



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

COUNCIL OF TERRITORY CO-OPERATION

SUB-COMMITTEE – ANIMAL WELFARE GOVERNANCE

TUESDAY 2ND OF AUGUST 2011

Public Hearing - Meeting No AWG08

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

Mr Toby Gorringe

Ms Sue Edwards

CHAIR: Okay, so I'm just going to officially declare open this evening's meeting. By way of introduction, my name is Lynne Walker, I'm the Member for Nhulunbuy and I am Chair of this Sub-Committee of the Council of Territory Co-operation looking into animal welfare governance matters at Mataranka Station.

To my left, Mr John Elferink. John is the Member for Port Darwin. To my right, Gerry Wood, the Member for Nelson in the Darwin outer area, and Kezia Purick, Member for Goyder also in the Darwin outer rural area. The Member for Arafura apologises that she isn't able to be here this evening.

So we are a Committee of the Northern Territory Parliament. We have been ... and I should have said, we're a Bipartisan Committee which means we have some shared support and interest in wanting to reach a certain point with this investigation.

I'd also like to openly apologise to people who felt that news of this meeting had not been communicated adequately to you. I'd like to thank Bidy for fixing that by bringing it to the attention of the Committee and in turn the media which was probably some of the best publicity that we could have got. I can only say that it was not intentional on the part of this Parliamentary Committee to try and let people think that we didn't really want you to know that we were here, because we really do need to hear from you, so it's very good for us and it's very good for your community in the outcome of this investigation that people are here this evening.

Can people at the back hear me? Okay. If this air conditioning gets too noisy, just sing out and we will shut it down.

Just by way of background around what's on the table here, I should introduce our Secretariat here; we have Helen Campbell who looks after us and ...

Secretary Ms Helen CAMPBELL: Robyn Appleby.

CHAIR: Robyn. Robyn is operating what's called the FTR, For The Record machine, so in front of us we've got these little microphones, so everything that is being said here is being recorded on this machine. When we get the full business underway in a few minutes, we'll actually call the two witnesses who are formally appearing this evening, and they are Toby and Sue, Sue and then Toby will come and sit here, and what they're saying is being recorded as well. So as a public meeting, everything that's being recorded here will eventually be posted on our website as are the transcripts from three other, three and a half other days of meetings that we've had in Darwin, and tomorrow we will be holding a public meeting in Katherine.

Just to remind people of what it is, the Terms of Reference are, within our investigation, so this matter was referred to the Council of Territory Co-operation for inquiry in May sittings on the 4th of May, and we are required to report to the Parliament the findings of our investigations. We'll make an interim report in August and then a final report in October.

There's two key elements to our investigation, what it is that we're looking at. (a) The appropriateness and effectiveness of the current Northern Territory Animal Welfare Act and regulations and other relevant legislation including provisions in regard to prosecution of instances of animal neglect and cruelty and arrangements for the governance of animal ethics committees.

And (b) we're also investigating ... will be reporting on the processes and systems adopted by the Department of Resources and its predecessors, the Department of Housing, Local Government and Regional Services and its predecessors, and the Charles Darwin University in relation to the recent investigations into animal welfare issues at the Charles Darwin University owned cattle station, namely Mataranka.

So we certainly understand that this has been a very tough time for your community, there are a lot of people who have been hurt by this, and what we would aim to get out of this investigation and our report is to see recommendations that we see changes to make sure that ultimately something like this could never happen again.

Once we've spoken with Sue followed by Toby the meeting will be then open for people to make comments, to ask questions. There may well be questions from Members of the Committee that they would like to ask the people of the community, so we just really encourage people to be forthcoming and encourage you to share your story and indeed ask questions of us if that's what you'd like to do.

By way of process, I am actually required to read a statement here, so if you would just bear with me. Having officially welcomed you here, I would like to welcome Sue Edwards and Toby Gorringer who have agreed to appear before the Committee this evening to provide evidence.

Although the Committee does not require witnesses to give evidence under oath, these hearings are all proceedings of the Parliament and consequently they warrant the same respect as proceedings of the House of Parliament 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 a private session, in which case it doesn't become public - it's regarded as confidential, and if you wish to do that you need to advise the Committee before you commence your answer.

As I explained earlier, today's proceedings are being electronically recorded, and witnesses will be asked to state their full name and their position before commencing to give their evidence. And 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 the evidence that they're providing.

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 290 reads, and I quote: "Protection of witnesses - 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 the 20th of August 1992 and that resolution deals with guidelines for witnesses appearing before committees and will be provided to you by Helen if you need to have a look at it this evening.

So that probably covers the official side of things. I want a brief word with my Committee colleagues here and ask Sue and Toby to come up and sit with me. So Sue Edwards, if we could ask you to come up to the table that would be really good. I think we're just going to work through in a chronological order, so Sue, you just need to state your full name.

Ms EDWARDS: Susanne Marilyn Edwards.

CHAIR: And you have the opportunity if you wish to make a statement first, or we could go straight to Members of the Committee asking you questions.

Ms EDWARDS: Well, obviously you've read the report, so we might just as well go straight to the questions, I think.

Mr ELFERINK: All right, well, you're looking at me. Sue, thank you very much for coming along this evening. My first question's probably just take us through your recollection of the events that you were involved in, and as best as you possibly can in chronological order. So basically how did it start, what happened, and what prompted you to do the things you did?

Ms EDWARDS: In the beginning, there was a new manager employed at Mataranka Station which was in May, and at first everything was nice and everything was fine, but then suddenly the cattle started going backwards. Now I'm not a cattle person but I can see when an animal's losing condition, and by probably July, end of July, it was getting very noticeable, and certainly by the end of August it was getting to be a worry.

I don't know who put the complaints in. I know a complaint went in to the DPI, I don't know who put that in. I know that Toby went and spoke to Brian Heim on the 28th of August, because we went down to the Adelaide Show, and when we came back we were told that the DPI had been to Mataranka Station and that that manager had been read his rights, and was told that he was going to be prosecuted.

Mr ELFERINK: And who is the manager we're referring to?

Ms EDWARDS: Ian Gray.

Mr ELFERINK: Okay, so what was your involvement at the cattle station?

Ms EDWARDS: I lived on the cattle station with Toby.

Mr ELFERINK: Okay, and what was your function on the cattle station?

Ms EDWARDS: I didn't actually have a function on the cattle station, I worked in town at the Mataranka Health Clinic, but I also used to do a bit of student mentoring, I'd just go down to make sure the students were all right, and sometimes did a bit of cooking as well.

Mr ELFERINK: So when you said you lived on it with Toby, you were referring to Toby Gorringer, for the record?

Ms EDWARDS: Yes, yes.

Mr ELFERINK: Okay. So if I understand it correctly what you saw was a gradual decline ...

Ms EDWARDS: Yes.

Mr ELFERINK: ... of the cattle, from what point?

Ms EDWARDS: Well, from the point that that new manager took over basically.

Mr ELFERINK: So from Mr Gray takes over, the cattle starts to decline?

Ms EDWARDS: Yes.

Mr ELFERINK: Did you ever have cause to speak to Mr Gray about this?

Ms EDWARDS: Well, no, I didn't. I didn't speak to him about it because I know other people had, I know Toby spoke to him about it, but he was not approachable, he wouldn't speak to anybody. At first, when he first came there, he was fine.

Mr ELFERINK: Okay.

Ms EDWARDS: But then suddenly I think Toby moved some cattle which he used to do anyway.

Mr ELFERINK: Toby was working on the station?

Ms EDWARDS: Yeah, well, Toby's a lecturer but we used to live on the station so he used to help with ... he'd do the bore run and we'd stay there if the farm manager was going away for the ... the farm hand was going away for the weekend.

Mr ELFERINK: So in the course of you living on the station with Toby, Toby would come home and have discussions with you about the things that were happening?

Ms EDWARDS: Yes, absolutely.

Mr ELFERINK: As well as what you actually saw ...

Ms EDWARDS: Yes.

Mr ELFERINK: ... in terms of the condition ...

Ms EDWARDS: Yes.

Mr ELFERINK: ... of the stock itself?

Ms EDWARDS: Yes.

Mr ELFERINK: When Toby came back and told you that he was unsatisfied with the response that he was getting, namely that Brian Heim wouldn't listen, what did you do or what was your response and thoughts about that?

Ms EDWARDS: I wrote an email. All the emails and letters that have been written, I wrote. So they were on Toby's behalf but we discussed them, we sat and wrote them together and I wrote all of them. All the emails and all the

correspondence, all the letters, I wrote. I worded them, we discussed it together, and then we went through them and when he was happy with them then I sent them.

Mr ELFERINK: Who did you send the emails to?

Ms EDWARDS: I sent an email ... I sent many emails backwards and forwards going to Brian Heim, to Tim Biggs, to Don Zoellner; when they wouldn't take any notice, I sent one to Don Zoellner, that's when we got a letter from Brian Heim two days later saying you've got to move off Mataranka Station.

Mr ELFERINK: Okay. Just if I'm ... jog my memory, the 11th of October 2009?

Ms EDWARDS: It would have been around then, yes.

Mr ELFERINK: What in your mind do you think was the reason for Toby and you being moved off the station.

Ms EDWARDS: Because Toby had the cheek to complain and because Toby wouldn't stop complaining, and we got a nasty email from Brian Heim pretty much saying, pull your head in. We got an email from him anyway, and then you get a letter from him saying you've got to move up there for training. Well, that training was never forthcoming. Toby is probably better than most of them on quad bikes and tractors and that was a good excuse.

Mr ELFERINK: All right. So on the 11th of October you got your marching orders basically.

Ms EDWARDS: Yep.

Mr ELFERINK: How long before you moved out?

Ms EDWARDS: We didn't move out until February, because it was me that dug my heels in, I said, "I'm not moving." I said, "They're doing this just because we are being, you know, because you're complaining."

Mr ELFERINK: What was Mr Gray's response to these complaints?

Ms EDWARDS: Mr Gray never spoke to us. Mr Gray's response was to walk in with his head down, come out of the house at tea time and maybe ... I don't know what he did, never saw him all day, and he didn't want any help. You couldn't offer to help and he wouldn't even talk to you. He was just totally unapproachable.

Mr ELFERINK: Okay. During this period, whilst you weren't employed on the cattle station, did you ever have cause to travel around the cattle station and look at the infrastructure in regards to the bores, the fences, those sorts of things?

Ms EDWARDS: I used to ... no, I used to go the dump, on a regular basis I'd go to the dump, then there weaners in Bottom Tom's paddock that couldn't stand up, they were laying down under trees dying and I'd come back in tears, and I'd go to that dump and there'd be bodies in the dump, just dead cattle.

Mr ELFERINK: How did they get to the dump?

Ms EDWARDS: Well, he would drag them with a tractor.

Mr ELFERINK: He'd drag them in, so you saw the ...

Ms EDWARDS: I've seen it happen, yeah.

Mr ELFERINK: In your estimation, do you ... and I'm asking you to guess here, would you be able to put a number on the amount of cattle that you saw had died as a result of what you considered to be poor treatment?

Ms EDWARDS: Personally, just myself, with not going around the whole station, I would have seen probably, oh, I would have had to have seen 50, 60 head dead.

Mr ELFERINK: Over what period of time?

Ms EDWARDS: Oh, about three months maybe, two months.

Mr ELFERINK: And were all of those cattle disposed at the dump or were there other cattle left in the paddocks?

Ms EDWARDS: No, well, a lot ... a few were left in the paddocks. I mean, I used to walk my dogs around there as well, and some were dead in the paddocks, and a lot of them were dragged to the dump, and then he'd push them in the dump and burn them, and then the weaners would be getting in the dump chewing on the bones because there wasn't any food there.

Mr ELFERINK: All right. Would you consider that the animals that were kept in the laneway and yards were not provided with appropriate food or water ...

Ms EDWARDS: Yes, I would.

Mr ELFERINK: ... for extended periods?

Ms EDWARDS: Yes.

Mr ELFERINK: How long were they kept to your knowledge in the laneway?

Ms EDWARDS: They were in the yards for about four months.

Mr ELFERINK: For about four months.

Ms EDWARDS: Yep.

Mr ELFERINK: I appreciate you're not an expert, but how long ... actually, I don't think I can ask you this question so I won't. But do you believe that by leaving the cattle in the laneway paddock for four months that those cattle were likely to have been caused unnecessary suffering?

Ms EDWARDS: Absolutely.

Mr ELFERINK: You referred earlier to a Mr John Eccles approaching Ian Gray at the cattle station. Were you witness to that exchange between the two gentlemen?

Ms EDWARDS: I wasn't.

Mr ELFERINK: How did you become aware of it?

Ms EDWARDS: Ah, Nicki told me.

Mr ELFERINK: Nicki, as in Nicki Walters?

Ms EDWARDS: Yes.

Mr ELFERINK: Okay. Did you have cause to speak to Ms Walters at any stage, obviously you did, I'll rephrase the question ...

Ms EDWARDS: I used to look after her little boy and she used to come to my house every night and pick him up.

Mr ELFERINK: Okay, so you spoke to her quite regularly. What was ... you would have discussed what was happening on the cattle station, is that correct? What was her experience and what was she telling you?

Ms EDWARDS: He had turned on her because he didn't like her having anything to do with Toby. He told her that pretty much straight out. He told her that he knew everybody to the top and his job was safe, which obviously he did. He changed the criteria for her job from a Cert II to a Cert III so that she couldn't get a job, and he told her your ... he kept telling her, "Your contract's up soon."

Mr ELFERINK: All right. And what was her response to that sort of thing?

Ms EDWARDS: Well, she was a mess. I mean, she was going out shooting six and seven cattle a day, and that would be hard on a man let alone a girl, and she used to come in to my place and ... [witness emotional].

Mr ELFERINK: Can we get a glass of water if you don't mind? I'm sorry ...

Ms EDWARDS: No, it's all right. I'm not ... and she just come in, and she'd say, "Suze, I can't do this anymore." And she'd say, "This is the best job I've ever had, I love my job, I want to stay here," but she said, "He's making it so hard." And the other thing is when he first came there too, he was texting her, she said, "I wish I'd kept those texts." He was texting her suggestive messages, he was trying to get on with her when he first got there, because she didn't ... well, she wasn't interested.

Mr ELFERINK: Sorry, texting her messages?

Ms EDWARDS: Yes. And I've seen them, she showed them to me, but she deleted ... and she said to me a long time afterwards, "I wish I'd not deleted those messages, I wish I'd kept them."

Mr ELFERINK: Were they ... yeah, all right.

Ms EDWARDS: Just personal things, you know.

Mr ELFERINK: Yeah, okay. All right. So what other things did she tell you?

Ms EDWARDS: There was an occasion when she went to, I think it was Yellow Waterhole paddock and the trough was empty. And she rang me at the clinic, I was at the clinic, and Toby was in a meeting in Darwin, and she rang me ... she came in, she didn't ring me, she came in, and she said, "Where's Toby?", and I said,

“He’s at a meeting in Darwin.” And she said, “Can you get hold of him?” And I said, “Yes.” She was desperate. She said that the trough at Yellow Waterhole’s empty, and he went over there and filled it up with a fire tank thing that they fight the fires with, and she said, “Can you get hold of Toby,” because she said, “I can’t get it running,” and she said, “I just pulled one cow out there.” So anyway, I said, “I’ll try”, and I rang and I got him out of the meeting and she spoke to him and he told her how to do it, what to do, where to go, what to dig up to get the water running again, which she did.

When she came back, and I was there when this happened, she came back and she went down the paddock when he was down near the yards and she went down there and told him, and he went off his face. And Grant Parker was there too, if you speak to Grant Parker, he’ll tell you too. He went nuts. “Don’t you ever ask Toby Gorringer for anything. Don’t you ever ask him for help.”

Mr ELFERINK: So this then prompted you to send emails to Heim, Zoellner, Suter?

Ms EDWARDS: Yep.

Mr ELFERINK: You were unsatisfied with the responses from those gentlemen.

Ms EDWARDS: Yep.

Mr ELFERINK: Did you then go in to email contact with anybody else, if so, who?

Ms EDWARDS: I emailed everybody I could think ... that I could find on the website, the government, emailed ... well, just everybody that I could find, I emailed all the addresses I could find on the government. I emailed Roper Gulf. I’m just trying to think, yeah, that was before, that was before I’d phoned the Ombudsman.

Mr ELFERINK: So you’ve emailed the Members of Parliament?

Ms EDWARDS: Yes, and honestly, there was so many of them I just went yeah, that one, that one and did everybody.

Mr ELFERINK: Okay. So you emailed the Members of Parliament.

Ms EDWARDS: Yep.

Mr ELFERINK: You then would have gotten a response from the Government?

Ms EDWARDS: No. I got a response from Willem and I got a response from ... who’s got the office on the way in to ... Scullion, is it? Who’s got the office on the way in to Darwin, on the right hand side?

Ms PURICK: Snowden.

Ms EDWARDS: That one.

Mr ELFERINK: Okay.

Ms EDWARDS: Yeah. Then that one was six months later which said, “Oh, sorry we’ve been ... ” ... after I’d been to the Ombudsman, and it was, “Oh, sorry that we haven’t been in touch before but we’ve had change of staff”, and all the rest of it, and I just wrote back and said, “All little too late for the cattle. Ombudsman’s dealing with it, thank you,” and that was it.

Mr ELFERINK: So you received replies. Did you receive a reply at any stage from the Northern Territory Government or one of their Ministers?

Ms EDWARDS: No.

Mr ELFERINK: Okay. So that then prompted you to go to the Ombudsman.

Ms EDWARDS: Mmm.

Mr ELFERINK: ... and that’s how this investigation as far as your aware started? Have you read the Ombudsman’s Report?

Ms EDWARDS: Yes I have.

Mr ELFERINK: Do you believe that it’s an accurate representation of what occurred ...

Ms EDWARDS: I do.

Mr ELFERINK: ... at the cattle station?

Ms EDWARDS: Yes, I do. I think she’s done a good job.

Mr ELFERINK: Were you also aware of a report called the Stockwell Report?

Ms EDWARDS: Mmm hmm. I’ve read that too.

Mr ELFERINK: The Stockwell Report was handed down or handed to the Charles Darwin University Animal Ethics Committee on the 10th of November 2009.

Ms EDWARDS: Mmm hmm.

Mr ELFERINK: That was pretty much at about the time that this whole thing exploded, wasn’t it?

Ms EDWARDS: Mmm.

Mr ELFERINK: I’m going to hold over my further questions on Stockwell Report to Toby, because Toby’s actually the Complainant in this report. Okay. Have had you cause to visit the cattle station since that time?

Ms EDWARDS: No. Oh, we went once, we went back I think to drop something off.

Mr ELFERINK: When was that, do you recall?

Ms EDWARDS: 2010 some time.

Mr ELFERINK: 2010. By that stage, Mr Gray had moved on or was he still there?

Ms EDWARDS: No, he was still there, I think.

Mr ELFERINK: Did you have cause to speak to Mr Gray at that point?

Ms EDWARDS: Didn't see him.

Mr ELFERINK: Okay.

Ms EDWARDS: It was in the day time. I think he only came out at night.

Mr ELFERINK: All right. I have no further questions at this point, Madam Chair.

CHAIR: Thanks, John. Gerry?

Mr WOOD: Hi, Sue. Thanks for coming. John has asked most my questions anyway but I've just got a few. That original email you sent out had some photographs with it.

Ms EDWARDS: Yep.

Mr WOOD: Who took those photographs?

Ms EDWARDS: Toby took most of them. Toby, Nicki. I don't know ...

Mr ELFERINK: That's all right. I'll talk to Toby in a second, Sue. I'll have a chat to Toby in a second, Sue.

Mr WOOD: Yeah, I mean, I suppose I can follow up the questions about the photographs with Toby, so, yeah. Do you know if your email went to the Animal Welfare Branch?

Ms EDWARDS: My email went to the Animal Welfare Branch, my email went to DPI, my email went to RSPCA Melbourne and Canberra, and I'll never ever give to them again. I told them that.

Mr WOOD: I'm not we've seen a copy of an email going to the Animal Welfare Branch.

Ms EDWARDS: Oh, hang on, no. The RSPCA, I'm sorry, the RSPCA I phoned.

Mr WOOD: They did, yeah, right.

Ms EDWARDS: Yep, yep.

Mr WOOD: Right. And they're a voluntary group whereas the Animal Welfare Branches their government's arm of ...

Ms EDWARDS: But then the ones in Darwin, I emailed them, Animal Welfare I think it was, that sort of email, because that's where I sent them in the first place.

Ms PURICK: Did you get a reply saying I acknowledge receipt of your email

Ms EDWARDS: Yeah, I'm sure, but I think she rang me. I think she rang me.

Mr WOOD: I'm not sure I've seen an email of that. I'm just wondering, have you kept any emails by any chance?

Ms EDWARDS: I have got some, but whether or not ... see, a lot of them would have been on Toby's CDU one as well.

Mr WOOD: Because one of the issues that we've got is that the Animal Welfare Branch appear not to have been notified ...

Ms EDWARDS: They were.

Mr WOOD: ... about what the Department of Resources had recommended, and ...

Ms EDWARDS: Okay.

Mr WOOD: ... what I was trying to find out if you'd sent an email to them before all this happened, what was their response, so ...

Ms EDWARDS: They passed the buck, if I remember. I can't remember whether I ... I'm sure I emailed them. I'm sure ... I spoke to them on the phone, and I'm pretty sure, I'm not 100% sure, but I'm sure I spoke to them on the phone and then I think they told me to email because I said I've got photographs and I think they said email them. I could be wrong. That could have been RSPCA in Darwin, I'm not sure.

Mr WOOD: Are you able to at least check and see ...

Ms EDWARDS: I'll have a look. I will, yes.

Mr WOOD: ... and if possible, are you able to contact the CTC ...

Ms EDWARDS: Yep.

Mr WOOD: ... if you've got a copy still?

Ms EDWARDS: Yep.

Mr WOOD: Otherwise we can take it back to the Animal Welfare Branch and see if they've received something.

Ms EDWARDS: Yep.

Mr WOOD: But it's fairly important from a chronological point of view is to when the Animal Welfare Branch actually found out that there was cruelty.

Ms EDWARDS: Yeah.

Mr WOOD: So could you do that, please?

Ms EDWARDS: All right. I'll try. I don't know whether ...

Mr WOOD: I don't whether I need to put that as a formal question. Is that okay?

CHAIR: And we'll talk with you about contact details.

Ms EDWARDS: Yes.

CHAIR: ...and to have things in hard copy would be very supportive.

Mr WOOD: Look I think, yeah, as I said, John's asked most the questions there so that I'm happy to leave it at that.

Ms EDWARDS: Well, I'm fine

Mr ELFERINK: Madam Chair, clearly Sue was the conduit by which Toby was able to ask a few questions. I think the next set of questions have to go to Toby.

CHAIR: Sure.

Mr ELFERINK: Thank you, Sue.

Ms EDWARDS: No worries. Thanks, John.

Mr ELFERINK: Sorry if we caused you such distress.

Ms EDWARDS: No, no that's all right, it's okay. I'm right. I'm sorry I got upset.

Mr ELFERINK: No, no.

CHAIR: Toby, if you'd like to come forward. And Toby, just for the record machine, if you could just state your full name.

Mr GORRINGE: Yeah, I'm Toby David Gorringe.

CHAIR: And, Toby, is there an opening statement that you would like to make to us, and would you be happy to head straight into questions and answers?

Mr GORRINGE: There's a couple of things I'd like to note. Where is this going? We can't charge CDU because of the sale of the timeframe. Why are we still worried about the cattle, they're all right now. They've got two blokes over here are doing a good job.

Mr ELFERINK: They are.

Mr GORRINGE: So why are we still worrying about stuff that we can't fix?

Mr ELFERINK: The reason that we're doing this is because even according to the Minister herself today, this has been a monumental stuff up.

Mr GORRINGE: Yeah, that's for sure.

Mr ELFERINK: Absolutely. The reason that we examine this is that so we can produce a report. Hopefully, that will be used across the whole of government, not just for animal welfare inspectors, but it could be health inspectors, port inspectors, whatever, to assist government to not make another monumental stuff up where property is lost, where people are injured or even lives are at risk.

The reason that we go through this in such a meticulous fashion is so that we can make certain that we are satisfied with everything's that happened. We can't prosecute, nor can Government prosecute the CDU.

Mr GORRINGE: Yeah, I know, and that's why I think it's a waste of time talking about the cattle dying. It's done, they're all dead.

Mr ELFERINK: That's right.

Mr GORRINGE: You can't bring them back.

Mr ELFERINK: For the sake of thoroughness, we have to go and be thorough, and that's the reason that we want to ask these questions.

CHAIR: And because, Toby, I think community expect it ...

Ms PURICK: Yes.

CHAIR: ... that people want to be able to do have their say.

Mr GORRINGE: Well, didn't the Ombudsman do a good enough job on all that?

CHAIR: She did a very thorough and a very forensic investigation.

Mr GORRINGE: Because a lot of these questions I've answered them that many times, and I'm over it.

CHAIR: I know, and I appreciate that, and we've had similar feedback from other witnesses, but basically the power of this Parliamentary Committee has allowed us to summons witnesses which perhaps the Ombudsman couldn't reach. It has allowed us to, I know, go over and double-check and cross-check information.

It's also brought out new information, because there is so many factors in this case that whilst the Ombudsman had done an incredible effort in preparing her report, we're taking it a step further. We're joining some dots here which previously haven't been joined, and I think it's important that community has an expectation; government has a responsibility to make sure that this won't happen again. You're quite right, it won't bring cattle back, but we need to do this all the same.

Ms PURICK: Toby, if I could just ... I know, I mean, I don't know, I have a family member involved in this, as you well know, and so I declare that up front because if you think I ask wrong questions, well, let me know and I'll withdraw them. We know why the cows died; they didn't have enough food and water, bottom line, all right. That we do know. What I'm trying to get out from working with this Committee is what went wrong within ...

Mr GORRINGE: That's what I want to focus on.

Ms PURICK: Well, that's what my focus is. We know why the cows died, that's a given, all right. We know ...

Mr GORRINGE: And we know we can't charge the CDU, they're finished.

Ms PURICK: ... but ...

Mr GORRINGE: Forget about it.

Ms PURICK: ... we're looking at animal governance, we're looking at where did the systems fail

Mr GORRINGE: I can tell you where it's failed.

Ms PURICK: Wait, wait, wait let me finish, let me finish, all right, no disrespect. Where did the systems fail across the government? Where did they fail within the University? Where did it not work, because it's not always a failure, where it did not work from the University to the Government? What was the role of the Animal Ethics Committee? Was that equipped properly? Animal Welfare, we're hearing from witnesses, wasn't resourced properly. Why didn't the Resources Department talk to Primary Industries? Why didn't the Katherine campus of the CDU talk to the station? Why didn't they talk to head office? Why was there the mob at Charles Darwin University, the asset finance accounting people, the main bosses, looking after a cattle station? Shouldn't it have been somewhere over here?

So it's all of that plus we want to make sure, if you think back to an accident say on a mine site or on a road and how people investigate it to ensure what went wrong, what contributed to the problem, what do we need to do, what do we need to change such that it never happens again? That's what we're trying to find out. And that's what I'm trying to work out, so ...

Mr GORRINGE: John Eccles went in there and read his rights to Ian Gray. He took his report back to his bosses at DPI at Katherine and they told him not to charge CDU. That's where the rot started.

Mr ELFERINK: That's right.

Ms PURICK: Systems failure.

Mr GORRINGE: So that's what we've got to focus on.

Mr ELFERINK: That's why we're here.

Mr GORRINGE: We've got to start focusing on the stuff we can fix. We can't fix the other stuff ...

Ms PURICK: That's right.

Mr GORRINGE: ... so why waste your time ...

Ms PURICK: ... that's right.

Mr GORRINGE: ... mucking around trying to charge CDU? You can't do it no more, they're finished, so forget about it.

Ms PURICK: It's getting ... I mean, it might be the legislation's deficient. I mean, it might be that instead of having a 12 month period for charging someone with animal cruelty, it's a two year period or three year period.

Mr GORRINGE: It should be five. It takes you two years to do anything.

Ms PURICK: Could be. That's ...

Mr GORRINGE: Make it five. This happened two years ago and you guys are just getting ready now.

Ms PURICK: Mmm.

Mr GORRINGE: So forget about two years. It seemed to take you two years to do anything, so make it five. But we've got to get back to the point is the system broke down. When John Eccles went back and wanted to charge CDU and Ian Gray with animal cruelty and his bosses wouldn't let him.

Mr ELFERINK: That's right.

Mr GORRINGE: It's as simple as that.

Mr ELFERINK: In fact I'll quote for you, Mr Gorringer, Mr Eccles, and this is also for the room if people are interested. This is Mr Eccles on the 5th of September 2009. Quote:

"Considering what has been observed at the station I am going to recommend that under the *Animal Welfare Act* that the manager, Mr Ian Gray, the supervising officer, Mr Ken Suter, be held accountable. Pursuant to Section 67 Subsection 1 of this *Act*, both Mr Wait and myself believe that there are reasonable grounds that:

- (a) The animals held in the laneway and the yards have not been provided with appropriate food or water for an extended period up to the 5th September 2009. And treating the animals in such a manner is likely to cause their suffering."

That's the report Mr Eccles made.

Mr GORRINGE: It was ignored.

Mr ELFERINK: It got killed, you're exactly right.

Mr GORRINGE: Yeah, why?

Mr ELFERINK: That's what we're asking.

Mr GORRINGE: That's what we've got to focus on. We spend all the energy and time wasted on other stuff, not worth it.

Mr ELFERINK: And that's what we're trying to endeavour. What I want to make sure is that the next Toby Gorringer, when he makes a complaint or when the next John Eccles turns up ...

Mr GORRINGE: Does his job.

Mr ELFERINK: ... somebody else in government and inspect ...

Mr GORRINGE: He only went and done his job. That's all I was doing was doing my job.

Mr ELFERINK: That's right. What I ...

Mr GORRINGE: But the rest didn't do their job.

Mr ELFERINK: What I want to make sure is that a report like that doesn't get buried again, and that's what this is about. To do that we have to ask questions that you've answered before. But the people at this table have the capacity to change the law, not the Ombudsman.

Mr GORRINGE: No, I know that. The Ombudsman only recommends.

Mr ELFERINK: That's right.

Mr GORRINGE: Nothing happens until youse change it.

Mr ELFERINK: The people at this table can change the laws.

Mr GORRINGE: Oh, that's good.

Mr ELFERINK: So that's why we're asking.

Mr GORRINGE: And two years is not enough because you can only go along with this and people stall, stall, stall, there's your two years gone. Make it five.

Mr ELFERINK: It might well be the case. There was a report in 2007 where a government was told to change some of these things because there were problems coming down the pipeline. That report was shelved, but we want to make sure it doesn't happen again.

Mr GORRINGE: That's good.

Mr ELFERINK: So appreciate your anger, because your anger is well justified. Frankly, so I am annoyed, but I want to make sure that I fix this and so do my colleagues here at the table. So whilst I appreciate your anger, we still have to establish what exactly happened and we have to ask you the same old boring questions again and again, I'm sorry.

Mr GORRINGE: I've got go through them all again, have I?

Mr ELFERINK: Well, you don't have to, I mean, you don't have to answer any questions.

Mr GORRINGE: Whatever's said and answered this, it's what I would have answered anyhow.

Mr ELFERINK: All right. Well ...

MR GORRINGE: But you can ask me, I'll go through them.

Mr ELFERINK: All right. Thank you for your patience, Mr Gorringe. In fact, to save us asking a whole bunch of questions, why don't you tell us from the start to finish what happened, and what your experiences were?

Mr GORRINGE: Well, I could see the decline in the cattle and they were starting to die. I told Brian Heim, my boss. Well, Tim Biggs was my boss but there was a case similar to that a couple of years before that and he said, "I don't want to know about it," so I just went straight to Brian Heim. And then he said, "Well, I'll be taking over that job from Ken Suter within a few weeks so I'll sort it out then." And I said, "That's fine," because at that time I had a very good working relationship with Brian Heim and I thought everything would be okay. But it didn't happen and the cattle kept dying one after another, day after day, and we kept seeing it. And then Sue emailed Don Zolanger, I think his name was.

Mr ELFERINK: Don Zoellner.

Mr GORRINGE: Zoellner. And then things went wrong then because Don seen Brian and Brian give me that nasty email that you would have seen in the Ombudsman's report.

Mr ELFERINK: Mmm hmm.

Mr GORRINGE: But Janis Shaw reckons that's not bullying, I don't know what you think. Do you think it's bullying?

Mr ELFERINK: It depends on what the basis is.

Mr GORRINGE: But you know, you know the truth now, but that wasn't bullying according to Janis Shaw, which is the HR lady for CDU. I had Brian on a bullying charge but that all just got swept under the carpet. That's the CDU culture; if they can't fix something just sweep it under the carpet, and if that don't work, just ignore it and it'll go away. That's how they operate.

Mr WOOD: Can I ask question? Because there was this report done by Walter Bellin, Chairman and CEO of Corporate Crossroads.

Mr GORRINGE: Yeah, I don't know, never heard of him.

Mr WOOD: Well, they did a report and investigation on claims of bullying within Katherine Rural Campus, Charles Darwin University and recommendations. You haven't seen that?

Mr GORRINGE: Never heard of it.

Mr WOOD: Because that report says and I'm not backing this up, I'm just saying here's a report that talks about reverse ... under the heading Reverse Bullying in KRC and he makes a conclusion, "From the above discussion it appears there has been a kind of reverse bullying going on within KRC. So far this only involves three people: Grant Parker, Toby Gorringe and one lecturer but it bothers other staff to see them getting away with it and contributes to low morale within KRC." You've never seen this report?

Mr GORRINGE: Never heard of it. It's all new to me.

Mr WOOD: This report was done ...

CHAIR: It's just recently been summonsed, is that correct, or is ...

Mr ELFERINK: Yeah, you squeezed out of the ...

Mr WOOD: So you've never seen ...

Mr GORRINGE: Never heard of it.

Ms CAMPBELL: We've included it in the documents that we summonsed from the Ombudsman's office, it's the second attachment and we got another copy recently from the University.

CHAIR: So our investigations certainly delve quite deep into the many factors that have contributed to this, Toby.

Mr WOOD: Yeah, I'll just give the first line, it says, "On February 25th 2010 I was contacted by Dr Janis Shaw, General Manager, People Management and Development at Charles Darwin University ..." and I'd better go on there, "She requested my services in undertaking an investigation in to bullying accusations made against two managers at the Katherine Rural Campus, Mr Ian Gray and Dr Brian Heim, and as part of the terms of reference as I was also asked to look in to the state of the KRC culture and made recommendations about steps that can be taken to improve the culture." So you haven't seen this at all?

Mr GORRINGE: Never heard of it.

CHAIR: That's no three times, I don't think he's seen it. [Laughs]

Mr GORRINGE: Never heard of it. Didn't even know about it.

Mr WOOD: Thanks, Lynne.

Mr FULLBROOK: When was the date of the report?

Ms PURICK: Recent.

Mr WOOD: Well, see if we can find a date at the end of it.

Ms PURICK: 2010, I think it was early 2010 from memory.

Mr WOOD: Yeah, it was written ... the request was on February 2010 but the date it was completed ...

Ms PURICK: It's not dated.

Mr WOOD: ... it doesn't have a date.

Ms PURICK: So it'd be the first quarter of 2010.

Mr WOOD: I must admit I only read it for the first time today, so, all right.

CHAIR: Further questions?

Mr WOOD: I just need to probably get a few things clear in my head. The station was both a commercial ... has to be a commercial operating station and a training college, did that cause some conflict at all?

Mr GORRINGE: It did when you had the wrong manager, yeah, because you couldn't work with your manager and you're down there trying to teach, and you can't get on with your manager, especially with what happened there, with animal cruelty. I was forced to go back there and work with Ian Gray. The only way I could get out of it was go on stress leave, and I've never been on stress leave in my life. I come back from stress leave and they made me go again, so I went on stress leave again.

Mr WOOD: There is another report, I just haven't got it there, which sort of also impacts some of the problems with the staff on the station, were reflected back on the welfare of the cattle and some of the problems that were occurring actually, meant the cattle weren't being looked after as well they should be, do you see that? The cattle weren't ...

Mr GORRINGE: He's the manager of the cattle; we only take kids there to teach. He had full control over that what happened to the cattle, not us.

Ms PURICK: Can I just cut ... was that cattle and the horses?

Mr GORRINGE: And the horses.

Ms PURICK: So he was responsible for the animal welfare of the cattle and the horses associated with ...

Mr GORRINGE: I used to be in charge of the horses when I was there under other managers. When I started complaining about the cattle, I was told the horses had nothing more to do with me as it was Ian's responsibility.

Ms PURICK: Okay.

Mr GORRINGE: That's what CDU does for us. They take a little bit of power off you, that's how they hurt you.

Ms PURICK: How were you told that? Who told you?

Mr GORRINGE: Tim Biggs told me that.

Ms PURICK: Was it in writing?

Mr GORRINGE: No.

Ms PURICK: So just a verbal instruction that ...

Mr GORRINGE: Verbal conversation.

Ms PURICK: ... you are no longer looking after the horses?

Mr GORRINGE: You are no longer in charge of the horses, Ian will be in charge of the horses.

Ms PURICK: Okay.

Mr GORRINGE: And I said to Tim at that time, I said, “He will do the same thing as what he done to the cattle, lock them up.” If I went away on holidays and I come back, those horses were locked up.

Ms PURICK: Okay. So just ...

Mr GORRINGE: He'd done exactly what I'd told him he'd do.

Mr WOOD: You started off saying that you've got to try and fix the problem and you think that the Eccles' report was put to one side - did you meet John Eccles?

Mr GORRINGE: Then?

Mr WOOD: No, when he visited the station, he visited ...

Mr GORRINGE: No, I wasn't there.

Mr WOOD: Do you know the gentleman at all?

Mr GORRINGE: Yes.

Mr WOOD: Because one of the emails we got from Dr Heim I think to Department of Resources was complaining about his manner.

Mr GORRINGE: He was too aggressive.

Mr WOOD: And do you think he ... do you know him enough to say whether he's an aggressive person or is he very blunt or ...

Mr GORRINGE: Oh, a bit hard for me to comment on what he's like, because what he's seen there, I don't blame him for being a bit aggressive, not at all.

Mr WOOD: So you think that regardless of his characteristics, his report was accurate?

Mr GORRINGE: Oh, definitely.

Mr WOOD: And would you think that he had been shifted because of pressure from the University?

Mr GORRINGE: Without a doubt. It's in the Ombudsman's Report.

Mr WOOD: That's right, yeah. I just didn't know how you saw it on the ground from that. We've got the emails that say they asked that he ...

Mr GORRINGE: Not to go to Mataranka again.

Mr WOOD: That's right, yeah. And did you know anything about his background?

Mr GORRINGE: Not at all.

Mr WOOD: My understanding is he worked in ...

Mr GORRINGE: In Western Australia.

Mr WOOD: ... Papua New Guinea for many years as a vet and Western Australia.

Mr GORRINGE: Mmm. It even says in the Ombudsman's Report that, Greg Scott said why are we going out doing these inspections if you're not going to take any notice of it?

Mr WOOD: Yep.

Mr GORRINGE: So we've got to get back to the point, why wasn't they charged?

Ms PURICK: Just why weren't they listened to ...

Mr WOOD: Mmm?

Ms PURICK: Why weren't they listened to in the reports?

Mr GORRINGE: They're professionals in that area. They're paid to do that job, why not listen to them?

Mr ELFERINK: Good question.

Mr GORRINGE: That's why they're paid. If they're not ...

Mr ELFERINK: That's a very good point.

Mr GORRINGE: ... up to scratch sack them. It's the same where I was. If I were to let those cattle die and not report them, I would have been just guilty as everyone else, because I was paid to teach kids there and if I could see the cattle going the wrong way and if I didn't do anything, I'd be as guilty as they were for letting the cattle die because I was paid to do that job.

Mr WOOD: And those photographs you took, you took those ones?

Mr GORRINGE: I took most of those photos in one day out of frustration. So how bad would it be over four months? You've got to look at if I'd taken four months of photos, you'd have photos, photos don't lie.

Mr WOOD: And if it had gone to prosecution you would have been happy to vouch that those photographs were taken at a certain time, a certain place ...

Mr GORRINGE: Yeah.

Mr WOOD: ... and taken on Mataranka Station?

Mr GORRINGE: I had seven or eight students in the car with me when it happened, and the dates are on there and I made sure I got brands and ear marks on the photos.

Mr WOOD: Because one of the concerns that was raised here in one of our other hearings from the Animal Welfare people ...

Mr GORRINGE: They was cattle from somewhere else.

Mr WOOD: Yeah ...

Mr GORRINGE: Yeah.

Mr WOOD: ... it would not stand up in Court, but you say that if you were asked to provide that evidence, you would have supported that with a statutory declaration?

Mr GORRINGE: Yeah, without a doubt.

Mr ELFERINK: That's how it's done.

Mr GORRINGE: I had seven or eight students in the car with me when those photos were taken.

CHAIR: What was the reaction of those students, how were the students dealing with it?

Mr GORRINGE: Well, they were horrified. Horrified. They said, "I don't want to be in this industry if this is what's like," and I said, "This is not what it's like." That's exactly what they said to me.

CHAIR: Did those students take their concerns ...

Mr GORRINGE: Yes.

CHAIR: Yep.

Mr GORRINGE: Of course they did. You'd have that report.

CHAIR: Yeah.

Mr ELFERINK: Toby, the other question that keeps coming up is the number of cattle that died.

Mr GORRINGE: Yes, that's a good question. I was there and I'd say 800 plus. People keep saying 200. Where they get their figures I don't know. No one else was there. People that got those figures, I don't know how they got them because Ian Gray had no reports on how many cattle were there, or neither did anyone else for that matter from what I can gather.

Mr ELFERINK: No, it's ...

Mr GORRINGE: It's all misty. Well, how do they know it's 200?

Mr ELFERINK: It's a best guess basically. I can take you through it but unless you've got an hour or so.

Mr GORRINGE: There was cattle dying on a daily basis everywhere.

Mr ELFERINK: Where did the carcasses go?

Mr GORRINGE: Well, the pigs ate most of them.

Mr ELFERINK: Mmm.

Mr GORRINGE: A lot went in the dump and the rest just stayed where they were and died out in the paddock.

Mr ELFERINK: So how many would of gone to the dump, could you estimate that?

Mr GORRINGE: No, well, it'd only be a guess, it'd be hundreds.

Mr ELFERINK: Hundreds?

Mr GORRINGE: Oh, yeah.

Mr ELFERINK: But how were they transported, they were dragged ...

Mr GORRINGE: Dragged over by the tractor with the tractor, or carried over in the bucket.

Mr ELFERINK: And then dumped in to a pit?

Mr GORRINGE: Mmm.

Mr ELFERINK: So your estimation would be hundreds in the dump?

Mr GORRINGE: Yeah, a hundred odd in there easy.

Mr ELFERINK: Is that the same dump that's operational now?

Mr GORRINGE: Yes.

Mr ELFERINK: So basically anybody with a backhoe should be able to go and dig up ...

Mr GORRINGE: Oh, they all got burnt.

Mr ELFERINK: They got burnt?

Ms PURICK: Mmm.

Mr ELFERINK: How were they burnt and how do you dispose of hundreds of cattle by burning them, I mean, do you throw petrol on them or diesel?

Mr GORRINGE: Over a four month period, pretty easy. Ten or so at a time, put a bit of rubbish on them and burn them with a bit of diesel. Once they start burning, they burn themselves.

Ms PURICK: Yeah, they go ...

Mr GORRINGE: Their own fat burns themselves.

Mr ELFERINK: Yeah. I mean, would there be bones left over after ...

Ms PURICK: No, no.

Mr GORRINGE: Wouldn't be many, from burning.

Ms PURICK: It burns bones, oil burns bone, John.

Mr ELFERINK: What do I know about burning cows? [Laughs]

Ms PURICK: Trust me, there's not much left.

Mr GORRINGE: There wouldn't be much left.

Mr ELFERINK: I can't say I ever studied it when I went to uni. All right, so you reckon that the Ombudsman's ...

Mr GORRINGE: Yeah, close alright.

Mr ELFERINK: ... is about 800 plus.

Mr GORRINGE: But you've got to remember these 800 plus were in the yard and in that lane. They're making out it's over the whole herd, this mob, it was that two herds the cattle, so they can make it look better with 200 over the whole herd.

Mr ELFERINK: This is in Laneway paddock

Mr GORRINGE: It's not ... those 800 that died in that little ridge.

Mr ELFERINK: But this is in the laneway paddock here?

Mr GORRINGE: The Laneway paddock and the yards.

Mr ELFERINK: Doug Jenkins at one point makes the comment if I can find it somewhere on my piece of paper, he advised the Ombudsman that the paddock, you couldn't have held the cattle in there for more than two weeks, and he believed them to have been in there for 28 weeks. Would that be a correct ...

Mr GORRINGE: Is that four months?

Mr ELFERINK: Or thereabouts, yeah, a little bit longer.

Mr GORRINGE: That's close, that's right.

Mr ELFERINK: A little bit longer, it'd be closer to five months, I think.

Mr GORRINGE: Well, that's right.

Mr ELFERINK: All right. How much feed is in the laneway?

Mr GORRINGE: Well, there's hardly ... there was none left when they were there?

Mr ELFERINK: Obviously. How many cattle went in to that paddock, do you know?

Mr GORRINGE: Roughly a thousand head.

Ms PURICK: So most of the herd was lost right from ...

Mr GORRINGE: A very big majority of them, way over half.

Mr WOOD: Did you actually do a physical count, in the sense that you keep some, because I mean ...

Mr GORRINGE: Before they went in there, yes, we did, but not coming out, don't know.

Ms PURICK: Toby spent the [7:37:09].

Mr GORRINGE: Which she may have, I don't know.

Mr ELFERINK: Yeah. Right. All right, so a thousand cattle go into laneway paddock, 28 weeks later the majority of them are dead. Most of them are disposed of.

Mr GORRINGE: Yeah. In that time they moved to the next paddock which is why a lot of them almost perished.

Mr ELFERINK: Yeah, but Laneway isn't a very big paddock ...

Mr GORRINGE: No, I know. It's basically a small lane. It's only holding paddocks, not that big. Not to carry that many cattle, no.

Mr ELFERINK: Why did they go in the paddock in the first place, was that for a sale?

Mr GORRINGE: That's right.

Mr ELFERINK: What happened to the sale?

Mr GORRINGE: I don't know for sure a hundred percent but rumours have it that they were sold to someone, the whole herd was sold at a certain month, certain price, and Ian took over, he took the pick of the cows out and still expected the same price for the cows, and the fellow said, "I'm not going to pay that for the ...," he just took all the good ones out, so he's not going to the full price.

Mr ELFERINK: So basically ...

Mr GORRINGE: The sale fell through.

Mr ELFERINK: ...the deal fell through because some cattle had been removed?

Mr GORRINGE: The pick of the cows were taken out.

Mr ELFERINK: All right.

Mr GORRINGE: That's only a rumour I've heard, whether it's right or wrong, I don't know.

Mr ELFERINK: Why were the cattle left in the paddock? Why weren't they returned to the rest of the station?

Mr GORRINGE: I don't know. You'd have to ask Ian Gray that. I don't know.

Mr ELFERINK: How would you describe your relationship with Ian Gray?

Mr GORRINGE: Oh, not very good.

Mr ELFERINK: When did that deteriorate, was it ...

Mr GORRINGE: When those cattle started dying.

Mr ELFERINK: So pretty much ... all right, just so I'm clear, when the cattle started dying?

Mr GORRINGE: Mmm.

Mr ELFERINK: All right. What do you know ... do you know much about Ian Gray's past?

Mr GORRINGE: Again only rumours what I've heard, I don't know him. Didn't know him before he came there so I don't really know.

Mr ELFERINK: Do you know Doug Jenkins?

Mr GORRINGE: Yes.

Mr ELFERINK: Okay. Did you speak to Doug Jenkins at all about Ian Gray at any time?

Mr GORRINGE: Oh, not really, no.

Mr ELFERINK: Okay. Were you aware that Ian Gray had at some point worked at a place called Liveringa Station?

Mr GORRINGE: Oh, I'd heard that, yeah.

Mr ELFERINK: And also at Longreach Agricultural College?

Mr GORRINGE: Yeah, I've heard that.

Mr ELFERINK: Where did you hear that from, can you recall?

Mr GORRINGE: Not really. I have heard it though.

Mr ELFERINK: Okay, that's fine. What was the reputation that followed Mr Gray from those two ...

Mr GORRINGE: Yeah, not good, similar thing what happened with Mataranka.

Mr ELFERINK: All right.

Mr GORRINGE: And Burdekin I think was another one.

Mr ELFERINK: Where is Liveringa Station, do you know?

Mr GORRINGE: Not really. In Western Australia somewhere, I think.

Mr ELFERINK: Right, but the top end?

???: [7:39:35].

Mr ELFERINK: So the top end of ... okay.

???: Yeah, Toby.

Mr ELFERINK: All right. Are there similar pastures in ... do you know?

Mr GORRINGE: I don't know, haven't been there.

Mr ELFERINK: You wouldn't be able to answer that question. Do you feel that Mr Gray was sufficiently well versed with the pastures here in the Northern Territory?

Mr GORRINGE: Well, again, I don't know. The point is, if you lock cattle in a yard they can't get to pasture anyhow so it doesn't how much knowledge you've got on pasture. If you lock cattle in a little paddock and they can't get out and eat, it doesn't really matter how much knowledge you've got. The point is they're just starving.

Mr ELFERINK: Holding paddock?

Mr GORRINGE: Yeah.

Mr ELFERINK: All right. And I've got no further questions, Madam Chair. Can I say that you're right in terms of the fact that something should have been done. You'll be pleased to know for what it's worth that the Minister today agreed with you.

Mr GORRINGE: Oh, thanks.

Mr WOOD: Can I just ask ...

CHAIR: Gerry?

Mr WOOD: Were you involved in any of the Animal Ethic Committee's Facility Inspection Reports or ...

Mr GORRINGE: Not once. Those Animal Ethics Committee used to come down there, drive past my house, never once come and asked me to show them the cattle that I complained about. If I complained about the cattle, wouldn't you think I'd be one of the first people they'd ask, come and show me the cattle that you're complaining about? Not once did they come and ask me about the cattle. When they get there you end up taking them for a drive where all the cattle are good. Then they'd go home and write up their reports. Not once, and all they did was drive down the yard which is only half a kilometre away from the house. Not once did they come and see me. Wouldn't you think that'd be the smartest thing to do? If you ask me, I'm the one that complained.

Mr WOOD: And you were living on the station all the time?

Mr GORRINGE: I was right there. They used to drive past my house to go to Ian's.

Mr WOOD: So, and I just want to follow this area up, they put out inspection reports every ... at one stage about every three weeks, four weeks.

Mr GORRINGE: Yeah, yeah.

Mr WOOD: I've got some draft ... well, I think this is the final copy, around about the 17th of September when all this was happening, was there feed in the sheds?

Mr GORRINGE: Not really. Now and then there would be, but most the time there was never anything.

Mr WOOD: Because this inspection report then has a section which is called ... it talks about holding facilities, outdoor housing, indoor housing and then it says food and water, and it says appropriate type of food which is appropriate type of food, yes or no; the answer is yes, adequate nutrition for various life stages as applicable. That's for growing maintenance reproduction, yes.

Provision to maintain food uncontaminated, yes. Provision to maintain food fresh and unspoilt. Clean drinking water, yes. Drinking water constantly available, yes. Automated feed and watering system, provision of the right food and water in the event of a power outage, and they've ticked all those as yes. Would you say that that was around the 17th of September to the ... I think this went as far as the 7th of October, so they should be all yeses?

Mr GORRINGE: If all those things were yeses, why were the cattle still dying?

Mr WOOD: That's the question I'm asking. Yeah, yeah.

Mr GORRINGE: So I don't know, it's up to you, I don't know. Why were the cattle still dying?

Mr WOOD: Well, that's the question I'm asking, is that the Animal Ethics Committee has gone down there, done a report. The report says all these things were yes ...

Mr GORRINGE: Yes.

Mr WOOD: ... as you said the cattle dying, if they weren't ... if they were yes then they wouldn't be dying.

Mr GORRINGE: Exactly. Not hard to work out.

Mr WOOD: And they had other reports that went on again.

Mr GORRINGE: And he would often stock a shed with feed when the Animal Ethics were coming to have a look at everything, put hay in front of everything,

Mr WOOD: So on the 7th of October same report. It on the 7th of October said all those things I just mentioned all yes, so 7th of October ...

Mr GORRINGE: Oh, yeah, of course they would.

Mr WOOD: ... cattle fed ...

Mr GORRINGE: Mmm.

Mr WOOD: ... and I'll just see any change.

Mr GORRINGE: My question is, why were the cattle still dying if that was true? It's very simple.

Mr WOOD: Well, part of what we're looking in to is the Animal Ethics Committee as well, it's part of our area we've been asked to look at.

Mr FULLBROOK: What cattle were they being shown?

Mr WOOD: It doesn't say. Look, I have to ... these are general boxes, for instance they deal with adequate shelter against wind and rain, adequate shade, so they've got a set of criteria that they've gone down there and ticked off so ...

MR GORRINGE: Well, you've been to Mataranka Station, it's a pretty good set up. Of course all that's right, but was he feeding it to them, no.

Mr WOOD: It says here, holding facilities including outdoor yards or paddock, clean, unlimited water. What would you say that should answer that be?

Mr GORRINGE: Well, I don't know, I didn't go and have a look, but it'd be good because everyone's there. Why wouldn't?

Mr WOOD: Yeah. Well, it says yes here but the reports were they didn't have enough water.

Mr GORRINGE: What reports?

Mr WOOD: In the Ombudsman's Report, that the troughs were ...

Mr FULLBROOK: That was Wire Hill.

Mr GORRINGE: That was Wire Hill that was only instance they didn't have enough water. Not in the yards, there was plenty of water in the yards. They actually ran out of water for three days at Wire Hill. Those poor old cows were already dying anyhow. So those reports, if they're correct, why were those cattle still dying? It's fairly simple.

Mr WOOD: Well, that's why need to ask as well, yeah.

Mr GORRINGE: Mmm.

Mr WOOD: And were these accurate or where they just sort of ...

Mr GORRINGE: Were they bodgied up by Bob Wasson?

Mr WOOD: All right, well that's ...

CHAIR: Have you got further questions Gerry?

Mr WOOD: Oh, hang on, I just will check, thanks. No, that's all the questions I have.

CHAIR: Toby, thank you very much.

Mr GORRINGE: No worries.

CHAIR: We really appreciate you coming forward and giving us evidence even if it's not the first time obviously that you've done it, but we really appreciate that, so thank you very much.

Mr GORRINGE: Okay. Thank you.

Mr ELFERINK: Well done, Toby. Thank you.

CHAIR: Those formalities out of the way, we will now throw the discussion open to everybody here who is present this evening. I am conscious of time but we advertised that we would be going until half past eight. I'm happy to take it an extra 15 or 20 minutes beyond that knowing that we did start a little bit late.

Anybody who would like to have something to say they're most welcome to. It would be extremely helpful for us if people could identify themselves, let me finish, identify themselves and explain their context, their interest in this, but there is no obligation for people to do that. If you wish to remain anonymous, that is fine.

Ms SPENCER: Well, I've just got a question on that last one with ticking the boxes. Leanne Spencer, resident Mataranka. Who ticks the boxes? Who's actually ...

Mr GORRINGE: Animal Ethics.

Ms SPENCER: Who ticked the boxes on yes, everything's right, right.

Mr GORRINGE: You must remember, Animal Ethics are with the CDU. Drive under the same banner.

Ms PURICK: The Committee Members.

Mr GORRINGE: They're within CDU.

Mr WOOD: What, so CDU were looking at the facilities?

Ms SPENCER: Who specifically ...

Mr GORRINGE: CDU were investigating the facilities.

Ms SPENCER: Ticked those boxes to send that piece of paper in.

Mr ELFERINK: In answer to your question over there, one of the challenges that this Committee has run into is that Bob Wasson who was the upline for what was happening at Mataranka, so he was up through the management system, was also the Chair of the Animal Ethics Committee. Now that's long since been criticised and that's been changed, but it's one of the sorts of things that we are trying to attempt to, so this stuff don't happen again.

Chair: Lady in the pink shirt.

Ms WILSON: Hi. I'm Tracey Wilson, Mataranka resident, I think what I'd like to see personally being involved with the people in at the station and just seeing what's going on, I think I'd like to see something happen that you are held accountable and hunted down and found, whether it takes three years, five years, ten years, it's just ... to what's happening, and yeah, you just need a special committee of, you know, people that try, you know, listen to everything that's important to people because it's just right.

Mr ELFERINK: Tracey, for what it's worth, even if an investigation had been done in a timely fashion, the *Act* would have succeeded. The point was that it was a decision taken or not taken to prosecute when everything was right, you know, the University was responding, and the evidence we received both from the head of the department, the head of the University and the Ministers themselves, was that, oh, well, things were improving so we didn't have to do anything about it.

What's become clear, and has been clear to people like Toby since day one and John Eccles since day one, is that a crime had probably been committed and they just didn't bother to investigate it. It's as simple as that.

Ms WILSON: So therefore maybe they should be not looking to prosecute just this Ian fellow, but people that didn't do their jobs properly. I don't know, it's hard.

Mr ELFERINK: There's a whole upline and ...

Ms PURICK: They couldn't.

Mr ELFERINK: ... vicarious liability and all sorts of things.

Ms WILSON: If I don't do my job right, you know.

Ms PURICK: Well, if I can just add on it. Under the *Animal Welfare Act*, anyone who is involved in the use of animals for research and/or training, because they can be two different things: just involved with the training of animals like Toby was and Nicki was and Bob Wasson was and everyone in between, and all the lecturers under the *Act*, they all have an obligation to uphold good animal welfare standard, all of them.

Ms WILSON: So how come ...

Ms PURICK: It's not just one person, it's not just a lecturer, it was all of them, and because of how it's gone with the timeframe being expired, prosecution's no longer an option.

Ms WILSON: Is that why the CDU is no longer accountable?

Mr ELFERINK: Yes.

Ms WILSON: ... because it's gone past that time ... ?

Ms PURICK: Yeah, it's out of that time period.

Mr ELFERINK: It's that simple. There's a thing called the Statute of Limitations. In the *Animal Welfare Act* it's 12 months.

Julie Carlsen from the Ombudsman's Office met in July 2009 with the Minister Malarndirri McCarthy and said you must prosecute. The Minister said, well, we'll wait until the Ombudsman Report comes down. There was no particular reason why that necessarily had to occur but that was a decision for the Minister.

The Ombudsman subsequently contacted the Minister's Office again and said, "I'm going to be late with the report, you need to get a wriggle on for this," and the Minister's office decided that there was ... or the CEO of the Department decided that there was no and I'll try and remember the quote; I can't remember the quote, in essence that there was insufficient evidence to prosecute this matter.

What has now transpired it wasn't so much insufficient evidence, what they were expecting is all this evidence was going to come to them and then they'd make a determination. What was suggested to the Minister and the CEO of the Department is what they should have done is actually rung the Police and ask them for help on how to do an investigation.

If they'd spoken to Mr Gorrige and got the Statutory Declaration from him, that that would have been more than sufficient to satisfy a Court as to when and where those photographs were taken. But because they didn't have that statement, they didn't bother to go and get one, and so they were able to say, well, there was insufficient evidence because we don't know where those cows were or when those photos were taken.

It's that lack of expertise inside the Department which is part of the problem and nobody knew how to run an investigation which is why poor old Toby here is frustrated to buggery when he knows full well what's happened out there, and that the departments, because they don't talk to each other properly and they don't know how to run an investigation, simply come away from there saying there is insufficient evidence. Now clearly from Toby's evidence alone, there would have been sufficient evidence let alone seven other people sitting inside the vehicle with him and in fact ...

CHAIR: Sorry, just in the interest of accuracy, John, it's been pointed out to me by the Secretariat that you've just mentioned that the Minister had a meeting with the Ombudsman in June 2009 ...

Mr ELFERINK: Mmm.

CHAIR: ... it was June 2010.

Mr ELFERINK: Oh, June 2010, I apologise, yes, while the clock was still ticking.

CHAIR: Gerry?

Mr WOOD: Can I just say that, not defending the Government at all here, but in the case of the Department of Resources, they were actually recommending that action not take place because there was a series of management decisions being made, I think, by the University, to improve the lot. Now I'm not saying I agree with any of that, but obviously people are getting advice from departments and what departments say, you know, we think that basically prosecution is not necessary because there's a series of management decisions been made to improve the lot.

Now that's certainly an area that we need to look at. I think one of the things we've got to look at is trying to find out whether ... there's now a Memorandum of

Understanding between the two Departments, the Department of Animal Welfare which is Housing and Local Government but the Animal Welfare Branch, and the Department of Resources, Primary Industry in it's old fashioned good name. They've got a Memorandum of Understanding; we need to look at that and see if it's got sufficient strength to actually work.

I note that there's a document out at the moment which people might be interested in getting a hold of. It's obviously been done with, I think, some of the issues in mind. It's the Animal Welfare Policies and Procedures from ... it doesn't come this small, I just printed it small so I could take it around. But it's been distributed to Livestock, Biosecurity Officers, Veterinary Officers, Senior Meat Industry Officers and starts to give procedures on how you deal with issues of complaints where they're critical, where they're major, where they're minor. So at least there's a document starting to come out which I think is putting some meat out there - that's probably the wrong word to use in this case - but to strengthen policies to make sure this doesn't happen again, and I think we can go back in time.

As Toby said, look we've been through all this, I think the one thing this Committee has to come up with is seeing where the legislation and the procedures are sufficiently strong enough for this to not happen again. So there's checks and counterchecks to make sure procedures are actually workable and do come up with a conclusion.

It's also the Animal Ethics Committee which was mentioned, we need to look at that and see whether it's done its job. How is it monitored? If there's been a ... because it covers a lot of things like the permits to operate ... and we were up at the Mataranka Station today and it has on the board a couple of certificates to say that the Station can do these particular jobs under the Animal Ethics Committee. So we need to see what its role is, whether that can be improved.

I know there has been some changes because the Ombudsman actually recommended some changes by Professor Bob Wasson was I think the Deputy Vice Chancellor or he was on the University staff but he was also the head of the Animal Ethics Committee, so there was a conflict of interest. So hopefully some of this can turn things around so it doesn't happen again, but you can't bring the cattle back.

CHAIR: I guess it's more than talking about we can't bring the cattle back, we don't want it ever to happen again. What's plainly evident here is the human collateral as well, the terrible impact that this had on people's lives. The stress that it's put on small close-knit communities. It's about having steps in place to make sure that that never happens again. Sorry, Kezia.

Ms PURICK: I was just going to comment that in ... in regards to the Animal Ethics Committee, following on from the Ombudsman's Report and then the Government asked a fellow by the name of Ray Murphy to, it was ... the prosecution was an ex-police officer, to see if people could be charged, and so there was a Ray Murphy report and as it turned out they couldn't. But in the course of his enquiries and investigations, it was shown that all the licences/permits that were issued by the Animal Ethics Committee to 80 projects or 80 institutions, 80 organisations in the Northern Territory, more than 220 people were in fact not valid.

So it was a glitch within the regulations and the legislation, so the Minister then put a Moratorium out to the Government Gazette, so basically every person who's out there researching with animals or using animals as part of their teaching is covered until, I think it's the end of August. By that time they get the systems

corrected and in place such that you're not vulnerable, and I know that, for example, was a great concern to the University, because internal to University, forget Mataranka, internal of the University they're doing a whole stack of research involving animals of all sorts of shapes and sizes, and they're potentially operating in a legal vacuum.

So that's just something because of this incident that it's shown up that our Northern Territory legislation and regulation was deficient and it just slipped through the cracks. So that's got to be rectified for all the other ...

And then the Minister today expressed some concern that, and she just put it in general term that she's concerned that there might be other issues of animal welfare out there, not necessarily the pastoral industry, but just somewhere that perhaps aren't getting support from government and organisations in regards to animal welfare.

Ms MACFARLANE: Kezia, can I ask you something? My concern about the whole thing is Sue and Toby wrote to many amazing Ministers, a lot of the current government ones, the Senators at a State level as well. Now out of all those people, like they're all, especially the Northern Territory Ministers, they're accountable to their farmers, and it seems funny that, I don't know, ten, 15 letters to all these Ministers back in October that Toby didn't get one response from the Ministers. I mean, Ministers are ultimately responsible for their government departments, I know they go on advice ...

Ms PURICK: Correct.

Ms MACFARLANE: ... but that's where the gap seems to be. I mean, the Ministers are people that represent us, they're the ones to go to. They obviously went through all this just making them aware and sent them the photos. Why ... that gap, everyone's blaming it on the departments and the CDU, but I think the Ministers are a little bit answerable in this effect as well.

Ms PURICK: There's a disconnect there as well and I don't know the list ... where you sent it to various people, but as a matter of course, I would always try and reply to people, it doesn't matter what the issue is because you just don't know what's out there. But you're quite correct, there is still a lot of responsibility for a Minister to respond to an issue out in the community that's relevant to their portfolio area, and I don't have an answer for that, but there's obviously a disconnect there as well.

Ms MACFARLANE: It's my understanding the Chief Minister got it as well and I believe and I don't know if this is correct, but the government actually do a lot of funding with CDU as well.

Mr ELFERINK: Yes, they do.

Ms PURICK: Oh, it's a public provider, so yeah, they do get Northern Territory Government funding.

Mr ELFERINK: But the system of government we have says simply that the Minister is ultimately responsible. It is the Minister's job to make sure that the department is operating effectively, but in accordance with the guidelines set by government. From time to time Minister's will get dozens of letters and complaints every day. What a good Minister will do is identify those ones which potentially have

hairs on them and they'll keep an eye on them and they'll ask for particular briefings from the department, they'll say, can you keep an eye on this sort of thing, report back to me, that sort of thing.

Ministers who do their job effectively are also in a strong enough position to say, right, we were going to doing this about that over there or this about that over there. What's happened on this occasion, and the Minister this morning in Darwin whilst giving evidence acknowledged that there were gaps in a knowledge which she was still learning. Unfortunately, that's one of the shortcomings of the system of government we have.

It is frustrating to me as it is frustrating to you and everybody else in this room that these things have fallen through the gaps. Moreover, the Government knew in December 2007 that there were problems with their own systems because they got a report on the *Animal Welfare Act* by David Coles and Kanzen Partners who identified almost all of the problems in the system which led to Toby being ignored. So they were warned well in advance. Good Ministers, good government is about making sure that when you get a report like this it's acted upon.

Mr FULLBROOK: It seems to happen too often in government.

Mr ELFERINK: That's one of the frustrations of our system.

Mr WOOD: Well, there were also ten Ministers involved actually and they changed over around about the time this particular action occurred which didn't help things as well. But, look, I still think that we can go down that path but I think in the end we've got to make sure that as the Council of Territory Co-operation we come up with some results that mean that there will be positive change, and we've got to sit down and work out not so much who was to blame but how do we fix it, and make sure it doesn't happen again.

CHAIR: Do we have any further contributions around the room?

Mr RIGGS: Yeah, Garry Riggs, Lakefield Station and I took over management of the Mataranka Station in June last year ...

CHAIR: You did indeed.

Mr RIGGS: ... and fixed up the mess. Now there was an investigation into some of the stuff that happened before June 2010 by Ray Murphy. What happened there when I said when I took over, these cows that were in the lane in 2009 and were possibly still there in 2010 but a different group. Different year model and they were heading down the same track. There was about 800 as well. This fellow, Ian Gray, should have been charged with animal neglect, as well, so what happened to that investigation?

Mr ELFERINK: I might answer that.

CHAIR: John?

Mr ELFERINK: Ray Murphy reported back in January this year saying that there were issues in relation to the care of some horses. He didn't mention, if memory serves me, the cattle in the laneway paddock. The Government then said to Ray, he was a lawyer that operates out at Darwin, an ex-copper as I understand it, well, go back and reinvestigate that.

I have been critical, I know some of my colleagues aren't, but I am critical of the decision to send it back to Ray Murphy. He came back eventually and said, "Look, I couldn't make out a case," but realistically speaking, that matter should have been, back in January this year, should have been sent off for further investigation, and they only sent it back to Ray Murphy. So by the time that even Ray Murphy reported back, he said, "Look, I couldn't quite scrape together the evidence as well as the fact that now the Statute of Limitations has expired again," and I've made some comments about that publicly, I've been disappointed about that approach.

Mr WOOD: Chair, can I ...

CHAIR: Yeah, Gerry, go for it.

Mr WOOD: Look, I don't know whether you're interested but I've got his report here and he had nine recommendations. I think ,just for the record, so you know what he said: "For the reasons provided throughout this correspondence I recommend that no criminal charges", this is one, "no criminal charges are initiated for the five matters referred to in this correspondence," and he had to go back and look at the report and see what.

"2. When receiving applications for licences, the Animal Welfare Authority consider the relationship between the licensee and those persons that are likely to conduct teaching or research activities under the licence. 3. The Animal Welfare Authority informs the AEC," that's the Animal Ethics Committee, "of their power to give directions to a licensee and then criminal liability of a licensee who fails to comply with such a direction. 4. Regulation 5 is amended to incorporate the Australian Code of Practice for the Care and Use of Animals for Scientific Purposes 7th Edition." They were operating under an Edition that was out of date, he noticed that.

"With regards to the issues of permits as identified in my previous advice provided on the 22nd of January 2011, I recommend that the Animal Welfare Authority draft and approve permanent application forms. 6. Provide those application forms to the AEC. 7. Inform the AEC of their obligations with regards to permits under section 45 of the Act. 8. Make enquiries with the AEC to determine the time required for them to receive, assess and process applications for permits from persons currently employed or engaged to conduct teaching or research activities for improved projects that are currently being monitored by the AEC. 9. Grant a Moratorium for such duration as is reasonably nominated by the AEC during which prosecutions will not proceed against persons currently employed or engaged to conduct teaching or research activities for approved projects. Yours sincerely, Ray Murphy."

Because people were actually operating illegally ...

CHAIR: That's right.

Mr WOOD: ... and what he said is that he asked for a Moratorium on that. So he looked at those possible prosecutions, there were a number of things like broken legs in a crush, and when an animal had been put down. My understanding being this, he could not get enough evidence that would stand up in Court. He wasn't looking at the starving animal side of it, he looked at a few things that the Ombudsman had not had time to deal with, and then in his looking through the

legislation he found that the Animal Ethics Committee basically was not operating according to the Act, and so that's what his recommendations were about.

Mr RIGGS: But it still doesn't address why his staff had another 800 odd head of cattle.

Mr WOOD: Because they don't think that that was his ... he followed on from the Ombudsman's Report which dealt with some other matters of cruelty that were put forward.

Mr ELFERINK: He also didn't get clear instructions, he says that in the beginning of his report. If you don't give a lawyer clear instructions he has to pretty much make it up as he goes along. I'm not aware that he received a complaint about those animals in the following year or not.

Mr WOOD: The people ... I'm not sure whether this ... is this a public document?

Mr ELFERINK: Yeah, it's been ...

Mr WOOD: Look, it might be worth getting a copy of this document and have a read through it. It's a fairly detailed document.

Mr RIGGS: Just looking at it, it obviously goes back to that first time, the limitation has let somebody off the hook twice

Mr ELFERINK: Yes.

Mr RIGGS: ... and that the first adjustment is that limitation may be five years, you can't dodge the bullet here. If you've got one coming you're going to have to wear it.

Mr ELFERINK: Frankly, if the investigator's up to speed, 12 months is sufficient, but we may well recommend that it needs to be longer. But one of things that outlined in 2007 before any of this happened in that Coles report was this, quote: "Those inspectors", referring to inspectors in the Animal Welfare Department, "may not routinely have the level of skills and qualifications necessary to investigate and prosecute offences are those that deal primarily with cases relating to containing animals," which is what the Animal Welfare Authority deals with.

It then goes to say basically there's a strong argument for training of the investigators.

Mr GORRINGE: But the DPI are trained in that area. So they put an inspector..

MR ELFERINK: I think Eccles ... Eccles ...

Mr GORRINGE: They ignored him, he was not even allowed to go there.

MR ELFERINK: Eccles I think had an AQIS background as an investigator and he'd been trained.

Mr GORRINGE: That's right, so he is trained in that area, and they choose to ignore it.

Mr ELFERINK: And he got canned, that's exactly right.

Mr WOOD: We know he had a lot of experience.

Ms Edwards: And there's the Stockwell Report, they ignored that as well.

Mr GORRINGE: And also that time frame of 12 months, this clearly is not long enough, so why not even go there, you must change it.

Ms PURICK: It's clearly not in this instance.

Mr WOOD: Well, that's an area that we have to look at as well.

Mr GORRINGE: It's clearly not right.

Mr WOOD: And we'll look at what other States do as well.

Mr ELFERINK: That may well form one of our recommendations.

Mr GORRINGE: Yeah, it's not a thing you think about that, you just do it.

Mr ELFERINK: Well, that's also one of the recommendations of this report from 2007, to change it to 18 months, that would have been enough.

Mr GORRINGE: Eighteen months is not enough.

Mr ELFERINK: On, they ...

Mr GORRINGE: It's been two years since it's happened and you guys are talking to us now.

Mr WOOD: Well, one of the issues in the review was to see whether it was consistent with the National Act that was being introduced. Now I'm not sure what stage that it is. That may also have a time as well in it. So I suppose it would be better if all States had the same period. So I mean ...

Mr GORRINGE: They're all different, I know that.

Mr WOOD: Yeah, and I know where John's coming from, the Government was very slow with the review, but one of the reasons they gave was that they were looking at being part of a national process where consistency but I haven't seen that report from the Commonwealth Government or wherever it's from.

Mr ELFERINK: If it exists.

Mr WOOD: So, yeah, well, it may or may not, but obviously it would be better if everything was consistent from one State to the next, so that's again ...

Mr ELFERINK: Can I clarify one thing though, the Statute of Limitations applies to when you actually lay the complaint, not to the end of trial. So if, let's say, an investigator comes across an offence 364 days after it's occurred and it's got one day to run, if he walks in to a Courthouse with a thing called a Complaint and lodges that with the Courthouse, the trial can run for another five years. It's so long as the Complaint is lodged within a year.

Mr GORRINGE: So that wasn't lodged on it?

Mr ELFERINK: No. Well, the point was there was no investigation done. The evidence that you've given now, if you'd given it in a court of law may well have led to a conviction on just the evidence that you've given us, let alone the other seven other people that were with you at the time. But you were never asked by an investigator, and one of the questions that I put to the Minister and her Head of Department, why didn't you ring the police? Why didn't you pick up the phone and ring the police ...

Ms EDWARDS: I went to the Police.

Mr GORRINGE: Have the cops got any authority there or not?

Mr ELFERINK: They are official officers under the *Animal Welfare Act*, but even if they weren't, they could simply just give pointers and governance on how you run an investigation. The point was the Department didn't know, and that's clear.

Mr GORRINGE: What department?

Mr ELFERINK: What did you say, Sue?

Ms EDWARDS: I rang the RSPCA.

Mr GORRINGE: Animal Welfare didn't know?

Mr ELFERINK: No, they didn't know how to do it.

Mr GORRINGE: Didn't know how to?

Mr ELFERINK: Do an investigation.

Mr GORRINGE: Why didn't they ask someone?

Mr ELFERINK: Well, that's my point. That's what I asked the Minister.

Ms EDWARDS: Isn't that their job though?

MR GORRINGE: Isn't that their job?

Mr ELFERINK: Yes

MR GORRINGE: I complained to Bob Wasson, the Chair of Animal Ethics. He was the first bloke I went to with that official complaint.

Mr ELFERINK: Now you understand why we're trying to change the law.

PUBLIC MEMBER: Sue, can you just clarify what you said about the police

Ms EDWARDS: I went to the police, they were the first people I went to see.

Mr ELFERINK: That's right. I think you did actually. I think that ...

Ms EDWARDS: Down to [inaudible] and they looked up ...

PUBLIC MEMBER: Isn't that a registered complaint?

Mr ELFERINK: It is but the form I'm talking about is the one that you lodge with the Courthouse. It's a technical thing that when a charge is brought against a person, let's say somebody's done for drink driving, there's a Statute of Limitations from 12 months on that. So if the Police get their evidence together and then sit on the file for ten months, they can still lodge the Complaint which is a form they fill out, it's actually called a Complaint, with the Courthouse. The moment that's lodged within the Statute of Limitation period then it doesn't matter if the trial goes for another two years.

PUBLIC MEMBER: So who's to blame that the thing didn't get to the court in time?

Mr ELFERINK: Well, who's to blame?

PUBLIC MEMBER: Yeah, who's to blame.

Mr ELFERINK: I suspect that, without putting words in to the mouth of my colleagues, that if I listened to the Minister this morning, the Minister and her Department.

PUBLIC MEMBER: What's going to happen to him?

Mr ELFERINK: Her - that's for you to decide the next election.

CHAIR: Right, and my colleague is putting words into mouths here. [Laughter] I have to say, I have a different view. I think the matter has been incredibly complex in terms of the layers of reporting and responsibility and officers under ... well-meaning and very well intentioned officers understanding what their responsibility is under the Act.

Ms EDWARDS: It's called passing the buck.

Mr WOOD: One thing you can do is that the transcripts from these meetings are on the website of the Legislative Assembly. People want to see what Members of the various departments have said, because I think it's very difficult in this short period of time to make judgments about various people without having to ... I think you need to read what the Minister said. I think you need to hear what Meryl Gowing said, who's the head of the Animal Welfare Branch. I think you need to hear what the Department of Resources have already said, plus a number of witnesses we have as well that. Because then at least you can get an understanding from where some ... and we mightn't get agree with them, but I think if you're trying to make an opinion which we are, then I think you need to at least be willing to go out and read what those people have said because that's what we've got to do, and ...

Ms EDWARDS: Absolutely, and I understand that.

Mr WOOD: ... the lady from the Animal Welfare Branch was quite emotional about her love of animals, there's no doubt about it ...

Ms EDWARDS: Fair enough , I get very emotional about the RSPCA with the little kid under the tree, give me money, give me money, I'll never give to them.

Mr WOOD: No, this is the Animal Welfare Branch, not the RSPCA.

Ms EDWARDS: Yeah, but they're all the same, all cry, cry, cry.

Mr WOOD: No, no, no, I don't think ...

Ms EDWARDS: I don't want to talk about it because I'm just absolutely heart-broken.

Mr WOOD: You might be right, but all I'm saying is read what they said. Obviously we know that there were problems, but I think before people make judgment, read what they've said because we've got still more work to do and we have to play up everything that's been said. I don't believe we should be taking too many conclusions at the moment because we've got to see what everyone had to say, that's reasonable.

Ms EDWARDS: At the end of the day it was the investigators that got ignored.

PUBLIC MEMBER: You mark my word, it pays to prune a tall poppy, to say things every now and again, to remind them what their position is.

Mr WOOD: I think tall poppies come down in the Northern Territory.

PUBLIC MEMBER: Sue's gone to the police and complained and that's the thing complained about right then and there.

Ms EDWARDS: They didn't know where they stood. I went to them and they didn't really know whether they could do anything about it, whether it was their jurisdiction, the Police, I don't know. They were looking at books to see what ... and they didn't think that they were allowed.

Mr WOOD: They didn't visit the station?

Ms EDWARDS: No, because they didn't think they were allowed to.

Mr WOOD: They didn't ring up the superior to find out?

Ms EDWARDS: No, I don't think they did.

PUBLIC MEMBER: Didn't they refer to you the RSPCA?

PUBLIC MEMBER: Did they report the ...

Ms EDWARDS: I went everywhere I could possibly think of going. I went everywhere. You can see what I've done in the emails.

Mr WOOD: That's right.

Ms EDWARDS: I rang the RSPCA in Melbourne, they put me on to the RSPCA in Canberra; RSPCA Australia, they didn't want to know, not interested, that was a phone call.

Mr WOOD: Actually you should have rung Four Corners, they seem to be ... they have RSPCA ... very happy to talk about other cattle matters.

Ms EDWARDS: Exactly, and they ought to clean up their own back yard.

Mr GORRINGE: Not even in this country they're worrying about that now. The RSPCA have jurisdiction in Indonesia but none in the Territory. How do you work that out?

Mr WOOD: I don't know. Well, I probably do know, but you know.

Mr GORRINGE: Well, tell us.

CHAIR: Do we have any further contributions or comments from ...

PUBLIC MEMBER: Fix the government. [Laughter]

Mr ELFERINK: I'll do my best.

CHAIR: All right. Well, if people have no further comments to make, I just on behalf of the Committee would like to thank you all for your time this evening, particularly to Sue and Toby for their contribution. But we'll be hanging around just for a short while afterwards, so if you'd like to have an informal chat, if you'd like to have a cold sausage in bread, like I'm about to have, then you're welcome to that as well. But again, thanks very much everybody. Thank you.

Mr ELFERINK: Thank you folks, particularly you Sue and Toby, appreciate it.