

INQUIRY INTO WAMBELONG FIRE INQUIRY EVIDENCE

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Office of Environment and Heritage Submission

Inquiry into the Wambelong Fire

Legislative Council General Purpose Standing Committee

No 5

In this submission the Office of Environment and Heritage (OEH) responds to the issue of the adequacy of signage displayed by National Parks and Wildlife Service (NPWS) staff prior to the outbreak of the Wambelong Fire. The submission addresses the claims made in the submission of Mr John Shobbrook which was provided to OEH by the committee by way of letter dated 27 June 2016.

Evidence regarding the actions of NPWS staff to display park closed signage prior to the fire was provided by OEH to the committee in Answers to Supplementary Questions on Notice dated 8 October 2014, and by way of letter to the committee dated 25 May 2016.

Evidence regarding signage was also provided during the Coronial Inquiry into the Wambelong Fire, the findings of which were published on 28 September 2015.

OEH has listed and addressed Mr Shobbrook's allegations regarding signage, but notes that due to the nature in which the allegations have been presented some paraphrasing of the allegations has been applied.

Allegation 1: The NPWS pictorial evidence of signage were reproductions

OEH confirmed the images were re-enactments in the Chief Executive's letter to the Inquiry Chair of 25 May 2016.

In that letter, OEH acknowledged that the photographs at Attachment D and E in the OEH evidence (Answers to Supplementary Questions on Notice 8 October 2014) were taken after the fire. The evidence for the Parliamentary Inquiry was compiled a considerable time after the fire: it was more than nine months after the fire was extinguished before the Parliamentary Inquiry was announced. The eastern park entrance sign was destroyed by the fire, and shortly after the fire parts of the park were reopened and any remaining park closed signs were removed.

Accordingly, the photos are re-enactments of the park closed signs that were in place during the fire. They were included to provide pictorial imagery to illustrate the characteristics of the signs that were displayed by NPWS staff at the time. They were provided to the committee to be informative and certainly were not intended to be in any way misleading.

Mr Steven Tucker was very clear in evidence given at the Coronial Inquiry on 27 August 2014 that the images were re-enactments.

OEH apologises for any confusion this may have caused and accepts that it would have been preferable if it had made it clear in its Answers to Supplementary Questions that the photos were re-enactments.

Allegation 2: That the OEH evidence to Parliamentary Inquiry stating "Similar signs were also fixed to vehicle barrier boards and located across all park entry points" was contradicted by Ranger Tucker in evidence to the Coroner.

Mr Shobbrook alleges that OEH falsely purported to have erected barrier boards and signage prior to the fire to restrict vehicle access along John Renshaw Parkway at the eastern and western entrances to the

park, supported by statements from a number of witnesses who saw no barrier boards with attached signs at these locations.

OEH evidence to the Parliamentary Inquiry (Answers to Supplementary Questions on Notice 8 October 2014) states *“Similar signs were also fixed to vehicle barrier boards and located across all park entry points off John Renshaw Parkway.”* (Emphasis added). OEH does not claim and has never claimed to have erected barrier boards **across** John Renshaw Parkway to prevent public entry to the park as implied by Mr Shobbrook. Mr Tucker’s evidence at the Coronial Inquiry does not contradict OEH’s evidence to the Parliamentary Inquiry on this matter.

On Monday afternoon 7 January 2013 NPWS staff installed vehicle barriers and A3 park closed signs at entrances to the park off John Renshaw Parkway including at White Gum Lookout, entrance to main campground, Pincham Carpark, Split Rock, and Camp Wambelong. An A3 park closed sign was attached to the gate at the Gunneemooroo entrance to the park

During the 3 September 2014 visit to Warrumbungle National Park by Parliamentary Inquiry members the issue of park closure was discussed. In particular NPWS staff and committee members canvassed the difficulties encountered due to John Renshaw Parkway, which bisects the park, being a council-managed road which NPWS did not close as it had no jurisdiction to do so. Accordingly, committee members would have been aware that NPWS did not close John Renshaw Parkway using barriers or any other means.

Mr Shobbrook’s letter of 24 May 2016 contains a photo taken on 13 January 2013 showing vehicle barriers across John Renshaw Parkway in the vicinity of the western park entrance. OEH understands that this barrier, and similar barriers in the vicinity of the eastern park entrance, were erected by Gilgandra Shire Council, with the barrier at the western entrance erected on the 13 January 2013 and the barrier at the eastern entrance erected sometime after the 13 January 2013.

Allegation 3: That NPWS A4 signage in place prior to the fire was inadequate.

The park closed signs displayed on 7 January 2013 at park entrances and the tourist sign at Coonabarabran were A3 size, not A4 as stated by Mr Shobbrook. Nevertheless, prior to the fire NPWS staff concluded that A3 signs were too small for the main entrance signs to the park and the tourist sign at Coonabarabran, and therefore erected the large laminated yellow and red park closed signs on 11 January 2013.

To clarify whether the park closed signs displayed on 7 January 2013 were A3 or A4 size, NPWS has included an image below (Photograph 1) of the park closed sign extracted from the dashcam footage of 16 January 2013 captured by Mr Gareth Trickey as included by Mr Shobbrook on page 13 of his submission. NPWS staff visited the sign on 18 July 2016 and affixed pieces of A3 and A4 size paper, and captured an image for the purpose of confirming the size of the park closed sign was A3. This image is included at Photograph 2 below.

Images provided by OEH in response to Allegations 6 and 7 below also confirm that park closed signs attached to vehicle barriers at park entry points off John Renshaw Parkway were A3 size.

Finally, OEH notes that the large laminated yellow and red park closed signs displayed on 11 January 2013 were replaced by larger vinyl commercially manufactured park closed signs. NPWS staff approached a sign manufacturer to produce these signs on 9 January 2013. The signs were delivered by the manufacturer on 23 January 2013, and displayed sometime shortly thereafter.



Photograph 1: Tourist sign on the outskirts of Coonabarabran with park closed sign displayed. Extracted from the dashcam footage of 16 January 2016 captured by Mr Gareth Trickey as included by Mr John Shobbrook on page 13 of his submission.



Photograph 2: Image captured by NPWS employee Mr Robert Smith on 18 July 2016 showing tourist sign with A3 and A4 sized paper affixed to enable size comparison with park closed sign in Photograph 1.

Allegation 4: That a photograph of the western park entrance sign taken by Mr Daniel Henley on 13 January 2013 shows that there is no large park closed sign displayed.

Most of the sign in the image captured by Mr Henley is obscured by the foliage of the cypress pine in the foreground. OEH does not agree that this image is evidence that there was no large park closed sign displayed.

As a result of OEH's further investigations, following receipt of Mr Shobbrook's material, OEH has obtained a photograph of the western park entrance sign. This photograph (see Photograph 3 below) was taken by NPWS employee Mr David Brill on 17 January 2013, and shows the park closed sign displayed by Mr Tucker on 11 January 2013. Mr Brill, who is not based at the Coonabarabran depot, was one of a number of NPWS staff recently contacted as OEH sought photographs relating to park closed signs from staff who were deployed to the Wambelong Fire.



Photograph 3: Image captured by Mr David Brill on 17 January 2013 showing the park closed sign displayed by Mr Tucker on 11 January 2013.

Allegation 5: That members of the public either drove past, or were in the vicinity of, either the tourist sign on the outskirts of Coonabarabran and/or the eastern or western park entrances on or before the 11 January and didn't notice any large park closed signs.

On the 11 January 2013 Mr Tucker undertook the task of displaying the large yellow and red park closed signs. He commenced this task on the western side of the park and subsequently travelled east to complete the task, finishing his shift at Coonabarabran. On the basis of both a time entry recorded by Mr Tucker in a field record sheet, showing a time of 16:05 hours near the park visitor centre, and a timesheet entry showing he finished work at 17:45 hours at Coonabarabran, NPWS estimates that the large park closed sign was displayed at the western park entrance at approximately 15:00 hours or sometime shortly thereafter, and at the eastern park entrance at approximately 17:00 hours.

Mr Tucker recalls that, while he was in the process of erecting the large park closed sign at the eastern park entrance, Mr Selmes arrived and the two men had a casual discussion while the sign was being affixed.

On the basis of the estimated times of display it is probable that one or more of the members of the public quoted by Mr Shobbrook drove past the stated locations before the large park closed signs were displayed. It is also possible that a community member could have driven past and not noticed the sign.

In its letter to the committee of 25 May 2016 OEH provided a photograph showing the large park closed sign at the Dooranbah Road approach to the park, which was one of the signs displayed by Mr Tucker on 11 January 2013. The photograph was taken on 19 January 2013 and is included below (Photograph 4).

The photograph taken on 17 January 2013 (included at Allegation 4 – Photograph 3) is also relevant as it shows the large park closed sign which was displayed by Mr Tucker at the western park entrance on 11 January 2013.

OEH's response to the issue of large park closed signage at the tourist sign at the outskirts of Coonabarabran is provided at Allegation 7.



Photograph 4: Image captured on 19 January 2013 by freelance photographer Mr Joshua Smith showing the large park closed sign at the Dooranbah Road approach to the park, which was one of the signs displayed by Mr Tucker on 11 January 2013.

Allegation 7: That nobody from NPWS has referred to the A4 warning sign placed on the tourist sign on the outskirts of Coonabarabran in their evidence, and that dashcam footage captured on 16 January shows no large park closed sign hanging below the large tourist sign on the outskirts of Coonabarabran.

OEH acknowledges that its answer to supplementary questions did not disclose that an A3 park closed sign was displayed by NPWS staff at the tourist sign on the outskirts of Coonabarabran on 7 January 2013. As a result of considering Mr Shobbrook's material and discussing with NPWS staff, OEH can confirm that Mr Mark Fosdick installed an A3 park closed sign on the tourist sign on 7 January 2013. OEH regrets this omission.

The tourist sign on the outskirts of Coonabarabran was the last sign visited by Mr Tucker as part of his task of displaying large park closed signs on the afternoon of 11 January (see response to Allegation 5 for chronology). Mr Tucker's evidence at the Coronial Inquiry was that upon inspecting the sign he discovered he didn't need to display a large park closed sign as one had been erected earlier by another staff member and was "...suspended below the brown and white tourist sign...".

NPWS staff member John Dawson has also confirmed that he noticed the large park closed sign in place on his journey between Coonabarabran and the park on 11 January 2013.

Mr Shobbrook's submission contains statements from members of the public who recall seeing only the small park closed sign (shown at Photograph 1), and the Dashcam footage taken five days after the large park closed sign was erected. What happened to this sign after it was erected is not known by NPWS staff.

The Bureau of Meteorology records from the Coonabarabran weather station show wind speeds up to 50 km/hr on 12 January 2013 and 65 km/hr on the 13 January 2013. Under these conditions it is possible the sign blew off.

NPWS staff used grey tape to affix some of the park closed signs prior to the fire. In July 2016 NPWS staff inspected the large tourist sign and photographed grey tape beneath the sign on one of the posts (see photograph 7 below taken on 6 July 2016). It is possible that this grey tape was the same tape used to suspend the large park closed sign beneath the tourist sign.



Photograph 7: Image captured on 6 July 2016 by Mr Robert Smith showing grey tape below the tourist sign on the outskirts of Coonabarabran



Photograph 8: Image captured on 17 January 2013 by Mr David Brill showing similar grey tape used to affix one of the park closed signs attached to a barrier board. This is the barrier board placed across the entrance to Camp Wambelong off John Renshaw Parkway.

Allegation 10: NPWS staff lied about installing small park closed signs at eastern and western entrances to the park on 7 January

On 7 January 2013 NPWS staff placed A3 park closed signs at the permanent park entry signs at each end of John Renshaw Parkway.

The presence of a park closed sign at the eastern entrance to the park appears to be confirmed by Ms Fiona Selmes who, in her submission to the Parliamentary Inquiry, stated *“We lived at the ramp on the eastern side of the National Park and travellers and campers were entering the National Park all week. There was a very small sign on the side of the road on an A4 piece of paper, saying PARK CLOSED.”*

Furthermore, a statement attributed to Mrs Selmes in Mr Shobbrook’s submission notes *“The national park was closed, with a piece of A4 paper swinging on a sign on the side of the road when you came over the ramp into the national park”*.

Mr Shobbrook’s submission quotes Observatory employee Ms Meldrum’s annoyance that *“...an older couple of visitors told me they were unaware that the Warrumbungle National Park was CLOSED until they reached the entrance, 35km from the town of Coonabarabran”*.

When this allegation is read in conjunction with Allegation 5 it appears Mr Shobbrook alleges there were no large or small signs in place at the eastern and western park entrances. Ms Meldrum’s comments appear to support OEHs contention that there were park closed signs in place, as does the statement of Mrs Selmes.

Allegation 11: NPWS staff lied that signs which didn't exist were checked each day between 8 and 12 January 2013.

This submission contains a significant body of evidence, including recently obtained photographic records, in support of the statements made by OEH regarding the signage in place prior to the fire.

OEH evidence that the signs were checked each day was provided on the basis of information obtained from staff at the time. In the more than three years that has passed since the fire a number of staff who played a significant role in displaying park closed signage have either left the employment of NPWS or were overseas at the time of preparing this submission. Nevertheless, OEH has attempted to gain further detail from these people. Those that have been contacted, given the passage of time, now have difficulty recalling exactly what occurred with respect to the checking of signs. It is normal practice that NPWS staff when undertaking their field duties would rectify any issues with signage. In the circumstances, OEH continues to rely upon the evidence already submitted regarding this matter.

Allegation 12: The CE of OEH and an NPWS ranger misled the Parliamentary and Coronial inquiries

OEH denies the allegation based on the information provided in this submission.