



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

Public Hearing - Meeting No AWG06
Monday 4 July 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

Ms Meryl Gowing

CHAIR: Are we ready?

Secretary Ms Helen CAMPBELL: This is Meryl Gowing. The Chair of the Committee, Lynne Walker.

Ms Meryl GOWING: Nice to meet you.

CHAIR: Meryl, I've got some formal words that I need to go through here, which will be fairly clear to you, I'm sure.

I declare open this public hearing of the Council of Territory Co-operation's Sub-Committee on Animal Welfare Governance. I'm very pleased to welcome you here, Meryl, as former Director of Animal Welfare and Water Safety Branch of Department of Housing Local Government and Regional Services. And we certainly appreciate you appearing before us today.

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 – that is in private – then you just need to advise is before you commence 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 that 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. 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 or on the Legislative Assembly website". Copies of the 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 paragraph 20 reads, and I quote: "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 disclosed 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 Ms Gowing, we do appreciate you appearing here today. You have probably met the other Members of the Committee when you arrived?

Ms Meryl GOWING: Yep, thank you.

CHAIR: So today we are just about asking you some questions around the subject of our inquiry around animal welfare governance and the matters at Mataranka. So if you have an opening statement you'd be very welcome to read that or if you're happy to start with questions and that's where we'll go.

Ms Meryl GOWING: I'd just like to say that I'm actually quite pleased to be here. I think that while Mataranka was a very difficult and appalling situation, then I think ... I can see some good coming out of it for animal welfare and it's a good thing, not a bad thing.

CHAIR: Sure. Did you want to start, Mr Wood?

Mr WOOD: Could I just ask you, could you explain what was your role around September last year? How did you fit into the total picture?

Ms Meryl GOWING: It's Meryl Gowing, ex Director of Water Safety and Animal Welfare, and that was my role in September last year. I was managing the animal welfare unit and the water safety unit from which I've now relocated.

Mr WOOD: Now just in the case, so Unnamed Officer was under you?

Ms Meryl GOWING: Yes, she was.

Mr WOOD: And she would report to you?

Ms Meryl GOWING: At that time she wasn't reporting directly to me but she did ... she is one of my indirect reports.

Mr WOOD: So where did she report directly to?

Ms Meryl GOWING: At that stage there was a ... sorry, it's been a while since I've been out of the area at the moment. There was a manager of ... I think it was ... there was an AO7 that sat there that managed the education area and was the direct overseer of the animal welfare area, and that was who an unnamed officer reported to. And then that person reported to me.

Mr WOOD: Do you know that person's name?

Ms Meryl GOWING: Yes. Shaan Myall who's no longer with the Department.

Secretary Ms Helen CAMPBELL: Could you spell that, please?

Ms Meryl GOWING: S-H-A-A-N, M-Y-A-L-L.

Ms PURICK: Man or woman?

Ms Meryl GOWING: Female.

Mr WOOD: So could I just go back a little bit to the information we got at the meeting last week. We were told that originally that the first contact AWB found out about the actions that were occurring at Mataranka was after there was an email from Susan Edwards to Minister Knight's office and then Minister Knight's office obviously forwarded it to yourself?

Ms Meryl GOWING: Yes.

Mr WOOD: Now at the same time, we have a note from ... this has come from the CDU which says, and this is their chronology in 2009, that on the 9th of September Unnamed Officer, Senior Animal Welfare Officer contacted Ms Purich about animal welfare issues at Mataranka Station. An unnamed officer was advised of AEC's role and planned to inspect the station on the 17th of October. So we're just trying to work out how Unnamed Officer knew that there was an issue at Mataranka. Did someone contact her at that stage?

Ms Meryl GOWING: I'm sorry, I don't know.

Mr WOOD: About that, right. So that's something we'd have to raise with her.

Ms Meryl GOWING: Yes.

Mr WOOD: So the official notification would have been after Sue Edwards ...

Ms Meryl GOWING: The first that it hit my radar was when I get a heads-up from the Minister's office that there was a complaint that had been received, and it would be coming down to the offices a ministerial. I got the heads-up so I could go and investigate what was actually going on, which I did and that's what I believe is the first time that we became aware of what was happening at Mataranka Station.

Mr WOOD: There was also, I think it was an email on the 14th of the tenth from an unnamed officer to the CDU saying that the AWB may prosecute. Do you remember that at all?

Ms Meryl GOWING: I mean, that's fairly standard when we talk to people, that we're talking about any issue of animal cruelty and ... I don't recall it specifically but it wouldn't be something that was out of the ordinary.

Mr WOOD: But any reporting back she would have reported back to that person in between you and herself?

Ms Meryl GOWING: If it was before ... I think Shaan left in December or somewhere around that time, and up until then then that's who it would have been reported to. After that I took over as the direct responsibility for that position.

Mr WOOD: Now on the 9th of November you put out an email saying that there was no evidence trail so therefore no prosecution, so are you able to explain it to us?

Ms Meryl GOWING: Yes, I can, and I still support that because obviously as things went on I went back and looked over what was there. Firstly there were no dated photographs of anything that happened. There was no autopsies that were

undertaken and even the lady that made the complaint to the Minister's office, she was contacted and she was going to provide a whole lot of information and she didn't do it for whatever reason. So all along, I am firmly of the opinion that there was no chain of evidence that was available, and I checked it a number of times.

Mr WOOD: So when you did your first inspection which was 17th of September?

Ms Meryl GOWING: No.

Mr WOOD: No? Sorry.

Ms Meryl GOWING: It's Department of Resources ...

Mr WOOD: Oh, the University did their ...

Ms Meryl GOWING: ... the Department of Resources that were doing the inspections. The animal welfare unit with Housing and Local Government is dogs and cats, domestic animals and pets, and when it comes to livestock, then we go to Primary Industry and the same for wildlife, we go to Parks and Wildlife for that because we're not the experts, we're not veterinarians, we're not scientists, so we need to go to the people that are. We rely on them to provide our technical expertise. With us it's dogs and cats and even in those instances we go to a veterinarian to do autopsies and to check on things because we don't have those skills.

Mr WOOD: The senior veterinary officer is an officer under the AWB?

Ms Meryl GOWING: Yes.

Mr WOOD: So I would have thought that being appointed by the AWB, or given the powers under the AWB, they didn't directly notify you of their reports and two of those reports said basically one said prosecution and the other said someone should be accountable for the actions. Did those reports go to the AWB?

Ms Meryl GOWING: No. Not to the Animal Welfare Board, no, they didn't.

Mr WOOD: Right. So when did your Board go down and first have its questions ... inspection?

Ms Meryl GOWING: I think we might have our boards mixed up. What we're talking about is ... I think that you might be referred to the Animal Ethics Committee. Animal Welfare Board is totally different ...

Mr WOOD: That's right, yep.

Ms Meryl GOWING: The Animal Welfare Board does not get involved in these situations. They're there to provide advice to the Minister and to comment on gaps in the legislation ...

Mr WOOD: That's the Animal Advisory ...

Ms Meryl GOWING: That's the Animal Welfare Advisory Committee. The Animal Ethics Committee is Charles Darwin University, not ...

Mr WOOD: I meant your Department, when did you first go down to Mataranka?

Ms Meryl GOWING: When we first went down there, I think, I haven't got documents and I'm relying on my memory, the first time Housing and Local Government went down there I think was early December. It was ... yes, one of our animal welfare inspectors, not an officer, and she went down there with somebody from the Department of Resources, an animal welfare officer.

Mr WOOD: Right. So I'm just trying to get things into perspective. So Susan Edwards spoke to the Minister ...

Ms Meryl GOWING: Yes.

Mr WOOD: ... or emailed the Minister, Minister then was given a ... a Ministerial was written for the Minister ...

Ms Meryl GOWING: ... hmm hmm, briefing.

Mr WOOD: ... then you would have, in that Ministerial, said whether there was room for prosecution or not or that was too early at that stage?

Ms Meryl GOWING: We rely very much on the ... well, we totally rely on the expertise of Department of Resources to say what should and shouldn't happen. At that stage we wouldn't have been saying whether there was prosecution or not prosecution because at the stage we were writing that first Ministerial we hadn't even received reports from the Department of Resources. They may have come in as a result of that Ministerial but it was not some ... that was the first ... that was the first tip.

Mr WOOD: So you wouldn't have known if they'd gone down to the station?

Ms Meryl GOWING: We didn't know. I didn't know until the first Ministerial was basically written, the heads-up from the Minister's office. That's when we actually found out that there was something serious happening. I don't know about an unnamed officer, but certainly that was the first time that ...

Mr WOOD: So the Department didn't email the Department of Resources and say, have you been down there to inspect Mataranka because you're got the expertise and the power to do that?

Ms Meryl GOWING: We didn't know about it. When we found out about it the Department had been working at Mataranka Station for I think it was ... there were three reports so I don't know whether it was five weeks or something like that but we didn't get brought into it until quite a way down the track and that's why there was no real chain of evidence for us.

Mr WOOD: Right. That's fine, questions from me.

Mr ELFERINK: May I ask ... ?

CHAIR: John.

Mr ELFERINK: So at what time did DoR actually advise you for the first time?

Ms Meryl GOWING: It was when we were doing the Ministerial, and it was ...

Mr ELFERINK: Is that the Ministerial ... ?

Ms Meryl GOWING: The Ministerial, and it was ... I don't know, as I say, I haven't got papers, I haven't been there for a long while. When we were given the heads-up by the Minister then we contacted the Department of Resources to say basically, will you go down there and look at this, because they're the first people we contact. What we got back was, we've been there, and I think it was probably three times.

Mr ELFERINK: So were you aware at that stage that John Eccles, the first veterinarian to get down there, was actually already promoting the idea of a prosecution? Had you been advised of that?

Ms Meryl GOWING: No.

Mr ELFERINK: At what point did you become aware that DoR, or the first veterinarian DoR was anxious to proceed with a prosecution?

Ms Meryl GOWING: I had a look at the reports when they came in, and there was one there that Dr Eccles said, you know, sort of, you know, sort of you may be prosecuted, whatever. I think what he said was – and again it's taxing my memory a bit – was something along the lines I'm an animal welfare officer or whatever. He wasn't at that time an animal welfare officer. Talking to my colleagues at the Department of Resources, then what I was advised that it had been an over-reaction, and that there were certain performance issues.

Mr ELFERINK: No, no, that's fine, we're aware of what happened, we understand ...

Ms Meryl GOWING: Yeah, but that was at that point and we were told that it was an over-reaction as such ...

Mr ELFERINK: Mmm, because he was quite strident. Were you aware, or were you made aware by DoR that their first investigation of animal cruelty arising out of Mataranka was actually in 2008?

Ms Meryl GOWING: We had a note in the database that says that there was a previous issue but it was ... it was closed and closed to the satisfaction of the people that were there at the time.

Mr ELFERINK: Okay, so you were ... when did you ...

Ms Meryl GOWING: We have a database ...

Mr ELFERINK: Yeah, when were you told about the 2008 investigation?

Ms Meryl GOWING: As we went through ...

Mr ELFERINK: So as part of this you became aware of it?

Ms Meryl GOWING: As part of this I became aware because I obviously went back and had a look at what we had in the database. There was one there from an

earlier time but it had been closed satisfactorily and I wasn't there at the time that that offense occurred.

Mr ELFERINK: Okay, so essentially ...

Ms Meryl GOWING: Or possible offense.

Mr ELFERINK: ... just so I understand it correctly, the determination for want of evidence not to prosecute was made by the Board?

Ms Meryl GOWING: No.

Mr ELFERINK: Who made that determination?

Ms Meryl GOWING: I don't think there was a determination not to prosecute. Would you like me to elaborate on this?

Mr ELFERINK: Yes, please.

Ms Meryl GOWING: It would probably be a little bit further down the track in this instance. As I said, we look after animals, dogs and cats, and we rely on DoR to do the livestock. Now, the information that we were getting was that it certainly wasn't serious and the first time it really came home to me exactly what was happening was in the first meeting I had with the Ombudsman's investigator.

Mr ELFERINK: That was on June the 3rd or thereabouts?

Ms Meryl GOWING: I think it was earlier ...

Mr ELFERINK: You provided on June the 3rd a memorandum for Ken Davies.

Ms Meryl GOWING: No, it was before that. There was ... I'm positive if you have a look there'll be an email there because following that meeting I contacted the then Animal Welfare Authority and said something like, this is far more serious than we thought, basically it wasn't the matter of monitoring welfare ...

Mr ELFERINK: I have read that somewhere, yeah.

Ms Meryl GOWING: Yeah, but that it was really quite serious. At that point the Ombudsman's investigator provided me, or showed me some quite appalling pictures and alerted me to the fact that there was a report that CDU had commissioned that Department of Resources also had but it hadn't been provided to us. The Ombudsman's office provided me with a copy of that report. I contacted the Department of Resources and asked for every photograph they had ...

Mr ELFERINK: That was the meeting of the 25th of May ...

Ms Meryl GOWING: Yes, yes. So they provided me with those photographs and on reading that report and looking at those photographs then I went to the Animal Welfare Authority. Now, the reason I say I don't believe there was ever any intention not to prosecute and nobody told me not to or not to consider it, was that I sat with the Ombudsman's investigator and I really was quite appalled at what I was hearing. Ms Carlsen asked me if we would prosecute and I said if we could get the evidence then we would.

We went through a discussion because at that point in time I don't think there was even a date of offense. The Ombudsman's office actually identified the date of offense because somebody was in one of the photographs and was able to then date that because none of the photographs were dated and our experience was if we went with photographs that weren't dated they can be disputed, they could have been taken eight years ago, you know, sort of was ...

Ms PURICK: Could be on another property ...

Ms Meryl GOWING: ... another property, whatsoever.

Mr ELFERINK: Yeah, all of that and we'll come to that shortly.

Ms Meryl GOWING: Okay. Ombudsman has coercive powers, we don't. The Ombudsman was able to collect a whole lot of more information that we possibly could. I had the discussion with Ms Carlsen that if we could get the evidence then we would prosecute. She said it was all in her report – terrific – but then told me that we couldn't use that report to support a prosecution.

We sat and discussed the fact that if the report came out, the report while it couldn't be used, would identify papers and witnesses that could be subpoenaed and that we could go from there. Ms Carlsen's comment was that she didn't think we had time to do it with the resources we had and I said that we would buy in the resources to do it, we have a very, very, very, very small animal welfare unit.

Ms Carlsen also said that she'd try and release the report earlier so that we would have the opportunity to do that if we, you know, if the evidence was there. In fact, I won a new position around about that time and I delayed moving to that position waiting for that report to come in so that we could do something about it if there was a case to be had, and my seniors were aware of this. I was never, ever told not to, not to report, I was never told that, you know, sort of saying we would prosecute was something silly. I don't believe there was ever any intention not to prosecute if we got the evidence.

Mr ELFERINK: Okay. That then comes down to the crux of this whole issue, because clearly in spite of the limitations placed on the Ombudsman's Office in terms of using that evidence for its evidentiary value, it would have been open to you, even as a result of the 25th of May meeting, to commence an investigation.

Ms Meryl GOWING: We rely on our expert witnesses and there was never a recommendation coming back from DoR and the Chief Veterinary Officer that this was a serious situation and in fact at least once I was told it wasn't serious and there was never any indication coming back from ... or recommendation coming out of the Department of Resources saying that it was a serious offense.

Mr ELFERINK: Alright. The next question I have then is ... you pretty much answered it but I have to ask it anyhow. In terms of an investigation from your Department's perspective then, an official investigation was never launched?

Ms Meryl GOWING: No.

Mr ELFERINK: Okay, so based on evidence that you had and you were uncertain about the quality of that evidence, you don't know when these photographs were taken, it was determined that there was insufficient evidence to proceed, or incomplete evidence to proceed with a prosecution. Can I ask you why you didn't

launch the investigation from your Department alone, and I've asked this of ... from your position, I mean, ultimately you get to press the go button from your directorship position.

Ms Meryl GOWING: The way it worked at the time, and I don't know that it still works that way, but the way it worked at that time was that the animal welfare unit would not have launched any sort of investigation or prosecution unless it was recommended by the Department of Resources. Unless they were saying that they had the evidence and they were our specialist witnesses and there was a serious case to answer, we would not have moved forward until we got that advice, and it was only when, again, that 25th of May I think you said, 25th of May meeting with the Ombudsman's office that it came out as being as serious as it was, and ...

Mr ELFERINK: That's fine. The next place I want to take you then is that from the paper trail we got, you did then seek advice from the Solicitor of the Northern Territory. Was that because you were concerned about the way that this was playing out and your roles and responsibilities?

Ms Meryl GOWING: I was asked to seek that advice because ...

Mr ELFERINK: Who asked you?

Ms Meryl GOWING: My management asked me to seek that advice from the Solicitor, but it was along the lines of what were the roles and responsibilities of the Minister and if ... I suspect I'd done something that compromised them.

Mr ELFERINK: Yeah. We got the four questions you asked, by the way. The email is available to us, we received it actually this morning as a result of questioning from last week. The advice was supplied to you on the 2nd of July 2010. By the way, which individual person asked you to seek that advice? Can you recall?

Ms Meryl GOWING: I had two ... I had ... we still had the Animal Welfare Authority even though that position had been won by somebody else, it was a matter of processing an appointment, so I don't know whether it was Trish Angus or Fran Kilgariff, but it was one of the senior managers there ...

Mr ELFERINK: You'd certainly forwarded your email to both of those individuals so presumably ...

Ms Meryl GOWING: Yeah, so I mean, I suspect ...

Mr ELFERINK: ... could have been as a result of a meeting you'd had with the three of them, I mean, I'm just guessing here.

Ms Meryl GOWING: Mmm.

Mr ELFERINK: Yeah, alright. So you sought the advice. The advice back from the ... you asked questions about investigation. The Solicitor-General gave you the following advice in paragraph 22, quote: "However, if the authority did not have the records, knowledge, experience or researchers to deal with a particular matter it could seek assistance from other agencies to conduct the investigation such as DoR", which you mentioned, "or the Northern Territory Police Force". So was it as a result of this advice that you went back to DoR?

Ms Meryl GOWING: No, we were in ... From my view, when we came into it, it had almost moved into an animal management area, not animal welfare as such at that time, but I still wanted to make sure that we monitored things fairly closely to make sure that things didn't regress and that was why I sent out our animal welfare inspector.

Now, that person didn't have the skills, went in with the Department of Resources' veterinarian and obviously had to defer to that person but you can go in and you can have a look, you can have a see, sort of, you don't have the expertise but to me it was also a, I guess, making our presence known, as such. We had no authority as such in those situations but we were there and we were taking a look so that people knew that we were keeping an eye on things. But it was a monitoring role. The Department of Resources had been doing these investigations right from the start from before we came into it and they could continue to do them. They were just ongoing working, trying to bring what was happening back to a reasonable level.

Mr ELFERINK: Because the advice from the Solicitor-General in paragraphs 26 and 27 says, alright, when you're thinking about launching an investigation, the place you need to go to is the DPP's guidelines. On paragraph 27 he then breaks it down, it's rather awkwardly written, but basically to a greater or lesser concern, every single one of those DPP guidelines, knowing what we know now, ticks off on good reasons to proceed with a prosecution, which leaves you with your evidentiary problem.

Now, you received this advice on July the 2nd. Did you at that point, having read that material, turn your mind to goodness, maybe there is something here that we should investigate? Or by that stage was the decision already taken not to proceed as outlined in paragraph 33 of that letter?

Ms Meryl GOWING: It says 2nd of July. I don't think I was with the Department on the 2nd of July.

Mr ELFERINK: Okay, it was addressed to you, that's all.

Ms Meryl GOWING: Yes, it was addressed to me but I ... I don't know that I was with the Department then. If it was it was very, very close ...

Mr ELFERINK: Have you ever seen this?

Ms Meryl GOWING: I have seen it. I have seen it, but I don't think I was with the Department at that stage, but I'm ...

Mr ELFERINK: Hand on the heart, can't be sure?

Ms Meryl GOWING: Can't be sure. Can't be sure but I ... you know, sort of it's ... that's 12 months ago and I've been with my current department for 12 months, a bit more than 12 months so ...

Mr ELFERINK: Okay, that's fine. The reason I'm going down this path is because the next question I've got for you, please don't take this as a criticism, what training have you and your people, when you were with this Department, received in terms of investigations, how to conduct them and how to collect evidence for the purposes of creating a chain of events?

Ms Meryl GOWING: I have no training in investigation. I'm a manager and that's what I do. My animal welfare officer had had some training – animal welfare inspector, sorry – had had some training in investigation and had come through a Shire environment. I had actually recognised the lack of investigation training prior to the Ombudsman's investigation. I had put three of my staff, and this is when we had one animal welfare inspector, I had another couple trained as a safety net. I'd sent them on the CDU Certificate IV in Investigation Training. That was my immediate staff.

Mr ELFERINK: Was the unnamed officer one of those?

Ms Meryl GOWING: Yes, the unnamed officer was one, the unnamed officer went along to that and I also ... there was an animal awareness week coming up and we didn't have a lot of resources to provide a lot of training but what I did that year with the assistance of the Department of Justice who very, very kindly conducted a full day – it's not a lot – but a full day investigation training for all animal welfare inspectors and officers. We'd had it planned, but the training day, there was an invitation to every appointed animal welfare inspector and officer. So I don't have any animal welfare investigation training at all. I rely on my staff. When I say I went back to make sure the chain of evidence was correct it was going back to our animal welfare inspector.

Mr ELFERINK: Investigations create chains of evidence, that's the purpose of them. For example, the photographs which are undated. No photograph, that I'm aware, has ever been tendered in court without a supporting statutory declaration from the person who took them saying what they observed, the date that the photographs were taken or on or about that. It's those sorts of things. What my concern is that because of the lack of training that yourself and other people have had that these holes appear in the investigative process.

Ms Meryl GOWING: Yes.

Mr ELFERINK: So I take it by yes you agree with that assertion?

Ms Meryl GOWING: I do, I do agree with you.

Mr ELFERINK: Do you feel – and I seek your professional and not your personal opinion here – but do you feel as a professional that you were well positioned to run an investigation into the death of X number of hundred cattle when you were in the position that you were in?

Ms Meryl GOWING: [Pause] I think that I personally wouldn't have been able to run an investigation. That doesn't mean that we wouldn't have been able to do the investigation. We'd done a number before, one particularly successfully ...

Mr ELFERINK: This is the 300 goats?

Ms Meryl GOWING: That's the 300 goats and that ...

Mr ELFERINK: My understanding in that case, there was some assistance from New South Wales.

Ms Meryl GOWING: There certainly was.

Mr ELFERINK: Yeah, in fact a substantial amount.

Ms Meryl GOWING: There certainly was, and we would ... at that time we would always have had to pull in assistance, we just didn't have the resources as such, and we would have relied on the Department of Resources extensively to be our expert witnesses as such and to provide those stat decs and all that type of thing. As I say, I'm not an investigator, I wouldn't have endeavoured to conduct the investigation myself. I don't have those skills.

Mr ELFERINK: The Solicitor-General actually makes a suggestion that the Northern Territory Police could have provided you with the requisite skills if that request had ever been sent upline.

Ms Meryl GOWING: That request was never sent out and I ... I can ... The police support us where they can with animal welfare investigations, particularly around communities. We wouldn't go to them unless we were absolutely sure of what was going on and at that time we were still looking at what was coming through the Department of Resources.

Mr ELFERINK: Sure. So would it be fair to say that the focus had changed, if it ever was on prosecution to the management issues that had now prevailed on the cattle station. So would it be too much of a bow to draw to say look, we were actually now focussing on the improvements that were happening there and the matter of cruelty had taken a back seat to that issue of improved management?

Ms Meryl GOWING: I think you'll find that you might have references to that being said by the Department of Resources quite a lot, and it was my role to monitor ... To me, it was my role to monitor that what they were doing, they were keeping up with what they said.

Mr ELFERINK: You then basically supported that process, simply because it was based on their expertise, I mean, you're not a vet.

Ms Meryl GOWING: We're not vets, we're not scientists and we were monitoring that things were still being done and it was a risk strategy because we didn't really know.

Mr ELFERINK: One last question. This business about, you know, you do dogs and cats and the Department does cows. Where at the time, whilst I understand an MOU is now in existence had taken a few years to organise but now that there's one in existence, where did it say or where were those boundaries lineated prior to the MOU being in existence that you did dogs, cats and budgerigars and they did cows?

Ms Meryl GOWING: It was practice, it was the fact that ... and it was one of the things the Department of Resources was concerned about that because they were vets we might at some stage call them in to do dogs and cats, and so it was one of the drivers, I believe, for the original MOU that sort of people with special expertise ...

Mr ELFERINK: In fact it was clearly identified in December 2007 when *the Act* was reviewed ...

Ms Meryl GOWING: Yes, yes.

Mr ELFERINK: ... that this line between the two Departments was fundamentally blurred.

Ms Meryl GOWING: Absolutely. But the MOU, it was around for many, many years and I think that was the fundamental driver that there was nowhere in the legislation that actually says that an animal welfare inspector or officer can only do livestock or can only do animals, and the concern was that some of the people that were being appointed might, at some stage, be drawn into a field that they weren't really engaged to work with.

Mr ELFERINK: The MOU was basically under creation for about four years, yeah?

Ms Meryl GOWING: Yes, yes.

Mr ELFERINK: Because of these problems potentially being identified?

Ms Meryl GOWING: I don't know. I don't know why it was there for so long. When it became ... when Department of Resources and they raised it again and started to drive it. I will have to say I will take responsibility for actually deferring the signing of the MOU. That was because there was some things going on in the background at that stage coming out of probably the national level Animal Welfare Advisory Committee and that was there were discussions going on at a much more senior level that perhaps the whole animal welfare function should sit with primary industry as it does with other jurisdictions. And so there were those issues going on in the background and I basically deferred it and said that what we would do at the present time was to take the essence of that MOU and put it into our operations manual, and that's what we did.

Ms SCRYMGOUR: Madam Chair ...

CHAIR: Marion.

Ms SCRYMGOUR: Meryl, thank you. I've just got a couple of questions. How long were you the Director of the Water Safety and Animal Welfare Branch? You're no longer there but how long were you there for?

Ms Meryl GOWING: I think from 18 months to two years.

Ms SCRYMGOUR: So from what dates, can you remember? 2008, '09?

Ms Meryl GOWING: I think ... well, I left about a year ago and so it was about 18 months prior to that.

Ms SCRYMGOUR: So you left around 2010 sometime.

Ms Meryl GOWING: I think I left at the end of June, early July 2010.

Mr WOOD: Can I just ask? Who took over from you then?

Ms Meryl GOWING: There was a lady by the name of Sandy Lund who slipped in for a short period of time, and then there was a recruitment exercise and I can't pronounce his name ...

Ms PURICK: Merg.

Ms Meryl GOWING: Merg ...

Mr ELFERINK: Merg alphabet soup.

Ms Meryl GOWING: Can I say though that when I did leave the Department and I left later than was originally intended, I also took the MOU with me to NRETAS where I now work with the blessing of that Executive Director to finish that off there, so I took that particular responsibility with me and then sort of were reporting two ways at one stage.

Ms SCRYMGOUR: So you left the Department around June 2010, would that be right?

Ms Meryl GOWING: Yeah, around June, end of June, July 2010, I believe.

Ms SCRYMGOUR: And in that time, I mean, I note within the purview of the animal welfare, I mean, I was listening to your discussion with the Member for Port Darwin, the Department, your Department refers to Department of Resources, and rightly so in terms of, you know, with cattle and investigations. But the animal welfare unit or DHLGRS is still the regulator.

Being the regulator and I note the email that you sent on the 18th of June 2010 where you noted that the agency would be pressing any legal proceedings, so you rely on DoR to provide that evidentiary, you know, the evidence that you need for prosecution but given that DHLGRS or the animal welfare unit are the regulators of the license that, you know, with CDU, can you just ... and I take on board the lack of, I suppose, skill and experience that you said staff within the unit didn't have. What work, and put aside the domestic cats and dogs, what did the unit do in relation to the regulatory role that they should have been playing in relation to this incident?

Ms Meryl GOWING: We were waiting for a recommendation from the Department of Resources that there should be a prosecution or there should not be a prosecution. If there was a recommendation that there would be a prosecution then we would have ... it was very, very late but we would have been able to take witness statements, collect documentation that we knew was available, that type of thing, we would have been the face with the Department of Justice who would have been guiding what we actually did. So we would have been the face of the prosecution. Yep, we would have been the face and basically we were ... we were monitoring what was going on. We came in at ...

Can I use the example of the goats, the one that we were talking about before? That's a situation that worked beautifully, and was a really good model for what should have happened on this occasion. That was where at that time the Department of Resources had an animal welfare officer on staff and it went to the complaint about the goats and whatever, went to that person who brought us in immediately, so they went out there as a group and while the vets were doing what they had to do, then we were taking photographs and we were talking to people and we came out with a successful prosecution.

I was asked at one stage if ... I was asked at one stage if I was happy with the way the Department of Resources had conducted their side of things and I said no and referred them to the goat situation where it worked very, very well, and what I got told was, but that was a serious situation. And that's why I think that what we're doing here is really good.

Ms SCRYMGOUR: Okay, so given that you had a successful prosecution in terms of the goats and you're saying that the process worked well ...

Ms Meryl GOWING: Yes, it did.

Ms SCRYMGOUR: ... and you got a successful prosecution, and your ... I mean, let's just step through some of that for a minute. So in this case, and so the cows weren't deemed as serious as the goat stuff so therefore ... So what was the breakdown in that process with DHLGRS as the regulator but you rely on DoR as the ... their expertise ...

Ms Meryl GOWING: They're our expertise, they're the ones that tell us whether ...

Ms SCRYMGOUR: But who was ... I mean, you received the complaints, the complaints came in on the 3rd of September, 3rd of September 2009. The animal welfare agency through Susan Edwards, through the Minister's office had been notifying the Department around the 8th of October 2009. Then, I mean, your departure from the Department is clearly nearly a year after that. There is a number of email trails and discussions between yourself and other people in this whole situation, so where did the process break ... was it between DoR and DHLGRS or DHLGRS and DoR, I mean, you were successful in the goat stuff, what happened in this situation?

Ms Meryl GOWING: In my professional view, we were brought into it far too late to collect the type of evidence that would have been available at that particular time. We were brought in approximately five to six weeks after it had all happened, or the first visit, the first visit from the vets from Primary Industry and we're not even sure that at that stage it was the staff; you know, sort of they'd come in a bit late, I don't know, but we came in about five to six weeks later, the Department of Resources were already there, they were our experts in the area, they were saying basically it's under control, it's not as serious as you think, there are ... people have over-reacted. We took a monitoring role based on what we were being told and except that to ... I was concerned that we had been advised so late. I would not generally send out my animal welfare inspectors with DoR people, because they are inspectors in their own right and they are our experts. In this situation I chose to have it more closely monitored because I didn't want anything else to go wrong.

CHAIR: The animal welfare inspector at the time, I can't recall her surname, she gave evidence the other day, Mel, had said that by the time she got there, I think it was the 9th of October, that the situation was in recovery.

Ms Meryl GOWING: That's right, and that's where we were. It was in recovery, it was managing a situation, it was managing the feeding. The animals, in my professional opinion from that point on, as far as I could be aware, was that things were improving, the animals weren't being mistreated from that point, they were being ... every effort was being made to try and remedy that which had gone before and it was ... it was me being overly cautious in some regards that meant that Mel was actually going out there. That's not what normally would have occurred.

Ms SCRYMGOUR: Meryl, and then we got the ... because we got the legal advice or copy of the legal advice or the letter that you got back from the Department of Justice in relation to any prosecution. You met with the Deputy Ombudsman on the 25th of May 2010 when you met with Julie Carlsen, and I think the Minister met ...

she also met with the Minister not long... I think the Minister met with her on the 22nd of June, the Minister requested a meeting with the Ombudsman. I don't know whether that was Carolyn or whether that was Julie. Who did the Minister's office meet with? Carolyn?

CHAIR: I don't know.

Secretary Ms Helen CAMPBELL: No, they met with Carolyn.

Ms SCRYMGOUR: Anyway, they met with the Ombudsman's Office. When did you ... because the Minister's coming before this Committee some time in August. Did the Deputy Ombudsman at that stage when you spoke to her indicate that you wouldn't be able to use the report as evidence for any prosecution? Was that ...

Ms Meryl GOWING: That was our discussion on that particular day, basically that while we couldn't use that report, we could use it to identify documents and witnesses who hadn't been available previously to contact as part of an investigation and potential prosecution, but we didn't have the coercive powers to get what she would have in that report but we could use the report to know what we should subpoena.

Ms SCRYMGOUR: Did she show you any of these photos that were used in her report at all?

Ms Meryl GOWING: Hmm hmm.

Ms SCRYMGOUR: And were any of those photos dated at that time when she showed you those reports?

Ms Meryl GOWING: No. She was of the view when they were taken, but there were no dates on them.

Ms SCRYMGOUR: No dates on the photo at all, so she showed you ...

Ms Meryl GOWING: She showed me photographs.

Ms PURICK: Did she offer to supply you with dates?

Ms Meryl GOWING: What she did was she told me what Department of Resources actually had that we hadn't been provided with. And it was at that point that I contacted them and said, okay, you know, sort of I understand you have all these photos and I want every single one of them please, and they arrived on a CD a couple of days later.

Ms SCRYMGOUR: But that was after you'd met with the Ombudsman and seen these photos ...

Ms Meryl GOWING: Yeah, that was ... showing me those photos and Julie telling me that there was photos that were being kept that we didn't have ...

Ms SCRYMGOUR: And they were being kept by Department of Resources?

Ms Meryl GOWING: Yes.

Ms SCRYMGOUR: But you hadn't been provided, even though there'd been an MOU in place between DHLGRS and DoR.

Ms Meryl GOWING: No, there wasn't an MOU at that point in time.

Ms SCRYMGOUR: So when did the MOU come about? After all of this had happened?

Ms Meryl GOWING: After all of this had happened. But it was Ms Carlsen alerting me to some of the information that was available that I knew to ask what was available and she provided me with the copy of the Stockwell Report that CDU had commissioned which she told me was already with the Department of Resources as well.

CHAIR: And when DoR provided you with that disk of the images, did they have dates on them?

Ms Meryl GOWING: No.

Ms SCRYMGOUR: So we have ... and we took evidence last week from DoR, there was reports of an incident that happened in 2008 and photos there. It's interesting that photos were used, were undated and used for a report and if they are undated, and that'd be interesting to see if we could get the Eccles Report in 2008, and photos dated from 2008.

But look, thank you Meryl, I think that it's certainly about that issue of ... and like John, it's not a criticism of you guys, I think that people get tasked to do a certain job and if your unit was regulatory, that's what I'm trying to get my head around, what role did the unit play in terms of regulating that if people we, and didn't have the expertise or the experience then that is an issue for government because, you know, I mean ...

Ms Meryl GOWING: We were trying to address the skills gap ...

Ms SCRYMGOUR: Yeah, and it's not a criticism of you guys ...

Ms Meryl GOWING: No, I do understand that.

Ms SCRYMGOUR: I think you and everyone else should realise it's not a criticism of you or anyone within that unit, it is something that government does need to look at, because if you're going to legislate, and you're going to put regulations in place, you've got to be able to have the enforcement tools to be able to have the enforcement tools to be able to do it and people with skills. And it's not a reflection on you or anyone else in that chain of command to do that. So thank you.

CHAIR: Gerry.

Mr WOOD: Just before Kezia asks a few questions, just on the photographs, DoR went down there on the 4th, 5th of September and I think the 27th of September. Did they take photographs because I've seen a picture of a ... supposed to be one of their officers or inspectors, feeding ... well, next to a large bale of hay. So did they take any photos to back up their reports?

Ms Meryl GOWING: That was the 200 photographs that I actually asked for, or I didn't know how many photographs, I just asked for all the photographs they had

and my memory was it's 200 or more photographs. And it was from one of the photographs that had one of the Department of Resources staff members in it that were able to actually pinpoint a date of offense as is required in the legislation as the 3rd of September. They weren't dated photographs but that was how we were able to tell.

Mr WOOD: They were digital photographs?

Ms Meryl GOWING: Um ... we've got them on a CD. [Laughs]

Mr WOOD: No, the reason I ask is because if they're on a file, digital photographs leave a date on the file, so if I take a picture tomorrow, their files will show the date on which I took the picture and the time.

Ms SCRYMGOUR: Can we subpoena them then?

Ms Meryl GOWING: I don't know. I don't know.

Mr WOOD: Okay, thanks.

Mr ELFERINK: Well, the disk should have been provided.

Ms SCRYMGOUR: That's really important.

Ms Meryl GOWING: I have a disk of photographs but I believe it was photographs copied to a disk to be able to be provided to me.

Mr WOOD: There still should be a ...

Ms PURICK: There'll be a date.

Mr WOOD: Yep.

Ms SCRYMGOUR: But even if you copied them you transferred that file onto another disk you should be able to get the ...

Mr ELFERINK: From an evidentiary point of view, Gerry, that's fine but the truth is that if you present a ... tender a photograph in evidence, then there has to be some evidence around that photograph to give it any real weight, and that's normally a human being saying, yep, I took that photograph on that day and I remember taking it.

Mr WOOD: Yep. There can be a failure in the system too. If you don't actually program your camera to the date and the time, you can get any ... I've got photos that are the wrong year because I didn't put the year correctly in the ...

Mr ELFERINK: Which is why the human evidence is always required.

CHAIR: Kezia.

Ms PURICK: Hello, thanks Meryl. I probably just want to talk a bit about the Department, and I've had a look at the structure here how it fits. How do you, or how did you feel that the Animal Welfare Branch was viewed generally by the Department? In other words, were you considered to be a very important component of the Department or you were the poor cousin?

Ms Meryl GOWING: I know the history of the animal welfare unit because I worked in Local Government before that. I know how it ended up in water safety and not in local government. I think it certainly wasn't the highest priority but there were an awful lot of other priorities like SIHIP and other things that were occurring at the present time, and I think while we were able to manage what we were doing, then in some ways it was ...

Ms PURICK: Out of sight, out of mind.

Ms Meryl GOWING: It was out of sight, out of mind, as such. I'm very pleased to see it getting a new prominence and I think ...

Ms PURICK: That's good.

Ms Meryl GOWING: It is good.

Ms PURICK: So in that vein, I guess, memorandum of understanding aside, what was the relationships like between say Animal Welfare Branch and the Department of Resources or the primary industry, stock inspector people? Was it good, bad?

Ms Meryl GOWING: I think it was good. I do think it was good, I still consider I have a very good relationship with Sue Fitzpatrick, I felt like we can talk and didn't have an awful lot to do with the next level up as such. The unnamed officer had the relationships with the inspectors and the officers that were there. I actually considered that we had a very good relationship which is why it was just a bit of a surprise that we came in so late. I think ... well, we ...

Ms PURICK: Maybe they were trying to handle it and manage it themselves, perhaps. In regards to ... because part of the work of this Committee it to look at the animal welfare governance going forward, and given that animal welfare generally is about cats and dogs and budgies because that's predominantly what's in our urban community. Oh, and chickens, poultry.

Ms SCRYMGOUR: Then there's big issues with dogs in remote communities.

Ms PURICK: That's true, that's true, with that side too. I guess what I'm trying to find out is in your ... and I've got my particular views, but given that this was and is a big issue and it's probably going to stay with us for quite some time, the legacy, do we need to separate out completely and maybe even be thinking of new legislation such as you've got your legislation that governs companion animals, perhaps dogs, poultry, wherever they may be under Local Government, and there be some other animal welfare governance specifically farming, commercial production which is your primary industries on the land, possibly is commercial seafood, this horses, it's the crocodile industry, all those large livestock by definition. Do you think there's – and I'm not one to advocate more legislation – but is there a deficiency in the legislation as it is now that this has only come the way it's come but we perhaps need something completely different when it comes to animal welfare governance in the Territory going forward? Does that make sense?

Ms Meryl GOWING: Yes. There's a lot happening on the national agenda, and if that moves forward, the Northern Territory Government through the Minister for Primary Industries has committed to implementing that. It's the Australian Animal Welfare Strategy National Consistency Project ...

Ms PURICK: That's the one that Dr Brian Radunz is involved with. Correct?

Ms Meryl GOWING: I attended various meetings in that regard, I attended with Sue Fitzpatrick, I never attended with Dr Radunz. There's a lot going on, they're looking at ... Previously they were codes of practice for various animal categories, they are looking at turning those into standards, they will become mandatory standards, not voluntary as a code of practice is. Depending on how fast that progresses at the national level the Northern Territory will catch up, and in the review of the Animal Welfare Act that was occurring prior to my leaving the Department, there was ... the capacity to do that was being incorporated in that legislation for the future.

There will be standards for dogs, there will be standards for livestock transport, that was the first one, there will be standards for chickens, all that type of thing. They're looking at standards for something ... I won't give you the figure because it will be wrong but many, many, sort of 30, 40 different categories of animals and categories of treatment of animals including rats and mice at universities and things like this.

Ms SCRYMGOUR: And we know what happens when the Commonwealth gets hold of model standards and implementation.

Ms PURICK: Yeah, exactly.

Ms Meryl GOWING: Well, it's been committed to by every state and territory that once they're developed they will be basically incorporated into our legislation and they will become mandatory. The issue then becomes how do we manage the compliance. Some of these things relate to abattoirs, some of these things relate to sale yards. We need the people there to be able to monitor and make sure that the standards are applied and that they're not just ...

Ms PURICK: Mmm, it's a bit of a worry.

Mr WOOD: I did a visit to Mataranka last year, through the University, the University invited me down. One of the concerns that they were saying that the cattle that had to be put down would have to be anaesthetised instead of being shot, and that was the concern, you know, from a practical point of view. So was that one of the things that you're talking about under the national program?

Ms Meryl GOWING: Not necessarily, and I know that at the meetings I went to then I argued that there really had to be regional flexibility. There was some talk about various things that veterinarians had to do, it wasn't the anaesthetising, it was castrating cattle between a certain age and that a vet would be required to do this and my argument to the committee was that that might be very well in New South Wales, Victoria, but if you're down in Central Australia somewhere and the vet is hundreds of thousands of miles away ...

Ms SCRYMGOUR: It's a bit like all the tail docking stuff.

Ms PURICK: Yeah, let's not go there.

Ms Meryl GOWING: So South Australia, Tasmania and the Northern Territory have argued that there had to be an allowance for regional variations but I don't know how far or whether that has actually gone forward. I think there are some really

marvellous things happening at the national level, I think they're occurring very, very slowly and I think that if they, or when they come to the Northern Territory, we will see a remarkable change in some of the things that need to be changed.

Ms PURICK: Best keep a watching brief on that. Just a couple of quick more questions, Madam Chairman. This animal welfare hotline that exists, is that a recent initiative or has it been around for years?

Ms Meryl GOWING: It's been around for years and years and years and years and years.

Ms PURICK: Okay. What does the Department have internally that the person who answers the hotline and takes all the information, what support mechanisms does the Department have or not have if they get these crazy animal liberationists ringing up and threatening them, being abusive? I mean, how does the person who takes the call and is obviously distressed or doesn't know what to do, what support mechanisms do you have in the Department, or did you have to help people who answer the phone?

Ms Meryl GOWING: We didn't really get activists as such, but you can imagine that being an animal welfare inspector is a very emotionally challenging job and it's only certain people, I think, would be able to cope with that. I've had my two officers in my office in tears about various situations and while we know all the, you know, sort of EAS counselling services and whatever, what we did internally was very much debriefing on, you know, sort of emotional debriefing as such, we had standard sessions where we talked things through ourselves, it was a very, very supportive unit. Technically there's the counselling service ...

Ms PURICK: Informal or is it formal? Like, within St John Ambulance, for example, there's a very structured debriefing type of process and procedure. Did you have something formal or was it more your management that said I need to do this for my staff?

Ms Meryl GOWING: Both, right. I care a great deal about my staff. I had discussed with our HR area, finding somebody in the EAS, which is the counselling service, that could be briefed fully about the environment in which my staff worked so that they would have somebody that they could connect to personally instead of a different person every single time, and that this person would be available. I do have to say I have the same views for my water safety people at the time because they potentially have difficult situations as well, and I wanted them to have a particular contact that they could go to and feel an affinity to. Now that was formal, but internally, I was incredibly lucky to have a great group of staff, and they were very, very supportive of each other and there were truly some appalling situations that would tax the strongest people in animal welfare in the Territory.

Ms PURICK: Just a quick couple. Following on from ... I know, I always say that, don't I?

CHAIR: Just one more question.

Ms PURICK: Since the Mataranka cattle incident came to the attention of animal welfare and everything that's gone before you, before us, did any of your staff take leave, sick leave, emotional leave, stress leave? Did you have any Workers' Comp claims?

Ms Meryl GOWING: No.

Ms PURICK: Did they take sick or stress leave? As a result that you believe because of this?

Ms Meryl GOWING: No. I don't think so. There was some sick leave taken but it wasn't in relation to Mataranka.

Ms PURICK: Okay, alright, I'll leave it at that.

Mr WOOD: You said a couple, that was one.

Ms PURICK: I was going to ask another one but ...

Mr WOOD: Go on, you can.

Ms PURICK: Alright, well, and don't answer it if you feel it's an inappropriate question, but do you feel or did you feel at any stage that you had pressure from the powers that be, whoever they may be, to protect the Government or the CDU? I'm not saying don't do prosecution ...

Ms Meryl GOWING: No. I hoped that I made that clear before. I never felt any pressure not to proceed the way that I thought that it should proceed, and as I said, when I was talking with the Ombudsman I went back and said, I have said ... I have said that if we get the evidence and we can obtain the evidence through the Ombudsman's Report we will prosecute, and I was never, ever, it was never suggested that we didn't do it. So I don't believe that that was the case at any time.

Ms PURICK: Okay, thank you.

Mr ELFERINK: I have a couple of follow questions on that.

CHAIR: Follow up questions on that subject.

Mr ELFERINK: The 3rd of June briefing note that you provided to Ken Davies ultimately a large slice of your briefing note ended up in the Ministerial ...

Ms Meryl GOWING: Yes.

Mr ELFERINK: ... particularly in relation to, and I'll quote from it: "There would be ramifications not specific to this agency if CDU is prosecuted and convicted. These include a possible embarrassment to the Territory Government if prosecution is forced, reduced confidence in the NT primary production process, reluctance of primary producers to work with Government primary industry officers, the Animal Welfare Authority would need to consider the suspension or cancellation of CDU's license to teach or undertake research involving animals which would impact on students' degrees. CDU's national and international reputation would be affected, perhaps deterring potential students and the reaction of animal activist groups". You then go on to observe: "There will also be criticism if CDU is not prosecuted and students may form the view that this type of situation is acceptable animal management practice".

Specifically in relation to the reasons why you wouldn't proceed, you know, embarrassment to Government, reduced confidence, those sort of things, why did they manifest themselves as considerations when *the Act* pretty much strictly keeps

you within the realms of is there animal cruelty or isn't there? Why were those considerations more important?

Ms Meryl GOWING: Perhaps I wrote that badly, I like the final line. It's simply a way we do our briefs as such in that you identify everything that you would need to do some risk management around, so it was basically saying, okay, if this happens, this is what you're going to have to ...

Mr ELFERINK: These are the things you've got to think about.

Ms Meryl GOWING: These are the things you've got to think about and that's just an analysis and a risk management ...

Mr ELFERINK: And you made the recommendation to that.

Ms Meryl GOWING: To what?

Mr ELFERINK: You made a recommendation if you feel fit in certain circumstances, to that sort of brief?

Ms Meryl GOWING: Not generally.

Mr ELFERINK: Not generally, okay. So what essentially the brief does is then says to your upline, in this case Ken Davies, these are the things you have to consider, it's over to you.

Ms Meryl GOWING: Mmm.

Mr ELFERINK: Okay, that's fine, that's as far as I can take that line of questioning with you.

Ms Meryl GOWING: And please look at that last line and see ...

Mr ELFERINK: I was careful to add it.

Ms Meryl GOWING: ... what it is, yes, because that is a really big concern that people don't start to think that what happened is normal and acceptable.

Mr ELFERINK: No, no, it's the nature of what this document is and tries to do is what I'm trying to determine. So ultimately, you say, look, this is what's happened, these are the things you've got to think about, there are upsides and downsides, over to you. So what you're essentially saying is that okay, this is what's happened, these are the things I want you to think about. In essence, what that implies is that the person then reading the document is the person who then ultimately makes the choice or passes the choice further upline?

Ms Meryl GOWING: Yes.

Mr ELFERINK: Okay, thank you. That's all I need.

Mr WOOD: Thank you, and that's the way I read that, because it has to be read in context to the whole paragraph because the heading is considerations, that's all it is.

Mr ELFERINK: Yeah, that's right, that's what I'm saying, it's ...

Mr WOOD: This might be an opinion so you don't need to answer it, please don't feel you have to. My concern when we've had a few days of hearings is that there was an email from Brian Heim to the University on the 7th of September which talked about that there was no wilful neglect in regards to the cattle, this was on the 7th of September after the DoR people had met.

Then around about the 26th of September, of course, there was another email to Brain Radunz and Sue Fitzpatrick which basically came from Brian Heim asking that they didn't want John Eccles to attend anymore inspections. And then you've written in your ... that memorandum on the 3rd of June, "DoR further advised that the first of their officers to visit the station to investigate over-reacted to the situation and there was a great deal of gossip, innuendo, varying opinions and old photographs being exchanged amongst those involved".

Did you perhaps get any impression that the University and perhaps DoR were a little bit too close together in having an independent assessment of what was going on? In other words, was the University concerned that this could be, you know, especially after the second visit spoke about prosecution, that one department was more or less hinting that there was nothing wrong and the other department was thinking, well, you know, we need to protect the University so we'll just see how matters roll out, if they go according to their plan. Do you think there might have been some people sort of covering their trail to some extent?

Ms Meryl GOWING: I don't know. I really don't know.

Mr WOOD: No, that's alright. It's just that ... yeah, and from ... it's just that that's an area that seems to be a bit funny. The three reports came out, then they were all basically saying something should happen and from then on ...

Well, could I ask a question, and it might relate to what John asked before. Is it fair to also say that although there might have been something that could have been worthy of prosecution that your Department technically, if someone said yes, we realise there's a fault, then said, we are going to do the following to actually do it, you could have said, alright, you know, in other words, you've got the liberty to say, okay, you've been given notification by us that we're going to prosecute you but you've said in trade certain things to overcome that manner of neglect, you then may have the ability to say, okay, we're not going to prosecute as long as you keep doing this?

Ms Meryl GOWING: I don't think that we have that option. My personal and professional view, I don't think we have that option. I think that the improvements that were made would be something that the court would have to consider in determining a result for a penalty of whatever. If there's an offense and a serious offense that goes to prosecution then it's not up to us to say that it shouldn't be prosecuted and that that improvement come whatever might be something that mitigates or that the Magistrate would take into consideration. That's not what we should do but I know that is not quite the view of the Department of Resources who are very much into improvement and education as is their other role.

Mr WOOD: Is that because perhaps they deal with cattle stations in general and starvations and ... I'm not saying neglect, but it wouldn't be uncommon for cattle, and I've been out ... my daughter used to work on some cattle stations and I've seen some cattle that look fairly hungry but obviously they deal with these issues every dry season on some stations. So do you think that there's possibly a different philosophy to those people in your Department as distinct from people who work for DoR?

Ms Meryl GOWING: I think that even nationally there is a different way of viewing the pastoral industry to the domestic industry. I think they have ... our primary industry people have a very, very difficult line to walk where they have regard to animal welfare and they also have a responsibility to the pastoralists, the pastoral industry and whatever and I think they have a very, very difficult line to walk and I wouldn't like to have to make those decisions.

Mr WOOD: And do you think once you try and delineate a difference between a university run training establishment in relation to how one should treat animal versus, say, a big cattle station should, should there be no differentiation between whether animals are looked after any better on one than the other? Or would you expect one to be looked after a lot better simply because it's a training establishment?

Ms Meryl GOWING: Professionally I think that the standards have to be exactly the same and personally I would hope that a training facility would be absolutely top notch.

Mr WOOD: So you couldn't use the reverse that this was a commercial cattle station therefore, you know, we had problems running the station. That's not an excuse, you should have been able to run it properly?

Ms Meryl GOWING: No, that's not an excuse.

Mr WOOD: Okay.

Mr ELFERINK: The answer is that there's a difference between a cow and a Chihuahua but no difference between a cow and a cow.

Mr WOOD: Yeah, yeah. Because what ... and the reason I ask that because there's been some discussion, the station was ... there was an attempt to run it as a commercial establishment at the same time running a school and so there may have been some issues in relation to how the station was run overall.

Ms SCRYMGOUR: But we have got those stock inspectors and others coming back before us, Gerry, so those questions are probably put to them.

Mr WOOD: They probably are but I just needed to know whether you had any feel because we haven't been able to quite work out where that connection between an unnamed officer and the University came from and that's something ...

Ms Meryl GOWING: the unnamed officer?

Mr WOOD: Unnamed Officer ...

Ms Meryl GOWING: I don't ...

Mr WOOD: ... the AEC, sorry ...

Ms Meryl GOWING: Yeah, I don't think she has ...

Mr WOOD: It's in the chronology from the CDU.

Ms Meryl GOWING: Okay.

Mr WOOD: So we don't know either. Yeah. That's all the questions I have.

CHAIR: Kezia, no further questions?

Ms PURICK: No. no.

Mr ELFERINK: No further questions here, Madam Chair.

CHAIR: Meryl, look, on behalf of the Committee thank you very much for appearing before us today to give evidence, we appreciate it's been difficult, but we certainly appreciate you coming forward and providing as much information as you possibly could.

There will be a transcript of this morning made available to you to check and then when that is completed and signed off it will be made available on our website.

Mr WOOD: Thank you for coming.

END OF TRANSCRIPT