basis that leave is granted, but on that limited - in that limited framework in relation to criticism. In relation to access to daily transcript, this is something that I think you will have to liase with counsel, to see what access is going to be available to the transcript and - but also what  
15 you would do is liase with counsel so that information is passed onto you, if there is any issue or any area that is going to be of particular concern and interest to you. Then you can make the decision as to whether you appear or not appear on that particular day. I think if we give notice on that basis to you, Mr Lowe, to you and your group.

20 MR LOWE: That's right that if - - -

HER WORSHIP: Forewarn you, I suppose, that's what I'm saying, forewarn you of any issue that might be relevant to you, and that given the  
25 opportunity to attend or somebody or send somebody along on that particular day, for that segment.

MR LOWE: I am very happy with that arrangement. I would just ask a little bit of indulgence in the sense of we are all trying deal with the  
30 recovery process and we're finding it very hard to formalise submissions and arguments in a formal way and we're seek and your counsel advice has helped in that we don't necessarily have to write - you know to have to learn an argument and ...(inaudible)... because we just couldn't.

35 HER WORSHIP: I don't think that's going to be required of you at all, Mr Lowe.

MR LASRY: Your Worship, I think the time for written argument is just about completed.

40 HER WORSHIP: Yes.

MR LASRY: We'll keep Mr Lowe informed.

45 HER WORSHIP: Thank you. Thank you, Mr Lowe.

MR LOWE: Thank you.

5 MR LASRY: Now your Worship, as the parties, I think are aware the program now intends that we will commence evidence on 7 October. And doing the best we can, I think that evidence might take of the order of two or three weeks and after that there will be a break primarily to complete the process of transcribing radio communications and similar.

10 And then what we call Phase Two, which might be more involved than a discussion about systems and operations and responsibilities would commence in or about the middle of February. Your Worship, Phase One really will be set around the evidence of Dr Chaney, and other witnesses who in a sense compliment Dr Chaney's evidence.

15 Other witnesses will include the people who describe weather conditions and weather history; some other witnesses from the CSIRO, but primarily the evidence will come from Dr Chaney and also from the production of a reasonably large amount of documentation in the form of fuel management reports and things of that kind.

20 It's also intended, at this stage, that before Dr Chaney gives his evidence, at least two witnesses who wrote earlier reports during the 1990's, in relation to fire hazard and fuel reduction, would be called. Those reports of course we have in the part of the data base we have compiled or are compiling and we would probably seek to lead some evidence from several of those witnesses about the history leading up to the fire albeit brief. Much of their views are encompassed in their - or encompassed by their original reports.

25 We would also expect during that process that, your Worship, would deal with each of the four cases, where a person was killed as a result of the fire. And I think the appropriate process is probably for, your Worship, to hear evidence and then make what might be described as interim findings - - -.

30 HER WORSHIP: Interim findings.

35 MR LASRY: - - -under section 53. In order to bring some finality to the families of the people who were unfortunately killed as a result. And that would probably come at the end or towards the end of the evidence.

40 HER WORSHIP: In the first phase?

45 MR LASRY: In the first phase, yes. At the end of that process, we would anticipate that we would endeavour to outline to, your Worship, what we

thought the issues for the remainder of the evidence were.

5 The object of the opening phase is really to recreate the fire, the object of Dr Chaney's evidence is to, as we understand it, to produce to the court and to the parties a re-creation in both graphic and narrative form of the fire, from 8 January. The various fires from 8 January, at least through until shortly beyond the - the fire storm of 18 January, and possibly a little bit further.

10 The critical period is usually the first ten days, and we suspect that as a result of hearing that evidence, the issues which we think are already reasonably clear will become that much clearer. And we anticipate that we would have some discussion or debate before, you Worship, at the end of that process, so that we would have a list of issues within which the remaining phase of the inquest would be contained. And obviously that's a matter for discussion between us and other counsel and also perhaps some debate before, your Worship, if that's necessary.

20 Perhaps the most obvious question is, in what form and when will the parties receive the documentation? As, your Worship, knows and as I think we said before there is a significant amount of documentation and we are presently going through the process of identifying that which is most relevant. As the parties know there is a data base established, electronically, we expect that the transfer of information between the parties, and certainly from us, to the represented parties will be electronic. And we're presently working on the basis that all the material that we're able to provide in relation to Phase One, would be provided to the parties by Friday, 19 September.

30 That gives them essentially three or so weeks to examine the material. We hope that will include all of the graphic recreations that are prepared by Dr Chaney together with statements and all the other documentation that we have. So it will be in electronic form, and will probably transmitted by the delivery of a compact disc. For my part at least I hope there will be hard copies, as well, I still need a piece of paper in front of me, to conduct the evidence, but the parties won't be given a trolley full of folders, but they will be given a CD full of material.

40 I should emphasise that, that date represents a still significant amount of work to be done, so we have tried to pick the earliest possible date that we can do it. If we had the material ready to hand over now then we'd provide it, but we just simple can't do it, we don't think, until at the earliest, Friday 19 September. And hopefully when the parties receive the material will be sufficiently informative to enable them to be properly prepared for the hearings on 7 October.

5 Your Worship, broadly that's the overview of the first Phase, the second  
Phase, I think, will take significantly longer because it will examine the  
roles of the various organisations and emergency services and the various  
10 individuals who played an important part in these matters and obviously  
there will be an fairly extended examination of that. I should also say, at  
this stage, that, as I understand it, in Dr Chaney's evidence he being an -  
possibly the most expert fire person witness - expert witness in the  
country on fires of this kind. It's expected that he will offer comment not  
15 only on the scientific background of the fires and the way in which they  
started and the way in which they spread, but he will be offering comment  
on the way in which they might have been controlled or suppressed, as  
best he can offer that comment.

20 So, the parties ought to be aware that whilst this will be essentially a  
narrative he may be saying some things about the control of those fires,  
that I think are contentious and so they should be prepared for that  
prospect in the first Phase of the evidence.

25 Now, the other thing, your Worship, that I meant to raise was the matters  
that were raised by, my learned friend, Mr Stitt at the last hearing,  
interestingly he raised - one of the things he raised was the question of  
whether - how, your Worship, was proposing to deal with the fact that  
fires which burnt into Canberra, began in another state. And I think that's  
30 an argument that's perhaps yet to be had from what I've heard from other  
places.

35 But our overall submission and suggestion to, your Worship, is that  
jurisdiction is invested in you, as a result of the fire burning into the ACT  
and doing damage in Canberra. You have a statutory obligation to  
determine the cause and origin of the fires and they are fires which really  
Canberra's jurisdiction because they are fires which burned in the ACT  
and did damage here. And we'd be urging you to proceed on that basis  
and it's not all clear to us that the border would prohibit you from  
40 examining and cause and origin of, for example, a McIntyre Hut fire  
which is the one that will be of most contention because it was the biggest  
and certainly was a part of what occurred in Canberra on 18 September.

45 Now, there maybe some further debate to be had about that and  
interestingly and it may come from parties who, are as yet, not  
represented. But we can only wait until, your Worship, is informed as to  
the nature of that argument. At this stage, we don't see any difficulty, as  
far as, your Worships jurisdiction is concerned.

The other matter which I will deal with now, some of the other matters I

think probably might wait until the first day of the evidence, but another matter that I thought I'd make some comment about was the question which our learned friend raised at page 27, of the transcript for the last hearing. About how parties who are adversely affected or likely to be adversely affected would have that fact brought to their attention. Our view at this stage that the most efficient way of doing that is for the potential for adverse findings to be raised by us in our final submissions, at the end of all the evidence.

And it seems to us that there are two possibilities that, your Worship, would say having read our submissions that you would not make any adverse findings beyond the ones that we urged you to make. You may not make the ones that we urged you to make, but you may agree, you may disagree. That's one possibility, the alternative is that, you are minded to make an adverse finding which is outside the submissions that we make, that is, if you come to a conclusion separately from us, you should make a finding adverse to a particular party.

In the second instance, as I understand the authorities, you would of course have to give such a party notice, if they were otherwise not on notice. But assuming that were not to happen and our view of that at this stage is that they are sufficiently on notice by our submissions. And certainly sufficiently in a position to make an appropriate response to the submissions that we make.

Now, I realise that are other ways of doing it, but it seems to us that the most efficient use of the submissions of counsel assisting at the end of all the evidence is for those adverse findings to be identified as being findings open to you, therefore, informing the parties as to the risks that they run, assuming that they're asked.

HER WORSHIP: Yes.

MR LASRY: And so, at the moment, that's the process that we would suggest.

HER WORSHIP: And that is the normal process for inquiries such as this to await. Unless of course there is something very obvious beforehand that is normal to wait and the issues are usually fairly well clarified, before the stages of final submission.

MR LASRY: I would have thought, your Worship, that there'd be not much that's secretive about it for those parties, if there are any, who are at risk of adverse findings. It will be clear from the evidence, it would clear from among other things the way in which witnesses are questioned,

probably - particularly by us, but also by other parties. And if our attempt to distil the issues is an efficient way of dealing with this evidence, then at the end of that process the issues and the parties who are at risk should be absolutely clear and it will only really be a formality of saying well this is the conclusion that we urge, your Worship, to come to, based on this evidence which everybody has been here and listened to, having questioned.

Now, your Worship, my learned friend, raised some other issues about the rule of *Browne v Dunn*, and so I might, I think I might if it's not inconvenient to you or to him, leave those issues until the commencement of the evidence. Perhaps except to say this that of course the rule of *Browne v Dunn*, by and large, applies an adversarial proceedings and this is essentially an inquisition or an investigation, so, at which is, not strictly speaking, bound by the rules of evidence, so it may be that the application of rules or principles such as that will be a variable factor depending on the nature of the evidence and the extent to which you feel you've been assisted by the evidence in the way in which it's been presented.

And it might be easier to deal with that issue later rather than at this stage and be committed to a position without having heard a word of evidence. I should also perhaps say for the record, that it appears to us, that the fires which are the ones which to be principally examined, lest there be any doubt about it, would be effectively four fires, the McIntyre Hut fires in New South Wales, the Bendora fire in the Namadgi National Park, the Stockyard fire and the Gingera fire, with the potential also to examine whether there was some effect from the fires which commenced on or about 8 January, out at Mount Morgan, Yarrangabili and Broken Cart in New South Wales, but I think for any represented party in these proceedings, the particular fires which became the Canberra fire storm on 18 January are obvious, and that would be the area, obviously of your Worship's investigation. If your Worship pleases.

HER WORSHIP: Thank you, Mr Lasry.

Yes, are there any other issues that anybody wishes to raise? Mr Stitt?

MR STITT: No, I don't think so, thank you, your Worship, and I'm grateful to my learned friend for his assistance in dealing with those matters, and there is really nothing that I want to add in any detail whatsoever, but in the structure which my learned friend proposes, the adverse findings will emerge in his concluding submissions. I take it that it follows that if a party that had notice in that way of an adverse finding, or which wished to call further evidence, there would be some procedure, because it's not just a matter of replying to an adverse finding, often it's a

5 matter of perhaps calling further evidence to deal with something that emerges, so subject to that right, I don't have any further comment to make, and the only other matter is that *Browne v Dunn* is not dealing with evidence, it's a matter of procedural fairness, but I don't think we need debate it any further.

HER WORSHIP: Yes, no. And this inquiry is bound by the rules of procedural fairness, natural justice, and it will stay so.

10 All right. Mr Lakatos, is there an issue?

15 MR LAKATOS: Yes, I'm sorry, your Worship, something very briefly just by way of comment. If the adverse comment is made for the first time in the submissions at the end, as a practical matter those parties that are represented will be able to see the adverse material coming in the course of the hearing.

20 However, if one thinks about it, if adverse comment is to be made about persons who are not represented before the inquiry, it may well be that those people are deprived of the right to cross-examine those witnesses who would make the adverse comment, and therefore there may be a little backtracking in the event of that very fine number of people that are involved, but apart from that, your Worship, I have nothing further to address.

25 HER WORSHIP: I am sure that can be accommodated if that occurs, Mr Lakatos.

30 MR LAKATOS: Thank you, your Worship.

HER WORSHIP: Mr Begbie?

MR BEGBIE: No, your Worship, I have nothing to add at this stage.

35 MR PERKINS: Your Worship, I just have one matter if I may. My name is Darryl Perkins, your Worship. I act as an agent for Michael Butler, who represents individual members of the United Fire Fighters Union. Your Worship, I'm instructed to seek your advice or assistance in terms of just one matter, that's the placement of the transcript of these proceedings on  
40 the internet.

I know your Worship - the court might not have appropriate facilities to do that, but I raise this as a matter of public interest, certainly in the interests of those individual fire fighters, your Worship. It may be a  
45 matter that I might best take up with counsel assisting, but certainly with

the comments made today, and the length of Phase one and Phase two, a lot of people won't be able to attend these proceedings, and would be greatly assisted in terms of following the inquiry if the transcript was placed on the internet.

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HER WORSHIP: That's not the proposal, and not the plan, Mr Perkins, to put the transcript on the internet. I understand that Mr Bartlett has written, I have seen a letter from him, and I thought that a reply had been prepared to him about that, so perhaps you can just take the matter up with counsel assisting, but it's certainly not the intention to put the transcript on the internet.

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MR PERKINS: Certainly, your Worship.

15

HER WORSHIP: Thank you, Mr Perkins. Yes, any other matters?

MR LASRY: Can I just raise one matter, and really with a view to the potential for there being, if necessary, another directions hearing before 7 October. I think I should say that we are surprised that the New South Wales Rural Fire Service hasn't sought to be represented in these proceedings. We know, obviously, that an inquest is being conducted in Queanbeyan I think currently.

20

HER WORSHIP: I think it completed on Thursday of last week, and I understand that the Deputy State Coroner is to deliver his findings in a couple of weeks, sometime middle of September.

25

MR LASRY: Yes. Well, your Worship, apparently in the course of that inquest issues were raised about the way in which that inquest, and by extension this inquest might be conducted. The New South Wales Rural Fire Service and other New South Wales interested parties haven't seen fit to attend and take an interest in this proceeding at this stage, and we'll take it up directly, but if they are intending to, or if they are intending to make some submission in relation to the conduct of these proceedings, it's desirable that that be dealt with in advance of 7 October, and we would suggest that if in fact that's going to happen it perhaps should happen in the last week or so of September, rather than be left until 7 October.

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HER WORSHIP: I agree, and if those issues do arise, and if there is a need for a further directions hearing prior to the 7th, then we'll make arrangements to have one.

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MR LASRY: Yes, your Worship.

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HER WORSHIP: Yes, Thank you, so we'll adjourn until at this stage

until 7 October.

**ADJOURNED**

**[10.41 am]**

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