

TheCoroner
ACT Inquiry into the 2003 Bushfires

Peter A Smith

Dear Ms Doogan

I have recently read the Submission by NSW to be presented to your investigation tomorrow, 28 July 2006 and note that it makes numerous references to my evidence before you. The conclusion reached is to the effect that you should disregard my evidence and has reflected on my credibility in a number of places.

You will recall that I appeared before you and responded to questioning from Mr Lasry, largely in relation to matters of response, access to, and fire control options in the vicinity of the origin of the McIntyre's Hut Fire. I had earlier submitted a sworn statement in evidence along with my submission to the NSW Coroner, and other notes, as evidence before you. There can be no doubt that those representing NSW Parties were aware of this evidence.

In arriving at its conclusions, The Submission from NSW has selectively used my and other submissions to make assertions, a number of which are incorrect. You will also recall that neither the Counsel for NSW, nor any others, cross examined me on any of my submissions so these matters have never been tested before you. In particular I find the suggestion at para 478 that there has been some form of collusion between myself and Mr Cheney in my evidence offensive to both of us. I therefore consider it unfair that these matters are now on the public record in a way that I have no right of reply.

In these circumstances I am unsure what can be done but perhaps Counsel Assisting would be able to review my notes on relevant paragraphs?

Yours sincerely

Peter A Smith
27/07/06