

Sam the scam: Sam the Koala is an impostor!



**This photo by Raymond Hoser
taken in January 2010.**

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Sam the scam: Sam the Koala is an impostor!

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ABSTRACT

On 7 February 2008, a series of Victorian bushfires killed 173 people and caused massive property losses and death of wildlife. On 10 February a supposedly original video emerged on the internet site "Youtube" that depicted CFA Fireman David Tree feeding an allegedly injured koala a bottle of water. At the same time (as in the next day), newspapers worldwide, promoted the video and four associated still camera photos taken at the same time, with the Koala gaining "celebrity status" and being named "Sam the Koala". The official (Government) version of the story as dutifully reported in the mainstream media (including the *Age* and *Herald-Sun*), from then until present stated that the same Koala was cared for by a Mrs Colleen Wood until it's death on 6 August 2009 and then lodged with the National Museum of Victoria, whereupon the same stuffed animal remains as of February 2010.

In summary the video depicted was carefully planned and executed and not an unexpected and random act of kindness caught on film as alleged by Tree and agents. It was in fact a bootleg of at least two similar acts both predating the making of this video and known to all or most people most actively promoting "Sam the Koala". The depicted Koala had been "planted" for the express purpose of making the pre-planned video and associated photos and was Mr Tree's second attempt at making a famous "bear" named "Sam". The origin of the idea goes back at least as far as 2003 and probably further. The stuffed Koala at the Museum, now identified as "Sam the Koala", is female and is not the same koala depicted in the original video and photos. It is therefore an impostor or a fraud.

The originally depicted Koala is a male, identified by the relevant parties shortly thereafter as "Bob the Koala", allegedly captured in Boolarra two days before the (now female) "Sam".

For the first time ever it can be reported that the same "Bob" was in fact a long term captive, having been held by Wood at least as far back as April 2006.

A secondary "swap" was the attribution of the relevant still images. In the first instance and for some months thereafter, photos were consistently credited to "Russell Vickery" of the *Herald-Sun*. However post-dating a report in the *Herald-Sun* on 12 August 2009, relating to a (then) proposed "Sam the Koala" trademark opposition by the Victorian government through the Department of Sustainability and Environment (DSE), the media and other sources commenced crediting the photos to DSE employee Mark Pardew, including "rebranding" this information on the web on earlier news clips without noting this editing. The photos credited are the same four identical images raising further questions as to reasons for the "swap".

Besides the fraudulent and deliberate swapping of Koalas identified as "Sam" shortly after the making of the February video, an act that evidently is known to many involved with "Sam the Koala" since February 2009, a large number of illegal and dishonest activities have also been uncovered. The common thread and motivation has been to scam enormous amounts of money in the form of cash donations from well-meaning members of the public or to divert attention from culpable acts and negligence that led to the massive destruction of life and property on 7 February 2009. Because the fraud has remained undetected to the public at large (or at least undisclosed) and there has been a transfer of hundreds of thousands of dollars to participants and entities they control, the "Sam the Koala" campaign has apparently been highly successful.

Keywords: Koala, Sam, Fraud, Impostor, Money, Wildlife, Conservation, Department of Sustainability and Environment, DSE, Museum of Victoria, John Brumby, Premier, Corruption, Lies, Dishonesty, Venomoid snakes, *Phascolarctos cinereus*, stuffed, news media, *Herald-Sun*, swapped, bushfire

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Scenes of destruction, three months after the fires of 2009. The houses shown here were lost solely because the owners had repeatedly been refused permission by their council, state government and judiciary to remove dangerous, non-native feral weeds in the form of Pine Trees (*Pinus radiata*), creating a totally predictable and inevitable disaster, that governments since then have sought to avoid blame for, by promoting diversions like "Sam the Koala".



These photos by Raymond Hoser were taken on 17 April 2009.

INTRODUCTION

On 7 February 2009 a series of bushfires affected Victoria, causing massive loss of 173 lives and also massive property damage. This bushfire event far eclipsed any other similar events in Australian history in terms of number of people killed. This day was the climax of a severe bushfire season in Victoria, that had seen a series of fires burning in both January and February 2009.

Shortly after the scale of the devastation became apparent, it also soon became apparent that a major cause of life and property losses was government policies and actions over several years, which in combination prevented home owners from being able to remove dangerous vegetation from around their homes, which on "Black Saturday" ignited and caused a holocaust. Councils, DSE and other government entities refused to allow land owners to take obvious safety precautions, including for example preventing people from removing dead and dying pine trees (*Pinus radiata*) an exotic invasive weed.

Igniting pines alone caused a huge number of deaths during the fires.

Supporting these actions before fires were judges and magistrates in all courts and at tribunals like the Victorian Civil and Administrative Tribunal (VCAT) who blindly did whatever the politicians and the government told them, consistently ruling against citizens who wanted to clear non-native and other dangerous vegetation.

Those who transgressed were hit with fines more in line with crimes like murder and paraded as environmental vandals, the reason being as "specific deterrent" and "general deterrent", to ensure no one else dared to challenge the government's orders not to remove weeds and other dangerous vegetation.

In order to escape blame and punishment for their culpability, people in government

sought and exploited any possible diversions and distractions.

One such distraction emerged on or about 10 February 2009, when a video was widely posted on the internet sites "youtube" and others showing a large male Koala drinking water from a bottle held by Country Fire Authority (CFA) fireman David Tree. The video is self explanatory, but shows a Koala at first making a run from Tree and then being held and drinking from a bottle of water.

Tree is dressed in yellow CFA Uniform and at the same time as the video was taken at least one other person took quality still photos of the same, including at least four quality photos of Tree in a pose offering the Koala water. Other details of the video are discussed later.

According to news reports and the Museum Victoria and other "official" sources, the Koala shortly thereafter ended up at the "Southern Ash Wildlife Shelter" (SAWS), managed by Colleen Wood a licenced wildlife carer (a venue that is in fact her private home property).

The photos and Youtube video were streamed around the world and similar material (from the same source) appeared in mainstream media, including the front page of the *Herald-Sun* newspaper in Melbourne.

It is not known if money changed hands in exchange for the "rights" to the photos or video and my own independent inquiries revealed nothing either way. However phone conversations with Colleen Wood, David Tree and others indicated that rights were in fact sold for both video and photos and sizeable amounts of money were paid. Shortly thereafter, according to the official record, "Sam the Koala" as the Koala (or more accurately Koalas) became known, became a hot commercial property, with all persons connected seeking to gain fame and fortune in terms of their connection to

it.

The official record shows that Wood, relatively new to the animal shelter business, set up an internet site calling it "samthekoala.com.au" (name registered on 16 February 2009) as her main web page for her shelter as prior to that she didn't have any shelter website.

The wildlife shelter was according to her new website consisting at that stage of her house, including the kitchen. She was keen to raise \$700,000 she claimed she needed to make a proper shelter to treat burnt Koalas and her website was littered with calls to donate funds and her bank account details.

The *Herald-Sun* also promoted the Koala, running numerous more stories and selling photos of Tree and the Koala, credited to their photographer named "Russell Vickery" (later identified as a CFA firefighter), with profits raised to be donated to the CFA.

Others also sought to use the Koala for money making purposes.

Numerous other "Sam the Koala" internet domains were registered and on 20 February 2009, a retired Amy Major, Maryann Martinek applied to register the first of numerous trademarks, using the words "Sam the Koala" or similar as well as logos and the like (at least one of which was) essentially similar to the now famous pose by Tree with the Koala as sold and marketed by the *Herald-Sun* newspaper.

Martinek is also my first direct connection with the Sam the Koala story, although at this point I should stress that I have no direct interests in the relevant Koala's animal shelters or other businesses involved in the "Sam the Koala" story.

On or about 13 February 2009 one or more photographers took photos at Wood's residence (always referred to in the media as "The Southern Ash Wildlife Shelter"), and these photos were published in

various places, including on the *Herald-Sun's* own website at:

<http://www.heraldsun.com.au/news/gallery-0-1111120749856?page=1>

These depicted photos of what they claimed was the same "Sam the Koala" as shown in the video and other Koalas including most notably an associated male Koala, they named "Bob".

Those photos are what caused me to finally publish this paper, as these photos clearly depict a Koala different to the original one identified as "Sam" (except when the original photos are reprinted, e.g. images 1 and 2 in <http://www.heraldsun.com.au/news/gallery-0-1111120749856?>).

News reports of the time, including the original reports of 10 February, stated that there had been a confusion in identity and that the "Sam" the male was actually "Sam" the female, but still just one and the same Koala.

However there was no mention of swapping Koalas, or that the Koala identified in the newer images as (the female) "Sam the Koala", were in fact a different Koala to the original male water drinking "Sam the Koala" depicted in the original Youtube video and photos.

At the time of the publication of these images, I did not look at them and hence was unaware of the fact that there had been an apparent swap of Koalas. As mentioned already, I had no interest in the Koalas and was too busy with my own day-to-day things, including running a business "Snakebusters" and associated reptile-related research and publications.

(In February 2009, my main interest was in the publication of major papers reclassifying the True Cobras, Rattlesnakes and Pythons).

Shortly after "Sam the Koala" hit the headlines, Tress-Cox Lawyers became agent for the Koala in terms of media and



Water drinking Koalas ...

Who can claim priority?

The evidence in print...

First came "Star the Koala" appearing in a bowl of water in the *Geelong Advertiser* on 31 August 2009, shown still lapping up fame a week later above.

Then along came Noonan's "Lance the Koala", upstaging "Star" by being photographed drinking from a bottle of water on 3 February 2009 and being posted all across the internet. Meanwhile Tree and Wood hadn't got onto the bottled water caper by 3 February 2009 as evidenced by the large clip in the *Herald-Sun* featuring Wood and "Kelly the Koala" who couldn't compete in the fame stakes with the others.

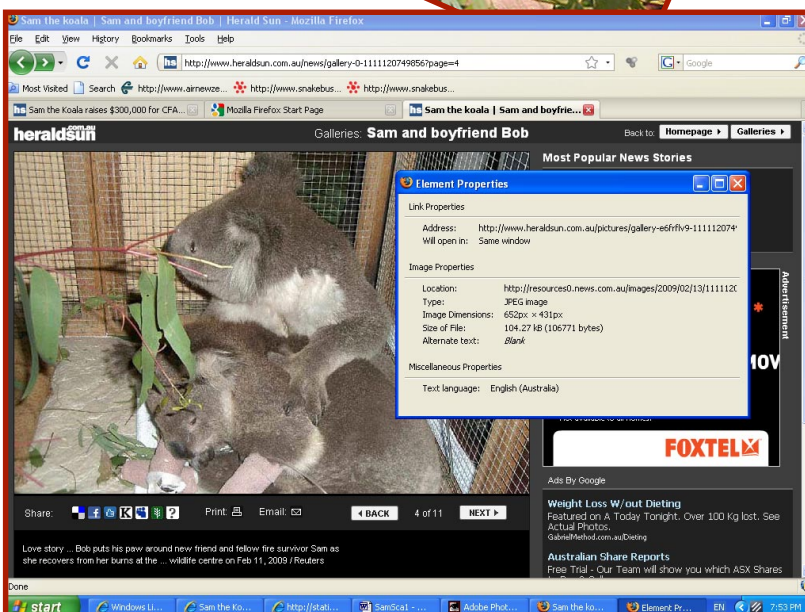
Upstaging them all was the male "Sam", seen opposite, who debuted on 10 February 2009 with well-choreographed photos *and* a video-clip of him drinking from a bottle.



Identity swap!

The male drinking Koala "Sam", shown in the now famous top image with David Tree, re-branded within a week as "Bob the Koala", readily identified as the same animal by its sex, coloration, nose dimples and alopecia on the forearms.

The animal had no burns as alleged by Tree and Wood as seen in three of the images here, including the bottom jpeg with a relevant date stamp. This indicates the placement of a pink bandage on the forelimb for the middle photo was merely to support the false claim that this was a recently wild-caught Koala with burns. See the newly named female "Sam" in the bottom image with pink bandages on the forelimbs.



other commercial and money making activity, with Nick Pullen and Peita Elkhorne acting as main lawyers working allegedly “pro bono” for Wood and her Koala, but at the same time gaining valuable publicity for advertising the “fact”.

This is the same law firm that has acted aggressively for media clients and acted against Martinek in another legal stoush with her former business partner Derryn Hinch (of TV and radio fame), after a joint business enterprise went bust.

In a series of phone conversations in the late 2009 period, Martinek advised me that she had applied to register various ‘Sam the Koala’ trademarks and later to that, that she had advised Wood or an associate that she had done so.

This advice came after Martinek was contacted and told to stop “passing off” using a “Sam the Koala” “twitter.com” site.

The information that Martinek had trademarks for “Sam the Koala” was passed on to Tress-Cox lawyers with the promise action would be taken.

As of January 2010, nothing further happened in this regard.

However and significantly, the *Herald-Sun* newspaper published news reports effectively urging the Victorian State Government to oppose her trademarks, based on the same information, the clear inference here being that the information had been passed to a friendly journalist there, as opposed to the *Herald-Sun* journalist independently finding out by searching the trademarks registrar as part of a random search of new trademarks.

The media pressure worked and shortly after publication of the news articles, Oppositions to some of Martinek’s trademarks (including numbers: 1289376 and 1315073) were lodged, with the opponent listed by IP Australia as “THE CROWN IN THE RIGHT OF THE STATE OF VICTORIA CARE OF THE

DEPARTMENT OF SUSTAINABILITY AND ENVIRONMENT”.

For trademark number 1290731, another opponent besides DSE was listed as, “MUSEUMS BOARD OF VICTORIA”.

Martinek, had as of end January 2010 applied for a number of related or similar trademarks, using various “Koala” name configurations and/or images of varying kind, not all of which had been opposed, but for which opposition time limits had not expired.

Opponents often regard it as a tactical advantage to lodge opposition notices late in the trade marking process and hence delay issuing notices to the end of the three month “opposition period”.

At the time of writing this paper, those proceedings were ongoing, but the consistently unreliable “Wikipedia” as of 20 January 2010 reported (erroneously) that Martinek had already lost those proceedings.

In a conversation in January 2010, Martinek was discussing her trademark issues with me.

She stated that there were two “Sam the Koalas”, as in the original male and then a substitute female, something I could easily confirm from the photos.

More significantly she was able to show me that far from being an unexpected event, the whole David Tree/ male Koala drinking bottled water sequence was not only carefully planned and executed, but in fact a bootleg of a similar event in South Australia days earlier, which in turn followed from similar earlier events.

Investigating the leads she gave and following other obvious pathways of evidence, it became clear that there were several other aspects in terms of the “Sam the Koala” story that needed to be told as they involved serious misconduct, unethical issues, misrepresentation and potentially illegal activity.

This all became more important in the wake of the death of the (female) Koala and an attempt by those concerned with it to literally re-write history to create a "Sam the Koala" legend, and make it even more famous than the race horse "Phar Lap".

That the "Sam the Koala" sitting in pride of place in a case in the foyer of the National Museum of Victoria is an impostor, must be made known to the Victorian public.

As things stand, the Koala is the same as a fake work of art. It is wrongly attributed and therefore arguably worthless.

Finally, I asked Martinek if she objected to my writing the accurate story about the "Sam the Koala" scam and she said "no".

I also attempted to contact other parties as required, most significantly Wood, but she failed to answer e-mails or her phone.

MATERIALS AND METHODS

In the first instance, this project sought to line up the published photos of "Sam the Koala" (both male and female Koalas) and identify obvious differences between the animals to prove that there were two Koalas involved.

That was simple!

As the project expanded to find out the history of the Koala swap, who was behind the fraud, who was aware of it and who may have been innocent parties for it, I was forced to investigate publicly available information about the "Sam the Koala" caper.

Many thousands of web pages, blogs and the like have been generated in terms of "Sam the Koala" and like a game of "Chinese Whispers" information gets garbled and mixed up.

Because of this, my inquiries were generally limited to so-called original "source" documents.

That is "from the Horse's mouth".

In other words, I have sought original photographs of original dates, or as close

to as possible, rather than copies of copies.

In terms of video footage and the like, much the same.

In terms of comments, answers and histories, I have gone directly to the sources such as Colleen Wood's website and the like, as opposed to third party blogs.

In terms of legal materials, I have accessed government run sites such as "ABN lookup", "IP Australia", government legislation sites and interpretations of them by the government departments entrusted with enforcing these rules and the like.

In terms of forensic examination of material, nothing terribly hi-tech has been used. Most importantly all the information and facts related within this paper can be easily checked and verified by any disinterested third party.

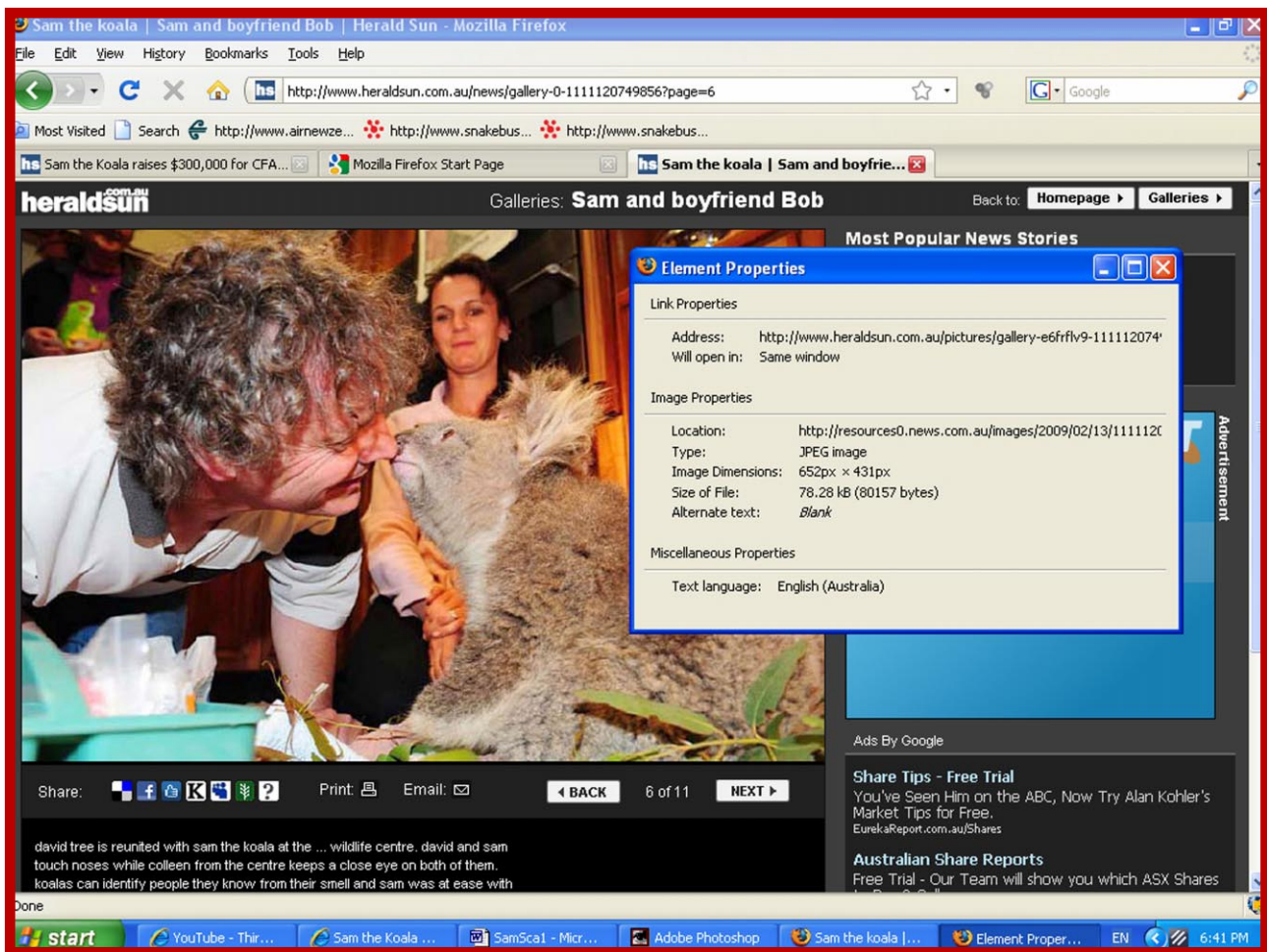
Website citations, unless otherwise indicated are all "as seen" on the internet as of 30 January 2010. This is because of the changing nature of web pages.

Pages reproduced here with different date stamps as generated from "Google's" cache were unchanged as of 30 January 2010 unless otherwise stated.

In general I have archived "Cached" versions from "Google" and the like as opposed to directly, to accurately and independently date-stamp internet material used.

All key material cited within has been copied to hard drive and also "screen dumped" when appropriate. The "ctrl"+"print screen" combination was used to take dumps of video images and the like for close examination of the original "Sam the Koala", with the two Koalas later identified as "Bob" (the same animal) and "Sam" a different Koala.

Where I cite obviously inaccurate information, such as seen on "Wikipedia",



Two “Sam the Koala’s”.

Shown here top is a date stamped image from the *Herald-Sun* website of the female “Sam the Koala” created in February 2009. Below to the right is an image of the same stuffed female Koala in the National Museum of Victoria taken in January 2010. To the bottom left is the original male drinking Koala, this image being taken from a screen dump of the original video recording of David Tree giving the male a drink of water. That there are two Koalas involved in the “Sam scam” is undeniable.



this is noted and reason for this is given, because it is in fact an essential part of the "Sam the Koala" scam.

Rather than providing a list of references at the end of the paper, all citations are in full in text, or at least sufficient to allow independent location, verification and checking.

Due to the enormous amount of available material, most of which is duplicitous, I have chosen to cite that which is most readily accessed by the lay person, including that of the internet, over and above printed and other sources, usually deemed more reliable, in (this usual) event that the information is the same and apparently undisputed.

As a result, the simple intellectual exercises that form the basis of this paper can be copied and duplicated by almost anyone with an internet connection and who is reasonably competent at working with internet web pages, files downloaded and the like.

During investigations, it did emerge that the re-writing of the "Sam the Koala" story commenced almost as soon as the original video was made and even the key players regularly altered their accounts of events.

This alteration of accounts led me to question (and doubt) the integrity of all that came from the mouths of David Tree, Colleen Wood and a number of other players.

In the case of Wood and Tree, this doubt as to their integrity was well-grounded, due to the early establishment of the fact that both knew and lied about the true identities of "Sam" the drinking Koala and Sam the female substitute Koala.

While the evidence and all obvious inferences led me to similarly regard the statements of many other parties with similar scepticism, inferences, no matter how compelling did sometimes have unlikely potential alibi's or other

explanations.

This paper deals strictly with facts and therefore I make a point of setting out what is undisputable facts and what may be subject to dispute, even if compellingly likely based on other known facts and inevitable inferences.

The "obvious inferences" idea is noted in terms of the activities of the *Herald-Sun* newspaper, who also mercilessly wrote and re-wrote the changing official version of the "Sam the Koala" story, loyally swapping male for female Koala, changing alleged dates of events in their stories and even changing photo credits and early posted news stories, adding (newly) important and altered "facts" (without notation of changes) as the trademark dispute with Martinek progressed.

These changes became apparent in the "digital trail" of third party websites posting stories different to those on the originating *Herald-Sun* links. Checking of the original hard copy newspapers at the State Library, revealed that the *Herald-Sun* had altered online versions of February stories months after publication and without indication of "update" on the site.

So while it appears blindingly obvious that at least some people at the *Herald-Sun* were aware of what was going on in terms of the "Sam The Koala" scam, I cannot state this as fact. Potential recklessness in editorial conduct (but without adverse motive), changing web pages, photo attribution and the like remains possible.

An example of what I mean is seen in the altered online story at: <http://www.heraldsun.com.au/news/the-facts-about-koala-sam/story-0-1111118835685> published on 13 February 2009 and altered after August 2009 to add a paragraph crediting Mark Pardew as the man who took the photo of Tree giving the male Koala a drink of water.

Previously Russell Vickery had been

credited for the photo.

Another good example of the contrast is seen on the web link for an article at:

<http://www.heraldsun.com.au/news/sam-the-koala-a-video-star/story-0-1111118815621>

which as of 6 February 2010 was headed:

“Victorian bushfire survivor, Sam the koala, a global star

Megan McNaught

February 11, 2009 12:00AM”

There is no indication of later editing, but sometime after early August the web page was changed.

The original and hard copy version read in part:

“Mr Tree said he was surprised by the reaction to the photograph, which was snapped by a fellow CFA volunteer on a mobile phone.”

This was later amended on the website to include the name “Mark Pardew” so that the relevant paragraph read:

“Mr Tree said he was surprised by the reaction to the photograph, which was snapped by Mark Pardew - a fellow CFA volunteer - on a mobile phone.”

Similar changes were made to other *Herald-Sun* websites, without notation of changes identifying Pardew as the photographer and wiping credits to Vickery. Before progressing further, it is worth reading the “official” version of “Sam the Koala” as reported initially on 10 February 2009 and then the modified version taken from the Museum Victoria website (updated in early 2010), reproduced here in full for the purposes of fair comment and the like.

This is not a true and accurate account of events, but it is what the government and the media outlets they appear to control would like people to believe.

Errors in this account are noted later.

News clips, photos and the like, for which I do not have copyright are reproduced as needed for the purposes of fair comment and accuracy in this account.

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THE MOST IMPORTANT EVIDENCE

Before detailing all elements of the “Sam the Koala” scam, I shall detail what I view as the most important evidence and of most interest to others.

To grasp the fact that there are two “Sam the Koalas” of relevance (an original male and an impostor female), although (in the first instance there may have been a possibility that the animals may have been acquired in reverse order), I rely most simply on the original photos of the male and the associated video on youtube, as published on or about 10 February 2009.

The swap apparently occurred shortly after the creation of these images or perhaps even decided before their creation, with a female “Sam” that had possibly been obtained before the male had been filmed drinking.

The order of acquisition of the two “Sams” is not important as both apparently resided at the same place (Wood’s refuge) and the decision to have two “Sams” had been determined at the time Tree, Wood and

The following is quoted in full and unedited from:
[http://museumvictoria.com.au/discoverycentre/infosheets/sam-the-koala/Sam the Koala](http://museumvictoria.com.au/discoverycentre/infosheets/sam-the-koala/Sam%20the%20Koala)
 The photo on the web page is the same animal as shown on the front page of this paper.

SAM THE KOALA

Sam in her new home, Melbourne Museum.

Image: Ben Healley

Source: Museum Victoria

Discovered

Sam was discovered in burnt bushland on Samson Road on 1st February 2009, during a defensive back-burning operation in Mirboo North, 150 kilometres south-east of Melbourne.

Mark Pardew, a firefighter for the Department of Sustainability and Environment (DSE), photographed Sam receiving water from the drink bottle of Country Fire Authority (CFA) firefighter, David Tree.

This back-burning operation was part of the containment response to three bushfires located north-east of Mirboo North, which had started on 28th and 29th January. These fires subsequently became known as the Delburn Complex fires, which destroyed 30 homes and burnt 6,350 hectares, with approximately 60 per cent of the burnt area in forest plantations.¹ The Delburn Complex fires were contained on 3rd February but still required constant patrolling, mopping up and blacking out.²

Rescue

Teams of trained wildlife rescue volunteers had been on alert since the Boolarra fires started on 28th and 29th January. Members of Wildlife Rescue and Protection Inc. (WRAP), a specially trained volunteer group who assist in wildlife rescue, were first alerted to Sam on Wednesday 4th February, but were not provided with the location details until 6th February. WRAP immediately activated local members to rescue her on Friday 6th February, a day before Black Saturday.

This complex and challenging rescue operation was led by Cathy and Mike Beamish and overseen by Donna Zabinskas. Sam was found approximately 15 metres up a tree and was reluctant to come down. In the absence of an accredited tree climber, rescuers Cathy and Mike taped two extension poles together, extended them to 15 metres, and gently encouraged her down the tree. It was a hot and difficult task requiring considerable patience. It took over an hour to coax Sam down.

As with most rescued wildlife, Sam assumed the name given to her by her rescuers, which was based on the place where she was rescued: Samson Road.

Following her rescue, Sam was transferred to the Animal Clinic Morwell for triage by vet Dr John Butler. She was then placed in the care of the Southern Ash Wildlife Shelter, Rawson, north of Moe, on Sunday 8th February.

Recovery from burns

Colleen Wood, Manager of Southern Ash Wildlife Shelter was able to establish, via tooth wear, that Sam was approximately 2 to 4 years old. She had second-degree burns to her front feet. Her rear feet suffered the most with third-degree burns. Also known as 'full thickness burns', these burns destroy the full thickness of the skin and the tissues below.³ Sam also presented with blistering on her outer eyes, a typical symptom of a burns victim.

Sam's treatment included pain relief, daily antibiotic for her burns and eyes, eye drops, daily dressings for her feet, and supplementary feeding. The koalas treated by the shelter received supplementary feeding to make up for the loss of 10% of their body mass caused by shock and dehydration.

Sam's bandages were removed in mid-March, and by early April after her paws had toughened she was able to be placed in an outdoor enclosure. While she had fully recovered from her burns, she continued to receive supplementary feeding and treatment for her eyes.

Sam – "Placid and sweet natured koala"

Each koala has its own unique personality. Sam was described as quiet, "beautiful", and "well-behaved", and easily managed compared to some of the other koalas who had forceful personalities. Sam had a strong maternal instinct, and enjoyed nursing juvenile koalas, many of whom would have been from the same local colony.

When Sam's bandages had been reduced to two paws she would climb on top of her indoor pen and survey all the others below her. One memorable occasion Sam escaped from her pen in the early hours of the morning and proceeded to climb up on top of a desk. She sat on the two-week old fax machine and consequently broke it.

Sam was much loved by her carers at the wildlife shelter. One of Sam's carers, Vicki Hams, described her as a: *"particularly placid, sweet natured koala. She loved her formula and gobbled it with gusto each morning and evening and would crawl across the branch and reach for it hungrily! She did not try to bite when having her bandages changed or her injections or her eye drops... She patiently allowed the joeys to crawl on her back or her head and would have made a good mother herself! I have a wonderful photo of a joey plonked on the head of the sleeping Sam. Sam snored when she slept! She adored a selection of various gum leaves and again, greedily ate the best gum immediately it was replenished in her enclosure."*⁴

Sam – international media star

Koalas are recognised around the world as a unique and much-loved Australian icon immortalised in soft toys, 'Blinky Bill' stories, and tourist postcards.

The publication of Sam's image, just days after the shocking news of Black Saturday, touched millions of people. Sam became a symbol of hope and resilience amidst the loss and trauma of Australia's worst bushfires on record. Sam's image also gave prominence to the impact of the bushfires on native animals, and the important role of wildlife rescue.

Mark Pardew's image of Sam featured on the front page of the *Herald-Sun* on Tuesday 10th February.

Her image was subsequently picked up by media outlets around the world. SAWS were overwhelmed by requests for interviews and opportunities to film Sam. In addition to local and national media outlets, interest came from Asia, Italy, USA, Japan, UK, Germany, China and Sweden. Sam's story was featured on numerous national and international shows, including the NBC, *Ellen De Generes*, and television programs in the UK, France, Germany and China.

The media and public attention was very intense. Two volunteers were required to field phone calls for 12 hours each day for a period of four weeks. International calls came at all times throughout the night.

Not only did this constant media attention intrude on Colleen Wood's private home life, it seriously impacted SAWS ability to respond to the ongoing phone calls reporting injured wildlife and to coordinate search and rescue. By 17th February Colleen Wood sought the pro bono services of TressCox Lawyers to manage all media enquiries relating to Sam.

Like any media star of today, Sam quickly established a strong web presence and soon became the most famous koala in the world. A host of websites, blogs and a wiki were created to track her progress. Her rescue video is a YouTube sensation, and she even has a Facebook page with over 60,000 fans.

Sam's media success generated a huge public response in the form of letters, emails and offers of assistance. While much of this was welcome, the volunteers were soon avalanched by over 30,000 emails. SAWS created a 'Sam the Koala' website to help manage the overwhelming public interest and to provide accurate information about Sam and her recovery.

Death from Chlamydia

The main threats to koala populations are the loss and fragmentation of habitat (from bushfires and urban development), domestic and wild dogs, road traffic, cow attacks and chlamydiosis.

Chlamydia is an organism that is widespread in koala populations and causes chronic diseases in the urogenital tract (*C. pecorum*) and the respiratory tract (*C. pecorum* and *C. pneumoniae*). It can cause infertility, blindness and if not treated and monitored will ultimately cause a painful death. It is believed that stress due to habitat loss and other threats, such as dogs and cars, increases the incidence of symptoms.⁵

When Sam was first rescued she was tested for chlamydiosis, but the result was negative. On 7th May Sam developed urinal problems and together with the lack of improvement with her eyes, chlamydiosis was suspected. The results of these second tests confirmed that Sam was suffering from a urogenital form of chlamydiosis. Sam's medication was doubled and she continued to be treated for this condition.

Sam's weight was stable at 7.8kgs until 29th July, and then it dropped to 6.8kgs. On 31st July Sam underwent an extensive ultrasound. This abdominal investigation indicated that she needed surgery.

Sam had exploratory surgery on 6th August 2009 for ovarian cysts. It was discovered that the disease was well advanced and beyond treatment. Six months of caring for Sam sadly came to an end, and Sam was euthanized during surgery.

New home at Melbourne Museum

Sam the Koala.

Photo: Benjamin Healley / Source: Museum Victoria

Victorian native animals are protected by the State of Victoria's Wildlife Act (1975) which is administered through the Department of Sustainability & Environment (DSE). After Sam's death, DSE transferred her into the custody and care of Museum Victoria. Museum Victoria is authorised under the Museums Act (1983) to act as an official repository for specimens of native animals which may have special scientific, cultural or historical significance.⁶

Sam's placement in Melbourne Museum will preserve her story, and her extraordinary role in providing a source of hope to those devastated by the February bushfires. She will also play an important role in educating the community about issues relating to koalas, changes in habitat, the impact of fire on wildlife and the role of wildlife rescue.

Sam will initially be on display in the foyer at Melbourne Museum from January 2010. The display includes video footage from the original video of Sam when she was first discovered in the burnt bushland in Mirboo North, and a segment of Sam in the Southern Ash Wildlife Shelter nursing a young koala on her back.

After this initial display Sam will relocate to a permanent home in the *Wild: Amazing animals in a changing world* exhibition at Melbourne Museum.

Notes

1. <http://www.royalcommission.vic.gov.au/getdoc/4005052d-1e0a-44c9-9876-155f80d2eec9/>

Transcript VBRC Day 094 11-Dec-2009-(1)

2. "State Fire Emergency Coordination Plan 1900hrs Wednesday 4 February 2009 to 1900 hrs Saturday 7 February 2009"; source: <http://www.royalcommission.vic.gov.au/Documents/Document-files/Exhibits/WIT-002-001-0813>

3. Dr Anne Fowler & Colleen Wood, "Treating Burnt Wildlife"; source: <http://www.ozarkwild.org>

4. Vicki Hams, wildlife volunteer, Southern Ash Wildlife Shelter.

5. Cited in <http://home.vicnet.net.au/~koalas/factsprobs.html>

6. http://museumvictoria.com.au/pages/2877/2002-2003/2002_2003people.pdf

The following is quoted in full and unedited from:

<http://museumvictoria.com.au/discoverycentre/infosheets/sam-the-koala—key-date>

Sam the Koala - key dates

2009

28 & 29 January

Boolarra bushfires began (became known as the Delburn Complex fires)

1 February

Sam was discovered in burnt bushland on Samson Road during a defensive back burning operation in Mirboo North, 150 kilometres south-east of Melbourne.

Mark Pardew, a firefighter for the Department of Sustainability and Environment (DSE), photographs Sam receiving water from the drink bottle of Country Fire Authority (CFA) firefighter, David Tree.

David Tree (CFA) and Brayden Groen (CFA) also video Sam taking water from the drink bottle.

3 February

Delburn Complex fires contained but still required constant patrolling, mopping up and blacking out.

4 February

Members of Wildlife Rescue and Protection (WRAP) were first alerted to Sam's situation by David Tree.

6 February

WRAP receives location details for Sam.

Sam rescued by Cathy and Mike Beamish, overseen by Donna Zabinkas.

Sam transferred to the Animal Clinic Morwell for triage by vet Dr John Butler.

7 February

Black Saturday sees the most devastating bushfires in Australia's recorded history.

8 February

Sam placed in the care of Colleen Wood, manager of the Southern Ash Wildlife Shelter, Rawson. Weight 7 kilograms.

10 February

Image of Sam published by Herald-Sun.

Sam's image is subsequently picked up by media outlets around the world.

Media photographer insists on capturing a particular image of Sam at the shelter. Colleen Wood decides that all future images of Sam are to be strictly managed by SAWS to minimise stress.

17 February

After the overwhelming intrusion of media enquiries about Sam, SAWS secure the pro bono assistance of TressCox Lawyers to manage all media enquiries.

SAWS create the 'Sam the Koala' website to provide accurate information about Sam.

29 February

Sam - left eye continues to discharge, bandage changes to three feet

Mid-March

All dressing are removed from Sam's paws.

1 April

Sam's condition became stable and all medications ceased.

First week of April

Sam's paws have toughened, she is relocated to the external enclosures.

7 May

Sam's weight is stable at 7.8kgs. She shows first symptoms of straining with urination.

8 May

Sam's eye problems continue – left eye begins to discharge and she develops further urinal problems. Sam is tested a second time for chlamydiosis and has a positive result. Sam begins treatment for a urogenital form of chlamydiosis.

15 July

Sam's antibiotic's dose is doubled, and pain relief given. Supplement feeding increased from two to three times daily.

26 July

Sam brought back inside. Closely monitored, kept comfortable

29 July

Sam's weight dropped from 7kgs to 6.8kgs

31 July

Sam's condition unchanged. Sam undergoes an extensive abdominal ultrasound. It was decided that Sam needed surgery

3 August

Sam condition is deteriorating despite a healthy appetite.

SAWS is in close consultation with Healesville Sanctuary and DSE in relation to Sam's condition. Dr John Butler suggests worse case scenario and proposes hysterectomy.

6 August

Sam had exploratory surgery for ovarian cysts – it was discovered that the disease was well advanced and beyond treatment.

Sam was euthanized.

7 August

Museum Victoria expresses interest in acquiring Sam for the state collection and documenting her story.

8 August

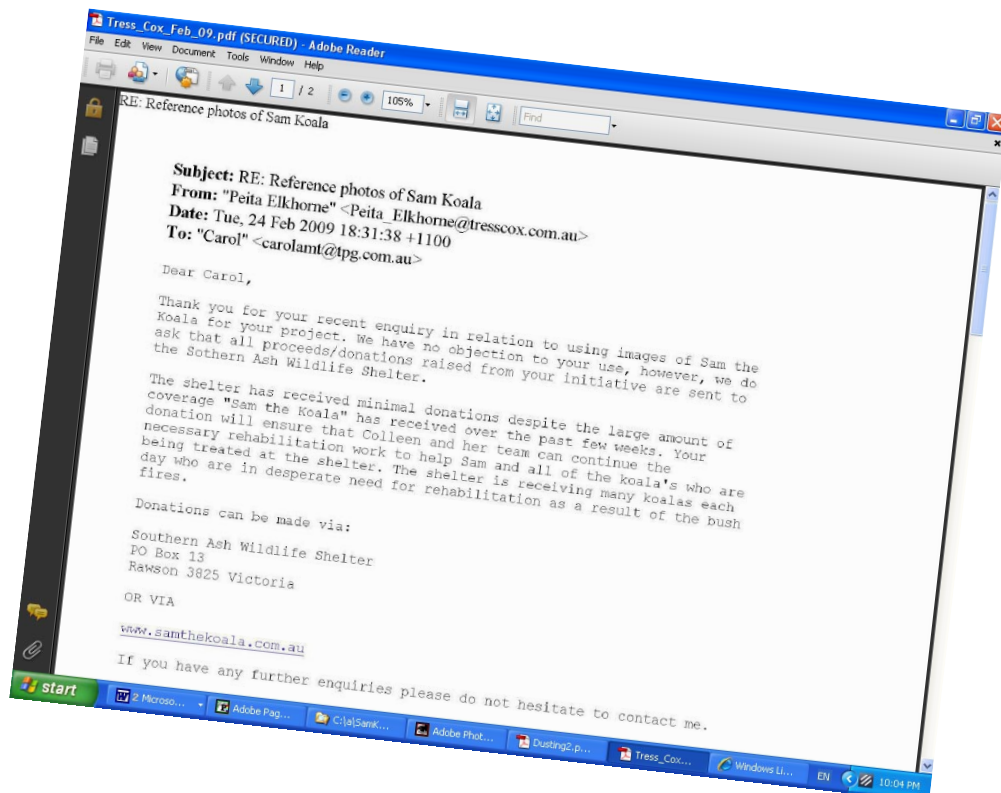
Premier John Brumby announces that Sam will go on view at Melbourne Museum where all Victorians can visit her.

2010**14 January**

Sam goes on view in the foyer of Melbourne Museum, with free entry.

26 March

Sam is moved to her permanent home in *Wild: Amazing Animals in a Changing World*.



associates took their original images to the media.

That is that the drinking male Sam would be “morphed” to become the non-drinking female Sam.

This is seen from the first known news reports of the video and image dated 10 February 2009 (e.g. as seen online at: <http://www.komonews.com/news/39430542.html> and http://www.newsvine.com/_news/2009/02/10/2415977-koala-rescued-from-australias-wildfire-wasteland and <http://www.reuters.com/article/idUSTRE51A1AB20090211>).

Notably also, these allege that the said Koala had been recaptured by one or more wildlife rescuers at the same time, this claim later being retracted with the rescue date backdated to include a third player, namely Michael Beamish.

Furthermore in photos created on or about 13 February, 2009, posted on the *Herald-Sun* website and elsewhere, the swap has been done, showing “Sam” as a smaller female Koala and another Koala named “Bob” a newly named male, which close examination of video and photos shows to be the same Koala as that shown drinking with Tree in the Youtube video.

This secondary fact (that “Bob” is in fact the original Sam), only came to my attention on close examination of the images, as part of a later investigation (as in “I think Bob looks like Sam, let’s check this out”), but is easily verified by direct comparison of the images and relevant identifiable blotches, blemishes, marks, regions of hair loss on the forearms, white patches, nose pigment and dimples and the like.

In terms of the original water drinking male “Sam the Koala”, now known as “Bob”, there at first seemed to be no further images or evidence, save for the *Herald-Sun* photos and original photos and video

generated by Tree et. al. on or about 10 Feb 2009. However in the first instance I had not closely examined other Koala pictures from Wood’s site (a potential source) as the confirmation of Bob’s true identity via available evidence was undoubted and hence there was no need to closely check images for likeness.

In terms of the female “Sam the Koala” her identity has apparently remained unchanged from the time of the creation of the 13 February 2009 images (possibly in existence from about 10 February 2009) until death on 6 August 2009 and the stuffing and exhibiting of the same Koala in January 2010, when I viewed and photographed the animal at the National Museum of Victoria.

There have been numerous other images of the female “Sam the Koala” published in the period between 13 February 2009 and her death in August 2009 and beyond, but they seem to be all of the same female Koala and hence generally are of little relevance here.

SEXING KOALAS

This is a simple act and obviously relevant here.

Females have a pouch and males do not.

Male genitalia are visible externally.

Hence any lay person can sex these marsupials.

Other sexual identifiers are as follows: Males have a large and broad nose and a head shaped differently to that of a female, the most obvious difference being a distinct bump on the forehead region as seen in mature males like the water drinking “Bob”. They are also generally larger and more robust than females.

A male also has a well-defined scent gland which is located in the centre of the white chests of mature, breeding males. Females and young pre-breeding males have a plain white chest.

YOU'VE BEEN LIED TO ABOUT SAM THE KOALA!

**DON'T BE LIED TO BY
INEXPERIENCED SNAKE HANDLERS!**

**INSIST ON SNAKEBUSTERS
AUSTRALIA'S BEST REPTILE DISPLAYS, SHOWS AND
HANDS ON REPTILE EDUCATION!**

*World's deadliest
Snakes
Only Snakebusters
Shown here is the
Snakeman Raymond
Hoser with 4 Fierce
Snakes, one Coastal
Taipan, 1 Brown
and others*



Schools, events, etc.

**Most reptiles
Most experience
Most "Hands on"
Best education
Most fun**

**SNAKEBUSTERS
AUSTRALIA'S
BEST REPTILES**

**IS PROUD TO BE
ASSOCIATED WITH
THE EIGHTH ISSUE OF
AUSTRALASIAN JOURNAL
OF HERPETOLOGY.**

www.snakebusters.net

From the images of the two “Sam” the Koalas there is no doubt that the first drinking Koala is a male and that the second “Sam” is a female.

THE KEY ELEMENTS OF THE YOUTUBE VIDEO

This is best viewed and compared with a series of four or more photos generated and posted on the *Herald-Sun* website and elsewhere on or about 13 February 2009.

The 2 minute 32 second video of the Koala drinking from Tree allegedly made on a mobile phone by fellow CFA fireman Brayden Groen was posted at:

<http://www.youtube.com/watch?v=XSPx7S4jr4> on 10 February 2010.

It is also worth downloading and saving the four images of the same at:

<http://mirboonorth.vic.au/news/mirboonorth-s-own-david-tree-with-a-friend-in-need>

which depict the same Koala in better detail than seen in the video, these being among the better quality versions available for download on the web as of January 2010.

In brief the video, shows an adult male Koala first running and then after a cut, calmed and then drinking from a bottle of water.

In more detail the video clearly shows the following identifying features:

Commencement with an apparently healthy male Koala running quite quickly and without evidence of pain or burns on the hind feet (Koalas with burnt feet don't run because of the pain they'd experience)(this video evidence strongly contradicts Tree's verbal account of the allegedly injured Koala).

Male scent gland on chest (seen best at 38 seconds, but also elsewhere on video)

A break in the footage at 45 seconds (with return footage of a calmed Koala now sitting and not running away)

Large size of the Koala's head (at 1 minute and 10 seconds) as compared to the second “Sam the Koala” depicted at: <http://www.heraldsun.com.au/news/gallery-0-111120749856?page=6>, jpeg image created 13 February 2009) showing a considerably smaller Koala (as measured against Tree's own head, the Koala also with noticeably more extensive pink pigment on the nose)

Extensive footage of the Koala's front paw in Tree's hand with no indications of pain (as would be the case if there were burns to the foot and he were touching them)(also see image of same Koala (identified as “Bob” at: <http://www.heraldsun.com.au/news/gallery-0-111120749856?page=4> and also compare with photos of burnt feet on unidentified Koala Wood's website, at: <http://www.samthekoala.com.au/> the specific link image being at: http://www.samthekoala.com.au/gallery/gallery_02.html)

Large male nose (at 2 minutes 12 seconds)

Large bald patch (no fur) on right forelimb (at 2 minutes 13 seconds)(compare with image showing same for “Bob the Koala” at: <http://www.heraldsun.com.au/news/gallery-0-111120749856?page=3>, that image generated on 13 February 2009, or even better compare with jpeg image at: http://a.abcnews.com/images/International/ap_koala_090213_ssh.jpg generated on 13 February 2009.

Three linear pock holes on the left forelimb (as seen again in photo of “Bob The Koala” on <http://www.heraldsun.com.au/news/gallery-0-111120749856?page=3> (that jpeg created 13 Feb 2009)

Generally dark pigment on most of the nose (at 2 minutes 14 seconds and earlier)

Wide square white patch on coat on the neck (as compared to a smaller angular patch in the same region in the female

"Sam the Koala" as depicted at: <http://www.heraldsun.com.au/news/gallery-0-1111120749856?page=6>, jpeg image created on 13 February 2009.

Scattered unburnt and dead leaves on the charred ground and no smoke emanating from the ground, indicating that the ground was not hot or burning and that the relevant patch of bush was 1/ Not burning or hot and had been clear of fire for some days and 2/ Because of this the healthy male Koala filmed could not have been recently burnt at the time.

In other words, this simple comparison and assessment of these depicted images shows that:

A – The original "Sam the Koala" shown drinking with Tree on or before 10 February 2009 (which they have claimed as the "original encounter") was a male.

B – There was a deliberate Koala swap shortly after the video was shot to make the final "Sam" a different and female Koala.

C – From somewhere between 10 and 13 February 2009 onwards, "Sam the Koala" was an impostor female.

D – There is no evidence of pain or burns in the original "Sam the Koala" on either hind or forelimbs as evidenced by, A/ The Koala running at speed and B/ Tree's holding the front paw of the Koala, without retraction by the Koala as would be expected in a burnt animal.

E – "Bob the Koala" is in fact the original "Sam the Koala".

These simple conclusions and the intellectual exercise of comparing images to arrive at these can be done by any person.

The conclusions above are facts and cannot be denied.

In summary, the process followed (in the first instance) was this.

The youtube video was accessed via "Google". It listed the start date for the uploaded video of 10 February 2009. The youtube site itself listed no such date, or at least I failed to see one.

It did however show over a million views of the video as of January 2010.

The actual views would exceed this total as the same video was posted on numerous other websites on or about the same date.

The 10 February date was coincident with the media reports of 10 and 11 February and so is not disputed. This is especially as there is no evidence online or elsewhere of the video and associated photos before that date, save for verbal statements from Tree and others as to when it was actually created, (the date issue becomes significant later).

The video was copied to hard drive and watched, but can just as easily be done by normal internet viewing.

The photos generated on or about 13 February were posted at:

<http://www.heraldsun.com.au/news/gallery-0-1111120749856?page=1>

All photos posted in that gallery contain a 13 February creation date, which is important. The date includes the original Tree with male "Sam the Koala" image as first posted elsewhere on or about 10 February 2009. This means that the size and shape of the jpegs posted were made to conform with the page requirements and that original images created at some time previously were used as masters to create them (as in original camera images as opposed to computer jpegs).

While it is reasonable to infer that the later images of the female "Sam the Koala" were created on or about 13 February, the important element is that they were not created after that date. Hence we know

that in terms of published images and news media, the Koala swap occurred sometime between 10 February and 13 February 2009.

That the gallery has pictures of two obviously different "Sam the Koalas" posted in the same gallery and listed as the same animal implies that the website creator (acting on behalf of news limited) was also unaware of the Koala swap, having failed to closely examine the photos in detail before uploading the images.

Such carelessness in captioning images is common in news media and something that occurs regularly with snake images, with species being miscaptioned on a regular basis.

Importantly, while I have used images posted by a news limited employee to substantiate that there had been a Koala swap, there is no evidence of improper motive on their part or even knowledge of the swap, at least in this context.

In other words, it appears that most if not all staff at Melbourne's major news outlets are at the present time unaware of the Koala swap.

MATERIALS AND METHODS – FURTHER DETAILS

That the "Sam the Koala" sitting in the National Museum of Victoria is an impostor is newsworthy and something all Victorians should be aware of. However after establishing the facts above, more questions were raised, including:

When and where was "Sam" caught if it wasn't the one filmed and likewise for "Bob", especially as we have a video of one Koala in the bush, becoming two in a so-called "wildlife shelter".

The official record and contemporary news reports answer these questions.

However in my own inquiries it soon became apparent that the answers were both conflicting, changing and in summary

comprised of a concoction of truth and lie.

By searching publicly available information, some of the lies could be established.

Notably, the public record does go some way to establishing further questionable behaviour by those who created the "Sam the Koala" drinking water video.

For a start, if the female "Sam the Koala" is an impostor, where does "Bob" fit into the scheme of things and what is known of "Bob the Koala"?

Detailed widely including from Wood herself and others at her so-called "shelter" including assistant Jenny Shaw (at: <http://www.koalaexpress.com.au/sam.html>), is the statement that "Bob" was "rescued", 2 days before Sam from Boolarra.

At this stage there is no information as to (allegedly) by whom or in what circumstances.

As there is no claim by Wood or anyone else that "Bob" (the water drinker), had been drinking water at the time of location or capture, this allegation having been post 13 February 2009 transferred to the female impostor, it is obvious that the water drinking "Bob" had been "set up" for the photo shoot having been brought in from either Boolarra, or if the official story is untrue, then somewhere else.

Either way, the Koala had been taken into a fire zone for the express purpose of making a carefully choreographed and set-up video.

It was not as claimed by Tree "a chance encounter in the charred landscape of Australia's deadly wildfires", (see for example report dated 10 February 2009 at: <http://abcnews.go.com/International/wireStory?id=6842977>).

It's also noteworthy that "Bob" was used for the water drinking video as the Koala has no evidence of injuries in the video, but later as "Sam" is alleged to be burnt on all four limbs.

The Koala identified as “Bob” appears tame in the video, in no pain and at ease with Tree as he offers the drink. So we know the later claims of pain and suffering are false.

The burn claims can't be raised against Bob in terms of both his forelimbs (as “Sam”) based on the images taken at the shelter on or before 13 February 2009 of the same male Koala.

Koala keepers asked by myself about the propensity of Koalas to randomly drink water from bottles consistently stated that wild Koalas don't do this often, but almost all hand-raised ones do.

Hence, although there was no immediate evidence of “Bob” having been hand-raised, this remained an obvious inference.

As we know that both Sam and Bob both ended up at Wood's residence (post-dating creation of the video images), it can be inferred that Bob had come from there previous to the film being shot and with full knowledge that he would be a water-drinking Koala, especially as the “official” version of events has Bob being caught prior to the non-water drinking female Sam. Put another way, no one has yet published a video of the female “Sam” drinking from a bottle!

Testing the hypothesis that Bob was or wasn't caught two days prior to the water drinking video manufacture was almost impossible. However we did know that he didn't have evidence of burns as alleged. This automatically makes the two days prior capture claim also questionable in light of the previous information about water drinking Koalas.

Apparently most wild Koalas don't have a clue about drinking out of a bottle and literally allow it to pour in front of them.

Knowing that Bob had been especially taken into the forest for the film shoot, also indicates that he was taken there with the

full knowledge he was a “bottle drinker”, a feat unlikely but not impossible for a Koala acquired just two days earlier.

As for the fact that the photo/video shoot was being carefully choreographed, this is further ascertained by statements as to who was present at the time.

Presumably someone carried the male Koala to the shooting location in a bag or cage. That person is unknown, but what isn't unknown is that the Koala is clean in the photo. It has no evidence of soot or dirt on it (refer to the white on the coat), which contrasts sharply with Tree with much blackening on his face and elsewhere.

The photos of Tree offering the male Sam (that's “Bob”), the drink of water published in the *Herald Sun*, “Twitter” and elsewhere at the time (10 Feb 2009 and in the months immediately following) were credited to “Russell Vickery” or “Russell Vickory” allegedly a staff photographer of the *Herald-Sun*.

Whether or not this person existed was for some time unknown.

However eventually it was established that he was a CFA fireman, based at Mirboo North and who was for the first six months after Black Saturday credited with taking the famous photos of Tree giving the male Koala the drink.

What is certain however is that quality photos of Tree in his now famous pose were taken by a photographer apparently brought in specifically for the purpose.

Checks of the internet failed to reveal any other “digital trail” or even photos for “Russell Vickery” by any spelling for anything other than the now famous photo of Tree and the Koala.

The plot thickened somewhat after the *Herald-Sun* pressured the DSE to oppose Martinek's trademarks.

In a series of Statutory declarations filed as

part of the opposition process, DSE claimed another man, Mark Pardew, whom they stated was one of their employees was in fact the said photographer. This claim has also been repeated by the Museum Victoria on their website and on a plaque adjacent to the physical exhibit of the stuffed female Koala, as well as later copies of the same photos.

The change of attribution in terms of the photo seems to have come from the DSE in a statutory declaration dated 14 December 2009 by another of their staff, namely Sarah Alexandra McKellar Haines.

This same change in attribution also came in Tree's affidavit dated 10 December 2009, where he alleges the incident of the Koala drinking and filming occurred on 1 February 2009.

The statutory declaration corroborated the "official version" of events to this time in that the date of the alleged filming was 1 Feb, as in a week before the main black Saturday fires, and the accessory claim that "Sam" the allegedly same Koala had been rescued days later by a wildlife rescuer named Michael Beamish.

The question arises again as to who took the still images, Pardew or Vickery and whatever the true answer, how and why did the *Herald-Sun* so consistently mess up the attribution for the most important photos the paper published that year!

It also raises for the first time, what role, if any, did staff at the *Herald-Sun* and/or the DSE have in terms of premeditating and creating the "Sam the Koala" water drinking video and associated photos and the enormous publicity and money making campaign that followed.

To confirm that the Vickery/Pardew images are one and the same is easy.

Simply line them up next to one another. That they are identical negates any possibility of two photographers taking the said images at close proximity.

See for example the image of the plaque at Museum Victoria (attributed to: Mark Pardew) created at end 2009, or <http://www.treehugger.com/files/2009/02/sam-the-koala-fires-australia-drink-three-bottles-water.php> (attributing the image to Mark Pardew on 2 November 2009) cross checked against the same identical image as printed at: <http://ejmckennablog.blogspot.com/2009/02/fires-of-hell.html>, or <http://www.facebook.com/group.php?gid=60058732428&ref=share> (both created in February 2009 and attributed to "Russell Vickery").

A third and possible option is that an unnamed other person took the images and the later attribution to either Vickery/Pardew is an error and for some unknown reason there has been a deliberate misleading in terms of the actual photographer.

Potential evidence is seen on the internet at:

<http://mirboonorth.vic.au/news/mirboonorth-s-own-david-tree-with-a-friend-in-need>

where four of the relevant still images of high quality are posted with a 10 February 2009 date and not attributed to anyone.

Further evidence of this is seen in the statutory declaration by David Alan Tree dated 10 December 2009, where he identifies his occupation as "Bus Driver".

Notably Tree wrote:

"My encounter with the koala was captured in images taken on a camera by a person I now know to be Mark Pardew who was wearing the distinctive protective clothing worn by employees of the Opponent."

Which implies he did not know the man "Mark Pardew" at the time of the event. Noting that the evidence that the event was stage managed for media is undeniable (see elsewhere this paper), it seems impossible that the third identified person

at the event was as of the relevant date and shortly thereafter unknown to him.

The wording also is consistent with Tree's (known to be false) claims that he literally stumbled upon this randomly positioned Koala and gave it a drink, (see for example: <http://abcnews.go.com/International/wireStory?id=6842977>), when the reality is that the Koala had been "planted" and had come from Woods "shelter".

The photos at: <http://mirboonorth.vic.au/news/mirboo-north-s-own-david-tree-with-a-friend-in-need> are uncredited and may have been supplied by Tree himself, identified within as a local real estate agent. Interesting also is that a 6 February 2009 post on the same site relating to the same bushfires, makes no mention of Tree and the drinking Koala, indicating that at that date, no such images or footage existed.

More interesting is that internet sites crediting photos to Vickery, had this later amended to name Pardew as the photographer, as well as other details of the news reports.

In the first instance news reports of 10 February 2009 alleged that the images were made on the day after the Black Saturday fires (8 February 2009), but this was later backdated to 1 February 2009, see for example: <http://www.latimes.com/features/custom/oddnews/la-on-koala10-2009feb10,0,2330646.story>, which actually notes the change in the "official" version of the story.

Numerous other sites also reveal that the official version as told by Tree and others indicated a different version of events in the first stage of the story to later versions that backdated the claims, (see for example: http://www.newsvine.com/_news/2009/02/10/2415977-koala-rescued-from-australias-wildfire-wasteland).

No information to date yields who exactly

was present at the time of the creation of the Tree/Koala drinking video and photos, but it appears that there were no more than three, namely the still photographer (one only of Pardew or Vickery as there is only one set of images), Brayden Groen doing the video recording and of course Tree, the "star" of the show. Noting that no one else has come forward to state they were present at the time or made capital from the event, it is reasonable to infer there were no others present, but that may not be so.

The statutory declaration by Michael Charles Beamish dated 10 December 2009 is most significant, as he is the man that allegedly (re) captured Sam (the one we know is a female).

News reports shortly after the video was made public on 10 Feb 2009 stated that the drinking (male) Koala had been caught by wildlife rescuers minutes after the video had been shot.

However, within weeks of the event, the story had changed to one of Beamish capturing it some days later and as of January 2010, that remains the "official version".

In his statutory declaration, written for the DSE in their opposition to Martinek's trademarks, he said "On 6 February 2009 I visited the area where Mr Tree indicated his encounter with a koala had taken place and came across what I believed to be the koala in question."

The wording is important as it indicates he or the person who drafted the statement may be aware of the Koala swap, especially noting that elsewhere in the declaration he referred to his knowledge of the drinking Koala (male) video.

There is no reason to doubt that Beamish's declaration has any deliberate errors of fact, however it merely shows that on 6 February 2009, a female Koala was taken from the bush to a vet for treatment. That

Koala was therefore not the male seen drinking from Tree's bottle. That much is certain.

Whether or not that female was the imposter "Sam the Koala" cannot be ascertained either, but in the absence of evidence to the contrary, there is no reason to disbelieve this is likely.

Issues raised in terms of the still images taken of Tree with the water drinking male Koala include the obvious transport of an apparently healthy male Koala into a fire zone (as seen by smoke in the images) for the purposes of making a publicity film and the potential presence of a media photographer without permission to be in a fire-fighting zone, to take photos of a Koala.

Furthermore, noting that the Koala in question, the male "Sam" had been caught at least two days earlier (the "official version") and that Wood did not have a demonstrator's or displayer's permit, the question arises as to the illegality of the movement of the Koala away from the licensed premises for the purposes of making films and the like.

There is also a requirement under Victorian law for that as well, but a breach of this is not considered serious and in fairness to Wood would probably not be prosecuted.

CLARIFICATION OF FACTUAL INFORMATION

While the information within this paper is derived almost exclusively from what is available on the public record, or easily acquired from investigation of relevant sources, an attempt was made by myself to get questions answered by the key players, namely Wood, Tree, Beamish and the lawyers acting for these people.

While I did nothing to raise alarm bells in my queries (or so I thought), nearly all refused to answer my emails or return phone calls and messages left.

However, Martinek had more success in

her inquiries and managed to speak with Wood and Jenny Shaw at the Southern Ash Wildlife Shelter, David Tree and his wife and Michael Beamish, (all in February 2010).

I have been privy to the recordings of the conversations and the comments (statements of fact). All generally confirmed the detail of what is stated here as well as the obvious inferences within the paper, for which there are other potential alibis.

BOB THE KOALA

While it seemed obvious that Bob had been a long-term captive, substantiation of this came by sheer luck.

Martinek did an internet search of the terms "Colleen Wood Raffle" to find a copy of *Traf News*, dated 20 April 2006 (on the internet at: <http://download.trafalgar.org.au/Trafnews/2006/TrafNewsApr-06.pdf>), featuring a page nine story titled "Colleen Cares for Wildlife". The story depicted a pair of Koalas, the large one to the left being an unmistakable younger "Bob" the Koala. At a glance the Koala was recognizable, but distinctive matching features are distinctive nose colour and dimples and the alopecia (hair loss) on the forearm, which is rare in Koalas of the age that one was in 2006.

Hence we now knew that the random act of giving a bush Koala had been a faked act involving an animal that had been captive as far back as 2006!

We further knew that both Tree and Wood had therefore been conspiracy to the act.

Also relevant to Bob the Koala is that while there were claims of burns on the feet of Bob, the photos of Bob that emerged on 13 February conflicted in that some showed him with bandaged feet and others didn't. Those showing him with bandaged feet must have been taken after the others as the unbandaged feet didn't have flattening of the fur as would be expected if bandages had been removed or changed.

Colleen cares for wildlife



Colleen Wood has a full house at the Rawson Wildlife Shelter. There are koala joeys in the lounge room, keeping company with a Greater glider and a Brush-

kangaroos."

"The one I was most excited about was the Brush-tailed Phascogale, a highly endangered possum, that unfortunately was

time they get to me, the animal can be close to dying."

"You really need to have the right knowledge and equipment to care for native wildlife and give them a chance of recovering," she said.

"I know people mean well, but they won't know how to handle the animals properly, what to feed them and more importantly, they won't have the access to the right medication and veterinary expertise for them."

"I have a terrific vet who helps me with these animals. He has a great knowledge of native wildlife and he goes out of his way to help me care for injured wildlife."

Colleen said she urged people to

IN SHORT

Engagement

McKenzie - Murphy

Shirley & Ross of Traralgon together with Gail & Ewan of Thorpdale have much pleasure in announcing the engagement of Narelle and Glenn on the 23/2/2006 in Queensland.

Love and happiness always.



Calendar of Events

Monday 10 April
Trafalgar Community Plan
review at the Baw Baw

Above: A photo of a younger as yet unnamed "Bob" the drinking Koala (left) as seen in *Traf News* in April 2006. Below is the same animal with David Tree (then called "Sam") and at "Southern Ash Wildlife Shelter" in February 2009, renamed "Bob". Notice the same "nose dimples" and forearm alopecia in all images.



In other words the bandages had been added solely for the purposes of the photos and not because of any actual burns.

(The same occurred in terms of the stuffed female "Sam" the Koala seen at the Museum of Victoria in 2010, that sported bandages on the feet, even though it had been widely published that the burns had totally healed prior to the female Koala's death, including as shown in an image on Wood's own site taken the day before the female Sam died, as in 5 August 2009).

DATES ISSUES

Shortly after the Youtube video emerged, it was widely reported that the video had in fact been made prior to the Black Saturday fires, the claim being 1 February 2009 as the filming date.

Noting that the water drinking act itself was dishonest in that a "drinking" Koala had been "planted" for the purpose with video and still cameras on the ready, and that the video didn't emerge until 9 or 10 February 2009, the logical questions became why the delay in getting the film to market?

This is especially noting the speed and sophistication of the media campaign that accompanied the drinking Koala caper in the days that followed.

Furthermore if the film had been created on 1 February, neither Tree or anyone else would have been aware of the impending and generally unforeseen fire disaster ten days later and hence would have had no motive to with-hold the video for ten days.

There were adverse reports about the video based on the date of alleged production, along the lines of the video pre-dating the actual "Black Saturday" fires and not being at one of the most devastating burns, but because the general timing of the video matched the date of the fires, these were soon overcome.

Noting that the drinking Koala video and photos only emerged on 10 February, and from diverse sources (as in at least three

people involved in their making, namely Tree, Pardow/Vickerey (assuming for a moment that only one may have been involved) and Brayden Groen, the 1 February date of generation seemed unlikely.

Furthermore, because of the fact that the male drinking koala filmed was not the same as the female "Sam", it is entirely possible that the male was actually acquired after the female (by Tree) and then filmed, with both filmed again on or about 13 February at Wood's "Shelter".

Regardless of when the two Koalas, namely Bob and Sam, as presented to the media and photographed at Woods' shelter on or about 13 February 2009, were actually acquired by her, what is known is that the video of the male drinking water was not in existence prior to 6 February 2009 (see website: <http://mirboonorth.vic.au/news/bushfire> posted on 6 February 2009).

Hence it became a point of inquiry to see if there was a reason to backdate the film's alleged production date to claim date priority over something similar.

Martinek had already checked the same as a result of her preparation for her trademarks disputes and had apparently done similar homework predating her 20 February registration application.

She had found there were several issues all of which further supported the idea that the male "Sam the Koala" drinking from bottle skit had been planned and executed as a media stunt and was in fact a bootleg of an earlier event, deliberately not reported by the local media in order to give the "Sam the Koala" caper an air of uniqueness and originality.

It's generally known in Australia that Koala's don't regularly drink water, or at least that's the perception. The word "Koala" allegedly comes from an Aboriginal dialect meaning doesn't drink water.

Cyclists share water bottle with thirsty koala - ABC Adelaide (Australian Broadcasting C... Page 1 of 1

Posted 3 February, 2009 22:21:00 Updated 10 February, 2009 22:16:00

Cyclists share water bottle with thirsty koala



Sharing a water bottle with a thirsty koala (copyright Tim Noonan, used with permission: Tim Noonan)

Even though we had heard that native animals have been suffering in the heatwave conditions of the last week in Adelaide it came as a surprise to be stopped on the side of the road during a bike ride by a thirsty young koala.

We were riding on the old Mt Barker Rd towards Mt Lofty with just a little of the enthusiasm left from the Tour Down Under after the heat had taken its toll.

The koala uncharacteristically approached us and it became clear by the manner in which he grabbed the water bottle and the enthusiastic way he gulped it down that his thirst was a priority.

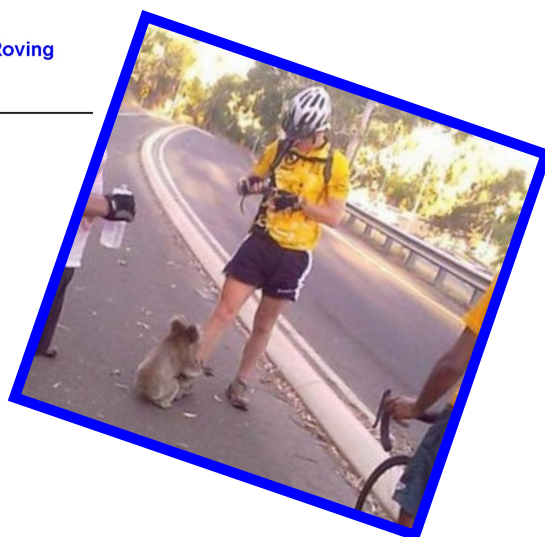
Deb Kelly from the animal welfare unit of the Department of Environment and Heritage advised us that this was probably a weaning youngster who had devised the method of stopping cyclists as a survival tool.

She assured us that it was most unusual for any species in the wild to behave this way and unfortunately is a sure sign of the animal's distress.

We hope that our moment shared with the koala helped him to survive though it is clear the extreme and prolonged heat has taken its toll on our native animals.

[Read a message of support from Steve Irwin's dad and other responses from around the world to the thirsty koalas.](#)

[See some more photos and share your wildlife moments on the Big Red Roving blog.](#)



<http://www.abc.net.au/local/stories/2009/02/03/2481612.htm>

The digital evidence here and on numerous other news websites puts this drinking Koala a full week ahead of David Tree's male "Sam" the Koala.

Hence the concept of a Koala drinking and from a bottle at that, is truly remarkable to most people, which is why the “Sam the Koala” caper became so big.

On 5 February 2009, an ABC Adelaide reporter Tim Noonan, was photographed giving a Koala a drink of bottled water (see <http://blogs.abc.net.au/nsw/2009/02/hot-koalas.html> as an example). His clothing was yellow as seen a week later in the Tree images and the water bottle similar. Even the pose for the photo was the same.

This image had also done the rounds globally via news websites and the like. Notably that image had been uploaded the day it was taken, as in immediately after being created.

Noonan tried to promote his Koala under the name “Lance the Koala”, named after professional cyclist Lance Armstrong.

The Noonan and Tree images are so close to identical in view and timing, it'd be hard to imagine that the latter was original in terms of the former.

By claiming 1 February 2009 as the production date for the (male) “Sam” drinking bottled water video, Tree, Pardow/Vickerey (if either were present at the event) and Brayden Groen would be able to deflect the inevitable bootlegging claims over their identical Koala drink from bottle skit.

That such claims haven't yet appeared in print or online, indicates that the backdating strategy worked. However in this case, the digital trail doesn't lie and Noonan beats the Victorians by a week!

The Noonan photo opportunity was itself predated by several other closely linked Koala drinking events, most notably one posted on youtube on 31 January 2009 (see: <http://www.youtube.com/watch?v=mz6fwDph8wQ&eurl>) of an Adelaide man giving a Koala a drink from his hose and another widely reported incident in Victoria of a Koala drinking from

a swimming pool.

The Noonan incident was the only widely reported case of Koala drink from bottle until 10 February 2009 (e.g. <http://www.earthtimes.org/articles/show/254280,australias-parched-koalas-win-hearts-worldwide.html> from 5 February 2009 and as a later example <http://www.peoplepets.com/news/pets-in-the-news/koalas-desperate-for-water-in-australian-heat-wave/1> from 10 February 2009) with references to other similar incidents in the various news reports (as in drink from hose, from swimming pool and in bucket of water).

However there were no David Tree Koala stories or pictures until 10 February 2009 and later.

In other words, it is fair to assume that the claimed 1 February production date for the video and images is not true. It is effectively impossible to imagine Tree and cohorts sitting quietly on such a video and photographic images while Noonan and others were gaining publicity for the same elsewhere, especially as for a whole week preceding the Black Saturday event of 7 February 2009, there was no reasonable indication or expectation of such a major fire event about to occur on that particular date.

There has never been a public explanation for the alleged ten-day delay in getting the video and images to market.

The sequence of events on the public record can lead to no other conclusion but that the Tree video and photos was a bootleg of the Noonan images or ones predating that.

As for the idea that Tree had been fire fighting and randomly encountered the drinking Koala, another example seen is on the website:

<http://koalasam.com/>

Mr. Tree is quoted saying:

“I could see she had sore feet and

was in trouble, so I pulled over the fire truck. She just plonked herself down, as if to say 'I'm beat'," he said. "I offered her a drink and she drank three bottles. "The most amazing part was when she grabbed my hand. I will never forget that."

This is amazing considering the known fact that it was all in the middle of a bushfire zone, where public and media are supposedly excluded and yet he had been filmed and photographed by a CFA, *Herald/Sun* or DSE photographer (we are uncertain as to which), conveniently on hand, offering the Koala a drink, who just happened to be waiting in the bush for the man with the drink for the Koala to arrive and making sure that the man held his bottle of "H2O" mineral water exactly correct so as to show the label.

The random act of coincidence idea is also discounted when one looks at Tree's own past with animals.

Following the release of the Drinking Koala video, Tree has traveled extensively promoting himself as another "Steve Irwin", (see for example: <http://www.heraldsun.com.au/news/wildlife-warrior-steps-up/story-0-1111119012763>), and more importantly, prior to the drinking Koala event of February 2009, he'd tried to make another "bear" famous.

In 2003, he tried to make "Sam the Fireman, a teddy bear" equally famous, but had less success (see: <http://www.latrobevalleyexpress.com.au/news/local/news/general/furry-friends-for-life/1441182.aspx> and the quotes directly attributed to him).

It'd be hard to argue that the common link of "bear" and the name "Sam" are mere coincidences.

The same news report stated:

"David's connection with Australian wildlife started long before his encounter with either of the Sams.

When he was 18, David picked up a koala he found on the road, placed it in the front of his overalls and took it to a wildlife carer, who was amazed the ageing koala had not hurt David."

In other words, it is evident that Tree had Koala handling skills predating the Koala drinking video and had contact with at least one wildlife carer and that presumably explained in part why he was chosen to be the front man for the premeditated and bootlegged Koala skit.

Tree, et. al. may claim that the preceding Koala events, including the Noonan Koala drink from bottle event, widely publicised five days before his own event are merely coincidences, but for my part at least, any such claim if made would not be believed.

Furthermore an even more indictable piece of evidence emerges on a facebook web page dedicated to "Sam the Koala", at: <http://www.facebook.com/samthekoala?v=wall>, which provides one of a number of well-documented links between Tree and author Rosemarie Dusting.

Written in response to a posted link about Martinek's trademark case she stated:

"So they should. It is so un Australian when a person can steal anothers copyright. In this case 'Sam The Koala' which was created and copyrighted by me in Victoria in 1988. David Tree and I would like to thank the tens of thousands of people for your support, after we both appeared in the media, as to what had been done to us. We will continue our work together for the good of our Koala's and all our unique Australian species . Thanks again Rose-Marie Dusting & David Tree.

December 27, 2009 at 8:10pm"

In other words, while the planning for the

video of the Koala drinking bottled water probably only emerged after the Noonan 5 February event, or at best after the 31 January youtube video of the Koala drinking from a hose, the planning of a “Sam the Koala” megastar had been on the backburner for some time.

According to a private e-mail Dusting sent Martinek and posted elsewhere, Dusting had claimed to have written a book titled “Sam the Koala” way back in 1988 and as of 2009 was still trying to get it published. This alleged delay in getting to print didn’t however stop her from asserting copyright over the name “Sam the Koala”.

I have doubts about the veracity of Dusting’s account (even though she may be correct), for several reasons, including that in an e-mail to myself dated 31 January 2010 and post-dating those to Martinek, she had back-dated her priority claim for “Sam the Koala” to 1986!

Interestingly however is that in the statutory declaration of Michael Beamish referred to earlier, he asserted inventing the name “Sam the Koala” as recently as on 6 February 2009, claiming the name came from the road it was found near, namely Samson Road.

As for the concept of Koalas that survive bushfires becoming media stars. This is not something David Tree and the others invented either.

“Star the Koala”, apparently emerged from bushfires at Evans Head, NSW, in February 2003, being the only one of six to survive. She died in 2007 (see for example: <http://www.friendsofthekoala.org/fok/star>).

That Koala also became a local star in more ways than one.

Then there was the devastating fires in the ACT in January 2003, that killed people and wildlife. A local Koala there named “Lucky” that survived burns became a local media star (see for example: <http://>

www.canberratimes.com.au/news/local/news/general/lucky-charmed-city-to-the-end/813050.aspx and <http://www.bushfirerecovery.act.gov.au/lucky/index.htm> or any of the countless similar web pages that emerge from any “Google” search.

As for why “Sam the Koala” eclipsed all other Koalas in terms of the quest for stardom, the reason was simple.

The media campaign for the Koala was considerably more sophisticated than any preceding it.

The image of the Koala drinking from a bottle of water was so unlike common perceptions of Koalas, that this, more than anything else put (the male) Sam above the rest.

Noonan’s Koala that predated the Victorian version had insurmountable difficulties.

While there’s little doubt that it too was similarly set-up, the story line of a “random encounter” meant that the wild Koala moved on never to be seen again.

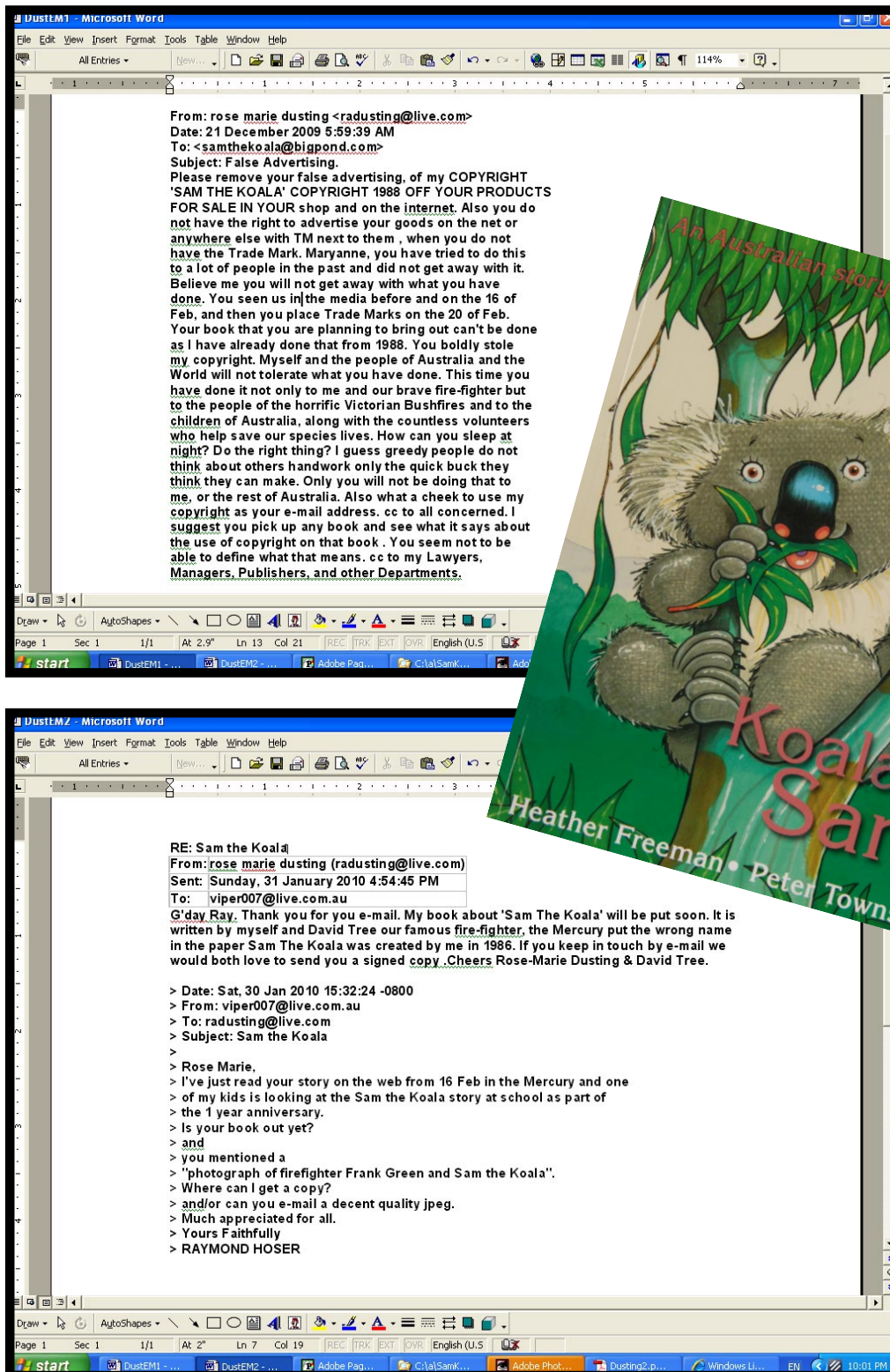
With just one or a few still images of the said Koala, the story ran its natural life of a few days and in the absence of anything “new” it died a natural death.

By contrast the Victorian bottle drinking Koala (later swapped to become another Koala) had numerous attributes to keep the story alive.

Noonan’s “Lance the Koala” was widely reported in South Australia and the internet, but not in the Victorian media.

This allowed the bottle-drinking Victorian bootleg to maintain an air of originality, only to be exposed to the few who did internet searches of the same sort of thing.

With the celebrity Koala safely held at a “zoo” of sorts (even if it were Wood’s living room or kitchen at times as seen on her own website), the news media running with the story (read *Herald-Sun* and affiliates), could add new twists to the tale as the



Conflicting and back-dated claims of invention of “Sam the Koala”, the first being 1988 and the second two years earlier. The claims of invention first surfaced after the battle over ownership of “Sam the Koala” trademarks. The children’s book shown on this page (front cover) is not by the author of the emails.

Released at end 2009, the second page states in full:

‘This is a work of fiction, inspired by the ‘Sam the Koala’ story reported in the media in 2009 during the Victorian Black Saturday Bushfires.’

Available online at www.herp.net

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allegedly burnt animal recovered, fell in love and so on.

In February 2009, the lawyers appointed to act for Wood and her Koalas noted to the media that they were pursuing book, film and other money making opportunities and stated a hope that Bob would make Sam pregnant and hopefully Sam would have a baby.

In terms of Koala number 1 (the water drinking male), there was no obvious evidence of burns or ill health on the video or in the photos generated at the shelter and in terms of the claims of burns on Koala 2, the female "Sam", claims of burns and any other ailments cannot be disputed, especially as there is little if any available footage of undressed limbs and/or of that Koala in the bush at time of capture.

One assumes that the image of a burnt foot of a Koala on Wood's website gallery is of the female "Sam" as are others posted elsewhere.

The love affair between the drinking male (renamed "Bob") with the new impostor Sam, also added fuel to the media frenzy of post bushfire rehabilitation and regeneration.

Even the untimely death, allegedly from Chlamydia related complications, became cause for celebration and news reporting as the Koala was then stuffed (in more ways than one) and sent to occupy pride of place at the Melbourne Museum.

DATES ISSUES- FORENSICS

On 31 January 2009, Wildlife Carer from Anakie, Sarah Murdoch, appeared in the *Geelong Advertiser* (notably a News Limited Paper) with her "Star" the Koala splashing in and drinking from a water bowl.

"Star" was the first of several relevant internet sensations involving Koalas, including those already mentioned.

Other wildlife shelters also paraded their burnt and thirsty Koalas in the newspapers

in order to get the sympathy donations. Included were "Johnno" the Koala paraded by Tehree Gordon of the Jirrahlinga Wildlife Sanctuary, Barwon Heads in the *Geelong Advertiser* on 10 February, another at the same time from Healesville Sanctuary and a brutally burnt Koala handed in to a shelter at Kilmore shown in the *Age* on 11 February 2009.

Koalas are a regular for the wildlife shelter sympathy vote after bushfires, due to their reputation as being cute and cuddly.

By way of example, you never see images of injured and burnt snakes after bushfires, because although they too are wildlife, the fact is that the majority of the public are happy to see them burnt to death.

Notable in this early February Koala parade for the media was that in the *Herald-Sun* on 3 February 2009, Megan McNaught (Wood's main contact at this paper), did a large feature article on Colleen Wood and her shelter and the injured Koalas within. Shown was a Koala named "Kelly", but no "Sam" or "Bob", indicating at that stage, no images had been created of the pair in terms of the big story set to break on 10 or 11 Feb 2009.

McNaught was to be the main journalist from the *Herald-Sun* posting the most stories about "Sam the Koala" in the post 10 February 2009 period, and who would therefore presumably be the most likely candidate with that company to know of the Koala swap fraud.

However the best forensic evidence is in terms of the original Koala drinking video that appeared on or about 10-11 Feb 2009. The scene is a forest floor that is generally blackened by fire.

Notwithstanding that the forest is burnt, there is no evidence of smouldering wood or tree trunks. In fact nothing is burning.

Present however is a pall of smoke, noting a fire in the general vicinity.

When a forest fire burns, it takes some days for all wood to stop burning and smouldering.

This puts a time-line of about a week (at best) for the video to have been shot in the area that burnt. Put another way, Megan McNaught noted in her story of 3 February that the (relevant Boolarra) fires were “still smouldering”, yes her words.

Hence the video couldn't have been shot as of that date, namely 3 February 2009, because the area was still smouldering and we know that in the video the area wasn't!

Then there are the numerous dead leaves littering the ground seen in the Koala drinking video. The number is substantial (noting the charred ground was stripped of all leaves when burnt), meaning that the leaves must have been put on the ground as a result of strong wind stripping the trees and some days after the ground had cooled sufficiently so as not to ignite the falling leaves.

In the week preceding 7 February 2009, there was very little wind of any sort, except on 7 Feb, when they were very strong.

That sets a minimum first possible date for making the Koala drink video, which is well post-dating the Noonan drinking Koala images (Lance the Koala).

However from the vegetation in the video and it's stability and non-movement, it is evident that the video must have been created after the wind dropped on 7 February 2009, that is after 5 PM on 7 February 2009.

More importantly is the smoke haze as mentioned earlier.

In the week preceding and including 7 February, the prevailing wind was a northerly. That is, the fire burnt in a north to south direction and the smoke went the same way (ahead of the fire front).

This direction of travel reversed only after

the cold change on the evening of 7 February 2009, which would have been the first time that smoke would have been present in burnt areas that were themselves no longer smouldering.

Hence there is no doubt that the video was created at some stage after 5 PM on 7 February 2009, and most likely some days after!

For even more convincing proof of the timing of the Tree Koala drinking video and the date it was produced, the CFA themselves have produced evidence putting a date at or beyond 7 February 2009.

At:

http://www.cfaconnect.net.au/index.php?option=com_k2&view=item&id=28:mirboo-north-and-strzelecki-highway-29-and-30-january-2009&Itemid=42.

are a series of photos of the area that David Tree himself placed his male Koala to give it a drink.

These are according to the site taken on or about 29 and 30 January 2009. The first of the four images is that which includes the exact tree that Tree used in his own later production, (it being the first tree on the left side of the photo).

Contrary to the Tree Koala images, here we have ground that is bare of any fallen leaves (all having been incinerated), with the ground still smouldering and obviously still hot enough to ignite any other leaves that fell to the ground.

The smoke haze in this image is clearly generated on site and behind the main advancing fire front, whose smoke clearly blows elsewhere (south).

The key element of course is that based on the condition of the very same site on 29/30 January 2009, it wouldn't have been possible for Tree's images to have been made for at least a week!



Above: CFA Photo of location of Koala photos from CFA website, allegedly taken on 29 or 30 January 2009, showing smouldering ground and wood, but no leaves on the ground. Below: The famous photo of David Tree and the male “Sam the Koala” at the same location, showing no smouldering ground or vegetation, plant regeneration and also numerous new and scattered dead leaves on the ground, indicating at least a week had elapsed between when the photos had been taken.



MONEY, MONEY, MONEY

The real reason for the active promotion of “Sam the Koala”, (both Koalas included here), was to further the interests of those that promoted the concept.

This usually meant money in one form or other.

Yes, people have been selling stuffed Koala toys for decades and this whole caper was a modification of the idea.

For Wood, the original supplier of the drinking Koala and home for both male and female “Sams”, it gave her animal shelter business an enormous publicity boost, which she traded on heavily to get an avalanche of donations from the public.

Her stated target was \$700,00 which is greater sum than most people could save in a lifetime!

Tree used the concept to boost his career as the next “Steve Irwin” to promote his own fame and fortune.

To that end, he threw in his job as a school bus driver and travelled widely promoting himself. The lawyers used it to their commercial advantage, the government of the day headed by John Brumby keenly associated himself with the Koala as part of the game of avoiding blame for his government’s role in creating the bushfire disaster that he’d been warned about and so he actively promoted the stuffed Koala at the Museum.

The CFA, animal welfare shelters and similar groups used the concept to raise money for themselves, Martinek to sell chocolates to raise money for ex diggers, the DSE to promote their (alleged) role in protecting wildlife and to shift blame from their own ineptitude prior to the bushfires.

The *Herald-Sun* newspaper used “Sam the Koala” to raise money for CFA volunteers and presumably to boost their own sales as well.

While none of this seems particularly wrong on the surface, or implicates many

involved with wrongdoing, issues arise when money is scammed out of people on the basis of false pretexts or fraud, possibly in contravention of charity collection laws and more importantly when other potentially more worthy charities miss out on donations as a result of money being diverted to “Sam the Koala” associated groups.

Regardless of claims by protagonists in terms of who invented “Sam the Koala”, the “Sam the Koala” subject here was invented with the production of the first video of David Tree giving the male Koala a drink of water.

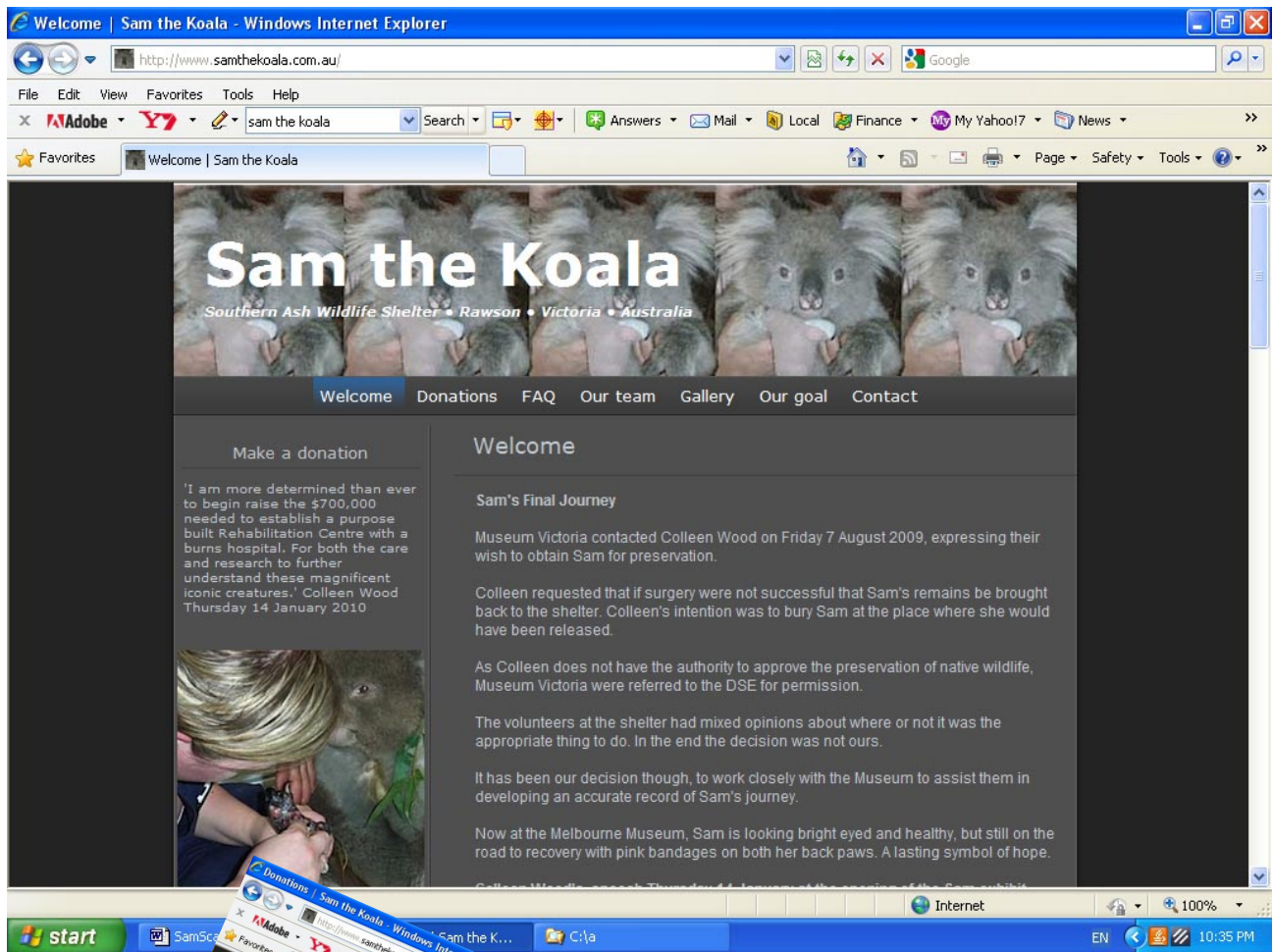
While (according to Beamish’s statutory declaration) the Koala was officially named “Sam” on or about 6 February, this was later backdated by common consent to include the (allegedly) same Koala filmed allegedly on 1 February, as in the male drinking Koala, which we now know to be a separate animal.

Certainly there is nothing on the public record to connect this particular “Sam the Koala” to anything predating February 2009, although based on material from Tree, his author friend, and what we know about the pre-planning of the event in terms of setting up the Koala and video, they’d apparently had the idea made up some time prior to the film being made.

Whether the time frame in terms of planning the video, was minutes, days or hours, is uncertain, but based on a 60-90 minute drive time from Wood’s residence (The Southern Ash Wildlife Shelter) and the forest where the incident was allegedly filmed (and noting the smoke in the video a likely venue), there was some time frame involved in the prior planning of the event.

The history of things post video is easy to ascertain based on public records and the like.

Woods had only recently commenced establishing her “Southern Ash Wildlife



Screen dumps of webpages as they appear when downloaded, showing the main objective behind “Sam the Koala” is to raise money.

Shelter", as evidenced by the minimal evidence of her activities prior to Black Saturday.

She had no website at the time or for that matter little else in terms of media or other trail.

At an uncertain date between January and April 2009 she set up an internet domain "samthekoala.com.au" registered with Aust domains and hosted at <http://www.syra.net.au/> as her shelter's website and using SEO (search engine optimisation) ensured it topped most internet searches (like "Google") for the term/s "Sam the koala".

The site has minimal content (just seven web pages, including a gallery with photos) and is clearly designed as a funnel to solicit donations to her "shelter", with each page seeking donations, many pages doing so repeatedly.

Interestingly she only acquired an ABN from 30 April 2009 and set herself up as charitable DGR (Deductible gift recipient) on 15 December 2009, which is interesting as she'd been actively soliciting donations of up to \$500 a pop via her website for several months by that stage.

The legality of the way she was soliciting funds was beyond the scope of this article, but became relevant as investigations continued.

I must question the ethics of using an impostor female Koala to solicit funds on behalf of an allegedly burnt male koala that was filmed drinking bottled water, and claimed in the first instance (in totality by date priority) as "Sam the Koala".

Noting that she had owned this Koala as far back as 2006, the dishonesty of the whole act must be treated seriously, especially as it is now being touted as Victorian Natural History.

Wood was not alone in jumping on the "Sam the Koala" bandwagon. The *Herald-Sun* allegedly made several hundred

thousand dollars selling (the male) "Sam the Koala" prints, at that stage (allegedly) photographed by photographer (Russell Vickery), all or most of the profits of which was donated to the CFA.

Numerous other "Sam the Koala" websites also emerged and/or were registered.

Many wildlife shelters and animal organizations, promoted their (alleged) associations with the now famous Koala (the assumption being there was only one such animal), while there were also a number of other "Sam the Koala" domains registered for the express purpose of soliciting donations for various causes.

Included were: www.koalasam.com registered by EM Harris of, PO Box 1581 Sale, Victoria 3850, Australia, hosted by <http://www.jumba.net.au/> using it as the website for his group that he called:

Wildlife Rescue and Protection (WRAP) and like Wood's site making claims of being in charge of "Sam the Koala" and seeking donations.

Included on the front page was the statement "Sam is recovering at Wildlife Rescue & Protection", which seemed strange as everyone else thought Wood had the animal.

Similar to Wood's site this was a minimal site (just six web pages) and all actively seeking money (donations).

Wood is also heavily involved with WRAP so the similarity in their money raising methods is probably no coincidence.

Harris had also been quick off the mark, registering the domain on 11 February 2009, just one day after the drinking Koala first hit the news media.

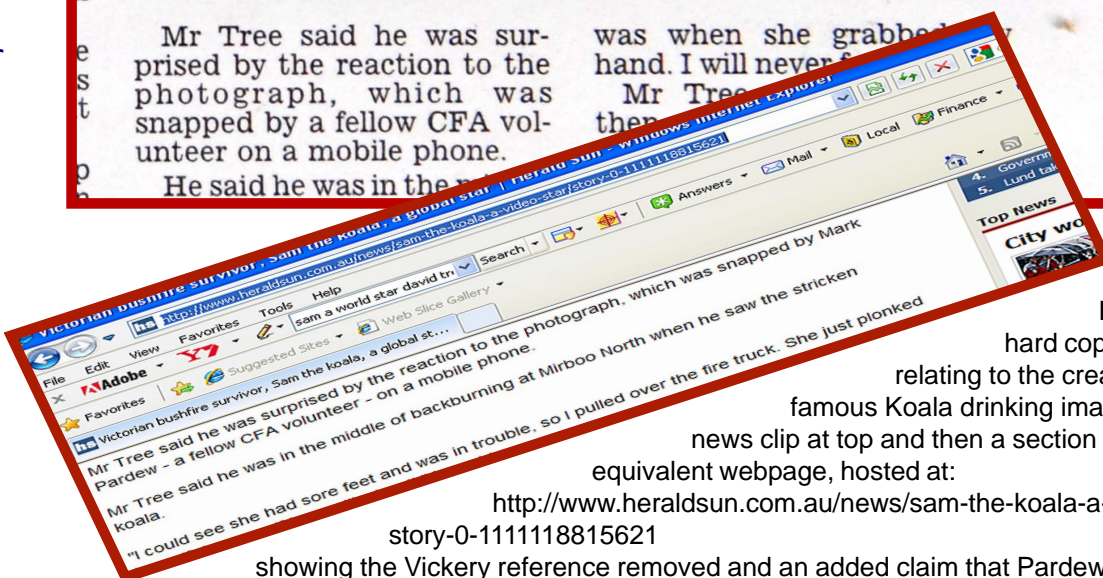
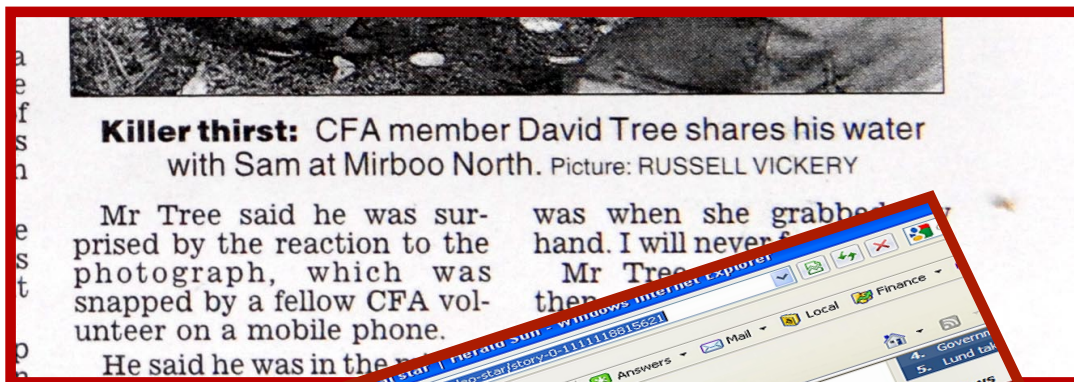
A cybersquatter in the USA took <http://www.samthekoala.com/> on 11 February as well, that site being effectively "parked" and not being used to scam donations as of January 2010.

Evidently Sam the Koala became a bigger



The print trail is harder to alter than the digital trail.

While David Tree, Colleen Wood, the DSE and others have apparently changed their alleged “Sam the Koala” stories to counter claims of priority, copyright ownership in terms of the now famous images, later trademarks litigation and the like, the print trail is harder to alter than the digital one. *Herald-Sun* websites carrying relevant news stories from February 2009 have been altered and had material both removed or added, without any indication of such on the webpages. However the original print copies within libraries remain unchanged and are therefore an accurate record of the “Sam the Koala” fraud as it was recalled by the media in February 2009. The hard copy of the news story above even has photos of two different Koalas (shown) on the same page and yet identified erroneously as the same, one and only “Sam”.



Inserts: the hard copy section relating to the creation of the famous Koala drinking image from the news clip at top and then a section of the equivalent webpage, hosted at:

<http://www.heraldsun.com.au/news/sam-the-koala-a-video-star/story-0-1111118815621>

showing the Vickery reference removed and an added claim that Pardew was the actual photographer. The web page carried no statement of the changes or date reference of the changes either.

money spinner than most promoters envisaged and according to media reports the lawyers became involved in February to deal with the interest in the Koala and to further drum up business.

What hasn't been determined conclusively by my own enquiries is whether or not the lawyers had anything to do with the Koala swap (male to female), if they knew about it at any stage and/or if they became involved for the purposes of hiding the (now) obvious fact a swap and fraud has been conducted in terms of both swapping the Koala and the obvious staging of what was dishonestly promoted as an unplanned event.

At the time of first compiling this article, the only other person I knew who had become aware of the Koala swap was Martinek (she predated myself). However we were not the first to suspect this.

In a post on the *Courier Mail* website was a post stating much the same.

At: <http://www.news.com.au/couriermail/story/0,23739,25042119-953,00.html> was the post:

"Maybe I am wrong but the koala in the wildlife shelter looks different from the koala in the forest. In the wildlife shelter, she looks younger and smaller. In the forest, the koala has a big head, as big as the firefighter. But in the wildlife shelter, the koala's head seems small.

Posted by: Gillian of Cairns 3:10pm February 12, 2009".

OTHER INFRACTIONS ... ILLEGAL FUNDRAISING

That Wood was fundraising using the "Sam the Koala" concept was obvious and could not be denied. That she was masquerading as a charitable organisation was not in dispute. For example in the newsclip at:

<http://au.legalbusinessonline.com/site-search/sam-the-koala-brings-media-work->

to-tresscox-partner/34303 published on 13 March 2009, correspondent, Richard Szabo wrote,

"Sam the koala (picture by Russell Vickery) is cute and cuddly - and getting sympathy from around the world, as one of the animals displaced by the recent severe bushfires in Victoria. She is also keeping Tresscox partner Nic Pullen very busy.

Working on a pro bono basis since mid-February, Pullen has helped handle fundraising for the Southern Ash Animal Centre, the refuge overseeing Sam's rehabilitation."

At no stage did Pullen publicly deny his fundraising role, so we can safely assume the reports (only one of many quoted here) were correct.

I therefore made inquiries as to the rules and regulations governing fundraising to see if she was doing it legally, or was in breach of some law.

Put another way, if I started a website seeking donations to the "Raymond Hoser home building fund", I'd be jailed!

It turns out that there are quite specific laws in terms of fundraising in Victoria.

On 11 February 2009, Consumer Affairs Minister Tony Robinson, issued a press release warning about bogus fundraisers and the need for all to be registered with Consumer Affairs Victoria (CAV).

In summary you must be a registered fundraiser BEFORE you commence fundraising.

The only exemption applicable to Wood and her shelter is that if you seek to raise a total of less than \$10,000 you may not have to register, if your activity falls within a host of other potential exemption guidelines.

However, on her website created sometime between January and April 2009, Wood stated she was seeking \$700,000 for building at her property.

CAV also has a register of registered fundraisers and a check of this database online at:

<http://www.consumer.vic.gov.au/cbav/fundrais.nsf/SearchWeb?OpenForm>

showed that the Southern Ash Wildlife Shelter was registered as a fundraiser on 28 August 2009 (number: 10484), with Jennifer Lynn McNally listed as the contact.

Noting that money was being raised before that date (and that it takes a maximum of 28 days to register after application), the only conclusion to be drawn is that Wood and her shelter were illegally fundraising before that date (Feb 2009 to Aug 2009).

An obvious question then arises is whether or not the lawyers acting for Wood and the shelter knew that this fundraising was illegal.

Noting that TressCox were authorizing others to raise money on their behalf in February, it seems odd that they would allow this illegal activity to go on.

See for example the letter from Peita Elkhorne of TressCox Lawyers dated 24 February 2009

Posted at:

[http://cgi.ebay.com/ACEO-PRINT-Sam-The-Koala-bear-4-Shelter-Hospital-CT_W0QQitemZ170429751766QQcmdZViewItemQQptZArt_Prints?](http://cgi.ebay.com/ACEO-PRINT-Sam-The-Koala-bear-4-Shelter-Hospital-CT_W0QQitemZ170429751766QQcmdZViewItemQQptZArt_Prints?hash=item27ae67a1d6)

hash=item27ae67a1d6

(text above is typed as a continuous line).

Hence the only alternative conclusions are that either they failed to ask Wood and the shelter if they were registered as fundraisers, or if they did ask, then they were lied to by their clients.

None of the three possible explanations look good!

WHO MADE HOW MUCH?

Getting anything resembling a straight answer is almost impossible.

The public record reveals little.

Photo credits for the same photos varies. It first appeared Mirboo North CFA firefighter Russell Vickery owned copyright to the still images and Tree himself the video.

That was the “official” story for about six months after the event.

Somehow the ownership of the still images transferred to Pardew and then the DSE, who in particular sought to take credit for the images and promote their corporate image as a diversion from their culpability for their role in the creation of the fire disaster in the first place.

Whether the *Herald-Sun* and other media outlets actually paid for the images and how much, and to whom isn't known and these are questions definitely worthy of being answered.

The same applies to the images and related material sold on to Reuters.

It didn't take long to lose count of how many times the *Herald-Sun* in particular used the original images of Tree feeding the male Koala the well (product placement) placed bottle of “H2O mineral water”, including for example a two-page center spread in the *Herald-Sun* on Sunday 7 February 2010. The quality of those images is good and easily identifies the Koala as the male “Bob” and not the female Sam, whose images were allegedly sold by Wood for a tidy sum, according to Tree.

In terms of access to Wood and her two Koalas, it seems only the *Herald-Sun* were granted access, as far as the mainstream print media were concerned.

I didn't investigate which, if any of the TV networks also had access.

Photos on the *Herald-Sun* website of the

relevant Koalas show numerous photos with varying credits, but if the accuracy of the Vickery/Pardew image credits is anything to go by, all the *Herald-Sun* credits must be treated with suspicion in terms of accuracy.

THE MASONIC CONNECTION

In the light of the sequence of events involving Tree, Wood and the others, it'd be evident that Tree and Wood would prefer to hide any connections they had predating the ostensibly chance encounter with the drinking Koala (that we now know to be "Bob" from the Wood shelter) and their roles in getting the said Koala to the site to filmed.

However it turns out that Wood and Tree have a strong Freemason connection that is generally unknown.

Bro (Brother) David Tree is a member of lodge number 186, while Wood's husband, Bro John Wood is an Inner Guard at the nearby Lodge number 69, which incidentally actively raised funds for the Wood's shelter.

According to the Autumn 2009 Freemason's newsletter, posted on the web at:

http://www.freemasonsvic.net.au/Portals/0/newsletter_pdf/FmV_119.pdf, Freemason's Victoria also donated another \$5,000 to Wood and her SAWS, notably at a time that she wasn't registered as a "fundraiser".

This was on top of other fundraising by Wood identified in the same newsletter.

WILDLIFE SHELTER RULES

Wood and her shelter had a wildlife shelter permit.

These are issued by the DSE and as regulating authority, DSE have immense powers, including to literally close down a shelter at their whim.

As a result, there is a fear of DSE and general desire by license holders to put up with unreasonable directions simply to

keep the peace.

As a reptile exhibitor licensed by the same DSE, I find myself in the same position often, silently complying with totally ridiculous rules and regulations simply to keep the peace.

Wildlife shelters such as Wood do have rules and regulations and the important ones are as follows.

Animals arriving at their shelters must be rehabilitated and then released into the wild.

They must not be kept as pets. Animals unable to be released into the wild when healthy must be killed (euthanased).

None are allowed to be kept as pets. There are different licences and rules and regulations for this.

Because there are no time limits on rehabilitation, some shelter owners rort the system and keep animals for years as "pets" without releasing them.

For Koalas, this scam is particularly popular as the regulations for keeping Koalas on other licences are quite onerous.

Keeping licences for Koalas involve the need to have at least two guaranteed stocks of trees and leaves (on land you control or own) for the marsupials, the second stock being in case one lot burns down.

Wildlife shelters can bypass this rule as they cannot control what gets handed in. They can literally beg and borrow leaves from almost anywhere as the need arises.

Hence Koalas are always popular in wildlife shelters.

A question that arises is why did Wood appear to retain an apparently healthy Koala for three years?

We are of course talking about the drinking "Bob" the Koala.

If she didn't, then how is it she got the same animal twice? And why did she lie

about it being burnt?

In terms of the public display of the two “Sams” the authorization Wood held has two other important conditions.

These are:

16. The Authorisation holder shall not allow any access by the general public to the Wildlife Shelter. Shelter operations, including wildlife held in shelter, must be kept out of public view at all times.
17. The holder of the Wildlife Shelter Authorisation shall not sell, give, lend, hire or publicly display any wildlife received for care at the shelter without the prior written approval of the Wildlife Officer.

For the purposes of the present and until there is evidence to the contrary, one must assume that Wood did not have authorisation to show media the said Koalas.

More importantly, Wood did not have authorisation to allow David Tree to be filmed giving her “Bob” the Koala a drink.

The assumption preceding is made based on my own informal discussions with DSE compliance staff and other shelter owners, all of whom state that it's effectively impossible to get DSE approval to show the public (including the media) animals in their care for any purposes.

I am now also aware of several wildlife shelters who sought DSE approval to show media injured animals, including Koalas at the time of the 2009 bushfires and who were refused.

If on the other hand DSE did approve of the Tree Koala drinking event prior to it's occurrence, this immediately implicates them in the Koala swap fraud and all that followed.

SAM THE KOALA TRADEMARKS

On 20 February 2009, retired Army Major Maryann Martinek applied to register the

first of a number of “Sam the Koala” and similar trademarks with the Australian registrar, IP Australia.

These trademarks were approved by the registrar and commenced the process of registration. In essence the trademarks are “advertised” and for a period of three months, interested objectors can lodge an “opposition” to the trademark.

If no opposition is received the trademark is automatically registered, with the currency of registration being backdated to the date of application, meaning that Martinek's claim to the first of her trademarks dates to 20 February 2009.

Most trademarks applied for that meet IP Australia guidelines are registered without objection, for several reasons including that potential objectors generally don't check the trademarks registrar's database for potentially objectionable trademarks and even if they do, few people want to spend time and money objecting when the result may not be favorable.

Strategically and based on my own past experience and that of Martinek (both of whom have registered trademarks and both of whom have separately beaten objections to do so), it is best not to tell people of pending trademarks (those applied for and not yet registered) as to do so may tip-off potential objectors to the trademarks.

Once registered, trademarks are difficult or expensive for objectors to deregister or overcome, the usual means being through Federal Court proceedings. Trademarks are a powerful business tool as they give the owner “exclusive use” over the trademark throughout Australia.

In mid 2009, Woods entity the “Southern Ash Wildlife Shelter”, now using the acronym “SAWS” tried to assert ownership rights of the money stream from “Sam the Koala” and Wood and/or helpers commenced trying to stop others using

“Sam the Koala” for commercial enterprises. She contacted Martinek and asked her to stop a “Twitter” page she had created, with Martinek advising Wood that she had no right to do so as she (Martinek) had the trademark.

SAWS referred the matter to Wood’s lawyers, who apparently didn’t act on it, but the same information fell into the hands of *Herald Sun* newspaper journalists, Amelia Harris, Megan McNaught and Ben Butler who between them produced a pair of stories detailing the same on 11 and 12 August 2009.

Butler sought DSE’s views via their media office and as a result, DSE filed a Notice of Opposition and later filed Evidence in Support of their Opposition on 15 December 2009. The DSE and Martinek are now engaged in a standard opposition process. The Trademark Office accepted Martinek’s trademarks for registration and they were assessed as meeting the requirements of the Trademarks Act. An opposition process permits third parties to object but they must state their reasons in writing and this is considered by the Trademark Office. As of end January 2010, that remains the state of play.

DSE have served four statutory declarations on Martinek, these being signed by David Tree, Michael Beamish, Sarah Haines (DSE) and Brigid Ann Wing (DSE), all passed to me in January 2010.

There’s a period of legal “argy-bary” and document exchange before the actual IP Australia objection hearing/s that may be months or even years away.

This also assumes that the proceedings are not discontinued by the objectors as also often happens.

Notwithstanding this, the website Wikipedia reported on 20 January 2009 the following:

“On 20 February 2009, a former army major, Mary-Ann Martinek, applied to use

the words “Sam the Koala” as a trademark and in March 2009 submitted an application to use the iconic image of Sam receiving water in order to sell chocolates with the image on them.^[18] The Department of Sustainability and Environment filed a claim in opposition and later succeeded.^{[19]”}

The references cited did not state what Wikipedia did. In fact the references correctly noted that the process of opposition was ongoing and far from finalized.

Clearly the editor of the web page was keen to spread misinformation about Martinek.

The rest of the web page at Wikipedia rehashes the “official” version of events, including no references to the swapping Koalas shortly after the making of the koala drinking from water bottle sequence.

Interestingly Martinek seeks to register an obviously male “Sam the Koala” in her composite image trademarks, while the animal in the Museum of Victoria is undeniably a female.

Ironically it was our discussions in relation to the trademark matters that led to the wider investigation of the “Sam the Koala” Koala swap and associated issues.

WHO KNOWS OF THE KOALA SWAP?

The images are self explanatory. Having said that, they are no substitute for the animals themselves and it is obvious that the two “Sams” are quite different in size, shape and colour.

David Tree claims knowledge of animals and based on his own statements has experience with Koalas spanning some years as does Wood.

Noting that Wood held Bob (the original Sam) and the newer female Sam at the same time and place, it seems improbable if not impossible that either of those two would be unaware of the swap.

This is especially so noting that a female

newspaper reader in Cairns was able to spot the difference on 12 February 2009 and based on casual perusal of poor quality images on the web.

Furthermore, even from a poor quality Youtube video it is clear that the original "Sam", is a male, from the shape of the head, nose shape and scent gland.

Tree himself accurately identifies the Koala as a male in the video, indicating sufficient expertise to be able to tell the difference.

But in the later (at the shelter images of 13 Feb or thereabouts), he is seen peering at the (now) female Sam with the caption stating he has reunited with her (as in this is the same Koala recognizing him as the man who gave him (now her) bottled water in the forest).

Nobody has claimed Tree is a total idiot and it would be ridiculous to believe that he could not tell the difference between a large male and a far smaller female Koala of totally different appearance just days between viewing them.

The statutory declaration of Beamish is worded in a manner that allows for the swap. To Martinek, Beamish said he thought that the female Sam was not the drinking male Koala. One hopes more will emerge from Beamish if he's called to give evidence at a trademark hearing.

As for other people potentially aware of the swap, there are no highly likely suspects, although first in line would be other people working with Wood at her residence as listed on her web page, closely followed by her two acting lawyers.

Having said this, anyone who had taken time to study the relevant animals and/or images would soon become aware of the Koala swap and the question then arises as to who in fact has known of it and kept quiet.

The nature of the reporting of the drinking (male) "Sam the Koala", including the deliberate non-reporting of the Noonan

"Lance the Koala" (evidently known to news limited and other Melbourne-based journalists, with ready access to and readership of interstate news media), indicates a firm desire to paint "Sam" as the original bottle of water-drinking Koala.

While there was some circumstantial evidence to suggest one or more *Herald-Sun* staff were behind the pre-planned filming of Tree and the male Koala (especially if one of their staff actually took the still images), there is still no evidence to implicate them in the swap or to have knowledge of it.

The same applies in the case of DSE (in February 2009) and Pardew in particular.

THE ADMISSIONS

As part of her preparation to defend her trademark applications, Martinek phoned and spoke with David Tree, his wife, Colleen Wood, another person at the SAWS and Michael Beamish.

I have heard copies of tapes of the conversations for the purposes of verification, but removed them from my property.

In the conversations, all admitted knowledge of the Koala swap and all also went further and stated that people at DSE, their lawyers, the lawyers acting for Sam the Koala and relevant people at the *Herald-Sun* were all aware of the Koala swap and that they all knew that the stuffed female at the Museum was not the male drinking Koala.

More significantly and without prompting, Wood stated that she had been "dobbed in" for illegally fundraising and that the authorities threatened to jail her unless she did what they asked her to.

To that end she has had to do the following:

Maintain the lie that the female Koala was the drinking koala and in spite of her objections, surrender the female Koala to

the DSE and the Museum of Victoria to be stuffed and put on exhibit.

Most significantly, Tree and Wood both stated that DSE and their lawyers were aware of the Koala swap and that in order to avoid prosecution for various wildlife and other offences (including those related to fundraising), all image and related rights to the koala had to be ceded to the DSE.

This ceding of rights to the Koala to the DSE and the use of the Koala for self-promotion by the DSE is of course now the center of the trademark dispute involving Martinek.

Of perhaps greater interest to the tabloid media is that according to Wood, Victorian State Premier John Brumby was aware of the Koala swap but in spite of this had insisted that the stuffed body be promoted at the Museum with himself prominently linked to it.

Media reports of December 2009 and January 2010 have confirmed the latter, but not the former.

Unfortunately, I cannot state that the comments by Tree, Wood and the others are correct as I can state that they have lied about the Koalas in the first instance.

However it'd be nice if these allegations were properly investigated.

In terms of inferences based on facts, I can say it is highly unlikely that any of the named individuals above would be unaware of the Koala swap, with the possible exception of Brumby, assuming his involvement in the caper was both minimal and that his minders did the legwork for him.

Tree and his wife stated that the original photos was taken by Pardew, but emailed to the media by Russell Vickery and that the confusion in terms of the photographer had been maintained for some months.

Both Tree and Wood stated that they had made money selling images of the relevant

Koalas.

Wood justified the lies on the basis it raised money for her shelter to save Koalas.

Tree likewise justified his lies on the basis that it aided wildlife conservation.

PRE-PLANNING THE "SAM THE KOALA" EVENT

That it was preplanned cannot be disputed. The evidence is overwhelming and undeniable.

By the time the story hit the media on or about 10 February, the decision had already been made to "plant" and film the male "Sam" and to use the female "Sam" as the future "star".

Speculation included that the male Koala, was in fact a "pet", explaining his behavior and lack of injuries, but that remained speculation until the image of the same Koala three years earlier was located by Martinek.

When Tree and Wood decided to take the male Koala and film it drinking is also unknown, but evidence suggests that the 6 February date is close to the mark.

This immediately post-dates the Noonan "Lance the Koala" images and based on the rapid cross-posting on the web by Tree, Wood and agents, it'd be impossible to expect them to have missed such an event when it occurred.

Another important pointer to the 6 February date is the statutory declaration by Beamish dated 10 December 2009.

Drafted by the DSE for the Trademark legal proceedings, I automatically have doubts as to the truthfulness of the declaration.

This does not necessarily reflect on Beamish in particular, but rather on the conduct of the DSE lawyers in such matters.

In a VCAT matter I had against DSE at end 2008, DSE lawyers threatened a friend of mine Robin Zelesco, and used illegal

threats to make him change evidence in relation to the fact that surgically de-venomized venomous snakes are totally safe, to change his alleged professional view as a licenced veterinary surgeon that the snakes regenerated venom and were dangerous.

In the VCAT hearing that was taped and transcribed, Zelesco took the brave move and stated that DSE people had made threats to him to get him to sign a statutory declaration they had drafted that he did not agree with.

All witnesses to those proceedings who had statutory declarations prepared by DSE, said that they had been drafted by the DSE's lawyers and then they had been asked to sign them.

One can only presume that the DSE's lawyers have acted in a similar way for the Martinek matter.

That is in that the DSE lawyers drafted declarations and then asked the signatories to check the "facts" and if they agreed with them to sign.

In terms of the Beamish document, it probably correlated with his recollection of events and he signed the document.

Important is that he may not have recognized the dates or had accurate recollection of them.

However assuming the entire document is true and correct does give some very important and relevant evidence.

Beamish stated that his wife was spoken to Tree's wife and that:

"On 6 February 2009 I visited the area where Mr Tree indicated his encounter with a koala had taken place and came across what I believed to be the koala in question."

The lack of a definite "The was the same bottle drinking Koala" statement indicates a reluctance by Beamish to put his name to such a claim and that he knew there had

been a Koala swap.

(He later confirmed that to Martinek).

Alternatively, it is reasonable to infer that the DSE lawyers knew of the swap (a likely outcome as the case revolves around photos of the male and female "Sam the Koalas") and themselves saw the danger in a strong easily disproven connection.

More important however is the 6 February date as this alone puts a time date on the first pre-planning of the "Sam the Koala" event.

It becomes somewhat speculative as to what happened in terms of the actual links between Tree, Beamish and how this alleged female Koala caught by Beamish ended up in a wildlife shelter some 90 minutes drive from the fires at Colleen Wood's place.

But based on what's easily determined (without doubt) in terms of the making of the "Sam the Koala" video and original images, it appears that Tree knew that the Beamish Koala would in all probability end up at Wood's shelter, although this cannot be stated as a matter of fact.

What can be said based on the public record is that 6 February 2009 is the first known creation date for the "Sam the Koala" "legend" in terms of planning to film the drinking Koala and this post-dates Noonan's "Lance the Koala".

HOW MANY KOALAS DID "SOUTHERN ASH WILDLIFE SHELTER" HAVE AS OF 10 FEBRUARY 2009?

The relevance of the question arises in terms of the photos depicted as taken by a media photographer or several, who then had their pictures posted on the web and elsewhere on or about 13 February 2009, including at: <http://www.heraldsun.com.au/news/gallery-0-1111120749856?page=7> (photo by Stephen Harman, or at least credited to him).

These are the images depicting Sam and Bob, Bob being the original drinking Koala

and Sam (the female version 2) with Tree. Looking at the photos on the web I had difficulty identifying given Koalas in all photos, however with little effort I was able to see that “Bob” was one and the same as the original water-drinking “Sam”.

In terms of the original photos posted, only two readily identifiable Koalas are depicted, namely Sam (version 2) and Bob (Sam version 1).

Noting that a Koala swap has taken place and a fraud has been attempted, it seems almost reckless to have media photographers being let loose with the same (Sam version one) Koala, with the resulting images potentially putting the Koala swap caper at risk of exposure.

The first obvious reason for such a risk to be taken is that at the time, Wood only had two Koalas at her house. However based on the earlier 3 February 2009 report by MacNaught, we know that Wood had access to other Koalas and so the explanation had to be discounted.

Hence as the next most likely explanation it appears that Sam and Bob were both carefully chosen for their promotional roles.

Bob it seems was chosen because of his ability to do tricks including drinking from a bottle and also for his obvious tameness.

Sam, it seems was chosen for similar reasons, the most important one being her age and the then stated hope that she'd have a baby.

As I am not a mind-reader, I cannot state the exact plans for the female “Sam” the Koala.

However there are pointers.

The lawyers expressed a desire for Sam to have a baby.

This indicated an aim to keep the Koala as long as possible and perhaps never to release it into the wild.

By way of precedent, the celebrity Koala who survived the Canberra bushfires

ended up dying of old age in captivity some years later.

Then there's the fictional children's book titled:

“Koala Sam : an Australian story of love and survival”, written by Heather Freeman ; illustrated by Peter Townsend, being sold in early 2010 to raise money for SAWS.

As for how much money got raised, there are conflicting results. The *Herald-Sun* stated they had 40 people working to take donations for their “Sam the Koala” appeal raising \$300,000 within weeks.

According to the phone conversations with Martinek, Mirboo North residents, Tree and Vickery apparently sought money for renovations, while Wood had a target of \$700,000 for buildings to add to her property.

How close they actually got isn't known, but based on other conversations with Wood, it appears a sizeable amount of money was raised through the whole Sam the Koala scam.

INCOMPETANCE AT THE MUSEUM OF VICTORIA

In terms of the Museum of Victoria and their staff, it appears that they have accepted all that's been given to them from outside sources on face value and failed to cross-check the images of Tree and the drinking Koala with the specimen in the box next to their signage.

As of January 2010, the stuffed female Koala sat in a glass case replete with bright pink (as opposed to dull pink in real life) bandages on her feet. More importantly is an adjacent vertical sign, giving information about “Sam the Koala” including the (now attributed to Pardow and the Department of Sustainability and Environment) image of David Tree offering the male Koala a drink. It is therefore obvious from standing in the foyer of the Museum, that the “Sam the Koala” in the case is an imposter!

Yes, you can simply line up the image on

the plaque with the animal in the glass case and see they don't match!

More damaging evidence is that on the opposite side of the glass case is a video screen playing replays of video of Tree giving the male Koala a drink.

The screen is large and the quality of the video is far superior to that seen on the Youtube and related clips.

On the Museum screen, the fact that the koala depicted in the video is male is inescapable. Furthermore the video is so clear that it is particularly easy to line up key features of the Koala with the known (later) photos of "Bob" (The male) taken at Wood's place around the same period (February 2009) to establish that the drinking Koala and the male "Bob" are one and the same.

The Museum video more clearly shows snout markings and bald patches on the forelimbs than the poorer quality "Youtube" clips.

Hence, evidence of complicity in the fraud by some at the Museum is an inescapable conclusion.

The alternative explanation is total incompetence.

However media reports prior to the female Sam's death stated that the wounds on the feet had healed, and same was shown on Wood's own site with a photo of the female Sam the Koala and the healed feet dated 5 August 2009.

Therefore there was no need to put bandages on the feet, unless of course it was part of the marketing ploy surrounding the fraud.

Then there's the obvious differences between the male shown drinking and the female on display.

According to Wood and Tree, key staff at the museum are aware of the fraud.

Who those alleged staff are were not identified and hence any investigation in this direction was stalled.

THE STATE GOVERNMENT OF VICTORIA

An obvious question to be asked is the motive of myself (Raymond Hoser) to publish a detailed exposure of a fraud involving a pair of Koalas in Victoria. People will speculate and an obvious conclusion may be that I am acting for Martinek in some way as that is the only obvious connection I have.

This is not the case. Frankly I have no interest in her trademarks or her chocolate business and would humbly prefer she try selling "Death Adder Chocolates", or if she wants to go big then "*Broghammerus* chocolates"!

However I am seriously concerned at other aspects of the case.

The listed opponent in her case (as of 30 January 2010) is not Wood, Tree, or any of the others involved in the creation of the "Sam the Koala" caper or who have made sums of money out of the fraud.

The listed opponent is the Department of Sustainability and Environment, one of the departments directly culpable for the death and destruction in terms of the February 2009 bushfires.

In January 2009, while doing a reptile demonstration at the Endeavour Hills Shopping mall, I was raided by two officers from the DSE (one brought in from as far away as Geelong), who created a public disturbance and made false claims about public safety and our snakes to staff at the mall and the public. The raid followed a similar disturbance created the day prior by a newly licenced demonstrator seeking to steal our company's business that had been established over many years.

The false claims include that our surgically de-venomized snakes have regenerated their venom and are therefore dangerous and a public risk.

The claims are totally false.

Our company Snakebusters, are the only demonstrators in the world with surgically devenomized (known as venomoid) snakes.

These were first produced by myself in 2004 (see links at: <http://www.smuggled.com/VenFAQ1.htm>).

The snakes are with minimal discomfort made permanently non-venomous which means that 1/ There is no public risk with our deadly snake displays and 2/ The snakes welfare isn't compromised by the use of metal hooks, sticks and tongs to handle them.

These facts have been established countless times beyond any possible dispute.

As a result of the totally unnecessary harassment and disturbance by the DSE officials the mall cancelled a pre-existing September 2009 booking and booked an inexperienced rival outfit instead.

The incident was relatively unusual in that in my businesses as demonstrator and snake catcher I deal with DSE staff extensively and generally they are polite, sensible and trouble free. Most of the time they work cooperatively rather than adversarial.

Notable is that at the time of this (adverse) "raid" the weather was hot and there were fires still burning, with the forecast for the following week to be extremely hot (which it was).

The DSE people harassing my staff, my customers and myself could have been better deployed actually fighting fires or preparing for the next ones!

In late 2008, I had fought against DSE officers at VCAT, the DSE again acting on behalf of "competitors" without devenomized snakes.

The case revolved around what they repeatedly said was our unfair competitive advantage of having devenomized snakes,

that the others didn't, allowing us to do risk-free deadly snake shows at malls and the like, which was something others couldn't offer and therefore effectively kept them out of most malls.

The simple issue was that mall managers didn't want to take risks with dangerous snakes in their venues when a totally safe alternative (Snakebusters) was available.

We argued that others could emulate us and acquire venomoids to raise their standards, but the DSE and the people they were acting on behalf of, argued that we should lower our standards instead.

In a case that was predetermined, DSE raised an argument they knew to be false, claiming our devenomized snakes to be a serious public threat and risk on the (false) claim that the snakes had regenerated their venom glands.

To prove the falseness of the claim about 39 (all) of the venomoids were lined up and made to bite me in front of a school assembly, TV and print news media and others.

DSE stopped the media from running the footage.

At VCAT three similar videos were presented to the tribunal member but from the outset of the case it was clear she would do whatever DSE asked for and she ruled against me.

The VCAT Judge, Anne Coghlan, fully aware that the snakes were harmless, produced a hatchet-job judgement, stating the devenomized snakes were dangerous and public hazard and imposed various restrictions as result.

In her judgement, she failed to mention that she herself had seen venomoid Taipans (world's deadliest snakes) repeatedly biting me in numerous videos without ill effect on me.

It was agreed fact that no one survives any Taipan bite without anti-venom, or so it had

been before I acquired the venomoids.

Instead her judgement made the false claim (lie) that I, Raymond Hoser had not produced a shred of evidence to support that venomoids were harmless.

Other evidence Coghlan received but failed to mention in her judgement included autopsy photos from a venomoid Death Adder that had died from age-related disease three years post operation that clearly showed no venom gland regeneration, microscopic analysis of saliva and other test results, all confirming no venom gland regeneration.

DSE also deep-pocketed me in that if I had challenged the false judgment in the Supreme Court, I would be liable for DSE's costs if they won again and that I could not afford.

Noting the general aversion of the Victorian judiciary to the truth, it was a risk I would not take (refer for example to the book *The Hoser Files: The Fight Against Entrenched Official Corruption* published in 1994, or further in the *Victoria Police Corruption* books of 1999).

To strengthen their position against my devenomized snakes, DSE did and in contravention to their own subordinate regulations, drafted and passed new laws outlawing the creation of venomoids in Victoria, immediately placing my business at a disadvantage over interstate competitors who by 2008 were rushing head-over-heels to acquire venomoids and also to create an increased risk of fatal snakebites among handlers in Victoria as devenomized snakes are replaced by dangerous snakes that can no longer be legally rendered harmless.

At a later date a more detailed paper covering the lies and deception in terms of the venomoid snakes will be published, due to the immense public benefit in the truth being known about these snakes and the dishonest campaigns waged against

myself and these snakes.

Also at end 2008 and predating the final VCAT hearing, I correctly anticipated the outcome and lodged a detailed submission to the Victorian Competition and Efficiency Commission (VCEC) as part of a newly launched "Inquiry into Environmental Regulation in Victoria"

My submission was the first received by the Commission's inquiry and it detailed the case involving DSE and went on to state how it was an unnecessary diversion away from important activities the DSE was failing to address including genuine safety issues involving inexperienced venomous snake handlers mishandling snakes and giving wrong information, and the serious failure to address the bushfire threat.

The VCEC converted my submission to a pdf file and it sat on their website, at first alone and later with other submissions from interested parties as they were received.

Shortly after the bushfire event of 7 February 2009, the VCEC revisited my submission noting that it effectively forewarned of disasters arising from DSE's mismanagement and as part of the dedicated Victorian government blame avoidance campaign post 7 February 2009, they removed my submission from their site, but left all others intact.

This was just one of many actions I became aware of conducted by the Victorian State Government and associated entities to hide blame for the bushfire event.

If the female "Sam the Koala" is to be used as a symbol of the bushfires as DSE and others seek, it should also be held up as a symbol of the lies, frauds, deceptions and blame hiding arising before, during and after the fires involving senior bureaucrats and government MP's.

"Sam the Koala" as held up at present in the Museum of Victoria is a fraud and an

Black Saturday disaster...

The hot weather brought snakes like these into houses, but contrary to what is claimed by many, the real risk posed is tiny. Meanwhile this giant Pine Tree fell and blocked the access road to Park Orchards (Park Road) at 5 PM on Black Saturday, and had it not been for a fortunate wind change 30 minutes later, many hundreds more people could have died from flames in Warandyte/Park Orchards. News media bowed to Manningham Council demands not to print this photo showing the fallen tree council had known was a danger for several years. Photo taken on 7 February 2009 by Adelyn Hoser.



imposter in the same way as many of the government's other actions in relation to bushfires, prevention of them and also their blame hiding post Black Saturday.

In terms of VCAT and the courts, it is worth noting that in the previous six years, I had tried unsuccessfully through Manningham Council to remove dangerous feral pine trees (*Pinus radiata*) from my property at Park Orchards.

These trees are a non-native invasive weed and an extreme fire hazard. In spite of three separate reports identifying those very trees on our property as a fire hazard, Manningham council and the government puppet, VCAT refused to allow the removal of the trees.

Other residents in my suburb of Park Orchards who removed dead and dying pine trees were prosecuted and fined heavily in the courts, while most of the rest were simply told not to dare trying to remove the Pines. Park Orchards is

covered in these weeds as before it was subdivided, the area was a failed pine plantation.

The general and specific deterrent effects of this policy by councils and the state government created a situation where people were fearful of clearing their properties for fear of prosecution and criminalisation for protecting their families.

On the day of Black Saturday, a large pine tree fell down across Park Road, Donvale, blocking the main access road out of the suburb Park Orchards. Had the wind change not happened at about 5.30 that day (at Park Orchards), the suburb would have been engulfed in flames within 2 hours.

Manningham council had been aware that the tree was a danger for some time and had refused to deal with the problem, threatening to prosecute the land owners.

As far back as 2007, a spokesman for Timber Industries Victoria, Scott Gentle,

told a Victorian parliamentary bushfire inquiry:

“Living in an area like Healesville, whether because of dumb luck or whatever, we have not experienced a fire since about 1963. God help us if we ever do, because it will make Ash Wednesday look like a picnic.”

(see for example: <http://www.smh.com.au/environment/green-ideas-must-take-blame-for-deaths-20090211-84mk.html>)

The warning was ignored.

In the wake of the Black Saturday bushfires, it is clear that blame for the deaths must be sheeted on the bureaucrats who failed in their duty of care to the Victorian taxpayers and the court and tribunal judges who with an aversion for truth and common sense have consistently ruled against law-abiding citizens who seek no more than to live in peace and safety.

The “Sam the Koala” caper became a useful diversion for DSE, and other government instrumentalities, including the Country Fire Authority (CFA) to avoid the blame for their pivotal role in the bushfire destruction of February 2009.

THE CFA

The Country Fire Authority (CFA) is best known as the front line troops in terms of fighting bushfires.

It is hard to say a bad word about men and women who put their lives on the line to defend lives and property, often when their own properties are being burnt.

This is especially so when the firefighters are unpaid volunteers.

However the CFA is not just a Fire brigade that puts out fires, but is also the government “Authority” that acts and regulates to prevent fires from occurring and/or to minimize the damage caused.

In the years leading up to the Black Saturday disaster on 2009, it would have

been impossible for the CFA not to have known that local government and DSE policies were creating the conditions to allow a wildfire to cause massive damage and loss of life.

However in their fear of upsetting other government officials, senior CFA management refused to stand up to these other authorities (DSE and local councils who refused to allow clearance of hazardous feral weeds and the like) and uphold their duty of care to all Victorians to protect themselves from fire hazards.

Sam the Koala was shamelessly used to promote the CFA, and there is little doubt that this act diverted attention away from the failure of senior CFA management to properly maintain their duty of care for Victorians and protect them from fire.

POST SATURDAY 7 FEBRUARY 2009

The Bushfires Royal Commission started by Premier John Brumby, in the wake of the disaster with a hand-picked judge and narrow terms of reference has about as much chance of arriving at the truth of things as does the original “Sam the Koala” have of ever becoming a female!

The delayed time frames ensures that any remotely adverse findings will occur long after the relevant bureaucrats and judicial figures have moved on or had their individual actions forgotten.

In early 2010, news reports stated lawyers at the Royal Commission were arguing that nobody be blamed for the disaster.

News media describe the 7 February 2009 event as a “Natural Disaster”. That is a lie.

The fire event was totally man-made.

All fires were either deliberately lit, or caused by malfunctioning mad-made machinery, such as faulty power lines.

The huge losses of property and life arose simply because of strictly enforced rules preventing land owners from removing dangerous vegetation around their houses.

Culpability rests with the CFA, DSE (both using “Sam the Koala” as a diversion for being blamed), government MP’s and their self-appointed and self-serving courts and judges, be they Magistrates, County, Supreme or VCAT, all of whom punitively punished those who dared to take the logical steps of trying to protect themselves from the (in hindsight) obvious fire risks.

Among the positives of the bushfire aftermath has been a (probably short term) realization that families have a right to protect themselves from fires and the creation of the interim 10/30 rule for clearing dangerous vegetation.

The tabloid media, including the *Herald-Sun* newspaper must take some credit for this, through their publication of stories highlighting the need for a sensible property protection and human safety policy in terms of non-native and dangerous vegetation.

The unexpected death of former newsreader Brian Naylor, who died defending his home against bushfire was a major impetus to making the mainstream media push the government to allow for clearing of dangerous vegetation near private homes.

It is unfortunate but true that *The Age* by contrast, has run alarmist scare-mongering stories to the effect that the 10/30 rule will lead to mass destruction of vegetation and wildlife habitat. That simply isn’t true!

It should be noted that it was a letter from DSE in 2009, that finally (and first) gave permission to remove the Pine Trees from our property that previously the Manningham Council and VCAT had wasted thousands of dollars successfully trying to stop us removing.

It wasn’t until late 2009 and following repeated intervention from a pair of councilors (Meg Downie and Charles Pick) that at that late stage a still unrepentant council also conceded in writing that I

should be allowed to remove hazardous pine trees and not be prosecuted for doing so.

Which gets back to the Martinek/DSE trademark case.

DSE’s core area of responsibilities include wildlife protection, habitat protection and bushfire prevention and management. Public safety and duty of care were argued by DSE as being included in their core responsibilities at VCAT, agreed by myself and the argument was upheld by Judge Anne Coghlan.

(Although both her and DSE claimed it was unfair if I were to use harmless devenomized snakes for training purposes when rivals didn’t have them, ruling I had to put lives at risk in venomous snake handling courses, a view that led to a Worksafe boss labeling them “Tools” and “Wankers”).

From Black Saturday, it has become clear that both before and even since, the DSE has failed to deliver what’s expected in terms of public safety and that as a department, they are culpable for a sizeable chunk of the carnage that occurred that fateful day.

In the VCAT proceedings predating the February 2009 fires and at the shopping mall after, DSE were wasting time and money pursuing myself and snakes that had been certified by a practicing vet surgeon, Rob Zelesco as totally harmless.

The amount they spent on lawyers at VCAT was horrendous (a full legal team of barrister, juniors and the like for a week’s hearing and then preparation, adds up to enough to save a few endangered species).

The entire week of those proceedings involved DSE barrister Greenham knowingly lying and claiming repeatedly that our devenomized snakes had regenerated venom and were a serious public safety risk.

One would think that after February 2009, the DSE would have learnt from their mistake and not wasted time and money on unnecessary diversions. However it now transpires that the Victorian Land and Wildlife Department (inappropriately named "Department of Sustainability and Environment") has taken up the regulation of chocolate selling by small businesses in opposing Martinek's trademark rights to sell chocolates to raise money for retired diggers.

As for my own motive in terms of detailing the "Sam the Koala" scam, they are simple. The public deserves to know the truth and as one who has been a victim of serious scams and frauds involving government departments in Victoria more than once, I know that such activity should not be allowed.

History should record the truth, not fraudulent tales and lies, even if they are deemed "cute and fuzzy" or in line with government policy of truth avoidance and blame hiding.

Furthermore Victorians have in the recent past, through the government, corrupt judicial officers and a sometimes compliant or under-vigilant media been fed a history that is simply not true, be it via hatchet-job news reports on decent people, public service media releases that are not even passingly checked and so-called legal judgments by corrupt judges and magistrates whose ramblings are treated as if they come from the mouth of some sort of "God", when even a cursory check of their claims would show them to be false.

The "Sam the Koala" "legend" is easily shown to be a fraud and should be exposed as such!

WILDLIFE SHELTERS

I deal with many in my own work with wildlife and can say that the job of carers is unenviable.

In the case of Wood and many like her, I offer my congratulations for their difficult unpaid work in trying conditions.

Nothing within this paper should be taken as an attack on Wood or her wildlife carer skills, activities and the like. The focus of attention is solely in terms of the Sam the Koala swap and associated matters and to ensure an accurate appraisal of a historical series of events during a period including one of the greatest man-made disasters in recent Victorian history, namely the bushfires of February 2009.

THE VICTIMS

There are victims of the Sam the Koala scam.

The scam has either directly or indirectly involved the CFA, DSE, one or more wildlife shelters, one or more major news outlets, the State Museum and others.

In terms of these groups, I deal with all and by and large their employees and workers are dedicated and hard-working decent people.

Sooner or later the "Sam the Koala" fraud would emerge. It is a story too big to hide, now that the female at the Museum has been likened to racing legend Phar Lap.

However it is important to note that the majority of people associated with DSE, the CFA, wildlife shelters and the tabloid media, were unaware that the acclaimed "youtube" video was a bootleg and planned well before execution. Likewise the majority of persons were similarly unaware that the "Sam The Koala" in the museum is an imposter and not the same animal as the male filmed taking bottled water from David Tree.

There is no doubt that news editors, CFA volunteers and others will be mortified by the fact that they may have even aided and abetted a fraudulent series of events unwittingly as well as diversion of charity money to causes less worthy than others or alternatively on false pretexts.

The “Sam the Koala” legend was a well-orchestrated but fraudulent campaign based on a bootlegged script with a male Koala and a ending with a stuffed fake as in a female Koala.

OTHER MISCELLANEOUS ISSUES

My own inquiries of Mirboo North residents revealed common knowledge of the Koala drink water event by Tree and the male Koala.

General consensus was that after the Geelong and Noonan incidents, Mirboo North firefighters were running around the forests north of Mirboo North seeking out Koalas and offering them drinks of water from bottles.

The most relevant question to ask is why weren't they fighting fires?

Again the same could be asked of David Tree himself, who had apparently sourced the now famous male water drinking “Bob” and hauled him into the fire zone for the express purpose of making a name for himself and the drinking Koala, when he too should have been fighting fires.

The Mirboo North CFA do also have other issues of relevance. The man later accused of starting the Boolarra/Mirboo North fires was charged and faced court later in 2009.

His name was subsequently suppressed by court order, but as of 30 January 2010, his name could be found on this website:

<http://www.latrobevalleyexpress.com.au/news/local/news/general/accused-arsonist-refused-bail/1581348.aspx>

and others.

It was reported that he attempted to later fight the fires he (allegedly) started by seeking to assist the local Mirboo North CFA.

The CFA published images of the area, at: http://www.cfaconnect.net.au/index.php?option=com_k2&view=item&id=28:mirboo-north-and-

[strzelecki-highway-29-and-30-january-2009&Itemid=42](http://www.strzelecki-highway-29-and-30-january-2009&Itemid=42).

including of the exact area that Tree later shot his famous video.

MEDIUM OF PUBLICATION

The publication of this paper here in *Australasian Journal of Herpetology* (AJH) is deliberate.

This paper is in relation to Australian Natural History and also of public interest. It therefore fits within the ambit of the journal. In terms of the length of the work, it is too long to fit in a contemporary newspaper or magazine and is otherwise unsuitable for conversion to TV or similar, although readers should check “Youtube” or other similar outlets for video reports of the “Sam the Koala” fraud.

Importantly, the detail of the findings and how they are arrived at cannot be abbreviated beyond a certain point, or else there will claims that the findings here are “unsubstantiated”.

Such claims will probably be made anyway, but at least they can be independently shown to be false.

The idea of publishing a book was mooted but discounted for several reasons, the main one being that 6 of my previous 9 books have been banned by Australian governments, the usual outcome being that police raid shops and seize and destroy the books.

With the exception of the first two banned books, *Smuggled: The underground Trade in Australian Wildlife* published in 1993 and *Smuggled-2: Wildlife Trafficking, Crime and Corruption in Australia*, published in 1996, I had no tangible support from the mainstream media in terms of having the bans lifted.

In the case of those two books, media support in the relevant jurisdiction of NSW was good and as a result they forced the government to lift the bans on sales of

each book and also forced legislative changes indicated as necessary in both books.

In the Victorian context, three books, *The Hoser Files: The Fight Against Entrenched Official Corruption*, published in 1995, and the books *Victoria Police Corruption* and *Victoria Police Corruption – 2*, both published in 1999 were banned by the present Bracks/Brumby government, the ban being enforced by Rob Hulls, the same people running the Victorian State Government and judicial system today.

When the police started raiding bookshops and shredding and destroying the books in late 1999 in a concerted effort to hide the truth about police and judicial corruption (the subjects of the books), the mainstream media refused to report on what was happening and on the rare occasions mention was made of the books, the reports were often false or misleading or selective quoting from corrupt and defective legal judgments.

In other words, if this “Sam the Koala” material were disseminated in a book, I couldn’t count on support from the media to protect me from having books seized and taken from shops.

At about \$20,000 to produce a print run (ink and paper cost alone) for an average 3-6 thousand books, it’d be financially reckless to undertake any book publishing exercise that blows the whistle on a fraud that has involved government in Victoria.

Publication of this paper in short print run in this journal effectively removes the serious risks money risks involved in the event all copies are seized immediately after publication.

Conversion to electronic format for general distribution, online or by other means, free of charge as identical pdf’s also ensures that the material within has the widest possible dissemination and that I cannot be accused of profiteering from the Sam the

Koala fraud in a manner arguably similar to others I have identified here.

The publication in print form in hard copy also puts a verifiable “date stamp” on the material within.

This journal is “peer reviewed” and in a normal paper on natural history, the identity of reviewers is rarely questioned as there is no shortage of potential reviewers.

As editor of this journal, conflict of interest allegations can be made (and with some element of truth) and the subject of this paper is different to that normally published in this journal and so in this case I spell out who the reviewers of this paper were.

Included are the following:

A wildlife shelter owner, with no connection to the parties involved, save for having a DSE issued license for their work.

A person with legal expertise, specifically trademarks and defamation.

A Koala expert.

The author’s and reviewers guidelines are specified on the journal’s website at:

<http://www.smuggled.com/AJHFP1.htm>

SPECIFIC ALLEGATIONS

Because a law firm (TressCox Lawyers) is involved with ostensibly protecting “Sam the Koala”, which in this case I read as being Colleen Wood and her enterprise, it is likely legal attempts may be made to suppress this publication and it’s detail.

This is made even more likely with the government involvement of DSE and the Museum of Victoria in the trademarks disputes, at least one of whom have a track record of spending indiscriminately on lawyers to hide and suppress exposure of the truth.

People involved in the fraud (whether knowingly or to this point unaware) may also seek to protect what they see as their interests by suppressing this publication.

In phone conversations with Martinek,

David Tree has also indicated that he would rely on lawyers to protect the lie as it stands at present.

While I have avoided making any unfounded or unsubstantiated allegations, it is important that I spell out what is logically inferred, but potentially disputable and what is undeniable fact, including in the context of each of the main players.

The key allegations are therefore set out below. The evidence for the basis of these factual claims has been presented already and is therefore not repeated.

Anything listed here or elsewhere as “inference” is open to dispute, regardless of how compelling the inference is, and as a result may be factually incorrect.

As mentioned elsewhere all reasonable attempts have been made to speak with relevant persons, acquire all relevant documents and the like and to substantiate what is or is not true and correct.

GENERAL CLAIMS

There are at least two “Sam the Koalas”.

The first such “Sam” is a male Koala filmed sometime between late afternoon 7 February 2009 and 10 February 2009 drinking bottled water from David Tree.

The second “Sam the Koala” is a smaller female identified as Sam the Koala on or after 10 February 2009.

On or about 10 February 2009 to 13 February 2009, both “Sams” were held at the residence of Colleen Wood at her residence, known as the “Southern Ash Wildlife Shelter” (SAWS).

The male “Sam the Koala” is the same animal as a male Koala later identified as “Bob” the Koala photographed with the female “Sam” the Koala.

David Tree and Colleen Wood preplanned and executed the Koala drink video and images.

The encounter with the male Koala drinking was not an unexpected event as

made out on the film and to the media after the fact, but had been planned and executed.

Wood held Bob the Koala as far back as 2006.

DAVID TREE

David Tree was aware at all materially relevant times that there had been a Koala swap and he made a point of not publicly stating he was aware of the swap.

He was able to identify the original drinking Koala as male and hence would recognize the substitute female as different.

David Tree had attempted to make a famous “Sam” previously, this being his second attempt.

His public statements reported on 12 February 2009 to the effect that “there was no intention to deceive the public or court publicity and fame” is a lie.

COLLEEN WOOD

The claim is made that she supplied the male drinking Koala to Tree for the express purpose of making the Koala drinking video for the primary purpose of raising money. This claim is based on primarily her own evidence which we know to be confused and garbled in terms of “Sam (the female)” and “Bob” (the original Sam) when cross-checked with the Tree video and images of the same animal.

While it is possible to infer (or claim) that she received “Bob” after the video was created and that Bob’s presence with the female Sam, after the event was coincidental, the stated origin of Bob (elsewhere/Boolarra) negate this possibility as does the presence of an image of the same Koala in her care in 2006.

There is a compelling (but disputable) inference that Bob the Koala had been captive continuously since 2006.

Wood was central to the Koala swap and like Tree failed to advise of the fraud, even after the death of the female “Sam” on 6

August 2009.

What cannot be doubted is that it was known the Koala would drink from a bottle of water before the video was made, this fact known to both Tree and Wood.

In terms of others at the SAWS, it'd seem incomprehensible that they too would be unaware of the Koala swap, but it is of course remotely possible.

Of relevance may be a February 2010 statement by McNally to Martinek, that she was actively petitioning websites to remove images of "Bob" the Koala, even though she stated that her boss, Colleen Wood had in the first instance wanted to make money from it and then supplied the images to Reuters.

It should be noted that by most accounts, Wood's care of her animals at her shelter is excellent and nothing adverse in this regard should be inferred.

MICHAEL BEAMISH

In terms of key facts related here, nothing of note can be stated as fact.

Unavoidable inferences include that he would be aware of the fact that there are two "Sams" and he has chosen not to disclose this publicly.

Based on the Statutory declaration of Beamish from 10 December 2009, it appears by obvious inference that Tree involved Beamish on 6 February 2009 in the capture of a female Koala for the purposes of him gaining date priority for the drinking Koala images of Noonan of the previous date, for his drinking Koala images either just made or to be made. Alternatively or possibly additionally, Beamish was involved to include an "independent" third party to fend off claims that the original images of the male were a "set-up".

There is no evidence to suggest that Beamish had any role to play in the actual Koala swap, making of the video and

images, associated activities or later money-making activities in terms of "Sam the Koala".

BRAYDEN GROEN

The official record that he made the original Koala drinking video is not disputed, even if it is not true.

The obvious inference to be drawn is that he was aware that the event was pre-planned and was a willing participant, but this is not certain and can be disputed.

ROSEMARY DUSTING

Her claim that she created "Sam the Koala" in 1986 in an e-mail to myself, seems odd in that as of 2009, no book had been published. I assume she is familiar with "desk top publishing".

However there may be truth in her claim and hence nothing adverse about her can be assumed or inferred.

Her connections with David Tree may post-date the filming of the drinking Koala.

RICHARD VICKERY AND/OR MARK PARDOW

Notwithstanding the confusion and conflict in terms of ascertaining who took the relevant still images of the Koala drinking from Tree's water bottle, the official record and inferences likely are as for Brayden Groen.

In February 2010, Tree and his wife told Martinek that Pardow took the said images and that Vickery sent them to the media via e-mail.

TRESS COX LAWYERS

Lawyers have a low public image and this is often deserved.

Notwithstanding this, there is no undeniable evidence of illegality or wrongdoing on the part of the lawyers acting for Wood and her "Sam the Koala".

Numerous inferences could be drawn or guessed, including for example knowledge of the Koala swap, but all can be denied

and challenged.

The lawyers can dispute claims by others that they were either aware of or a party to the Koala swap, or party to the ensuing cover-up.

Evidence supports the inference that someone from SAWS contacted the lawyers, who in turn contacted the *Herald-Sun* in relation to Martinek's trademark registration application.

MUSEUM VICTORIA

The Museum have the second (female) "Sam the Koala" stuffed in their glass case.

The current (2010) whereabouts of the original "Sam" are unknown.

There is no hard evidence of wrongdoing on their part.

Claims by Wood and Tree against the Museum, Brumby and DSE are just that: claims.

I view it as important that these be properly investigated, but frankly I have little faith in any Victorian government entity being able to investigate itself properly or honestly, or for one government authority to honestly investigate another without fear or favor.

DEPARTMENT OF SUSTAINABILITY AND ENVIRONMENT (DSE)

Notwithstanding my own misgivings about individual officers in the department and my past dealings with the same persons, including at VCAT in 2008, there is no undeniable evidence of DSE complicity in terms of the Koala swap. In fact evidence suggests that DSE as an entity may not have not been aware of this.

The DSE were directed into the trademark dispute with Martinek as a result of articles published in The *Herald-Sun* newspapers and related inquiries by the reporters.

Based primarily on the 10 December 2009 Statutory declaration by Beamish and the obvious need for the DSE lawyers to familiarize themselves with the relevant images of both "Sams", it seems highly

unlikely that the DSE lawyers would as of January 2010 be unaware of the Koala swap in February 2009, but it does remain possible.

In terms of claims by Wood and Tree against DSE and their complicity in the Koala swap, the same applies as above. That is, I have little faith in any Victorian government entity being able to investigate itself properly or honestly, or for one government authority to honestly investigate another without fear or favor.

COUNTRY FIRE AUTHORITY (CFA)

While the CFA allegedly received at least \$300,000 in donations as a result of a *Herald-Sun* promotion of Tree and "Sam the Koala", there is no evidence of illegality or misconduct by either party.

NEWS LIMITED AND THEIR STAFF

The *Herald-Sun* in particular actively promoted the "Sam the Koala". There is no undeniable evidence of improper activity on the newspaper's part.

Evidence of the post pointing to a potential Koala swap on the (News Limited) associated *Courier Mail* site on 12 February 2009, coinciding with the first emergence of the images in February 2009, but remaining online until at least January 2010 and the continued posting of conflicting images up to the time of this publication, indicates that most if not all persons at News Limited didn't have a clue about the Koala swap and associated matters.

If individual staff members here or elsewhere did have misgivings about the Koala swap, these were kept private.

One can speculate reasons and motive for the changing of attribution of photos from Russell Vickery to Mark Pardew and the failure of the news editors to properly indicate article text changes and the like to readers, but there may be a simple explanation I am unaware of, including simple incompetence arising from busy

schedules involving relevant staff as is commonly seen in mainstream media outlets.

CRITICISMS OF MAINSTREAM MEDIA

The blind following of the “official” Sam the Koala” story involving the imposter Koala is typical of how mainstream media blindly accept any rubbish that is shoveled on them by government departments and related entities.

This blind faith goes beyond the print media and includes the electronic media, including TV and radio.

To date, none have published the slightest trace of any dissenting views in relation to the so-called “facts” about “Sam the Koala”, including the false statements that the male and female Koala are one and the same and that the Koala drink from bottle of water encounter between Tree and the male Koala was a random chance encounter with no premeditation whatsoever.

Because the *Herald-Sun* in particular promoted this false story the most, it stands to reason that this publication, as an entity must attract the most attention in terms of promoting this false and untrue storyline.

Megan McNaught as the main reporter of the story, appears to be the main player at the *Herald-Sun* in terms of this misinformation, but by virtue of their blind acceptance of the story, the *Age* in particular must also be held at fault.

As it happens in the post Black Saturday period, reporting on events by the *Herald-Sun*, while still blindly following the government’s lies in most cases, has at least occasionally questioned prevailing government policies, while the *Age*’s reports have been very much in line with official lies and hence been of generally low quality.

In terms of my recent own dealings with both papers, the *Herald-Sun* has a far

better track record.

On 13 February 2007, the *Herald-Sun* quite appropriately put a photo of myself on their front cover, with a handful of de venomized snakes and also inside the same paper, showing me holding the top four venomous snakes, namely, Inland Taipan (*Parademansia microlepidota*), Coastal Taipan (*Oxyuranus scutellatus*), Brown Snake (*Pseudonaja textilis*) and Tiger Snake (*Notechis scutatus*).

As no one else in history had been seen (publicly) holding the world’s top four deadliest snakes, it was most certainly newsworthy and worth reporting.

While I regard myself as Australia’s most skilled snake handler, the fact is that my feat was not a result of that, but rather a reflection of the removal of adverse bite risk on the said snakes, and why I can and have allowed people such as my children to repeat the feat, (including Death Adders) to round off holding the world’s top five snakes.

In that report the newspaper stated that the snakes were de venomized and hence the report was accurate.

In the lead-up to the 2008 VCAT proceedings, I desperately attempted to get the mainstream print and electronic media to report accurately on the case, noting that DSE’s arguments against venomoids were lies and they knew this to be so, as well as the serious and negative public safety potential of their plans to outlaw and stop the use of venomoids.

All media refused to report this important public interest story.

That all relevant media people knew that the venomoids were totally harmless was indicated by the fact well prior to the VCAT hearings, that on numerous occasions I was filmed being bitten repeatedly by the said snakes (no effects of course), including by the *Age*’s online video photographers.

At the same time the *Age* videotaped me being bitten by Inland Taipans and other snakes, a reporter Mex Cooper was reporting on another snake story, this one being a case of a Carpet Snake (*Morelia macdowelli*) being found by workers next to Citylink at Richmond (earlier in 2008), that I had been called to recover.

With no faith in the corrupt Victorian legal system and a realization that it generally is unable to find the truth of anything (or more seriously often deliberately chooses to ignore the truth), I had hoped that media exposure of the false arguments against venomoids would put pressure on the VCAT and DSE to accept the reality of the fact that venomoid snakes are not a risk to the public (quite the opposite) and that banning their use was counter to the public interest and the welfare of the snakes themselves.

My attempts to get the obvious truth reported by the media were a failure.

After VCAT judge Anne Coghlan handed down her hatchet job judgment (against venomoid snakes), Cooper contacted me stating she was doing a story about the case.

Although I re-appraised her of the salient facts that should have been reported, she ignored them and instead wrote a hatchet-job article repeating the false claim that the venomoids were dangerous and public risk.

In her story titled, "De-venomised' snakes ruled dangerous", she stated that the snakes were dangerous and failed to report on key facts she herself was privy to, including her paper's own possession of the relevant snakebite videos.

Cooper deliberately omitted to report that she herself had seen the allegedly dangerous snakes (including Taipans) biting me, without ill effect and that she and her newspaper had copies of the videos by both myself and their own camera person as proof of the same.

Cooper's story repeated the known lie in

Coghlan's judgement that I had at VCAT "produced no scientific evidence" to support the idea that venomoids were safe.

Cooper also had total access to all exhibits at the VCAT matter, including via the pdf material then online at the VCEC site (which I had directed her to several times) and hence was fully aware of the evidence and proof of the safety of the venomoids, including written statements in support of venomoids by the world's two top reptile veterinarians, namely Richard Funk and Doug Mader, the latter of whom went further to state that DSE's own claims were totally false.

As intended, the *Age's* story by Cooper caused fear among our clients and thus the losses of many of our long-established customers, many of whom canceled bookings, in some cases putting themselves at real risk by dealing with less experienced rivals some of whom have a shocking safety record in terms of fatal and near fatal bites with venomous snakes, including many being carted off to hospital as a result of bites by their own venomous snakes (that are obviously not devenomized).

The Cooper story was posted on the internet at:

<http://www.theage.com.au/national/devenomised-snakes-ruled-dangerous-20081015-5128.html>, where as late as January 2010 it remained, being reposted widely by our business competitors and all who have an axe to grind against myself and wish to defame my company and peddle the lie that venomoids are dangerous.

The clip has been reposted on the reliably unreliable "Wikipedia" as proof of "fact" and so another bit of falsehood is in fact at the present time promoted by the Melbourne tabloid media.

In summary, the recent performance of both *The Age* and *Herald-Sun* have sometimes failed the public interest. In

summary both mainstream newspapers have accepted the obvious lies of DSE and other government agencies in blind faith in at least two recent cases (the false claims about venomoid snakes and the false claims about the male/female Koalas).

In the case of the Cooper story in the *Age*, it was a case of deliberate and known lies being accepted and then reported by Cooper in a deliberate hatchet job with the sole purpose of destroying my reputation, lawful business interests and for the purpose of peddling statements she knew were false.

While I cannot level the same claim of deliberate lies in terms of the Koala story, the failure of the news media to make a cursory examination of material they report as "truth" is a serious concern.

EXPECTED REACTIONS TO THIS PUBLICATION

In short, I can expect them to be hostile.

I expect to be attacked ruthlessly and on all fronts and from all corners.

I would like to be commended for writing an accurate account of Australian history and for correcting reported historical record that is patently false, but frankly I don't see that as likely.

No one likes to be exposed for frauds, wrong doings or arguably dishonest activity.

Swapping Koalas, failing to disclose it and making money out of the caper along the way seems to fit the bill in terms of unethical activity.

Compounded with the misrepresentation of the male drinking Koala as a random find doesn't help improve the state of play.

As a result I can expect resistance to these disclosures from parties aligned with "Sam the Koala" and their allies.

While I hope the mainstream media will publicize this paper and it's findings, this may not happen and the result may be forced suppression of this material.

Media and others may seek to "character assassinate" myself in a manner not unlike past occasions when I have published disclosures of unwanted and inconvenient truths.

Like the evidence of corruption in my books, the truth will have to surface eventually.

In the case of the two "Sam the Koalas" I think this will happen sooner rather than later.

I may be sued, in which case the matter will be defended relying on the material within and any other deemed relevant.

If anything contained within is demonstrably factually incorrect based on undeniable evidence (not unsupported claims and the like), it should be made public and at the same time made available to myself.

However in terms of the central claims within, there can be no dispute.

In summary, the "Sam the Koala" in the National Museum of Victoria is an imposter. It's credibility is now as stuffed as a dead bear in a glass case.

As a Museum exhibit I hope it remains and with a proper historical account to show how it became an aid for the government of the day to shift attention from their culpability in creating the inevitable bushfire disaster of 7 February 2009.

Like their attempts to shift and hide culpability, the Koala caper was a similar act of fraud.

CONSEQUENCES FACING MYSELF

It has been suggested that it is extremely risky on my part to be publishing a paper highly critical of actions (or lack of them), by a department I deal with on a near daily basis, namely the DSE.

To a large extent they regulate my day-to-day activities as a reptile researcher, wildlife demonstrator, snake catcher and the like.

Excluding the reversal of a policy favorable

to the creation of venomoids from 2004 to 2006 to one opposed to them since and related matters, the DSE have generally to date been fair and honest in most of their dealings with me at the level of individual staff members.

Hopefully this will continue.

Some staff I spoke to about the Koala swap events agreed that the detail should be publicly exposed and had a similar disdain for any frauds and misconduct in such matters as myself.

If I do have problems with DSE arising from my publication of this paper, my guess is that it is more likely to arise from instructions from senior management to people lower in the pecking order.

I may be misguided, but I hope that the majority of staff with DSE will be fair-minded about this Koala matter and realize that my comments and criticisms do not reflect on the hard-working rank and file within DSE, but only a small group within the department in terms of this and my other adverse dealings with respect to DSE promoted lies about devenomized snakes.

In terms of Manningham Council, most staff there get on well with myself and support my positions against certain

entrenched bureaucrats and councilors and their reckless and corrupt conduct with regards to public safety and other matters of probity. This paper is unlikely to alter the status quo. I have had a good long-term working relationship with many at the National Museum of Victoria and I hope this paper does not affect this.

ACKNOWLEDGEMENTS

Logistically this paper's preparation was immensely assisted by Maryann Martinek, however she never sought or got anything in return for her efforts. As it happens, the publication of this paper may damage any intrinsic value her trademarks may have had.

My wife and children are also thanked for putting up with my extended absences, as this paper was prepared. Various others assisted with specific requests, including legal information and advice, identification advice relating to Koalas and various other things required, including reviewing numerous drafts as new information came to light.

An identical copy of this paper is posted online a week after hard copy publication at:

<http://www.smuggled.com/AJHI8.pdf>

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