



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY
COUNCIL OF TERRITORY CO-OPERATION
SUB-COMMITTEE – ANIMAL WELFARE GOVERNANCE

Public Hearing - Meeting No AWG03
Thursday the 30th of June 2011

Members:

Ms Lynne Walker, MLA, Member for Nhulunbuy – CHAIR
Mr Gerry Wood, MLA, Member for Nelson
Ms Marion Scrymgour, MLA, Member for Arafura
Ms Kezia Purick, MLA, Member for Goyder
Mr John Elferink, MLA, Member for Port Darwin

Witnesses

Department of Resources

Mr Richard Galton - Chief Executive
Mr Rod Gobbey – Executive Director, Primary Industries
Dr Sue Fitzpatrick – Principal Vet
Dr Brian Radunz – Principal Vet – *presence via teleconference*
Dr John Eccles – Senior Field Veterinary Officer/Stock Inspector, Animal Welfare Officer
Mr Rob Wait – Regional Biosecurity, Animal Welfare Inspector
Mr Greg Scott – Regional Biosecurity Officer, Animal Welfare Inspector

CHAIR: Welcome everybody, thank you very much for appearing here today. I just have to let you know first up that if the phone should suddenly ring while we're talking, we have Dr Brian Radunz phoning in from interstate to provide evidence and I'm not sure what time he's phoning but we will just accommodate him when that call comes through.

As a matter of process, I'm required to read a statement first so I'll just get that out of the way first.

I declare open this first public hearing of the Council of Territory Co-operation's Sub-Committee on Animal Welfare Governance.

I am pleased to welcome Mr Richard Galton, Chief Executive of the Department of Resources and other witnesses from the Department who are appearing with him. At the end of this statement, Richard, I will ask you to introduce the officers with you and we'll give you the opportunity to provide an opening statement if you wish.

Although the Committee does not require witnesses to give evidence under oath, these hearings are formal proceedings of the Parliament and consequently they warrant the same respect as proceedings of the House itself. I remind witnesses that giving false or misleading evidence is a serious matter and may be regarded as contempt of Parliament.

Whilst this hearing is public witnesses have the right to request to be heard in private session. If you wish to be heard in-camera please advise the Committee prior to commencing your answer.

Today's proceedings are being electronically recorded. Witnesses are asked to state their full name and position before commencing their evidence. As soon as practicable following this hearing the transcript of proceedings will be uploaded to the Committee's website but not before witnesses have had the opportunity to proof and correct their evidence.

[Phone rings]

Mr ELFERINK: Mr Radunz?

Mr Brian RADUNZ: Hi, Brian Radunz here ringing from Canberra.

Mr ELFERINK: Brian, my name's John Elferink, you are currently sitting in the middle of a Parliamentary Committee, you're on speakerphone, there are about 20 people in the room who can hear you.

Mr Brian RADUNZ: John, how are you?

Mr ELFERINK: I'm well, thank you.

CHAIR: Brian, hello, this is Lynne Walker speaking, I'm the Chairperson of the sub-committee. We've just opened this session so thank you phoning in. I am partway through reading a statement for the benefit of Members, witnesses and members of the public who may be here, so if you're happy to just sit on the line

there and listen for a few more minutes and whilst Mr Galton provides his opening evidence. Is that okay with you?

Mr Brian RADUNZ: Yeah, that's fine.

CHAIR: Thanks Brian.

I remind witnesses that giving false or misleading evidence is a serious matter and may be regarded as contempt of Parliament.

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Today's proceedings are being electronically recorded. Witnesses are asked to state their full name and position before commencing their evidence. As soon as practicable following this hearing the transcript of proceedings will be uploaded to the Committee's website but not before witnesses have had the opportunity to proof and correct their evidence.

I remind Members that personal opinions should not be sought from public servants appearing in a professional capacity. I remind Members, witnesses and members of the public that there are legal protections which apply to witnesses appearing before this sub-committee.

Parliamentary privilege is derived from the Legislative Assembly Powers and Privileges Act. Legislative Assembly standing order number 290 reads, and I quote: "All witnesses examined before the Assembly or any committee thereof are entitled to the protection of the Assembly in respect of anything that may be said by them in their evidence". Unquote. Further, the Assembly adopted a resolution of continuing effect on 20th of August 1992. That resolution deals with guidelines for witnesses appearing before committees and can be found in the Assembly's sessional orders on the Legislative Assembly website and copies of those guidelines are available here today.

Paragraph 5 of the resolution reads, and I quote: "Where appropriate, reasonable opportunity shall be given for a witness to raise any matters of concern to the witness relating to the witness' submission or the evidence the witness is to give before the witness appears at a meeting" – and further: "Where the Committee has any reason to believe that any person has been improperly influenced in respect of evidence which may be given before the Committee or has been subjected to or threatened with any penalty or injury in respect of any evidence given, the Committee shall take all reasonable steps to ascertain the facts of the matter. Where the Committee considers that the facts disclose that a person may have been improperly influenced or subjected to or threatened with penalty or injury in respect of evidence which may be or has been given before the Committee the Committee shall report the facts and its conclusions to the Assembly".

So Mr Galton, if I could ask you to introduce the witnesses with you, and as I said, if you have an opening statement that you might like to make and if not, then we'll head straight into questions.

Mr Richard GALTON: Thank you, Chair. And welcome Committee. I will introduce those sitting at the table is Greg Scott and Rob Wait who are inspectors. They're actually bio-security officers within the Department. Beside me I have Sue

Fitzpatrick who is a veterinarian and John Eccles who is a veterinarian in Katherine, and Rob Gobbey who's the Executive Director of Primary Industries in the Department.

I do have a statement here which I'm willing to table. I can read through it if that's the Committee's wish.

CHAIR: Members of the Committee, would you like the statement to be read?

Mr ELFERINK: Sure.

Mr WOOD: Yes.

CHAIR: Thanks.

Mr Richard GALTON: From April 2009 to March 2010 I, Richard Galton, was the Chief Executive of the Department. Following an administrative restructure on the 4th of December 2009 the Department was renamed the Department of Resources, when the former regional development division was removed from the roles and the functions of the Department.

From the 29th of March to the 20th of July, Rob Gobbey was the acting Chief Executive Officer of DoR and that was the time I was the Chief Executive of another department, but I think it's germane. From the 21st of July 2010 I returned to the role of Chief Executive Officer of DoR and have continued in that role since.

I first became aware of the history of the poor condition of livestock at Mataranka Station on or about the 24th of July 2010 when I was informally approached by Mr Toby Gorringer of the Charles Darwin University at a Northern Territory Cattleman's Association function.

Matters relating to animal welfare are not routinely reported to the Chief Executive Officer of DoR and the reasons for this are set out in the following sections. As the Chief Executive Officer of DoR I have not been involved in the investigation into the welfare of animals at Mataranka Station. A chronology of the Department's involvement in the investigation at Mataranka Station is at tab 1.

I am aware from my review of the documents and subsequent briefings that DoR veterinarians, in their capacity as authorised officers and authorised inspectors under the Animal Welfare Act attended Mataranka Station in response to a complaint about condition of animals, or cattle, on Mataranka Station.

The Department of Resources' roles and functions: the Honourable Konstantine Vatskalis is the Minister for Primary Industry. The Department is responsible for performing the delegated functions of the Minister in the administration of the relevant Acts and regulations of the Northern Territory, Australia under this portfolio. The primary functions of the Minister and the Department include administering the following Acts: the agriculture and veterinary chemicals, biological control and livestock and meat industries and the Veterinarians Act, and planned diseased control. I'm just reading through the variety of Acts that we're responsible for, and as I said, I'm prepared to table this.

The Department has established three divisions reflecting this portfolio. A copy of the org chart is attached. The directors within the division report directly to the Executive Director of that division. Each Executive Director reports to the Chief

Executive. Regular meetings of the board of management are held to discuss key decisions of the Department and a copy of the corporate plan is also attached.

Animal welfare matters are regulated by the Animal Welfare Act which is administered by the Department of Housing Local Government and Regional Services. The primary industry division of the Department, our Department, performs the functions in relation to animals and animal products for the administration of the following Act, and I'll just run through some of these: agriculture and veterinarian chemicals, Agriculture and Veterinarian Chemicals Control Abuse Act, the Biological Control Act, the Gene Technology Act, the Livestock Act, the Meat Industries Act and the Veterinarians Act.

The focus of Department's business is to enhance productivity, it's about economic development within the industry and to provide assistance to producers. The primary industry division is comprised of five sections. Each of these sections is managed by a Director. The Directors report to the Executive Director on matters relating to the roles and functions of their particular sections.

The bio-security and product integrity section has limited responsibility for the animal welfare of livestock arising through the Department's role, defined in the memorandum of understanding, and I'll refer to that a bit later, the detail's provided.

Pursuant to Section 58 of the Animal Welfare Act, the Department's veterinary officers are appointed as authorised officers. These roles are referred to within the Department of Resources as animal welfare officers.

Pursuant to Section 57 of the Animal Welfare Act, the Department's livestock bio-security officers have been appointed as authorised inspectors. These roles are referred to within the Department as animal welfare inspectors. An animal welfare officer or animal welfare inspector may be required to perform the duties in relation to the inspection of livestock for the purpose of examining animals, inspecting property, reporting on such matters and taking action to alleviate the suffering of an animal. An animal welfare officer or inspector is subject to the directions of the Animal Welfare Authority. When exercising a power or performing a function under the Animal Welfare Act.

Within the Department there are 23 animal bio-security staff and they're appointed as livestock inspectors and perform various functions and roles under the Livestock Act in relation to the regulation, the identification of livestock, market access and disease control. Livestock includes cattle, buffalo, horses, camels, goat, sheep, pigs, llamas, deers, alpacas, crocodiles, honey bees, poultry and any other animals declared by the Minister to be livestock.

There are five veterinarians engaged by animal bio-security in the Department excluding a veterinary pathologist in the Department's lab, the Berrimah Veterinarian Laboratory. These veterinarians are allocated out, there are three in Darwin, one in Katherine and one in Alice Springs. There are nine livestock bio-security officers engaged by animal bio-security in the Department.

The livestock bio-security officers are located at three in Darwin, three in Katherine, two in Tennant Creek and one in Alice Springs. The veterinarians and the livestock bio-security officers engaged by the Department have specialised skills and experience in livestock deals. There are 18 staff within the animal bio-security and another 18 within the Berrimah Veterinarian Laboratory.

There are 250 cattle stations and another 600 small farms accounting for approximately 2.2 million head of cattle in the Territory and more details of this are set out in tab 4. Within the Department an allocation is made of 1.5 full-time equivalent for animal welfare within the non-laboratory sections of animal bio-security, and this comprises: .5 of full-time equivalent for livestock policy and one full-time equivalent across the 16 staff to provide and inspect complaints concerning welfare of livestock.

Additionally, animal bio-security has a function relating to livestock welfare standards and guidelines that can be adopted under the Livestock Act which regulate livestock industry standards. The Animal Welfare Act primarily deals with cruelty and neglect. Examples are the livestock transport standards and guidelines and the soon to be finalised cattle standards and guidelines.

The variety of livestock issues encountered by our veterinarians and livestock bio-security officers requires significant levels of input, skill and expertise; proper care of the personnel and animals involved are high priorities. These duties take time to perform properly.

The vast distances between stations results in the significant amount of travel for our veterinarians and officers. There is a time consuming aspect to the job that impacts on the availability of our resources.

I want to focus a little on the memorandum of understanding. This was signed by me and the Chief Executive of Local Government Housing and Regional Services on the 5th of August 2010. And that outlines the roles and responsibilities of each section in relation to matters arising under the Animal Welfare Act and a copy is attached.

The primary industry division of DoR has specific supporting roles under the request and direction of the Animal Welfare Branch of the Department of Local Government Housing and Regional Services. This includes investigation of complaints relating to livestock welfare, the gathering of information, issuing of notices, reporting breaches of the Act to the Animal Welfare Branch and to provide advice on the care and treatment of livestock. It's quite clear that our role was an inspectorate role.

The Animal Welfare Branch of Department of Housing Local Government and Regional Services has responsibility for the administration of the Animal Welfare Act including receipt of complaints, communications with complainants, investigation of complaints, taking action where breaches of the Act occur, requesting assistance of officers and inspectors and the provision of directives to the officers and inspectors.

Prior to the entry into the signed MOU and in line with the spirit of the MOU, the policy and procedures developed in consultation by the officers of each agency over a number of years, the Chief Veterinary Officer of Department of Resources has developed policies and procedures for the performance of duties by animal welfare officers and animal welfare inspectors under the Animal Welfare Act, and what I'm saying there, there's a series of policies and procedures to support this MOU.

These policies and procedures have been circulated by the Chief Veterinary Officer to animal bio-security staff since 2004. Each time a new policy or procedure is developed a new circular is issued to ensure the implementation of the policy and procedure in the field, and I've attached some examples of the circulars.

The policy and procedures include a number of forms for completion by animal welfare officers or animal welfare inspectors and report to the Animal Welfare Branch of Housing Local Government and Regional Services, and they're attached. Also attached are completed forms that are submitted to the Animal Welfare Branch.

The current animal health circular on animal welfare is 2010/2009, and a copy of that is attached. There are previous circulars: 2010/05, 2006/01 and 2004/04. As animal welfare officers or animal welfare inspectors are functioning as agents of Housing Local Government and Regional Services, it would be improper to report animal welfare complaint investigation to my Department's directors, Executive Director or the Chief Executive. However, advice on animal welfare issues is provided as appropriate.

And I want to finish with a few words on the animal welfare inspectorate. It is operated by authorised officers and inspectors who perform their primary functions as veterinarians and inspectors. When an officer or inspector performs duties for the animal welfare inspectorate those duties are performed (1) in accordance with the Animal Welfare Act, and (2) under the direction of the Animal Welfare Branch. The Animal Welfare Act provides specific unlimited powers to authorised officers and inspectors. Their relevant powers are contained in Sections 62, 66 and 67 and these are the powers to enter the premises, the power to inspect and the power to alleviate the suffering if animals or animal. Section 63 of the Animal Welfare Act requires the consent of an occupier to be obtained prior to entry onto premises. A notice period of seven days applies to this unless there are reasonable grounds to enter, for example, to urgently exercise the power under Section 66 or 67 of the Act.

A requirement to report to the occupier of the premises inspected is imposed on animal welfare ... is imposed on authorised officers and authorised inspectors by Section 68. The Animal Welfare Act as it stands does not give an authorised officer or an authorised inspector the power to issue any infringement notices, or to take any action against any person for an offense against any of the provisions of the Act.

Under the current arrangements with the Animal Welfare Branch, the authorised officers and authorised inspectors prepare reports about complaints, inspections and actions taken to alleviate the suffering and submit these reports to the Animal Welfare Branch. The authorised officers and authorised inspectors do not have any active role in the prosecution of offenses under the Animal Welfare Act. The Animal Welfare Branch is responsible for making determinations about the prosecution of an offence, and for taking the relevant action against persons who have offended.

The report of the authorised officer contains sections in the Animal Welfare Branch ... sorry, let me restart that. The report of the authorised officer contains sections for the Animal Welfare Branch to consider the facts, the law and determine whether to take any action or not. Recommendations for prosecution may be obtained by the relevant officer, however, the decision to act on that recommendation is made by the Animal Welfare Branch and extracts of the relevant section of the Animal Welfare Act are attached at tab 9.

CHAIR: Thanks very much for that. Can I just check, Dr Radunz, can you hear us alright at this end?

Mr Brian RADUNZ: Yes, I can, yes.

CHAIR: Okay, thank you. So Member for Nelson, Gerry Wood, is going to start with questions.

Mr WOOD: Thanks Madam Chair. Mr Galton, my question will probably relate to just what you read in relation to a memorandum of understanding, and one of the roles is the reporting breaches of the Act to the Animal Welfare Branch. And my question will initially relate to three reports from the animal welfare inspectors, officers, your department people, went out and inspected Mataranka Station on the 4th and the 5th and also on the 25th of September. Now, what I'm trying to find out is the processes here and where the processes went.

On the 4th of September the inspectors recommended a thorough investigation of the property and came back the next day. My understanding is you couldn't find Mr Gray that day and they came back on the 5th of September and after inspecting the property, they state that Mr Gray was in breach of Section 6 and 8 of the Animal Welfare Act. My question would be, in light of the memorandum of understanding of reporting breaches of the Act of the Animal Welfare Branch, who would have received that notification that there was a recommendation from staff from DoR saying that Section 6 and 8 of the Animal Welfare Act should have been enforced, or was breached, sorry, was breached, and then where did it go in relation to the Animal Welfare Branch or did it just stay within the Department and nothing happened?

Mr Richard GALTON: Mr Wood, I'm going to refer that question to those that were involved in that exercise. John? Can you recall what Mr Wood's asking for?

Dr John ECCLES: Um ...

CHAIR: Can you just state your name and your position please, Dr Eccles.

Dr John ECCLES: My name is John Eccles, I'm the regional vet at Katherine.

CHAIR: Thank you.

Dr John ECCLES: Well, I was always told by Sue Fitzpatrick that any information that I had should be submitted through, at that stage I think it was Unnamed Officer I think it was, and so reports would be sent to her, and I would then cc Sue into it just to keep her into the loop to know what was going on. That was the general ... I've tried to go back into all the emails I've saved and so on and unfortunately I didn't actually save who I sent the documents to so ... but that was the procedure that I had adopted with Unnamed Officer on all other matters that I've ... This is early on in the peace actually, maybe I just wonder whether I ... I knew the set procedures then but I know Sue ... well, I rang Sue up and said, look, there's a major disaster out there, she reiterated over the phone ... Just what the ...

Mr WOOD: Yes, from our previous discussions with DHLGRS, my understanding is that they didn't know anything about it until they received in the middle of ... they only went out there about the 8th of December and hadn't really received any official notification. So October the 9th at least, so what I'm concerned about is there's a report saying that certain Sections 6 and 8 of the Act which section 6 is neglect and cruelty, Section 8 is the provision of food, drink and shelter. The report from, I think it was Mr Eccles and Mr Scott, two of us went out there, where did it go? From a Departmental point of view, obviously, we have a copy of the reports, so who would get that report and then whose job was it to act on that report and if there wasn't any action considering that there was a recommendation that two

sections of the Animal Welfare Act had been breached, why wasn't it sent to the Animal Welfare Branch?

Mr Richard GALTON: Could I ask whether Brian wishes to offer a comment in this area?

Mr WOOD: Okay.

Mr Brian RADUNZ: Brian Radunz here. My understanding ... I think that Sue Fitzpatrick can answer the question better, she's more detailed with the details but my understanding was that the reports were received so then Sue and I sort of discussed the matter with John and others and then when we were sort of ... sort of [coupled?] with recommendations so we ... they were [inaudible 4.04.20] then relayed on to the Animal Welfare Authority.

Mr WOOD: Well, our understanding from this afternoon's discussions with the Animal Welfare Branch that there was no contact with the Animal Welfare Branch. The first they heard of it was, I think, the 9th of October. So that's what I'm trying to clear up as to what happened. Is there any proof, for instance, that they were contacted, so is there an email that goes to Unnamed Officer from the Department, from DoR to show that there had been a report that there could be a breach of Sections 6 and 8, which is what the memorandum of understanding is requiring. So is there any paper trail that shows that that actually happened?

Dr Sue FITZPATRICK: Mr Woods, I was actually on the ...

CHAIR: Can you just identify yourself, Sue.

Dr Sue FITZPATRICK: Sorry, Sue Fitzpatrick, Principal Veterinary Officer, Department of Resources. I was on leave on the 4th and the 5th, so if I was copied into an email I was actually away, and the following week I was at a National Animal Welfare Committee meeting in Perth with the Director of Animal Welfare Branch and I did receive a call at that meeting and I did advise the Director or manager of Animal Welfare Branch that there was an issue then verbally ...

CHAIR: What date was that, sorry Sue?

Dr Sue FITZPATRICK: I think it was the 16th, it may have been ...

Ms SCRYMGOUR: Of September?

Dr Sue FITZPATRICK: Yes, I think it would have ...

Mr WOOD: That would still concern me, that's 11 days on. The reports we're getting back from the animal welfare people is that this is an urgent matter and I think you people put out some hay, or helped to distribute some hay because of the state of the cattle. Why would there be an 11 day gap if this was regarded as urgent? Between notifying AWB, if they're ones that could prosecute and all you could do was feed and water the cattle, I presume that's how the Department could operate. Why such a long gap when obviously, I know we're looking in hindsight but we know from the pictures we've seen the cattle were definitely stressed and your reports say they were starving. So why such a long delay in notifying AWB? [Pause] Maybe I'll put it another way. What happened to the report? So you put a report in, Mr Eccles and I think Mr Scott, that report would be done as soon as you got back?

Dr John ECCLES: Definitely.

Mr WOOD: Then where does it go? Who do you hand your report which is like this one here, it's got your name and this one's to Mr Scott on the end of it, this was the 25th of the ninth one but you have a report, it's got a heading on it, so what's the paper trail internally for that report to move?

Dr John ECCLES: My paper trails for all the animal welfare cases that I've investigated have gone to the Animal Welfare Branch, to Unnamed Officer and carbon copied into headquarters, my headquarters as well. And it beggars belief that they say that they never received the report.

Mr WOOD: Were you faxed the copy, emailed a copy, mailed a copy? Had to get to Animal Welfare Branch some way.

Dr John ECCLES: Emailed.

Mr WOOD: So we haven't seen any evidence of an email, we've only seen Unnamed Officer make a statement later on saying they may prosecute, that was to the Animal Ethics Committee. We haven't seen any evidence going from your Department to Animal Welfare Branch showing your report. Would it be possible, through the Chair, that we can provide a question on notice to see if that information is available? So could I ask Mr Galton, could you provide a copy of the animal welfare inspector's report from, I would say the 4th and 5th of September to the Animal Welfare Branch?

Mr ELFERINK: It's here.

Mr WOOD: You've got it? Yeah. We haven't got all that there.

Mr ELFERINK: I have.

Mr WOOD: Can you table that please? Which one have you got?

Mr ELFERINK: Well, I'll come back to it shortly. This is ... it's not necessarily to the ...

Mr WOOD: That's what we're trying to find out, to the Animal Welfare Branch which we're told didn't receive any information till the 9th of October or later on.

Mr ELFERINK: This is dated ... Mr Eccles, perhaps for the record you can confirm this, this is a Department of Development Primary Industry Fisheries and Resources documents, it's a report filled out by you dated the 5th of September '09, is that the period you're interested in?

Mr WOOD: That's right, and it would relate to this report.

Mr ELFERINK: Alright. This is the one I referred to earlier, Gerry, where the words "Notice, notice, notice!" are handwritten in the bottom. Can you just show these to Dr Eccles for me, please? Just Dr Eccles, if you can confirm that that's the report that you completed, and if you can give us any further information as to where that report went.

Dr John ECCLES: Yes, this is ... the report, definitely.

Mr ELFERINK: Just out of curiosity, by the way, the words “Notice, notice, notice!!!” are handwritten in at the bottom ...

Dr John ECCLES: That’s right.

Mr ELFERINK: Is that you?

Dr John ECCLES: No.

Mr ELFERINK: Okay. Do you know who wrote that in there?

Dr John ECCLES: I guess the person who highlighted the ...

Mr ELFERINK: Well, I’m the one who highlighted it.

Dr John ECCLES: Oh, you highlighted it, yeah, sorry.

Mr ELFERINK: But the words “Notice, notice, notice!!!” existed there. I’m just wondering if you could guess. Clearly you don’t know who wrote that in there?

Dr John ECCLES: No.

Mr ELFERINK: Okay.

Mr WOOD: So where is that addressed to? Is there a person or just a department?

Ms SCRYMGOUR: Might be at the front of the document.

Ms PURICK: Other side.

Mr WOOD: Other side?

Mr ELFERINK: It’s just the report ...

Mr WOOD: On the other side of that one, there’s nothing ... ?

Mr ELFERINK: Certainly I’ve got an email from Sue Fitzpatrick on the 26th of October ...

Mr WOOD: Yeah, yep, yep.

Dr John ECCLES: See, there's all sorts of things here saying not able to ... [Nicky?] not able to keep up with feeding, why. So there's quite a few comments on this.

Mr WOOD: So we don’t know where that went? Is that the case?

Dr John ECCLES: It doesn’t say where it’s gone to.

Mr WOOD: So we still leave that question, because we’re not sure where the paper trail’s going at the moment.

Mr ELFERINK: Can I just ...

Mr WOOD: Yeah.

Mr ELFERINK: There was, as I understand it, some resistance to your original report, Dr Eccles, in relation to the language, the wording, those sorts of things. Would that have held up this report? And if so, for how long?

Dr John ECCLES: I really don't know. I'm unable to answer that question. I think that there was some ... My understanding is, there probably was some resistance, yeah.

Mr ELFERINK: Yeah, this paper – I can't lay my hands on it immediately – but there were interviews with people saying, look, Mr Eccles ... the report by Dr Eccles needed to be toned down. Clearly I suspect you were upset with what you saw and there was a sense of urgency with what you were trying to report. Would that be a fair call?

Dr John ECCLES: I was told by the Ombudsman, Julie Carlssen who came down and interviewed me that that was the case. But I had never been advised to tone down my report, this particular report. I mean, it had gone.

Mr ELFERINK: Alright, no worries.

Mr WOOD: Just to keep it in chronological order, there was a ... your report came from the 5th of September. On the 7th, I have an email on the 7th of September from Brian Heim, it says "Dear all, I spoke with Brian Radunz and Sue Fitzpatrick just now in regard to the status of the cattle at Mataranka Station", so we're dealing with two days after your report. "I assured them that the situation was being managed, that CDU is doing everything possible to improve the condition of the yarded cattle and there was no wilful neglect. I advised them that resources both financial and physical are not a problem and that CDU will support the cattle in the best possible manner. I advised them of the events that have led to the cattle being in the condition that are in and that I had personally seen the cattle a few weeks ago when I was at the station. I told them at the time Ian had advised me of his plan that he felt that he had the situation in control. I've advised Brian and Sue that I will formulate written protocols for monitoring the welfare status of the cattle. I specifically asked who made the complaint and neither Brian nor Sue knew. They are expecting the veterinarian in Katherine to make a follow up visit tomorrow and are waiting a written report." That was on 7th of September.

Is there, through you, Mr Galton, would have that email had any bearing on maybe that is it a delay or the possible reporting of this, in other words, was the statement by Dr Brian Heim that everything was basically under control, perhaps taken as a reason not to act in a particular manner, that is with haste?

Mr Richard GALTON: I obviously can't answer that.

Mr WOOD: Right. Well, I don't know whether Ms Fitzpatrick or Brian ...

Mr Richard GALTON: Brian.

Mr WOOD: Brian, it's Gerry Wood here. Would have that made any difference to perhaps not being, I suppose, not acting immediately in relation to the reports from your staff, what was happening at the station at that time?

Mr Brian RADUNZ: Brian Radunz here. Yes, our major focus is always improving the welfare of the animals and from the assurances provided by the University that they were sort of dealing with the concerns put to reduce the, I suppose, the [inaudible 4.14.44] the urgency to report that there should be a prosecution. My view, why is it that sending someone to court in one, two or three years' time doesn't do very much to improve the welfare of the animals at the time. So the reports were provided, but there were actions in place to improve welfare of the animals.

Mr WOOD: What do you mean by it would take one or two or three years' time?

Mr Brian RADUNZ: If you recommend for prosecution, all of the details need to be provided. The prosecutor may or may not decide whether to proceed with the case, so generally it's quite a long time before a prosecution actually gets to court. But the focus should be on improving ... well, two things: one is improving the welfare of the animals, and if there is a serious matter then that should be taken and there should be a recommendation for prosecution.

Mr WOOD: Okay, I'll just go back to Mr Galton. Thank you, Mr Radunz. My next question is if you believe what Mr Brian Heim says was happening, and I suppose could accept that on face value, then on of course the 25th of October the inspectors again went down and their recommendation that Graham Sutter be held accountable. In that report, in their summary, they wrote, "The overall condition of the station stock is very poor and current management of which is an animal welfare issue. Inadequate amounts of supplementary lick blocks or loose supplement being provided. There are additional animal welfare issues of failure to adequately dispose of downer. There appears to be a shortage of staff to provide ... for the care and feeding of stock, inadequate amounts of supplementary hay available for the starving stock. There is immediate need for at least a road train of hay to be delivered to the station. These issues of animal welfare are not to be viewed as carry over from last year as has been stated. There has been a wet season between the problems of last year and the issues that have been seen in the last reports. There have been 18 animals shot due to the effects of starvation in the past 11 days and this doesn't include weaners dying in Tom's Paddock. It is the collective view of the inspection team unless the management of the stock drastically changes immediately severe losses will incur in the next few weeks. It is in the interests of the animal welfare all the animals involved an immediate solution is required."

My concern is that, bearing in mind what you said, Mr Radunz, that you believe that the University had things under control, then what, about 20 days later, a report came from the Department saying that with a recommendation that Graham Sutter be held accountable. My concern is well, you've given the University a chance to put in practice, put into practice changes that would obviously improve the welfare of the cattle yet your own inspectors have come back and said, basically that hasn't happened. My question is, where did that report go? Did that go to the Animal Welfare Branch, or did it just stop dead?

Mr Brian RADUNZ: I'll have to take that on notice. Where I am I can't really check the records. Unless one of the other departmental staff can enlighten the Committee?

Mr WOOD: I don't think we have that ... can I put again a question on notice then. Could, through you, Mr Galton, could the Department of Resources supply evidence of what happened to the report of the 25th of the ninth, '09 and was that

report acted on in relation to the memorandum of understanding which basically said reporting breaches of the Act to the Animal Welfare Branch occurred.

Mr Brian RADUNZ: Brian Radunz here again, I do need to identify that the memorandum of understanding operated from August 2010, not formally from 2009 that there was an informal mechanism in place that the MOU was signed on the 5th of August 2010.

Mr WOOD: Alright, I understand that but alright, if I took it out of that particular setting, animal inspectors appointed by DHLGRS department, you would have thought there would be just an automatic reporting back to that department since they get their powers to do what they're doing from that department, and also we are dealing with the Animal Welfare Act. So if someone in a department says there were breaches, I would have thought just plain old common sense protocol would have said we must tell the department that is involved in prosecution. So whilst I understand that the memorandum relates to 2010, I still think the question about is there a paper trail, you know, what happened to these reports, is essential for our understanding of whether there's been a breakdown within the Department or other departments, not just picking on this Department.

Mr Brian RADUNZ: I'll need to take that on notice. I understood that there was but I need to take it on notice and just find it in my records.

Mr WOOD: Well, we've got it as a formal question now, Brian. Now, my other question then, and this is the bit that I think also, I think, needs to be investigated. The day after the inspection we had a copy of a letter from Mr Brian Heim again to Brian Radunz and Sue Fitzpatrick and he says, "I must say that I was disappointed by the negative attitude and confrontational manner of John Eccles. It was very telling when he said that he worked for AQIS for 12 years and he would already be under prosecution if he had ... we would already be under prosecution if it had been handled like they did things. He also made several insulting and negative comments towards both Ian Gray and myself. In my opinion he was openly confrontational in a meeting that was meant to develop outcomes. I believe he displayed a lack of professionalism, background knowledge of the industry and poor negotiation and conflict resolution abilities. Ian has advised me that the first time he met John at the station John handed him his business card, introduced himself as from the Department and informed Ian that anything he said can and would be used against him in a court of law", which I think goes in the ... that's part of the advice that comes under the guidelines for animal welfare inspectors and officers. That's my words there.

"I think you would agree that this sort of behaviour is no way to conduct business and build rapport with pastoralists. Greg, Scott and Rob Wait were both trying very hard to reach successful outcomes and are welcome any time, however, I would ask that John no longer attend inspections or come to either Mataranka Station or the Katherine Rural Campus unless you deem it necessary. Regards, Dr Brian Heim". And then on the next day there's an email from Dr Sue Fitzpatrick that says, "Hi Brian, thank you for your comments, we will address your concerns regarding John Eccles and he will not be conducting further visits to Mataranka campus. I think the outcomes are an accurate reflection of the way we should progress the situation. I think we agreed on an 8am inspection to minimise disruptions to management. This can be changed to suit. Regards, Sue".

Now my concern is that was an independent assessment of the state of Mataranka to influenced by a member of the University staff that worked there which

did not allow, you know, well, I suppose in some ways natural justice from the members of your Department to respond to that. They put in a serious report and my understanding is that that report probably just didn't go any further because of a dispute between Mr Eccles and Dr Heim. Have you got any comments on that at all?

Mr Richard GALTON: I can't shed any light on that, but I could refer that to Brian Radunz and see whether he's got any comment to make.

Mr Brian RADUNZ: Is that question to me?

Mr ELFERINK: Yes.

Mr WOOD: Yes, it was.

Mr Brian RADUNZ: After receiving the email from Brian Heim, I decided to [show]? Sue Fitzpatrick who had been in Katherine for about five or six years to take the role as the veterinary officer involved in the investigation.

Mr WOOD: Was that decision made because Dr Heim didn't particularly like the mannerisms of John Eccles or was it because Dr Heim really was upset about the report that had been put in on the 25th of September which was basically saying that there should be ... that Mr Gray and Mr Sutter be held accountable?

Mr Brian RADUNZ: It was done to take the heat out of the conflict, to have another person doing the investigation, another person who was experienced and skilled, it was just to take the heat out of the situation but still do the work effectively.

Mr WOOD: But even if you took Mr Eccles out of the situation for, you might say, diplomatic reasons, would have his recommendations still have held water? In other words, were they still being regarded as legitimate and was there as assessment of that report and if so, what was the assessment of that report?

Mr Brian RADUNZ: His recommendation was [that?] they're considered. Again I don't have the records in front of me. So I don't want to sort of guess what was done at that time. Definitely his recommendations would have been considered but it would have been considered in addition to Sue's investigation.

Mr WOOD: Would there have been a meeting to discuss the recommendations?

Mr Brian RADUNZ: I recall that there was. That's almost two years ago and again I would need to see the records about that.

Mr WOOD: Well, could I put on notice whether we could get a copy of the minutes of that particular meeting in relation to what was the Department's response, the recommendations of its animal inspectors. Is that possible?

Mr Richard GALTON: Mr Wood, can I just ask Brian whether it was a formal meeting that minutes would have been taken at or whether it was an informal discussion?

Mr Brian RADUNZ: Brian Radunz here. It's unlikely that there are formal minutes. I can recall meetings and I would imagine that there would have been [inaudible 4.26.31 - coughing] an email or some other action rather than formal minutes.

Dr Sue FITZPATRICK: Mr Woods, Sue Fitzpatrick, Principal Veterinary Officer. There was a meeting on the 26th of September with Dr Brian Heim, the manager of Mataranka, our Katherine staff and I rang in by teleconference, I was asked to call in, and that was the discussions of further management and there were no formal minutes taken. I did make a file note on that and we would be able to provide that file note with the recommendations.

Mr WOOD: Could I ask through you, Mr Galton, can you provide the file note in regards to a meeting that was held to discuss the recommendations of John Eccles' and Greg Scott's report on the 25th of the ninth, '09.

Mr Richard GALTON: Certainly.

Mr WOOD: Again, I suppose, what happened, I mean, if the Animal Welfare Board received no indication that there was something wrong, wouldn't it have been a concern that you've let Dr Heim some time to put things into place but yet three weeks later your report from your own staff said it really was still in a very bad state? So that's the bit I can't follow so the Department is saying internally things are crook, and yet no-one's telling anyone outside of the Department things are crook. The Animal Welfare Board doesn't know until later on.

Mr Richard GALTON: I'm at a bit of a loss as well, Mr Wood, as I've already stated, this was all ... I wasn't aware anything was happening down there. I wasn't even aware that there was an issue. So I'm going to have to refer to somewhere else within the Department to answer your question.

Ms PURICK: Can I just get a point of clarification on a question that Gerry's asked, so I've got it clear in my mind. Mr Eccles, you said that you sent your report to the Animal Welfare Branch authority, I thought you said, but they ...

Dr John ECCLES: That was the standard procedure.

Mr WOOD: But we can't find a copy of that.

Dr John ECCLES: I've looked back in my emails and tried to ... but they've been deleted unfortunately. I've kept the reports but not actually the procedure of actually sending them.

Ms PURICK: But they're still claiming they didn't get it until December.

Mr WOOD: They didn't get notified ...

Mr ELFERINK: October the 26th.

Ms PURICK: They didn't get notified until December.

Mr WOOD: That's when a complaint came directly to them. Not from the Department. That was from Susan Edwards, I think, she got it via the Minister's office.

CHAIR: That was on the 8th of October that report was received.

Mr WOOD: Yeah. So what I'm trying to work out, because, I mean, part of this is what we're trying to fix up with the governance but also whether there are other

issues. Was there contact between the Animal Welfare Branch about the three reports that obviously came in and said things were no good. And that's over a month and you would have thought cattle were dying, you can't wait round because, I mean, one of the problems I have with the University to some extent, they're doing up plans and they're doing up this, but the cattle need to eat like now, and so I would have thought there had to be an element or urgency to save these cattle, especially a training school. And that's what I can't sort of work out why not, why it didn't sort of move on quicker.

Look, that's my line of questioning at the moment, other people will have questions but I may come back again.

Mr ELFERINK: You've been reading the same documents. Can I just fill in a couple of holes along the way?

Mr WOOD: Okay.

CHAIR: Kezia, do you have questions?

Ms PURICK: Not yet. Thank you.

Mr ELFERINK: Mr Eccles, you recommended very early in the peace that a prosecution ... Essentially you'd formed the opinion, is that correct, on the 4th of September '09 that a prosecution should commence?

Dr John ECCLES: Definitely.

Mr ELFERINK: Okay, and that's the information that you believe that you sent through to the animal welfare board but you don't have the email trail anymore?

Dr John ECCLES: Don't have the email trail. I've looked for the email trail but I haven't been able to find it.

CHAIR: You cc'd it to Department of Resources staff?

Dr John ECCLES: Yes, I ...

Ms PURICK: Yeah, you said you copied in someone in the Department.

Dr John ECCLES: Yeah, copied in ... yeah.

CHAIR: Do you recall who that officer was because that's ... may be a way of accessing the ...

Dr John ECCLES: Probably Sue Fitzpatrick would be the only person I'd cc it to.

Dr Sue FITZPATRICK: And I would normally print everything and put it on file.

CHAIR: Sorry, John.

Mr ELFERINK: No, that's fine. To give us some antecedence as to what led up to it, this is not the first time that Mataranka had come to your attention, is it? Or to the Department's attention?

Dr John ECCLES: It's not the first time it came to ... it was the second time it's been ...

Mr ELFERINK: The year before ...

Dr John ECCLES: That's right.

Mr ELFERINK: On the 18th of September 2008, cattle were reported to have been starving on the property?

Dr John ECCLES: Yep.

Mr ELFERINK: Okay, did you attend in September 2008?

Dr John ECCLES: No, that was done by a report put together by, I think, Will Andrews, like he was the vet that signed on the bottom there.

Mr ELFERINK: Ah yes, that's right. They were a couple of temporary staff that went down. Was any evidence collected at the time in 2008, photographic evidence, that sort of thing, that supports your assertion in Greg Scott's report of the 4th of September you assert, and I quote: "This is not the first time that the animal welfare issue has been raised against Mataranka Station. At approximately the same time last year parenthesis 18/9/8 parenthesis a complaint was lodged re starving stock on the station. The complaints were immediately investigated by the animal welfare team at Katherine and recommendations were made re improved husbandry methods to be adopted. It is a serious situation to again receive complaints from the general public re apparent neglect of the property", and that was you on the 4th of the ninth. Is that what prompted you to be recommending prosecutions?

Dr John ECCLES: No, it was the extent of just what I saw.

Mr ELFERINK: Okay. Mr Galton, maybe the Secretariat can help me here. Helen, did we receive any information in relation to investigations from the Department in relation to what had happened in 2008?

Secretary Ms Helen CAMPBELL: No, because the terms of the summons related to the events surrounding Mataranka and what ... in 2009 going forward.

Mr ELFERINK: Yeah, okay, because what I'm trying to do is, I believe that there is a relevance here. Mr Galton, are you able to make available the information and all records relating to the starving ... animals starving issue from the 18th of September 2008?

Mr Richard GALTON: I'll take that on notice.

Mr ELFERINK: Okay, the question on notice is a request for all the paperwork in relation to a complaint received in early September 2008 in relation to animals starving at Mataranka Station. Can I table this document, Madam Chair?

CHAIR: Is leave granted? Fine.

Mr ELFERINK: Okay. That then takes us to the following trip out there. Mr Scott, can I fire a couple of questions at you?

Mr Greg SCOTT: Yep.

Mr ELFERINK: So several weeks later, and we've heard from your report for Mr Woods, we ...

Mr Greg SCOTT: 2008, you said?

Mr ELFERINK: Well, no, 2009 now. Did you go out in 2008?

Mr Greg SCOTT: Yeah.

Mr ELFERINK: What was your experience in 2008?

CHAIR: Mr Scott, if you could just state your name and your position?

Mr Greg SCOTT: Greg Scott's my name, Regional Bio-Security Officer, Katherine.

CHAIR: Thank you very much.

Mr Greg SCOTT: Yeah, I just have to put that on notice, it's a long time ago.

Mr ELFERINK: I realise that, and I'm probably testing your memory ...

Mr Greg SCOTT: Yeah. Yeah, it was fairly bad but the [range?] they ...

Mr ELFERINK: Alright. No worries.

Mr Greg SCOTT: But it was a mess, a bit of a mess.

Mr ELFERINK: Okay, so you would have made notes, made a report of your visit, all those sorts of things?

Mr Greg SCOTT: Yeah.

Mr ELFERINK: Okay, that's the material I'm after, Mr Galton, plus any other material including advice to the Animal Welfare Authority of the events of 2008. So in 2009, on the 25th of September '09, you made a report in relation to what you saw in September 2009 and you, as Gerry Wood pointed out, predicted severe losses would occur over the next few weeks as a result of what you had observed on the station. Did you make ... your report is silent on your thoughts on a prosecution. Were you anticipating or expecting a prosecution to flow from what you had seen?

Mr Greg SCOTT: Well, it hadn't got to that stage but if they didn't take action I probably would have, yes.

Mr ELFERINK: Okay. Did you forward this report through normal channels?

Mr Greg SCOTT: Thinking about that, we just generally put them on file, didn't we, Sue? Or we forward you a file?

Dr Sue FITZPATRICK: Unless we got a copy of emails or something like that I can't ... can't comment.

Mr ELFERINK: Alright. So just help me with this, so you put them on file. You make the observation at the very last line, in fact you highlight it in bold, “Immediate solution is required”. You would have notified somebody of what you’d discovered, I would expect? Even by telephone?

Mr Greg SCOTT: I’ll have to put it on notice, I can’t really remember.

Mr ELFERINK: Alright. No worries. You’ve asked all the other questions?

Mr WOOD: No, I’ve just got a clarification. We’ve got another chronology, and this might shine some light. Ms Fitzpatrick, you mentioned that you had spoken to someone on the telephone.

Dr Sue FITZPATRICK: In person.

Mr WOOD: In person. And that would have been Unnamed Officer?

Dr Sue FITZPATRICK: No, Meryl Gowing.

Mr WOOD: Right. Because I think we have an email which says that Unnamed Officer contacted the Animal Ethics Committee EO about animal welfare issues at Mataranka and was advised that the AEC’s role and plans to inspect the station on the 17th of September, and that was the 9th of September. Would that have been around the time ... ?

Dr Sue FITZPATRICK: No, the 16th of September was when I spoke to the manager of Animal Welfare Branch in Perth, because I’d received a call and I can’t recall whether it was ... it was one of our inspectors.

Mr WOOD: We’ve got that here, 16th of September, Director of Animal Welfare and Water Safety, Meryl Gowing was notified by DoR of the animal issues. So you notified them on the 16th?

Dr Sue FITZPATRICK: Hmm hmm.

Mr WOOD: Okay, it also appears as though something’s also happened because Unnamed Officer knew something otherwise she couldn’t have emailed the Animal Ethics Committee on the 9th of September. You can’t answer all those questions but at least we’re getting some idea of what’s happening.

I was just going to ask the inspectors some down-to-earth questions in relation to the hay.

Mr ELFERINK: Before you go to the hay, I just want to touch on a couple of things in relation to the 2008 events and what happened subsequent to that time. I can probably answer half your questions for you, Mr Scott, Susan, because there was actually several visits after the 2008, one on the 8th of October and I’m now referring to the record of conversation between yourself and the Ombudsman’s office, Julie Carlsen, the Deputy Ombudsman. In that you’re quoted as saying, quote: “So at the 8th of October”, so there was an initial investigation on the 19th of the ninth and then a bushfire on the 20th of the ninth, 2008 I presume. Continue inspection 8th of October. “I would only be able to say that there was informal monitoring from what I can see there”. So there were some records in relation to ongoing. Can you provide those records for us?

Dr Sue FITZPATRICK: Yeah, they're the same records that ...

Mr ELFERINK: That have been provided?

Dr Sue FITZPATRICK: ... you have ... yeah. And I wasn't involved in that case and I did make that very clear to the Ombudsman.

Mr ELFERINK: No, no, what we're trying to do is just join the dots. We are not seeking to prosecute anybody or anything here. What we are ultimately tasked to do is find out what happened and then make recommendations ultimately to determine what can be done to prevent from occurring again. Now we know that the departments have taken many steps but we are not here to embarrass or prosecute people, what we are here to do is determine exactly what happened and find the holes in the system and see if we can fix them up. So please be comfortable about what we're trying to achieve.

Dr Sue FITZPATRICK: I did make comment to that excerpt that you've possibly read in that there was some issues with that.

Mr ELFERINK: Okay. Sure.

Dr Sue FITZPATRICK: Is that an excerpt from the Ombudsman's report?

Mr ELFERINK: Yeah, that's straight from the ...

Dr Sue FITZPATRICK: Yeah, and I have provided a response with those comments because ...

Mr ELFERINK: Beg your pardon?

Dr Sue FITZPATRICK: I have provided a response back to the Ombudsman on the comments that she had put in that report.

Mr ELFERINK: Alright, no worries. Look, just quickly, as an aside, before we go talking about hay, is your own ... actually, no, I'm going to refer this to Mr Galton. Mr Galton, were you or did you any have any ... were you aware of or did you have any input into a review of the Animal Welfare Act conducted by the Department of Local Government Housing and Sport in 2007?

Mr Richard GALTON: Not that I [inaudible 4.40.26].

Mr ELFERINK: Were you aware that the review was occurring at that time? There was a press release put out by the then Minister, Elliott McAdam, on the issue.

Mr Richard GALTON: I don't recall that. 2007?

Mr ELFERINK: 2007. It was ... in fact, David Coles and Kanzen Partners reported to government in December 2007 with a series of recommendations, not least of which included a recommendation that the quality of communication between the various departments be reformed substantially as well as those departments with any form of carriage had better improve training. Have you ever seen that report? Or been made aware of that report? It's been tabled here today, I'll bring it round to you. Can you just pass that over please, Mr Scott?

Mr Richard GALTON: I'm sorry, Mr Elferink, I'm trying to think in what role you think ... why I would see this, I wasn't even in the Department.

Mr ELFERINK: Oh well, not necessarily you but did your Department ... I'm asking you whether you were aware of it in any way, that's all. I suspect not. Is anybody else at the table able to say whether the Department at that time had any input into that report?

Mr Brian RADUNZ: It's Brian Radunz here, I was aware of the review of the Animal Welfare Act but I never saw any report associated with it.

Mr ELFERINK: Alright, well, that actually makes sense because it probably made its way back to the Department of Local Government and then it got shelved for two years, Brian, so you shouldn't be that surprised.

Alright, the memorandum of understanding, how long has that been under negotiation?

Mr Brian RADUNZ: For quite some time, so from about 2006, it was moving along quite well and at the time there was a number a changes of managers that [inaudible 4.42.36] safety area as well. The bottom line has been going on since 2006 and at least in 2009 there wasn't a lot of [inaudible 4.42.53] considered to be not necessary by a senior officer within the then local government.

Mr ELFERINK: Who was that, Brian?

Mr Brian RADUNZ: The manager at the time, I think it might have been Meryl Gowing.

Mr ELFERINK: Alright, no worries, thank you, Brian. That's basically me done for those questions.

CHAIR: Alright. Kezia, did you have some questions?

Ms PURICK: No, I don't think so.

CHAIR: Gerry, any further questions?

Mr WOOD: Just a question on how things work in the Department, so if the report didn't go sideways to the animal welfare board, how far did it go up the system? Or did it just sort of sit and wait for other reports to come in? Would that be the normal thing? If someone came in and said there's some problems here, they need fixing, did it go up ... in other words, would the Minister know that there'd been problems at Mataranka?

Mr Richard GALTON: I can't give you a factual response to that but I would of expected that the Chief Veterinarian Officer would have received those reports.

Mr WOOD: And would it go any further than that, if it ... like, is it likely the Minister would have been notified that there was an issue? Or it depends on someone's opinion whether it's serious or not serious?

Mr Richard GALTON: If it hadn't got to the Chief Executive Officer at least one of his executive directors, I wouldn't have expected the Minister to have been aware of it.

Mr WOOD: So how long would he have been sort of looking and saying, mmm, because we've got, you know, a report which warns the government of embarrassment and puts out a scenario of the problems that could arise within government if that happened, and one of those is embarrassment and I don't see them trying to tell the government, you know, don't do it because you're embarrassed, they're warning them this is so serious, if you don't do something about it you could, you know, could cause the government a lot of problems. So no-one sort of said within the Department, well, we've got a major problem here, Minister, look at it, or you think it might have just gone up to a certain level and stopped?

Mr Richard GALTON: Look, I can't advise you what actually happened in this particular case but my expectation would be that I would have been warned that there are issues between ... not internally within the Department but because of this communication issue between ourselves and local government.

Mr WOOD: In the paperwork you sent us, I don't know whether there's anything gone within the Department of Resources, possibly check to see whether there was any information or advice given to the Minister in relation to this particular matter?

Secretary Ms Helen CAMPBELL: We did summons relevant records ...

Mr WOOD: That's right.

Secretary Ms Helen CAMPBELL: ... and as you know we've received an awful lot so we can check that for you.

Ms SCRYMGOUR: Because mine only seems to go through from the 22nd to one Minister.

Mr WOOD: So maybe, because we've got so much paper, you know, there's more files than you can poke a stick at, but maybe if we ask a direct question about a particular line of communication, can I put it as a question to Mr Galton, could you provide the CTC with any documentation that might advise the Minister at any time between September '09 and maybe the end of 2010 of the problems occurring at Mataranka in regard to animal cruelty and neglect.

Mr Richard GALTON: I will.

Mr WOOD: Thank you. Now ...

Ms SCRYMGOUR: Can we just, I mean, because I was interested in that 2008 ... if there is any information in relation to your first ... just for in confidence, not like to use, so that we can establish a, I suppose, you know, whether it be ...

Mr WOOD: An understanding.

Ms SCRYMGOUR: ... a pattern or an understanding of from A to Z, I wouldn't mind seeing if we could get ... well, zee or zed, whatever, the point is if we could get the earlier information, Richard, for 2008, John, that ...

CHAIR: That's already been requested.

Mr ELFERINK: It has been requested and just to add to it, the Ministerial briefs that were attached to that as well, if there were any. That's what you're after, I think.

Ms SCRYMGOUR: Yeah. When you're finished I wouldn't mind just asking one question.

Mr WOOD: Yeah. The thing that I'm a bit ... I'd like some professionals to give me a hand on this one. We have an issue on the 5th of September that cattle are starving, got reports for 4th of September. Obviously they didn't starve overnight and I understand that cattle, they can keep their weight up to a certain point and then it drops off fairly quickly as the dry ... it gets into the dry. If in the case of Mataranka it would have been possible to say, except for natural causes that to save all those cattle if they'd all been fed with hay, for instance. If you had enough hay, would of they survived? And I'm sort of looking at the stock inspectors to say can you give me some professional advice. If they were all fed, would they have been alive until the next wet season or shipped out as live cattle?

Ms PURICK: I would put yes.

Mr WOOD: No, but I just ...

Mr Greg SCOTT: Hay and supplements, yep.

Mr WOOD: Plus supplements, yeah.

Mr Greg SCOTT: So at the end of mustering and grafting them into lines like some were in fair order and some were in reasonable order and others really needed high protein diet and well fed and looked after.

Mr WOOD: But in an emergency situation, it would have been physically possible, once the Department knew, I'm not saying ... it's not picking on the Department, but once it was known that these cattle were in a very, very poor state, would it have been possible to save those cattle with the right nutrition, supplements and hay? If someone had put their mind to it and done it? And was there enough hay, I presume you inspected the shed. Was there enough feed at that time at least to, even in the short term, plus supplements, to alleviate what was happening, you know, just at that moment without having to you know, you obviously needed more supplies. Was there enough hay in the shed, supplements and that to assist?

Mr Greg SCOTT: No.

Mr WOOD: Would you say, in a normal station – that's probably not the right word but – normally good management would know how much hay would be required to feed X number of cattle?

Mr Greg SCOTT: Yeah.

Mr WOOD: And that's not sort of too scientific, that's reasonably well known?

Dr John ECCLES: When Garry Riggs took over, I think he ordered 50 tonnes of supplement on the first day.

Mr WOOD: Right. The other thing was it was mentioned that there wasn't enough staff. Now, would someone like the Department of Resources, if it had been

requested, been able to come down knowing that this was ... your job is also welfare, feeding animals? If the University had said, look, we've got a ... we need assistance here to feed cattle, would that have been something you would have looked at straight away and said we'll come and help you? If manpower was the issue, and I sort of wonder whether it is, that's something you could have assisted with if there'd been a request?

Mr Richard GALTON: My expectation would be the Department would have responded positively to that. That's the way regions work.

Mr WOOD: Yeah. So basically the cattle, if they had enough hay and ... enough hay would have been available I gather, because I see stock reports, well, you know, feed reports, Landmark so many bales etcetera, etcetera, there would have been ample hay at that time of year if it was required?

Mr Greg SCOTT: Might have been short on it, it was late year. It would have to be pretty, you know, wouldn't have been a great deal around.

Mr WOOD: But there's no mention there was a shortage, is there, they just ordered another road train of it. So ...

Dr John ECCLES: There were shortages of staff at Mataranka but I think the CDU all up there weren't shortages of staff. There were reasons why there were shortages of staff at Mataranka.

Mr WOOD: Yeah. So do you think the shortage of hay would be a legitimate argument to say that X number of cattle should have died? Or they should have been ...

Mr Greg SCOTT: Well, I think it'll get onto that stage where you must have it somewhere where they mustered and segregated the cattle and they sent a lot into Phoenix Park, the weaners on the high protein diet and were fed, somewhere between eight and 1000 heifer. 800 and 1000.

Mr WOOD: So if it had been managed properly, so you could have moved cattle elsewhere and moved ...

Mr Greg SCOTT: Well, they did in the end ...

Dr John ECCLES: That was done.

Mr Greg SCOTT: ... it was done.

Mr WOOD: But they were very weak.

Mr Greg SCOTT: Yeah, but they survived.

Mr WOOD: Yep. And just one other issue that's mentioned here was about the preg-testing. There's some debate over whether that should be done when cattle are in stress. Is there a debate over whether it should be done or is it normally not done when cattle are in very poor condition?

Mr Greg SCOTT: Definitely not done.

Mr WOOD: Definitely shouldn't be done.

Mr Greg SCOTT: Not [inaudible 4.51.52].

Mr ELFERINK: You make that pretty clear in your original reports, as well, Dr Eccles.

CHAIR: Kezia?

Ms PURICK: Who in the Department manages or looks at the waybill books? Or records?

Mr Richard GALTON: Brian, can you answer that question, please?

Mr Brian RADUNZ: I'm sorry, I couldn't hear a lot of that.

Ms PURICK: Brian, it's Kezia here. Who in the Department, the primary industries area, manages or looks after the waybill notices that come in from properties such as Mataranka Station?

Mr Brian RADUNZ: Okay, we have a person within my group called a lifetime identification systems administration, so she manages the database but when waybills are sent in, say, from Mataranka to the Katherine office the local staff enter the waybills on web-based database so that it's entered locally but they just administer it from Darwin.

Ms PURICK: Okay. Was there any suggestion since 2008 that your Department to your officers were aware of that some way notices weren't being sent into the Department, that stock were being moved and records not sent to you?

Mr Brian RADUNZ: There isn't 100% compliance by law or owners of sending in [inaudible 4.53.18] the waybills within 28 days that the legislation requires but we manage that by sort of contacting stations and then we do need to pick them up ourselves. So it wasn't our [downside?] that a particular station hadn't put in waybills by day 29, no.

Ms PURICK: Was there any issue with Mataranka not getting their notices in in time on previous performance?

Mr Brian RADUNZ: I can't answer that, not being in the Katherine office I really can't answer that question.

Ms PURICK: Is there any way that we can get that information from the Katherine office, if there were any notes or emails or contact with Mataranka Station that indicated that they weren't getting their way notices in on time? Is it possible to perhaps take it on notice?

Mr Richard GALTON: I'm happy to take it on notice. I don't hold a great deal of hope, just looking around me.

Ms PURICK: Whether there's any correspondence or documentation or file notes in the ... well, the Katherine or Darwin office of primary industries in regards to Mataranka Station not complying with the relevant legislation in regards to way notices when they moved and sold stock off the property.

Mr Greg SCOTT: No, there's been no letter sent out to them that I recall.

Ms PURICK: Okay, thank you. We'll see what turns up.

CHAIR: Okay, further questions from Committee Members?

Mr WOOD: Just a little bit of summary here. So if something happened today, the MOU will come into play, and there would be a lot better processes to find so staff knew what they had to do. So would that be included by the reports coming in from stock inspectors, there'd be a protocol of where that goes, who should be notified and all that sort of thing.

Mr Richard GALTON: I can give you that assurance, Mr Wood. What actually would happen in the field would be another matter but with the processes and policy now in place for that interaction between the two departments to ensure this didn't happen again in the future.

Mr WOOD: Look, I agree with John, I mean, we have to ask the questions, the questions are here so it's not picking on anyone but if we don't ask them then it's not good having an inquiry but hopefully out this inquiry we can get improvements and will meet animal welfare in the Territory, how it's handled a lot better and I think everyone would agree that that's a good outcome.

Mr Richard GALTON: I've gained some comfort through watching what's happened with the suspension of the live cattle trade and understanding what's happening there to the cattle yard that I'm looking after in Darwin to know that the organisations are working well.

Ms PURICK: That's good.

CHAIR: No further questions? Mr Galton, on behalf of the Committee Members we'd like to thank you for appearing today, and Brian as well as your colleagues. This is an important inquiry and we are looking over our terms of reference at the appropriateness and effectiveness of the Animal Welfare Act as well as the systems and processes in place around various government agencies and the CDU so obviously it will allow us to prepare a report to Parliament for recommendations to add some, as my colleagues have said, make sure this never happens again.

So thank you very much to you and your colleagues for appearing today and for providing evidence. And just to let you know that you will receive a copy of the transcript of today's proceedings in order to check that it's correct before it's then placed on our website. Thank you very much.

END OF TRANSCRIPT