

**REPORT ON PROCEEDINGS BEFORE**

**GENERAL PURPOSE STANDING COMMITTEE NO. 5**

**WAMBELONG FIRE**

**At Waratah Room, Parliament House, Sydney on Monday, 22 August 2016**

**The Committee met in camera at 1:15 pm**

**CORRECTED**

**PRESENT**

The Hon. Robert Brown (Chair)

The Hon. Rick Colless  
Dr Mehreen Faruqi  
Mr Scot MacDonald  
The Hon. Greg Pearce  
The Hon. Penny Sharpe  
The Hon. Mick Veitch



**The CHAIR:** Thank you for appearing before General Purpose Standing Committee No. 5 today. I will read some procedural information, after which you will be sworn in, and you will remain sworn. After you have completed your evidence one of the secretariat staff will take you to the cafe. If the Committee requires you to reappear to give evidence, you will be recalled. Officers from the Office of Environment and Heritage [OEH] will be appearing before the Committee after your first appearance. The hearing should conclude at the latest by 3.10 p.m. I acknowledge that the Committee has received another photograph from you. We have copied it, but it will need to be tabled after you have made your opening statement. Once it has been formally tabled the secretariat staff will distribute it to members. Before I commence this afternoon's hearing, I acknowledge the Gadigal people, who are the traditional custodians of this land. I also pay respect to the elders past and present of the Eora Nation and extend that respect to other Aboriginals present.

Thank you, Mr Shobbrook, for accepting the Committee's invitation to appear at this in-camera hearing. "In-camera" simply means that this hearing is private. As you are aware, this inquiry is examining aspects of the evidence given by the Office of Environment and Heritage to the Committee's inquiry into the Wambelong fire. Under the terms of reference of this hearing, the Committee can only examine the alleged inaccuracies in the evidence presented by the OEH to the previous inquiry. The Committee is not looking at the adequacy of the OEH's actions during or in the period leading up to the fire, nor is this hearing looking at information given by the OEH to other bodies. Accordingly, the Committee requests that you focus your evidence today on alleged inaccuracies in evidence given by the OEH to the previous inquiry, which in part has been the subject of your submissions.

Please note that, as I said, this is an in-camera hearing and you are bound by the confidentiality of these proceedings. The Committee has agreed to defer its decision regarding publication of all or some of the evidence given today and the submissions previously provided until it meets to consider the draft report in October. However, the Committee will provide you with a copy of the transcript on a confidential basis after the hearing. This is strictly only for your information, similar to the submissions. In the event that any new information relevant to the terms of reference emerges during Mr Bailey's evidence, you will have 14 days to respond. You will be sent a copy of Mr Bailey's evidence presented today. I emphasise that this is not an opportunity to restate evidence that you have already given or to raise any completely new issues. I remind you that any disclosure of that evidence to another party would be unauthorised disclosure. Should the Committee desire to publish some or all of the transcripts or submissions, the secretariat will consult with you regarding potential publication. However, the decision as to what is or is not published rests solely with the Committee.

It is important to remember that parliamentary privilege does not apply to what witnesses may say outside of their evidence at the hearing. I urge you to be careful about any comments you may make to the media or to others after you complete your evidence because such comments would not be protected by parliamentary privilege if another person decided to take action, for example, for defamation or libel. Committee hearings are not intended to do provide a forum for people to make adverse reflections about others and to do so under the protection of parliamentary privilege. I therefore request that witnesses focus on the issues raised by the inquiry terms of reference and to avoid naming individuals unnecessarily.

There may be some questions that you could answer only if you had more time or certain documents to hand. In these circumstances you can take a question on notice and provide an answer within 14 days—that is, within 14 days of receiving the question in writing from the committee secretariat. I ask everyone to turn off their mobile phones or to turn them to silent for the duration of the hearing.

**DOUGLAS JOHN SHOBBROOK**, private individual, sworn and examined

**The CHAIR:** Do you wish to make an opening statement?

**Mr SHOBBROOK:** At least six residents of Coonabarabran, without collusion, and most within days of the Wambelong fire, expressed dismay and anger that no large "Park Closed" signs had been put up by the National Parks and Wildlife Service [NPWS] staff prior to the fire. Office of Environment and Heritage Chief Executive Mr Terry Bailey denied their claims before this Committee when he stated:

Signs were erected by NPWS staff at both entrances to Warrumbungle National Park ... on the evening of 7 January 2013. These signs were replaced by NPWS staff on 11 January 2013 by larger signs, at the same locations.

Mr Bailey added:

On Friday 11 January 2013, an additional large format sign was installed on the outskirts of Coonabarabran ... All signs were checked each day between 8-12 January 2013.

On 18 July this year, NPWS, using paper templates conducted tests for Mr Bailey to confirm the size of the smaller signs. Consequently in his submission to this Committee Mr Bailey has repeatedly stated that the signs were A3.

By looking at the comparison photograph that I have submitted, it is obvious that the A3 template and the original sign are not identical in size—the original sign is clearly smaller. One of the telling points is that the A3 sign covers the full stop after the "P", whereas the original sign, even though one corner is folded down, does not come anywhere near the full stop after the "P", and the gap between the numerals at the top of the sheets of paper are a different size. Whether the small signs were A3 or A4 is not the point. The point is that by insisting that the signs were A3, Mr Bailey and his NPWS staff continue to be either careless or untruthful in their submissions to this Committee.

Mr Bailey provided this Committee with a map indicating the location and format of the large "Park Closed" and "National Park Closed" signs together with photographs of the signs that were at the park entrances. He has since admitted that these were not photos of actual signs. In early 2016, I was handed a USB containing a video clip that was recorded by Gareth Trickey on 16 January 2013—three days after the fire escaped from the park. It clearly showed that there was no "large format sign ... installed on the outskirts of Coonabarabran". I trust that Committee members have seen the original video.

**The CHAIR:** Yes.

**Mr SHOBBROOK:** Mr Bailey explains the absence of the large "National Park Closed" sign by claiming that "it is possible the sign blew off". If so, it must have blown off within hours of it having been put up on the afternoon of 11 January, because Mrs Heather Meldrum drove past the tourist sign on Saturday morning 12 January and was "very annoyed" at seeing only an A4 paper sign. Mr Bailey also claimed that all signs were checked on Saturday 12 January. Yet Ranger Cass, the only ranger on duty on 12 January, made no mention of checking any signs in her police statement. She spent most of the Saturday in the National Parks office in town. She could have printed and replaced the missing sign, but the Trickey video shows that she did not. Or did the replacement also blow away before the video was recorded? A sign blowing off the tourist drive sign is highly unlikely because it is shielded on one side by an embankment and a high solid fence and a house, and behind it by a large stand of tall trees. The possibility that two signs blew away is beyond credulity.

In an enlargement of a photograph of the western entrance taken by firefighter Daniel Henley on the afternoon of Sunday 13 January 2013, the large timber "Warrumbungle National Park" permanent entrance sign can be identified partially obscured by a tree branch.

**The CHAIR:** Before you go any further, would you like to have that photograph tabled?

**Mr SHOBBROOK:** Yes. I only received this photograph at 10.00 a.m. I arranged for the gentleman who sent it to me at Coonabarabran to send it to the Committee. This photograph shows the permanent entry sign much more clearly. It is that little piece of wood sticking out of the barrier. On my iPhone I enlarged it. You could see it much more clearly I dare say if you had this on a computer. Once again, it does not show anything like the model that National Parks said their signs look like.

**The Hon. RICK COLLESS:** Is that the same sign?

**Mr SHOBBROOK:** This is the permanent sign here. Especially with this "Park Closed" sign close to the roadway as it is, that is not visible and there is no red and yellow visible in this photograph taken on the afternoon that the fire flared up. However, what appears to be a small, white, possibly A4 size piece of paper mounted horizontally can be seen attached to a tree. I cannot read this but I suspect that is one of their A4 "Park

Closed" signs; the same one that was on the big tourist sign. I think that is the National Parks "Park Closed" sign. It was still there on the 13th even though it was supposed to have been replaced by the red and yellow signs, which are not visible. As evidence that a large sign did exist Mr Bailey has submitted a photograph which he claims was taken by National Parks staff member David Brill on 17 January 2013, but a photograph taken on 17 January does not prove that that sign existed on 11 January or the 12th or any day prior to the 17th.

**Mr SCOT MacDONALD:** Is there any evidence of fire or heat damage to that sign at all?

**Mr SHOBBROOK:** I do not know but there is a point that I would make about this. I have doubts that that was taken on 17 January when you have a look at the trees in the background. Foliage such as that could never have grown back in four days. If you look at the National Parks' own background photographs have a look at the trees. That is supposed to have been four days after the fire. I have grave suspicions that that photograph was taken much later than four days after the fire. These were taken months after the fire to be submitted to your Committee first time round. We can see blackened matchsticks, no leaves. Once again, have a close look at this photograph. It is highly suspicious.

If the Brill photograph, which is this one taken by David Brill, who is a National Parks employee, was in the possession of a National Parks employee from January 2013 then why did the Office of Environment and Heritage not produce it to this Committee or the coronial inquiry in 2014 instead of having to mock up fake photographs? They produced these photographs but they did not produce that photograph. Mr Bailey in his submission stated:

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 conversation while the sign was being affixed.

On 17 and 18 August I spoke to Llew Selmes and read that passage in Mr Bailey's statement to him and asked him if he could comment. I do not know if you recall Mr Selmes gave a very emotional speech in Coonabarabran. I think he started to cry during it, Llew Selmes. With emotion in his voice Mr Selmes stated that he can remember talking to two rangers. One was "the one that does the weather". That is Peter Brookhouse. He did not know the name of the other one. They asked if they could come onto his property to check the fuel load along his boundary fence. Mr Selmes did not think that that was on the Friday but earlier. He did not witness anyone putting up any big signs on Friday afternoon; there was only the small paper one.

On Saturday afternoon he went down into the park and there was no big sign at the entrance. He went down into the park again on Sunday morning at about 8.30 and there still was not a big sign at the entrance. Mr Selmes's property is at the eastern entrance of the park. His driveway comes right up at the park entrance so he has to drive round very close to that sign. When he finally left his home on Sunday afternoon as the fire approached he had to stop in his driveway and look for cars. Looking to the left he looked straight at the park entrance, which was only metres away. There was no red and yellow "Park Closed" sign at the entrance. Mr Selmes has said that he is prepared to give that evidence under oath.

On 20 August I spoke to Peter Brookhouse. He told me that he was not in Coonabarabran on Friday. He looked up his diary and informed him that the discussion about fuel sampling between Llew Selmes, Steven Tucker and he took place on 18 December 2012. On the day the fire started National Parks admittedly failed to remove tourists from the closed park. They had only one ranger on duty, who spent most of her shift in the town office. They did not patrol the park during extreme weather conditions.

**The CHAIR:** Is this pertaining to the signs?

**Mr SHOBBROOK:** Yes, it is.

**The CHAIR:** Continue.

**Mr SHOBBROOK:** I think it makes a strong point. They did not man watch towers, they overlooked putting water in their empty tanker and they did not warn park neighbours of the approaching fire, yet they now ask us to believe that in spite of repeatedly showing indifference to their safety protocols in each of these critical areas they were singularly conscientious about putting up large warning signs and checking them each day. It just does not make sense. I alone sit before you this afternoon but I represent Heather Meldrum, Lois Wilkinson, Donna Burton, Fiona Selmes, Llew Selmes, Scott Coleman and Gareth Trickey. Heather Meldrum and Scott Coleman complained of a lack of signs before the fire. Most of the other witnesses, without collusion, complained within days of the fire. Each of these witnesses would be prepared to come before you and swear that large "Park Closed" signs were not put up in the days before the outbreak of the Wambelong fire.

**The CHAIR:** Thank you for that and for providing the extra photograph. I will just remind you to take it easy. This is not adversarial. We are just trying to get to the facts.

**The Hon. PENNY SHARPE:** Just so I am right in understanding it, do you disagree that those signs were A3 signs even after the evidence that you have seen from OEH?

**Mr SHOBBROOK:** Yes, definitely.

**The Hon. PENNY SHARPE:** Do you argue that they are A4 signs?

**Mr SHOBBROOK:** I would not be that firm that they were A4. I know they were smaller than A3 but I have not compared them. I have made up an A4 facsimile. That is the type of thing; that is A4. I cannot say they were A4 without having measured that actual sign. But I took a photograph.

**The Hon. PENNY SHARPE:** You do not concede that the evidence provided by OEH shows that they were A3 signs and not A4 signs?

**Mr SHOBBROOK:** No, it definitely does not show it, as I said, with that—

**The Hon. PENNY SHARPE:** I have the sign. That is fine.

**The CHAIR:** For Hansard's information, Mr Shobbrook and Ms Sharpe are referring to photograph No.1.

**The Hon. PENNY SHARPE:** Leaving aside whether or not you agree that they are A3 or A4, a lot of the discussion goes to the point of whether the signs were large signs. What is your view if they were A3 signs rather than A4 signs?

**Mr SHOBBROOK:** Driving past in a motor vehicle you could not read them. This is not a facsimile. That is the actual sign that was there. That was there. I took this photograph on 2 February and the original is still there.

**The Hon. PENNY SHARPE:** Yes, and they arrived around the 29th.

**Mr SHOBBROOK:** If you have a look, you will see that the word "Closed" is as big as the full stop after "P". That is disgusting. How could a family driving past in a car see that—and particularly where this sign is there is nowhere to pull over; you are approaching a crest of a hill and a bend.

**The Hon. PENNY SHARPE:** I am trying to get your understanding of the A3 versus the A4. From what you have said to me, even if it was A3 you would not concede that that was large enough?

**Mr SHOBBROOK:** No, definitely not.

**The Hon. PENNY SHARPE:** Thank you.

**The CHAIR:** For the benefit of Hansard, the photograph that Mr Shobbrook held up is not in the latest batch of evidence.

**Mr SHOBBROOK:** I am happy to tender that, if you would like.

**The CHAIR:** Could you do that and we will get a photocopy of it.

**The Hon. GREG PEARCE:** It is in this report, Chair.

**The CHAIR:** What page is it on?

**The Hon. GREG PEARCE:** It is page 15.

**The CHAIR:** For the benefit of Hansard, the photograph that Mr Shobbrook is showing is on page 15 of the evidence. I am sorry, because there are so many photographs we have to make sure we understand.

**The Hon. PENNY SHARPE:** They have to be the right ones.

**Mr SHOBBROOK:** Yes, indeed.

**The CHAIR:** When you refer to any of these photographs, of which we have copies, can you read out the number on the top?

**Mr SHOBBROOK:** Yes. I think the comparison photograph I did not give a number.

**The CHAIR:** We will call the comparison photograph that you have tabled No. 10.

**The Hon. GREG PEARCE:** Can I interrupt?

**The Hon. PENNY SHARPE:** Yes.

**The Hon. GREG PEARCE:** Can you explain why one has a 26 and one has a 28 on page 1?

**Mr SHOBBROOK:** The 28 is the original distance to the park. If there is a clearer photograph you can see that the 26 has now been screwed over the 28. It was an addition to the sign. Yes, they have changed it. I dare say they have remeasured the—

**The Hon. RICK COLLESS:** It is the same sign?

**Mr SHOBBROOK:** It is exactly the same sign. That is actually a small metal plate that has been screwed on top of the 28.

**The Hon. GREG PEARCE:** So well after the fire?

**Mr SHOBBROOK:** Yes.

**The Hon. PENNY SHARPE:** You address this a bit in your opening statement. I want to make sure I have the right photograph. Do you accept that OEH has admitted they are preproduction signs in every instance, or are there any that you believe are incorrect?

**Mr SHOBBROOK:** They admitted that they were reproductions before the Coroner's Court. I do not think they made that admission before this Committee.

**The Hon. PENNY SHARPE:** They have subsequently.

**Mr SHOBBROOK:** They have subsequently, yes.

**The Hon. PENNY SHARPE:** Can I come back to this sign on page 7. You have the close-up one on page 8, and then the supplementary one, No. 10. You are saying to the Committee that there is evidence that has been provided by OEH that suggests that this sign, as identified on page 9 by David Brill, was not in place when they say it was?

**Mr SHOBBROOK:** Yes, that is correct. Could I make a point? At the moment, as it stands now, National Parks have produced three different western entry signs. We have one with "Park Closed" to the very left of that—or right as you face it.

**The Hon. PENNY SHARPE:** Can I confirm? That is why I asked you the question about the re-creation; they admit it is a re-creation?

**Mr SHOBBROOK:** It is a re-creation. I do not know why, gentlemen, we have two re-creations with different "Park Closed" signs on them. They are both the western entrance.

**The CHAIR:** Can you read out the number of the photographs?

**Mr SHOBBROOK:** On my numbering, 2 and 3.

**The CHAIR:** Mr Shobbrook is holding up photographs 2 and 3.

**Mr SHOBBROOK:** These photographs were taken within minutes of one other, if you look at where the clouds are—

**The Hon. GREG PEARCE:** Is that 3 and 4?

**The Hon. PENNY SHARPE:** It is 3 and 4.

**Mr SHOBBROOK:** —and the distance of the camera and where foliage is against the bottom of the pole.

**Mr SCOT MacDONALD:** And quite green foliage. That is weeks, even months, after.

**Mr SHOBBROOK:** We have two versions of the sign there. Then the latest one—National Parks are not mentioning these anymore; they are now mentioning this. Once again, forgive me for being suspicious, but it is convenient that this "Park Closed" sign has now migrated right to the middle, where it would be obscured by the branch in our photograph.

**The Hon. PENNY SHARPE:** Can I be clear, Mr Shobbrook. All you contended before was that this photo does not reflect where the fire had been anyway. Are you now making two allegations about this photo?

**Mr SHOBBROOK:** It does not reflect that this photograph was taken on the 17th.

**The Hon. PENNY SHARPE:** Right, but you are now making an additional allegation about the signage, which is that it was inadequate because it was in the middle. Even if it was there, saying it was there, it was still inadequate because it was in the middle. Is that right?

**Mr SHOBBROOK:** I do not think it was anywhere.

**The Hon. PENNY SHARPE:** Sure, I accept that.

**Mr SHOBBROOK:** There was not a sign.

**The Hon. GREG PEARCE:** Sorry, can I interrupt?

**The Hon. PENNY SHARPE:** Yes.

**The Hon. GREG PEARCE:** You are saying that the photograph that we are looking at on page 9, underneath the sign there are rocks and there is clearly burnt earth.

**Mr SHOBBROOK:** Yes.

**The Hon. GREG PEARCE:** Whereas if you go back to 3 and 4, there is no burnt material, there is green grass.

**Mr SHOBBROOK:** Yes.

**The Hon. GREG PEARCE:** What do you take that to mean?

**Mr SHOBBROOK:** I think that this photograph has been taken much later than the 17th.

**The CHAIR:** That is our photograph No. 9.

**Mr SHOBBROOK:** Yes.

**The Hon. PENNY SHARPE:** Yes.

**Mr SHOBBROOK:** Not because of the grass that has been burnt, but the trees, the foliage on the trees.

**The Hon. GREG PEARCE:** Photograph No. 9.

**Mr SHOBBROOK:** If you look at this photograph on a computer—

**The CHAIR:** Mr Shobbbrook, we are getting too confused. Can you just use the photographs in the pack that we have provided, otherwise those numbers are different..

**Mr SHOBBROOK:** Okay.

**Mr SCOT MacDONALD:** To Mr Pearce's point, you are looking at photograph No. 9. It is clearly within days of the fire. The ground is scorched, the trees are fairly scorched. You are looking at a time pretty close to the fire. If you go back to what Mr Pearce is talking about, No. 3 and No. 4, as I say, there is green foliage, so presumably sometime after. I know they had rain literally within days. They had 100 millimetres of rain and it washed—it was awful. Photographs 3 and 4 are clearly sometime after. They could not be within a day or two of the fire.

**Mr SHOBBROOK:** I do not know when 3 and 4 were taken. I do not know. As I said, I am casting doubt upon when No. 9 was taken because of the foliage on the trees. That could not have grown back in four days.

**The Hon. RICK COLLESS:** I have a follow-up question.

**The CHAIR:** We are referring to photograph No. 9.

**The Hon. RICK COLLESS:** I am having trouble reconciling that photo No. 9 and photos 3 and 4 are of the same sign.

**The CHAIR:** Same here.

**The Hon. RICK COLLESS:** Because the background landscape is completely different between 3 and 9.

**The Hon. MICK VEITCH:** There is a road sign. There is a power pole.

**The Hon. RICK COLLESS:** There is a road, there is a telegraph pole at the back. There is another sign behind that wooden sign. You can just see the bottom of it in photo No. 3.

**Mr SHOBBROOK:** Yes.

**The Hon. RICK COLLESS:** That is certainly not there in photo No. 9.

**Mr SHOBBROOK:** I think the reason for that is slightly different camera angles.



**The Hon. GREG PEARCE:** They are different angles.

**The Hon. RICK COLLESS:** I had a look at that too. The camera angles are definitely different, but I cannot reconcile the same rocks being there either. I am wondering if you are absolutely sure they are the same sign?

**The CHAIR:** If I can interject? There are only two of those types of signs, one at the east and one at the west. Is that correct?

**Mr SHOBBROOK:** That is correct, and I believe the eastern one was destroyed in the fire. I cannot prove it, but another thing that makes me suspicious that photograph No. 9 was not taken four days after the fire is that that original Warrumbungle National Park sign looks too pristine to have been through a fire. To me, it looks like it has been repainted. I know they are not high-quality photographs, but in photograph 3 the sign just does not look—the background, the paint work does not look as fresh as the No. 9 photograph.

**Mr SCOT MacDONALD:** Is the National Parks and Wildlife logo scorched or is that something to do with the photo?

**The Hon. RICK COLLESS:** On photo 3.

**Mr SHOBBROOK:** Yes.

**Mr SCOT MacDONALD:** The picture of the lyrebird, or whatever they normally put there.

**Mr SHOBBROOK:** I do not know why that is blacked out or how. You would have to ask National Parks.

**Dr MEHREEN FARUQI:** In your statement you said if OEH had photograph No. 9 of this sign, why did they not submit it during the inquiry?

**Mr SHOBBROOK:** Yes. In its submission the Office of Environment and Heritage [OEH] said that, as a result of further investigation following receipt of your material, OEH obtained this photo.

**Mr SHOBBROOK:** Yes.

**Dr MEHREEN FARUQI:** Do you accept that that could be the case?

**Mr SHOBBROOK:** That could be the case, yes.

**Dr MEHREEN FARUQI:** OEH obtained it after you submitted your material. I seek one other clarification, about the conversation between Mr Tucker and Mr Selmes. Did you say that Mr Selmes did not see a sign being affixed when he had that discussion?

**Mr SHOBBROOK:** No, he did not see a sign.

**Dr MEHREEN FARUQI:** That is contrary to the evidence given by OEH that it was affixing the signs while Mr Selmes and Mr Tucker were having a conversation.

**Mr SHOBBROOK:** Yes. That conversation took place, allegedly, on Friday the 11th, when the big red and yellow signs were allegedly put up. He was not there to see a sign on Friday. The very next afternoon he drove into the park and did not see the sign that was allegedly put up that afternoon. He went back into the park on the Sunday morning and did not see the sign. Finally, on the Sunday afternoon, as he was vacating his house, he drove out of his driveway and looked for cars. There was no sign then. He was there three times after OEH said it had put up the sign, and he did not see a sign on any occasion.

**Dr MEHREEN FARUQI:** Thank you.

**The CHAIR:** The Committee members were just having a discussion about the willingness of other witnesses to prepare a sworn affidavit or statutory declaration.

**The Hon. MICK VEITCH:** Mr Shobbrook, have you had a chance to read the response from OEH to the Committee's findings, and about the signs in particular?

**Mr SHOBBROOK:** Yes, I have.

**The Hon. MICK VEITCH:** Are you still saying that the testimony of OEH to this inquiry is incorrect?

**Mr SHOBBROOK:** I am. I am claiming that no red and yellow "Park Closed" signs that OEH allegedly made on a plotter in the city office were put up before the fire. They are saying that on Friday the 11th the signs were put up. If they were put on up on Friday the 11th that would rule out some of the Coonabarabran

witnesses. If they had driven past any of the locations where the signs could have been seen prior to Friday the 11th they would not have seen a sign. One person who falls into that category is Mrs Wilkinson. She does not live as far as the eastern entrance to the park, so she did not see whether there was a sign there. She was upset about the A4 paper sign. That is what they put up on the 7th. They put their A4 paper signs up everywhere. They say that they then came back on the 11th and put the big signs up. Three days later the video by Mr Trickey was made. He was not trying to photograph signs. He made about five different videos that show the drive from Coonabarabran out to where his home was. It was a fluke that the video showed the big tourist drive sign, which was supposed to have one of the red and yellow signs on it.

**The Hon. MICK VEITCH:** In the submission from OEH to this inquiry it apologised for any confusion that the re-enactment may have caused. Do you accept the agency's version of events? Do you accept its apology for that?

**Mr SHOBBROOK:** Yes, but I think it was slapdash of them not to mention at the time, when they tendered those documents, that they were not photographs of actual signs. I have read the Committee's findings; they use the word "evidence". The photograph is evidence of nothing. It is a reproduction taken after the event. That is not documentary evidence. I am sure OEH read the Committee's findings. No-one said, "Oh my goodness, the Committee has misinterpreted me. I meant to say that the photos were not genuine exhibits." OEH, it seems to me, were happy to sit back and say, "We got away with that one." Why did they? These are serious issues. This is a serious matter. Someone so senior as Mr Bailey should not allow the Committee to be under a false impression.

When I read the Committee's findings in its final report I realised that it was under the impression that the witnesses had said one thing but that there was pictorial evidence. It is not evidence. The photograph is a fake. Mr Bailey is quick to apologise now that the cat is out of the bag. I think that National Parks ordered the real signs, the red and yellow signs, to be put up only on the 9th. I think OEH knew that once the media had knowledge of the bushfire they had to start doing everything by the book. I am not supposed to mention other matters. I can give the Committee a list of things longer than my arm of what they did not do by the book.

**The CHAIR:** We will not go there.

**Mr SHOBBROOK:** Mr Trickey's video staggered me. I do not know why it was not presented earlier. A gentleman in Coonabarabran gave the video to a local police officer, thinking that he would get it to the Coroner.

**The Hon. RICK COLLESS:** The video was taken on a car-mounted camera.

**Mr SHOBBROOK:** Yes. I think it was an iPhone mounted on the dashboard. I knew of Mr Trickey's video, but I had never seen it. When I watched it I had goosebumps. I thought, "Where is the sign?" If the sign went missing on Saturday morning, why did National Parks not put it back up? Heather Meldrum went to the swimming pool and drove back on Saturday. I will expand on Heather Meldrum's story. She had reason to complain about there not being a red and yellow sign. She works at the visitor centre at the observatory. A couple of tourists came up there on the Friday and complained that they had come all the way from the city to the park, which is a 35-kilometre drive, and they could not get in because the park was closed. They had seen the little A4 sign saying "Warning, Warrumbungle National Park closed". Why was there not a sign in town?

Heather spoke to the observatory manager. He rang someone in National Parks. We do not know who, but they said that they would put signs up. That was during the day on Friday, a work day. They said they would put signs up straightaway. On Saturday morning Heather took the children into town, to the swimming pool. It was terribly hot weather. On the way home she wondered where the sign was that they had put up. The A4 sign saying "Warning, Warrumbungle National Park closed" was still there. She said she was very annoyed. That was on Saturday morning.

Stephen Tucker said that the sign went up on late Friday afternoon and that between late Friday afternoon and sometime on Saturday morning the sign had blown away. The ranger on duty drove to the park on Saturday morning. She would have gone past the big tourist drive sign also. She should have noticed whether the red and yellow sign was there. We are told by Mr Bailey that they checked the signs daily. Did they? The ranger on duty did not spot that it had blown away. It had not blown away. It was never there. The ranger on duty saw an A4 sign and probably thought that that was the norm for a sign saying that the national park was closed. She probably thought that was the one that they put everywhere.

Suppose the sign had blown away. I asked National Parks where the plotter is kept. They said it was in the town office. I asked where the laminator is kept. They said in the town office. The ranger spent most of her shift in the town office. She could have printed up another sign. It is about a kilometre from the National Parks office to where that sign is. She had half a day or more to print out a sign to replace the one that blew away. She

did not. Why? Because there never were signs. No-one was told to put up temporary signs. There never were temporary signs. If she had done it, her sign had also blown away in three days time, when Mr Trickey drove past with his camera. The sign was not there. I know when I first saw the sign. I was back in Coonabarabran on Monday the 14th, at about 3.00 a.m. I took this photograph then.<sup>1</sup> It shows a red and yellow sign. I do not know if that photograph is in your briefing pack.

**The CHAIR:** No, it is not.

**The Hon. RICK COLLESS:** It is on page 15.

**Mr SHOBBROOK:** I took that photo showing the red and yellow sign on 2 February. I remember that my reaction to it was: "About bloody time." That was on 2 February. It impressed me so much that I took a photograph of it. I thought, "There is finally one there." I was upset. I had lost my home. I know a lot more than just the issue with the signs. I know about those secrets that we are not supposed to speak of today. Why are we wasting our time here today on signs? Would a red and yellow sign have stopped the fire? No.

**The CHAIR:** Mr Shobbrook, the reason we are here is to establish whether someone has either lied under oath or given misinformation under oath. That is all we are here to do today.

**Mr SHOBBROOK:** Yes, fair enough. Whether the sign was there or not would not have stopped the fire, but there are other things it may have that were not addressed. I am pretty sick of the lies and misinterpretations. You have a good look at that—

**The CHAIR:** Mr Shobbrook is holding up photograph No. 1.

**Mr SHOBBROOK:** That original sign is not A3. Near enough is not good enough, gentlemen, for this Committee. It is no good for someone in National Parks to say, "Well, it is almost A3." It is or it is not. I am not saying there is proof positive that it is A4, but it is smaller than A3, and the next logical size down of common paper you would buy in a ream is A4. As you can see the distance, the A3 sheet is covering it. I do not know how National Parks guys can look at that and say, "Yes, they are the same." Crikey. They are not the same. I do not mind saying they are pretty close, but you are right or you are wrong—that is not A3.

**The CHAIR:** Okay. Are there any other questions?

**The Hon. RICK COLLESS:** Could I have a look at the laminated photos you have there, Mr Shobbrook? They are quite a bit clearer than the ones we have in our pack.

**Mr SHOBBROOK:** Yes, they are a bit brighter. Certainly.

**The Hon. RICK COLLESS:** Thank you.

**Mr SHOBBROOK:** It is the same as I said. Look at the photograph that they are alleging was taken on the 17th, the Brill photo, on a computer and the leaves are green. It is impossible in four days for those leaves to have grown back on those trees in the background. Now, I do not know who the question was from—I think it was Mr MacDonald. I think whoever has faked the Brill photograph is cleverer than we are allowing. They have burnt the foreground and the background of the photograph to make it look as if it was burnt, but they could not burn all the trees or they would start another—sorry, I should not have made that statement. There would possibly have been another bushfire. They could not fudge up the truth, but they have burnt around the base of it. I could do that in half a day. They have got drip burners.

**The Hon. PENNY SHARPE:** So are you alleging that they deliberately burnt around the base of the sign to doctor the photo?

**Mr SHOBBROOK:** Yes—to give the impression that it is four days after the fire. Well, how did the area around the sign get burnt without any burn marks on the sign itself—it is pristine, that sign—or without the trees in the background being burnt? Impossible.

**The CHAIR:** So if we view the photograph of that sign on a computer, the leaves that appear brown in the photocopy appear green?

**Mr SHOBBROOK:** Yes, they are.

**The CHAIR:** Thank you.

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<sup>1</sup> Mr Shobbrook subsequently advised that the photograph was taken on 2 February 2013 and not on 14 January 2013, as correctly indicated in the subsequent paragraph.

**Mr SHOBBROOK:** They shoot themselves in the foot with their own photographs. If I did not have the photograph I am holding in my right hand, you could say, "Well, maybe the trees were left with a lot of foliage." No, they were not. There they are in the photograph. The difference with, as you say, that road sign and so on is, I think, about the camera angle. The road is up here and the camera is looking this way—it is a little offset. But the trees would not have changed from the way they appear in one photograph to how they appear in the other photograph. The photograph in my left hand was taken closer to the time of the fires going through than the one in my right hand. In the right-hand photograph, the grass has grown back. I am alleging the left-hand photograph is faked.

When the photograph was faked they had a couple of objectives. The first objective was to produce a photograph that was of the western sign. The second objective was, "We need an excuse as to why this western sign cannot be seen in the Brill photograph." The Brill photograph is an embarrassment to them. This would show in the Brill photograph because the branch covers the middle of the sign. They had to move that in. If they said this is exactly what the signs looked like, then the Brill photograph shows that is not there. So they mysteriously produce this photograph in which the closure sign migrates towards the centre of the road sign where, I will admit, it could very well be covered by the Brill photograph. But then the giveaway is the trees in the background. I was a police investigator for over a decade. I am used to looking at these things, and that photograph has been faked.

Why did they go to the trouble of all this if the National Parks staff member near the Warrumbungle National Park had the photo I am holding in my right hand in his drawer? Why did they not put that up? They could have easily asked staff. If they knew they needed photographs of the western entrance, why produce fakes? They could have presented this photograph to this Committee and to the Coroner's Court and said, "There it is four days later." It would not have solved the problem with the nice, healthy trees in the background. That is a faked photograph. I have no proof whatsoever, but the roadside sign looks freshly repainted to me. There is not even a bit of soot where the grass was burning around the sign. It is beautiful. I do not know. It is a big insult to the people of Coonabarabran.

In my left hand now is a photograph of people doing the A3 comparison. Lois Wilkinson took the photograph. She is one of the ladies who lost her home. The people in the photograph do not know we have the photograph of them doing the A3 comparison, but there it is. Another thing you will notice is that they are comparing the sign with an A3 piece of paper. My comparison uses the actual original sign. They did not have that, so they are saying the original sign "was not A4". They are comparing a piece of paper with a piece of paper—that is not a comparison with the actual sign. My comparison is. If you wanted to, you could cut the image of the original sign out with a pair of scissors and lay it on top of the image with the A3 on it. I guarantee you will see paper all around the edge. You should not if they were identical. They are identical or they are not identical. They are A3 or they are not. As I said, near enough is not good enough in matters like this. I am saddened to see Mr Bailey keep referring to it as A3. He just glibly says, "Oh, yeah. That looks like A3 to me. That will do." It is not good enough.

**The CHAIR:** Are there any further questions? As there are no further questions, I will conclude the hearing. Mr Shobbrook, thank you very much for taking the time to come here and present this evidence to us. We will have Mr Bailey and others as witnesses this afternoon. We ask that you stay in the precinct. The staff will show you to the public café where it is nice and quiet and you can sit and have a cup of tea or coffee. If we have any questions that arise from the evidence given this afternoon, we would like to recall you if we may. I realise it is inconvenient having to sit around—

**Mr SHOBBROOK:** Not at all.

**The CHAIR:** —but we want to try to get to the end of it. If any Committee members have any questions after this afternoon, the secretariat will send them to you in writing and we would like you to respond within 14 days.

**Mr SHOBBROOK:** I will do so.

**The CHAIR:** Once again, thank you very much to you and Mrs Shobbrook for coming all the way here. We appreciate your effort.

**Mr SHOBBROOK:** Thank you for taking the time to hear what I had to say.

(The witness withdrew)

(Short adjournment)

**TERRENCE GERARD BAILEY**, Chief Executive, Office of Environment and Heritage, affirmed and examined

**MARK PEACOCK**, Director, Park Management Western Branch, Office of Environment and Heritage, affirmed and examined

**The CHAIR:** Before I address the opening, could Mr Smith and Mr Zanello identify themselves? Thank you. Mr Bailey and Mr Peacock, thank you very much for agreeing to come and talk to us again today. This hearing is an in-camera hearing. As you are aware, the inquiry is examining aspects of the evidence given by the Office of Environment and Heritage to the Committee's inquiry into the Wambelong fire. Under the strict terms of reference, the Committee can only and will only examine the issues of alleged inaccuracies in the evidence of the Office of Environment and Heritage to the previous inquiry, including answers to questions on notice. As I said, this is an in-camera hearing and you are bound by the confidentiality of today's proceedings. That applies to witnesses as well.

The Committee has agreed to defer its decision regarding publication of all or some of the evidence given today and the submissions previously provided until it meets to consider its draft report in October. However, the Committee will provide each of you with a copy of the transcript of Mr Shobbrook's evidence and your evidence on a confidential basis after this hearing. This is strictly only for your information, similar to the submissions. In the event that there is any new information relevant to the terms of reference contained in Mr Shobbrook's evidence, you will have 14 days to respond, if you so wish. I emphasise that this is not an opportunity to restate evidence you have already given or to raise completely new issues. I also remind you that any disclosure of that evidence to another party would be an unauthorised disclosure.

Should the Committee desire to publish some or all of the transcript or submissions, the secretariat will consult with you regarding potential publication. However, the decision as to what is or is not published rests solely with the Committee. It is important to remember that parliamentary privilege does not apply to what witnesses may say outside their evidence at the hearing. So I urge you to be careful about any comments you may make to the media or to others after you complete your evidence as such comments would not be protected by parliamentary privilege if another person decided to take action for libel or defamation. I now invite either or both of you to make an opening statement if you wish. Try to keep it reasonably brief.

**Mr BAILEY:** Thank you, Chair, I will try. On behalf of the Office of Environment and Heritage [OEH] I would like to thank the Committee for the opportunity to appear today. I would also like to acknowledge the previous work of the Committee in relation to the Wambelong fire, including the Committee's report and recommendations of 20 February 2015. The New South Wales Government has provided a detailed response to that report and OEH has implemented a number of improvements to its practices and procedures as a result.

In relation to today's inquiry, OEH has made a comprehensive written submission to this inquiry, which responds to Mr Shobbrook's allegations. OEH's submission demonstrates that staff acted proactively and appropriately in the days preceding the fire to alert the public of the park closure using a range of mechanisms including park closure signs, park closure alerts on the OEH website, and by issuing a series of park closure media releases.

I do not intend to spend significant time during this opening statement summarising OEH's responses to each individual allegation other than to say that OEH continues to stand by the details contained in its written submission and denies that any of its officers lied to or deliberately misled the Committee. I do, however, want to touch on two points mentioned by OEH in its letter to the Committee of 25 May 2016 and in its submission to the Committee of 29 July 2016.

Firstly, I acknowledge that the photographs of the large yellow and red "Park Closed" signs at attachments D and E in OEH's Answers to Supplementary Questions were re-enactments. They were included to illustrate the characteristics of the signs that were displayed by the National Parks and Wildlife Service [NPWS] at the time of the fire and were not intended in any way to mislead the Committee. The fact that they were re-enactments was acknowledged in evidence given to the coronial inquiry a matter of weeks earlier. That said, I accept that it would have been preferable if OEH had made it clear in our Answers to Supplementary Questions that the photographs were re-enactments and I apologise for the confusion caused. Secondly, OEH acknowledges that, in its Answers to Supplementary Questions, we omitted to mention that NPWS staff erected an A3 "Park Closed" sign on the tourist sign on the outskirts of Coonabarabran on 7 January 2013. OEH only realised this having made further inquiries upon receiving Mr Shobbrook's allegations.

In turning to this inquiry's terms of reference I thought it might be useful context if I briefly summarise when and where the three principal types of "Park Closed" signs were displayed by NPWS staff. Firstly, on Monday 7 January 2013, as part of preparations for a statewide closure of national parks that was being implemented the following day, NPWS staff erected A3 "Park Closed" signs at the main eastern and western park entrances; at the Dooranbah Road turn; at the Gunneemooroo park entrance; and on the tourist sign on the outskirts of Coonabarabran. NPWS staff also erected A3 signs on barrier boards at visitor entrances to the park off John Renshaw Parkway including at White Gum Lookout, the entrance to the main campground, Pincham car park, Split Rock, Camp Wambelong, and at the Burbie Canyon Walking Track.

Secondly, realising that the A3 "Park Closed" signs at the main park entrances and at the tourist sign would be more visible if they were larger, NPWS staff printed, laminated and displayed large yellow and red park closed signs on Friday 11 January 2013. Examples of these signs were shown at photographs 3 and 4 in the OEH written submission of 29 July 2016. These signs were displayed at the eastern and western park entrances, the Dooranbah Road turn, and at the tourist sign on the outskirts of Coonabarabran before about 5.00 p.m. on 11 January 2013. These larger yellow and red laminated signs, together with the A3 park closed signs displayed on 7 January 2013 on barriers at park entrances off John Renshaw Parkway and at Burbie Canyon Walking Track, and the closure notice on a whiteboard at the visitor centre car park, were the signs that were displayed by NPWS staff prior to the outbreak of fire on 12 January 2013.

Thirdly, NPWS staff approached a sign manufacturer on 9 January 2013 to arrange production of larger signs. The larger yellow and red commercially manufactured vinyl signs were received from the manufacturer on 23 January 2013 and were displayed sometime shortly thereafter.

Mr Chair, your letter to me of 10 August 2016 requested I give specific attention to an additional allegation by Mr Shobbrook regarding a park patrol by a NPWS ranger on 12 January 2013. Mr Shobbrook's allegation appears to be that OEH's statement that "NPWS staff continued to patrol the park during the park closed period leading up to the fire", contained in its answers to supplementary questions, was misleading because, he says, "...nobody was patrolling the park from at least 11:30 a.m.". OEH does not agree that it has misled the Committee. The necessary clarification is provided by quoting in full OEH's evidence to the Committee which reads, "NPWS staff continued to patrol the park during the park closed period leading up to the fire, including a patrol of visitor areas undertaken on the morning of the fire."

Mr Shobbrook asserts that the ranger left the park unattended by returning to the Coonabarabran office at 12:30 p.m. In response, I note the park was not unattended as a NPWS staff member was working in the park that afternoon at the Visitor Centre until 4.00 p.m.—see supplementary answer 12. More importantly, Mr Shobbrook's principal point, that is, assuming park staff should have been patrolling in the park, does not recognise the responsibilities NPWS has for other parks and reserves which are managed from the Coonabarabran office, or the bushfire response time advantages that can be gained at Warrumbungle National Park, in some circumstances, by having resources positioned at Coonabarabran.

The Coonabarabran NPWS office is responsible for managing around 30 parks and reserves which extend from Coonabarabran in the north to Dubbo in the south, and from Gunnedah in the east to Narromine in the west. A bushfire could break out in any one of these reserves and therefore firefighting resources are positioned at Coonabarabran and Dubbo during periods of elevated fire danger to optimise response times. A staff member positioned at either office is well placed in terms of bushfire response. In this context, the ranger returning to the Coonabarabran office after midday on 12 January does not represent a dereliction of duty.

Mr Shobbrook also alleges OEH misled the committee because he says the ranger "drove around the park ... to visit and clean each amenity block, not necessarily to conduct a patrol of the park". OEH can confirm that the ranger did not drive around the park to visit and clean amenity blocks: the ranger undertook a park patrol including visiting car parks and campgrounds as part of checking park closure arrangements. Mr Shobbrook further claims that the ranger who patrolled the park failed to notify the police with regard to the presence of a family at Camp Wambelong. This allegation is incorrect: the ranger provided a signed written statement containing this information to the police on 1 May 2013.<sup>2</sup> I digress, but I have brought copies of the statement for all members of the Committee.

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<sup>2</sup> Mr Shobbrook subsequently advised that the ranger's first statement to the NSW Police dated 19 January 2013 made no mention of the visitors in the park, and that Mr Bailey's claim in this regard is therefore inaccurate.

In concluding, I would again like to thank the Committee for the opportunity to appear today. I confirm that OEH has and will continue to fully cooperate with the Committee's inquiry, and Mr Peacock and I would be pleased to further clarify for the Committee matters concerning the adequacy of signage for the Wambelong fire.

**The CHAIR:** In order to clarify a matter, Mr Bailey's statement which refers to issues other than the presence, size, shape or colour or otherwise of signs is outside the terms of reference of this inquiry, except insofar as it may relate to a park officer being able to replace or remove signs. Mr Shobbbrook's statements in his evidence were outside the terms of reference of this inquiry, as is your response. The Committee is considering the issue of the presence and the times or otherwise of those signs. Mr Peacock, do you have anything to add?

**Mr PEACOCK:** No.

**The Hon. MICK VEITCH:** Do you have the bundle of photographs numbered 1 to 9, and loose photograph No. 10?

**Mr BAILEY:** Yes.

**The Hon. MICK VEITCH:** I refer to photographs 3, 4 and 9 in that bundle. Is photograph 9 taken in the same place as photographs 3 and 4?

**The CHAIR:** Photograph 9 being the David Brill photograph that has been provided?

**The Hon. MICK VEITCH:** Do you want to take that question on notice?

**Mr PEACOCK:** Yes.

**The Hon. RICK COLLESS:** While you are considering that, Mr Bailey, will you advise the Committee where photographs 3 and 4 were taken because they are the same as the photographs in your supplementary answers attachments D and E.

**Dr MEHREEN FARUQI:** When were they taken?

**Mr BAILEY:** My understanding is that those photos were taken at the western park entrance. If I have got that wrong I will have to clarify that.

**The Hon. RICK COLLESS:** That would be the entrance shown on the loose photograph No. 10?

**Mr BAILEY:** Yes.

**The Hon. RICK COLLESS:** You can see the sign there.

**Mr PEACOCK:** Yes, my understanding of that image is that it is an image of the western entrance.

**Mr SCOT MacDONALD:** There are obviously two different signs. In the "Park Closed" sign in photograph 3 the red part is different to the "Park Closed" sign in photograph 4. There is a little NPWS logo right down at the bottom right-hand corner, but there is not in photograph 4.

**Mr PEACOCK:** On photograph 3 that is the laminated signage that was printed out on paper and put up.

**Mr SCOT MacDONALD:** In your office?

**The Hon. PENNY SHARPE:** On 11 January?

**Mr BAILEY:** Correct. There are three phases of signs. There is the A3.

**The Hon. PENNY SHARPE:** So photograph No. 3 was taken on 11 January.

**Mr PEACOCK:** Bear in mind though that that is a re-enactment.

**The Hon. PENNY SHARPE:** Yes, that is fine. That is what you are saying was there. Photograph No 4 shows the printed vinyl signs.

**Mr PEACOCK:** That is the vinyl.

**The Hon. PENNY SHARPE:** So that was after 23 January.

**Mr BAILEY:** Shortly after 23 January, correct.

**The Hon. RICK COLLESS:** Photograph 4 is also a re-enactment?

**Mr BAILEY:** Yes.

**Dr MEHREEN FARUQI:** When were they taken?

**Mr PEACOCK:** The re-enactments?

**Dr MEHREEN FARUQI:** When were photographs 3 and 4 taken? Was it before the fire—long before the fire?

**The Hon. GREG PEARCE:** Who took the photographs?

**The CHAIR:** They are attachments D and E in your evidence. If you cannot answer the question here and now perhaps you could check those facts for the Committee. Are attachments D and E in your evidence photographs of the western or eastern entrance? On what date were the photographs taken? You just confirmed quite clearly in your own mind that photograph 3 is a laminate and photograph 4 is the vinyl? Is that right?

**Mr BAILEY:** Correct.

**Mr PEACOCK:** They were certainly taken after the fire.

**The Hon. GREG PEARCE:** Who took the photographs?

**Mr PEACOCK:** One of our staff members took them.

**The Hon. GREG PEARCE:** On whose instructions?

**Mr PEACOCK:** I am not sure that he had any instructions specifically to take photographs.

**The Hon. GREG PEARCE:** According to your submission on page 1 it states that the evidence in 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. So these re-enactments were done more than nine months after the fire in response to the inquiry. Somebody was compiling your response to the inquiry, no doubt. Who was that?

**Mr PEACOCK:** Yes.

**The Hon. GREG PEARCE:** Who was that? I know the chief executive officer signed off on it according to your evidence.

**Mr PEACOCK:** We had two things going on at the time—this inquiry and the coronial inquiry. My understanding is that the re-enactments were prepared in preparation for one or other inquiry. But I would have to take that on notice to see if we could determine the date.

**The CHAIR:** One could probably suggest to you that they were done for the coronial inquiry. The coronial inquiry was made specifically aware that those were re-enactments; in the original evidence this Committee was not.

**The Hon. RICK COLLESS:** I return to photo No. 9. In your considered opinion, is that the same side as shown in attachments D and E of your submission?

**Mr BAILEY:** I think we need to take it on notice that the location is the same.

**The Hon. RICK COLLESS:** It looks different.

**Mr BAILEY:** It looks to me a different location, but that is still the middle of the three signs in terms of the timing, so it is associated with the 11th.

**The CHAIR:** Is that the laminate?

**Mr BAILEY:** That is the laminated, not the canvas.

**The Hon. PENNY SHARPE:** Can you confirm which entrance is in each of the photos? None of the photos actually say exactly which is in them.

**Mr BAILEY:** For 3, 4 and 9?

**The Hon. PENNY SHARPE:** Yes.

**The Hon. RICK COLLESS:** Obviously 3 and 4 are the same one.

**The Hon. GREG PEARCE:** You do say the eastern entry sign was destroyed in the fire, so you would think it is on the west.

**Mr PEACOCK:** That is right. My understanding is that it is the western entrance. The eastern entrance sign was destroyed by fire, but we would like the opportunity to clarify.



**The Hon. RICK COLLESS:** If it is the same sign, the next question is: Why is there a difference in the vegetation underneath the sign? It has obviously not been taken on the same day.

**Mr PEACOCK:** No. That image there was taken—I will have to check my notes—just a few days after the fire started on 17 January.

**The Hon. PENNY SHARPE:** Yours says 17 January.

**Mr PEACOCK:** The images in D and E were months later.

**The Hon. RICK COLLESS:** But that is a re-enactment.

**The CHAIR:** No, photo No. 9 is not a re-enactment.

**Mr BAILEY:** That is right.

**The CHAIR:** Which end of the park is photo No. 9?

**Mr SCOT MacDONALD:** It has got to be the west end.

**Mr PEACOCK:** I believe that to be the west end.

**The CHAIR:** Because the eastern sign was burnt. So you believe photograph No. 9 is of the western end of the park.

**Mr BAILEY:** I believe in our submission, Chair—

**The Hon. RICK COLLESS:** Is that the original submission?

**Mr BAILEY:** No, in the submission of July, on page 5, at allegation 4 I noted, "OEH has obtained a photo of the western park entrance sign, see photo 3 below," is confirming that one—western.

**Ms FARUQI:** Mr Bailey, photo No. 3 in your submission of July was taken by an employee of National Parks and Wildlife. I am wondering whether it was not made available to the inquiry then because you did not have possession of it at that time.

**Mr BAILEY:** That is correct.

**Mr PEACOCK:** That is correct. As a result of this further inquiry, we have contacted people who were at the fire at different times and who do not work locally. We are casting quite a net, if you like, to find recollections or imagery, and that is where this has come from. This is from an employee who was at the fire but does not work locally and was not contacted initially.

**Mr BAILEY:** I should probably just contextualise. When we were dealing with those questions about signage, the first dealing was with a supplementary question to the original hearing. The signage issue was not raised through the initial hearing; it was raised through a supplementary question, which we answered at the time. The subsequent questions have meant that we have contacted more staff to get as much information as we could to move forward for both the submissions and this hearing.

**The Hon. RICK COLLESS:** Photograph No. 9, or photograph No. 3 in the OEH submission dated 29 July, is an original display that was put up on 11 January—an actual photo of the laminated sign that was erected by Mr Tucker on 11 January, prior to the fire.

**Mr PEACOCK:** Correct.

**Mr PEACOCK:** The photograph was by David Brill on 17 January.

**The Hon. PENNY SHARPE:** Are you able to provide us with a date stamp on that photo?

**Mr BAILEY:** The metadata?

**The Hon. PENNY SHARPE:** Yes. Could you do that, if you are able to?

**Mr BAILEY:** Certainly. My understanding is that we would be able to.

**The CHAIR:** Who took photograph No. 10? It is a loose one in front of you. Did Mr Brill take it, or someone else? I am informed it was provided this morning by Mr Shobbrook. You can see that it is in the middle of the fires burning and is of the western entrance. Would you agree that that is the western entrance?

**Mr PEACOCK:** Yes.

**The CHAIR:** The Warrumbungle National Park sign can be seen to the left of the road, partially obscured by some trees.

**Mr PEACOCK:** Yes.

**The CHAIR:** It is very difficult to ascertain but it would appear, from our inspection of it, that there is no red and white or red and yellow sign attached even though you can only see about half the length of the sign. Could you explain why that might be?

**Mr PEACOCK:** I would not agree that you can make that judgement on the basis that—

**The CHAIR:** No, I am making a suggestion and I am asking for your comment. Looking at the photograph, what do you think?

**Mr PEACOCK:** My view is that the majority of the sign is obscured.

**Mr BAILEY:** I genuinely cannot discern, Chair. I genuinely cannot tell.

**The CHAIR:** Neither could any of us, but I thought I would put the question to you anyway, Mr Bailey. Thank you.

**Mr SCOT MacDONALD:** What is the little thing on the left-hand side on the tree trunk?

**Mr PEACOCK:** I think it is a road speed sign.

**The CHAIR:** Below and to the left of the road speed sign.

**Mr SCOT MacDONALD:** Not the road sign, but something to the left.

**Mr BAILEY:** Further to the left of the speed sign?

**The CHAIR:** We are just speculating.

**The Hon. PENNY SHARPE:** In your submission on page 6 there is a discussion between Mr Tucker and Mr Selmes. You say that they were putting the sign up at the time. Can I confirm that they were at the western side when they were erecting this sign?

**Mr PEACOCK:** No, my understanding would be that that would be the eastern side.

**The Hon. PENNY SHARPE:** That is right: The eastern side. My apologies. That is fine. Mr Tucker thinks he was talking to Mr Selmes at that point and your submission suggests that he would have missed the western sign when he drove to the other side. Is that correct?

**Mr PEACOCK:** I am not sure Mr Shobbrook presented any material about Mr Selmes.

**The Hon. PENNY SHARPE:** Is it possible that you have the date wrong about when that conversation took place?

**Mr BAILEY:** My view would be I am relying on a staff member. That staff member has consistently referred to that date and continues to believe that was the date that it occurred. We do not believe there is an error in that date.

**Dr MEHREEN FARUQI:** Just to confirm, it was the red and yellow sign that Mr Tucker was putting up at the eastern entrance when that conversation happened on 11 January.

**Mr BAILEY:** The laminated red and yellow sign, yes.

**The Hon. RICK COLLESS:** In regard to your preparedness, obviously you have these vinyl signs available now, stored in the office in town for future use. Did you not have any "National Park Closed" signs ready and available to go, despite the fact that we were in yet another hot summer? What is the normal procedure when you need to close the park? How do you do it?

**Mr BAILEY:** The question of closing the park is a complicated one because there are components of the access points over which we do not have care, control and management. Most notably, there is the John Renshaw Parkway. It runs through the park, but we do not have care, control or management of it. We have looked at this, and to be honest it is one of the things we have learned from this process, and particularly from this fire. It has been reflected in our signage discussions and application in the future. Did we have them at that time? No. Had we seen catastrophic conditions like this in that park? Not for a very long time. Have those conditions been repeated? Even when we tried to get them in an emergency situation, it still appears to have been a fortnight before the manufacturer could get them done. My memory is that we ordered them on the 9th and we received them and managed to put them up somewhere after the 23rd. Did we have them then? No. Do we have them now and have we looked at what this means against the rest of the estate and how we sign for the rest of the estate depending on fire conditions? Yes, that is another thing we have done post this fire and we have also looked at what that means statewide.

**The Hon. RICK COLLESS:** I do not like to use averages, but you must need to close a park somewhere in the State every summer. That must happen reasonably regularly.

**Mr BAILEY:** Over a summer period, we certainly would close parks all over the State. However, some parks have a much higher probability than others of being closed more frequently. That is probably the context in the Warrumbungles. It was less frequently the subject of closure compared to some of the parks at particular times of the year. On catastrophic days like that period, we closed the entire park estate, which we have done from time to time as a precaution.

**The Hon. GREG PEARCE:** This is a separate inquiry from the Coroner's inquiry, and I want to get a couple of things on the record for this inquiry. You said in your 9 July evidence that Mr Steve Tucker was very clear in the evidence given at the coronial inquiry of 27 August 2014 that the images were re-enactments. Did he say that in answer to a question or proactively in presenting the evidence?

**Mr PEACOCK:** I will take that question on notice. Certainly at the time he was a witness and he was being examined. I expect he would have been responding to a question.

**The Hon. GREG PEARCE:** You have taken the question on notice. Was the re-enactment done at the request of the Coroner or your counsel? Or was it simply a good idea put by someone? When the photos were presented to the Coroner, were they presented with prior warning that they were a re-enactment, or was that simply drawn out later in evidence? I want to be clear about the circumstances in which they were submitted. In response to the supplementary questions asked in this inquiry, the two attachments were described as "photos of the signs". There was no equivocation about it; there was no suggestion that they were for guidance or assistance; they were described as "photos of the signs". Do you agree with that?

**Mr BAILEY:** Further than that, I acknowledge the error. I think I acknowledged it on 25 May this year to this Committee. I also acknowledged it in my opening statement today.

**The Hon. GREG PEARCE:** When you are presented with circumstances that could be a stuff-up—that is a technical term for Hansard—or a conspiracy, it is normally a stuff-up. I guess that is what we are looking at here. Is that what you would say? Would you say that it was not deliberate in any way or intended to mislead the Committee.

**Mr BAILEY:** Absolutely not. It was clearly not intended to mislead. It clearly would have been silly to act in that way, given that we had given the same evidence to the coronial inquiry. I acknowledged that error earlier in the year, and I have acknowledged it again today.

**The Hon. GREG PEARCE:** I was not a member of the Committee when it handed down its report. You would have examined that report, in which the Committee clearly indicates in hindsight that it believed they were true photos. Would it not have been sensible for someone to have spotted that and perhaps informed the Committee that the photos were not photos of the signs but re-enactments? Did no-one notice?

**Mr BAILEY:** Again, it was only in the context. This is something that we learned. It was in the context that it was a supplementary question when we answered it; it was not a major focus. It probably therefore was not read as a major focus. It came to light earlier this year when we got the supplementary request for information. It then became clear and apparent to us, and that is when we acknowledged it.

**The Hon. MICK VEITCH:** I accept that. However, supplementary questions asked by members of committees are usually drawn from information provided in a written submission or in testimony such as that provided today. We do not draw a distinction between what is a primary question and a secondary question, or which is more important. In the context of an inquiry, supplementary questions are just as important as questions put to witnesses in a hearing. Following on from Mr Pearce's question, someone in the department must have read the Committee's final report. Like Mr Pearce, I was not a member of the Committee then. Someone must have read the final report and there must be a process that would cause someone to say, "Whoops, I think that is wrong." It must have been somewhere in the system.

**Mr BAILEY:** What comes to my mind is that we are talking about the officer involved in taking the photos having that recognition. For me, the report from the Committee importantly goes to our Fire and Incident Management section, which is therefore in a position to help us to create systemic change across all of our programs. The depth of the recommendations and the actions on them are driven from that program. What you are thinking simply may not have occurred in practice because the officer who did photographic re-enactments may not have looked at the report in that detail. However, the depth in which I seek the report to be reviewed and the systemic changes that I look for in the organisation to respond to that are driven from our central Fire and Incident Management section, which sets the statewide fire manual for the whole program. When you asked that question I could see how that might have happened. But I give an assurance that the report was examined by

a number of people to ensure we create systemic change in the organisation in terms the findings. That is done centrally through our Fire and Incident Management section, which prepares our fire management manual on a yearly basis for application by staff out in the field.

**Mr PEACOCK:** I do not have it in front of me, but from memory the report says something like "the Committee takes it on face value that the signage in place at the time was adequate".

**The Hon. GREG PEARCE:** Based on photos which purportedly were photos of the signage.

**Mr PEACOCK:** Having read the report once it was published we still would have formed the view that we thought the signage in place at the time was adequate.

**The CHAIR:** There are two different sets of considerations. I accept, and I think other members accept, that your examination of the report would have been exactly as you put it: What do we need to take out of this to improve our response to fires? In other words, it is all about the fire. This hearing is being held to establish whether someone lied under oath, someone misrepresented under oath, or someone was simply mistaken. Mr Shobbrook said earlier that there are witnesses prepared to make statements to the Committee that might tend to question some of the information given to you by your staff. At this point in time it is very difficult for the Committee to come to any conclusion other than that mistakes were made, our report was based on those mistakes, and the causes of those mistakes are yet to be determined.

I will take the secretariat's advice and the Parliament's legal advice as to whether we approach those people who are alleged to have given the evidence. Bear in mind Mr Shobbrook was appearing here not on his own behalf but to present evidence given to him by others. The evidence from those others has not been tested yet. We have taken that evidence as read, the same way we took your evidence as read in the original inquiry. If there is any evidence that there was a deliberate attempt to give this inquiry or the Coroner's inquiry an impression that things were done better than they were, it still only relates to the questions of the signs. This is a very tightly held set of terms of reference. That is why I said to you before that the other stuff about people wandering around and not wandering around or cleaning toilets is totally irrelevant to what we are considering today.

**The Hon. RICK COLLESS:** Can I go back to the issue of the laminated signs that were erected, according to your evidence, on 11 January? I guess this one at the Dooranbah Road is at the western edge, is that correct?

**Dr MEHREEN FARUQI:** What number is that?

**The Hon. RICK COLLESS:** Photograph 4 on page 7 of the OEH submission. That sign there is this one here?

**Mr PEACOCK:** That is correct.

**The Hon. RICK COLLESS:** That is on the western end of the park just north of Tooraweenah. The sign that was erected on the Coonabarabran end was the same type as that. Is that correct? Was it the same size as that one that was erected at the Dooranbah Road? We have not got a photo of that sign.

**Mr PEACOCK:** We do not.

**Mr BAILEY:** We do not have a photograph of that sign. So can I say undoubtedly there is nothing that I can show that that is the case. The aspect was around those signs, I would expect that they were printed the same. My expectation would be yes, but can I say it definitively? I do not have a photograph piece that says that.

**The Hon. RICK COLLESS:** You are obviously aware that Mr Shobbrook's evidence says that those signs were not there on the 11th and that the only sign that was there on the 11th was that sign that shows up on photograph No. 1. There has been some discussion over whether it is A3 or A4 size. I do not think that is particularly relevant. But a small paper sign was erected prior to, I think you said, the 7th. Was that erected on the 7th?

**Mr PEACOCK:** That is correct.

**The Hon. RICK COLLESS:** Then the red and yellow ones were erected on the 11th?

**Mr BAILEY:** Correct.

**The Hon. RICK COLLESS:** Mr Shobbrook is saying that people are saying to him that that was the only sign that was on that main sign near Coonabarabran. It was the small paper sign. There was no red and yellow sign there.

**Mr BAILEY:** Yes, we understand that. I think Mr Peacock might correct me but Mr Tucker, in placing those signs, went to that site on the 11th as he went to the other sites.

**The Hon. RICK COLLESS:** In your submission you say that he put the one up at the Dooranbah Road at approximately 15:00 and the one on the Coonabarabran end was erected at approximately 17:00.

**Mr BAILEY:** That is right.

**The Hon. RICK COLLESS:** On 11 January?

**Mr BAILEY:** The 11th is the day that we have got Mr Tucker as having undertaken that activity, yes.

**The Hon. GREG PEARCE:** To be fair, we do not have any evidence to contradict that.

**The Hon. RICK COLLESS:** No, we do not.

**The CHAIR:** Other than some of the statements that were made today offering other evidence. We will have to test that.

**The Hon. GREG PEARCE:** To be fair to the witnesses, you are relying on a photograph by somebody else and what they have put to you?

**Mr BAILEY:** In that instance, yes.

**The Hon. GREG PEARCE:** You are looking at this photograph No. 4?

**The Hon. RICK COLLESS:** And Mr Tucker's work diary? Did he document in his work diary that he did those things?

**Mr PEACOCK:** Yes, and he made some annotations about where he was at a particular point in time. He was actually I think in or around the visitor centre and that was at about 4.00 or 4.05 or something. So we worked back either way from that time to approximately calculate when he would have been in the west and when he would have arrived in the east.

**The Hon. RICK COLLESS:** He clocked off at 17:45?

**Mr PEACOCK:** That is correct, yes.

**The Hon. PENNY SHARPE:** If we can look at No. 6 on this list, which is not one of yours, and then look in your submission at page 10 at photograph 7, which is not in this pile. We agree that we are looking at the same sign in those two different photos?

**Mr PEACOCK:** Yes.

**The Hon. PENNY SHARPE:** Can I get you to confirm that what you are saying about the photo that was taken on 6 July by Robert Smith is that the grey tape indicates that the yellow and red laminated signs on the 11th were there? Is that what you are basically saying with that photo?

**Mr BAILEY:** Can I be definitive? We are not certain. We used that grey tape to put signs up during the fire. There is grey tape still on that sign. We did put a sign up on that sign. But am I saying absolutely? No, I cannot be certain.

**The Hon. PENNY SHARPE:** No, but you are suggesting that it could be evidence of that because the next sign, the laminated sign, was tied on obviously, so it was different.

**Mr BAILEY:** The canvas sign was tied on.

**The Hon. PENNY SHARPE:** Correct. That is what I am saying. What you are saying is that on the 11th Mr Tucker went around and put up these yellow laminated signs, they had been made in house to try to get bigger signs up and the grey tape here could be an indication that it was there but we ultimately do not have any proof on that sign. Is that what you are saying?

**Mr BAILEY:** That is correct. We cannot find definitive evidence.

**The Hon. GREG PEARCE:** If you go to page 15 of your submission, that is the same sign, is it not?

**Mr BAILEY:** No, that is the canvas sign. That is the updated sign after the 23rd. That is why I did open with saying that three classes of signs were produced.

**The Hon. RICK COLLESS:** Following on from that, going back to photograph 4 in your submission on page 7, that sign that is attached to the Dooranbah Road does not look as though it has been attached by using that grey tape, does it?

**Mr PEACOCK:** No. That sign was tied on. Not all of our signs were attached with grey tape. There is a photo of one there that is. Some were and some were not.

**The Hon. MICK VEITCH:** What would determine the variation in affixing the signs to respective posts?

**The Hon. GREG PEARCE:** What was in the toolbox.

**The Hon. MICK VEITCH:** Is it as simple as what was in the toolbox at the time or is it because there may be a gap where you can tie them on properly? Is there a rhyme or reason?

**Mr PEACOCK:** We could only speculate that the staff member at the time would have just made a judgement on what he had, string or tape, and what he was trying to tie it to to make an assessment as to what would work best.

**Dr MEHREEN FARUQI:** Mr Bailey, in response to a question by Mr Colless you said that you had looked at procedures in terms of signage and erecting signage. Would that mean that you have looked at durability of signs and having them in national parks? Is that what you were alluding to as a response to the inquiry?

**Mr BAILEY:** We have looked and done some work around statewide about what would we do in higher risk areas as distinct from all parks having a standard set. Then it varies slightly from park to park. Because remembering where we have care, control and management of the park, that is off the parkway, we closed with barriers to be very clear and very definitive very early on. We do not control here. Where we do control in some parks we use high quality signage that can be put in place on high fire danger days. We can close gates on parks to actually prevent access during periods. So we have got a varying range, but we have looked further, yes.

**The Hon. MICK VEITCH:** On page 9 of your submission dated 29 July there is allegation seven. In the first paragraph, which is yours, the last sentence says that OEH regrets this omission. It relates to the A3 "Park Closed" sign. This Committee had some photographs of re-enactment signs that they were not aware of. There have also been some omissions in your original submission to the original inquiry. Do you regret where this has all got to?

**Mr BAILEY:** Can I be clear—and I said this in my opening statement—there are two areas. The re-enactments were not clear, but I reiterate we were clear to the coronial inquiry. In my view, it was an error and, yes, I do regret, and I apologise, unreservedly. The A3 "Park Closure" sign that we are talking about here, I also acknowledged earlier on that that came into our awareness when we did a wider cast of looking for information around signage at the time. Again, I regret and would have preferred to have provided that evidence earlier, yes.

**The Hon. MICK VEITCH:** Is there anything you have learned from this process that has generated systems so we can be assured that when we receive evidence from OEH in the future such re-enactments and omissions will not occur?

**Mr BAILEY:** Clearly on the re-enactment and, again, I am reiterating, it was an oversight. It had been made very clear in the coronial inquiry. Clearly that is something that should not happen again systems-wise. There is no doubt about that. In respect of omissions of information, I would certainly—the most interesting thing and what goes on is that everybody carries a mobile phone. In this instance, we have had advice from people who were out of the area, or a long way away who were in for a particularly short period, and we will cast the net wider when we come to asking questions like that down the track. That is what has happened here. The fact is that everybody carries a camera these days and we will have to cast our net very widely when we ask for any information that people have.

**The CHAIR:** We have run out of time. Thank you very much to you and your staff for agreeing to attend. We may come back to you with some questions on notice. We would like a response from the department within 14 days of you receiving any questions, if that is possible. I understand you are leaving us, Terry.

**Mr BAILEY:** Nine weeks, Chair. I will cover off between now and then. I am contemplating a budget estimates hearing Friday week and the questions that will come with that.

**The CHAIR:** You will not get any questions on this, I can assure you of that.

**Mr BAILEY:** No, the additional questions that will come after that.

**The Hon. PENNY SHARPE:** There will be a lot, sorry; a departing gift.

**The Hon. GREG PEARCE:** Mr Peacock has taken on notice to give us details how that evidence got to the Coroner. Subject to seeing that, that will reflect on the degree to which it seems to be a slip-up.

**The CHAIR:** Or otherwise. Thank you very much for agreeing to come in, gentlemen. I appreciate your time and effort.

**Mr PEACOCK:** Can we take those?

**The CHAIR:** You can take those. If there are any further questions that might come from Mr Shobbrook, it is important that you have those documents there.

**(The witnesses withdrew)**

**The Committee adjourned at 3.20 p.m.**