



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY
COUNCIL OF TERRITORY CO-OPERATION
SUB-COMMITTEE – ANIMAL WELFARE GOVERNANCE
WEDNESDAY 3 AUGUST 2011

Public Hearing - Meeting No AWG09

Members:

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

Witnesses

Department of Resources

Mr Richard Galton - Chief Executive
Dr Sue Fitzpatrick – Principal Veterinary Officer
Dr Brian Radunz – Chief Veterinary Officer
Dr John Eccles – Senior Field Veterinary Officer/Stock Inspector, Animal Welfare Officer
Mr Rob Wait – Regional Biosecurity, Animal Welfare Inspector
Mr Greg Scott – Regional Biosecurity Officer, Animal Welfare Inspector

CHAIR: Okay, to get things officially underway, I declare open this Katherine public hearing of the Council of Territory Co-operation Sub-Committee on Animal Welfare Governance. Richard Galton, welcome back to you and your officers from Department of Resources, we certainly appreciate you coming back to speak with us once again. We find that as our investigations unfold we take evidence from other witnesses and it just takes us back for questions that we need to go back to various agencies about, so that is why we have asked you back here today.

In terms of the official side of things, I will just remind you that we are a Parliamentary Committee, so although the Committee does not require witnesses to give evidence under oath, these hearings are formal proceedings of the Parliament, and consequently they warrant the same respect as proceedings of the House itself. Just to remind witnesses that giving false or misleading evidence is a serious matter and may be regarded as contempt of Parliament, and whilst this hearing is public, and welcome to the members of the public who are visiting here today, witnesses have the right to request to be heard in private session. If you wish to be heard in-camera, please advise the Committee prior to commencing your answer.

As you can see, today's proceedings are being electronically recorded and, before you speak, each witness is asked to provide their full name and position before commencing their evidence. As on previous occasions, as soon as practical following this hearing, a transcript of the proceedings will be uploaded to our website, but not before witnesses have the opportunity to read, proof, and correct their evidence.

I won't go through the whole business, but I will just remind people about what we raised when we were here previously, and this is around Parliamentary privilege being derived from the Legislative Assembly Powers of Privileges Act, and our Secretariat has a copy of the guidelines for people around protection of witnesses.

So the official opening underway, Mr Galton, I'd invite you to either make an opening statement, or if you would like to move straight into responding to questions from Committee members we can go there.

Mr GALTON: I have no opening statement.

CHAIR: I suspected as such.

Mr GALTON: I am happy to proceed.

CHAIR: Thank you very much. Gerry?

Mr WOOD: Thank you, Madam Chair. Mr Galton, I don't want to hopefully try and go and repeat too many of the questions from previous hearing, but we heard that there are some things that, I think, need to be clarified. Mr Galton, what date did the DoR officially notify Animal Welfare Branch of the complaint which resulted in the inspections on the 4th, 5th and the 26th of September? Was there an official notification of what happened to the Animal Welfare Branch and when did that happen?

Mr GALTON: I would like to check that, Mr Wood.

Dr FITZPATRICK: They should have a copy of the responses, so ...

Mr GALTON: Is it in the response when you pull it out?

Dr FITZPATRICK: Yeah, yeah.

Mr GALTON: Can you tell me what the date is and I will let them know.

SUE FITZPATRICK: It is the 10th, that was the third one, and on the 9th, and on the 12th of October they received all three reports.

Mr GALTON: Okay, so on the 16th of September, they were verbally notified, but it was the 9th of October ...

SUE FITZPATRICK: 12th that they received the report.

Mr GALTON: Sorry, the 12th of October that they received the email from Dr Fitzpatrick.

Mr WOOD: So, my question is, the inspectors inspected Mataranka on the 5th of September, why wasn't there an immediate notification to the Animal Welfare Branch, as the inspectors were acting on behalf of the Animal Welfare Branch, that's how they got their powers. So, why wasn't there an immediate notification?

Dr RADUNZ: Richard, can I answer that?

Mr GALTON: Yes, you can return to that question.

Dr RADUNZ: Brian Radunz, Chief Veterinary Officer. The arrangement in 2009 was that if there was a complaint to the Department, the report was received by the Department and a decision was made within the Department. If a report was made to the Animal Welfare Branch, then the report was made back to the Animal Welfare Branch. In the information there is an email there of January 2009 from Sue Fitzpatrick to the staff advising that was the process in 2009. It changed from March 2010.

Mr WOOD: Right, but Mr Eccles basically said that he normally, I hope I'm right here, he says at our last hearing, my paper trails of all the animal welfare cases that I have investigated have gone to the Animal Welfare Branch of Mary Gearin-Smith and a carbon copy of the headquarters, my headquarters as well, and it beggars belief that they say they have never received a report.

So, is that what normally would have happened? Mr Eccles would have put in a report on the 5th of September, which is one that recommended prosecution or something happened. That Mr Eccles said that his normal process would have been for some of the ... that would have gone straight to the Animal Welfare Branch. Are you saying that didn't happen?

Dr RADUNZ: The policy in 2009 is what I told you, which was, if the report is to the Department of Resources, the report was received by the Department of Resources and then it's assessed by myself and the senior veterinary [10:14:28], but if the report is to Animal Welfare Branch, then the report goes back to the Animal Welfare Branch. That was the difference for the report, the report on the 5th of October which Sue provided a report to them about ... was because for that reason, it was a report directly to the Animal Welfare Branch which was referred to us to investigate.

Mr WOOD: Right. I'll just move along in chronological order, and Sue might be able to answer this question, and we know that you had a conversation with Mary Gearin-Smith at a conference in Perth.

Dr FITZPATRICK: With Meryl ... sorry, Sue Fitzpatrick, Principal Veterinary Officer. With Meryl Gowing, who was the manager of the Animal Welfare Branch.

Mr WOOD: It was Meryl Gowing, was it?

Dr FITZPATRICK: Yes.

Mr WOOD: Right. Was that regarded as an official notification that there was a problem?

Dr FITZPATRICK: No.

Mr WOOD: So you didn't receive anything back from the Animal Welfare Branch in relation to it later? When you came back from ... there was no ... ?

Dr FITZPATRICK: No, on the 12th of October was when I sent the report through.

Mr WOOD: Okay. In relation to the Inspector's Report, what actually happened, there were two major reports, the 5th and the 25th of September, so both recommended that something should happen, prosecution. Who took over that report? Was it yourself?

Dr RADUNZ: Can I answer that one, too?

CHAIR: Mr Radunz, if you could just introduce yourself.

Dr RADUNZ: Brian Radunz, Chief Veterinary Officer. About 10:30 on Monday the 7th of September, Sue Fitzpatrick forwarded an email to me, which was recorded the 5th of September from John Eccles. I then organised a phone conference at about one o'clock on that Monday, the 7th for Sue and I in Darwin and also John Eccles, Greg Scott and probably Rob Wait in Katherine.

We discussed the report. I did not support a prosecution under Section 67.1 because there is no offence under Section 67.1. The main focus was to treat the animal welfare of those animals down at Mataranka Station. There may have been an offence against Section 6 or 8 of the Animal Welfare Act, but there's definitely no offence under Section 67.1.

But as I said, the main focus was to treat the animal welfare. I sort of talked to Brian Heim at the Katherine Rural College who I had had some relationships with to do with through the Australian ... through the Australia Veterinary Association and also the College used to do the training for the pregnancy testing for people. I also rang Bob Wasson at the University, Bob was on leave, I talked to Plaxy Purick and I asked Plaxy to give Bob Wasson a message to give me a ring when he came back from leave.

So my focus was to get actions in place at the high management level within the University to make sure that there were sufficient resources applied. The regional staff should deal with the farm manager and co. but I saw my role to elevate

it to the higher levels to make sure that there was sufficient resources applied to fix the problem.

Mr WOOD: Can I ask then, you were the Senior Veterinary Officer, that's your correct title, Mr Eccles?

Dr ECCLES: Yes.

Mr WOOD: And you recommended a prosecution based on what you saw on the 5th of September?

Dr ECCLES: That's right, yes.

Mr WOOD: Do you still think that should have occurred, based on what you saw?

Dr ECCLES: Yes.

Mr WOOD: So, Dr Radunz, if your Senior Veterinary Officer recommended that there should have been prosecution, even though I know that you immediately would like to make sure that the cattle are being fed, why wouldn't you do both, both prosecute for neglect or cruelty of the cattle, regardless of whether the number in the Act was the right one, there was obviously a case that concerned your Senior Veterinary Officer and the others who visited that Station, and they repeated it three weeks later. Why wouldn't you prosecute as well as maintain the cattle and improve their welfare?

Dr RADUNZ: The main focus was to improve the welfare. That was the major focus during September. Collecting evidence for prosecution doesn't help the animals which were being adversely affected by animal welfare. So the prosecution does have a role. There are many circumstances where the most effective way ... where prosecution isn't the most effective way to deal with the problem.

Mr WOOD: I understand that, and I understand fully that the Department would have to feed ... would want to make sure the cattle are being fed from then on, but if an offence had taken place where we know that somewhere between 200 and 800 cattle died, surely someone should be held responsible for that action, as well as making sure that it didn't get any worse. Why didn't the Department say, based on their own reports from their own veterinary officers, that there should have been a prosecution, and we should have also done what you said, feed the cattle and make sure the University did the right thing?

Dr RADUNZ: Okay, 2009 was the first year that John Eccles was ...

CHAIR: Sorry, can I just remind witnesses just to state their name, just helps Hansard separate whose evidence is [10.20.52].

Dr RADUNZ: Brian Radunz, Chief Veterinary Officer. 2009 was the first year that John Eccles had been working in Northern Australia. I sort of accepted what he was suggesting. If we accept the 200 dying as probably the real figure, that isn't very much higher than the normal death rate which occurs on stations. The normal death rate is around 3% or 4%, if you look at sort of, say, 200 that would be about 5% of the herd at Mataranka.

There is no doubt that there is poor management which occurred on Mataranka Station. I would support a prosecution for say animals which were in the yard or in a holding facility which weren't being fed, but the appropriate action for grazing animals out in the paddock is to manage it as well as you can, and then if there isn't sufficient feed or it's not economic to feed that animals, then to humanely destroy those animals.

Mr WOOD: But Dr Radunz, wasn't that the case that there were a large number of cattle in two pens, close to the highway, that they were crowded in and had actually no feed? Wasn't that the case, they weren't out ... many of them out in the general station. The issue, I think, when the inspectors went down there, they found a lot of cattle in a relatively confined area? Wasn't that one of the issues?

Dr RADUNZ: That's right. The focus in September was to deal with the issue, but the matter of prosecution didn't have to be dealt with in September.

Mr WOOD: But it hasn't been dealt with at all of course, has it? Your recommendations were that there wouldn't be any prosecution.

Dr RADUNZ: I didn't support a prosecution at that time, no.

Mr WOOD: But in this particular case we are not just talking about an ordinary cattle station, we are talking about a station that's set up for training and run by Charles Darwin University. Now, would you not expect that a training establishment would not allow their cattle to die of starvation?

Dr RADUNZ: Brian Radunz, Chief Veterinary Officer. I would not expect a training facility to do that, but that's not relevant to an offence under the Animal Welfare Act. There must be standard for all cattle owners, it's irrelevant. I agree with you that a rural college should work at a higher level of animal welfare outcomes, but you can't, at least I cannot support a teaching facility being prosecuted when other properties with similar situations would not be considered for prosecution.

Mr WOOD: But, through the Chair, Dr Radunz, isn't it the case that you can keep cattle alive with supplement and feed, and if you have enough financial support, so if it was a cattle station that was run by a big company who had sufficient funds to feed their cattle in times of drought, surely if you knew that Charles Darwin University had sufficient funding, regardless of whether it's a teaching facility or not, sufficient funds to actually buy the hay and supplement to maintain the health and welfare of those cattle, they should have done it. They haven't got the argument that from a small cattle owner who might not have sufficient funds to provide that, but in this case you surely would have thought they would have been able to do it.

Dr RADUNZ: Brian Radunz, Chief Veterinary Officer. We were assured by a number of people within CDU that the resources would be applied to look after those animals.

Mr WOOD: That's right, but in the case your inspectors have said that didn't happen.

Dr RADUNZ: That was at the initial inspection.

Mr WOOD: Isn't that the time that the offence takes place? If cattle had been shot and the inspectors shot some cattle, they took bales of hay out and then they brought a report back saying these people should be prosecuted. Surely that is what

should have happened, and feeding them and getting the management plan going on should have been something that went on parallel with that.

Dr RADUNZ: Brian Radunz, Chief Veterinary Officer. My understanding is that the animals were shot a second visit on the 25th of September, not at the initial visit.

Mr WOOD: Doesn't that actually make it worse because they had three weeks to improve things and they were still shooting cattle on the second inspection?

Dr RADUNZ: I'm not surprised that there were animals which would need to be shot at that stage. September, October, and November is the really sort of stressful time for cattle production north of Tennant Creek. On any property there would be some animals which either need to be fed or they need to be humanely destroyed. Either of those actions are not surprising.

Mr WOOD: We visited the station yesterday and there was hay, there was supplement, and there was the weaners separated, and they were all in good nick. Why, if it can happen today, why didn't it happen in 2009?

Dr RADUNZ: Brian Radunz, Chief Veterinary Officer. Two reasons: (1) a very good wet season; and (2) there's been a major increase in investment in people and operational costs at Mataranka Station.

Mr WOOD: Are you saying that the University simply didn't have the resources to feed their cattle in 2009?

Dr RADUNZ: No, I'm not saying that. I'm saying that we were assured that they did have the resources and they would do that.

Mr WOOD: Right. What I'm getting at is that the University had the resources. They had the resources to keep the cattle alive and they didn't, for whatever reason, whether staff were ... there was in-fighting or whatever, poor management, they had the resources. Cattle were dying; Senior Veterinary officer said they should be prosecuted. Why wasn't Charles Darwin University taken to task over that and prosecuted?

Dr RADUNZ: I didn't agree with prosecution under the Section which was recommended.

Mr WOOD: But you could have changed the Section that ... if you still said that they were dying for whatever reason, you could have changed that.

Dr RADUNZ: Brian Radunz, Chief Veterinary Officer. Under Section ... the 2006.1, sort of my role was to agree that there should be a prosecution, but it's not our ... it's sort of ... so we would have collected evidence, which I agreed with that there should be a prosecution, I would then have passed that on to our legal officer to assess that and she would then pass it on to the Department of Local Government because the Local Government is the agency responsible for the Animal Welfare Act.

Mr WOOD: If we just move a bit further on, I've got a memorandum from Meryl Gowing to Ken Davies, and she says in that, this is the 3rd of June 2010, she says: "DoR further advised that the first of their officers to visit the Station to investigate had overreacted" – and I presume that's all the ... there were three ... three people inspected, "had overreacted to the situation and that there was a great deal of

gossip, innuendo, varying opinions, and old photographs being exchanged amongst those involved”. Further along at the end of that she says that: “Dr Brian Radunz does not consider the situation at Mataranka Station was as serious as others suggest”.

Who made the decision that the qualified people from your Department had overreacted to the situation? I mean, they qualified, Dr Eccles may have only had a short time in the Northern Territory, many years in New Guinea, many years in Western Australia, worked with AQIS. I presume that other Inspectors also had a lot of experience. Didn't anyone take those opinions serious enough to say there was something wrong? Why was this opinion that they had overreacted, where did that come from?

Dr RADUNZ: I have no recall of making such a statement, but there are reports from about early October, there are various reports which Sue Fitzpatrick, working with the Mataranka Station management to develop a plan to improve things which ... they are quite detailed, there are a number of ... and then a number of follow-up visits describing the actions which were being taken. So that was more information which I had.

Mr WOOD: You said earlier in the interview today, that you had known Dr Heim quite well as a fellow veterinarian, in your earlier statement.

Dr RADUNZ: I knew him, yep.

Mr WOOD: Yep. He is the one that wrote to your Department complaining about Dr Eccles. How did that relationship have influence on the decision not to prosecute, because again this is what Meryl Gowing said, that the staff had overreacted, there were various opinions and old photographs, etcetera, etcetera. Was there more attention paid to Dr Heim's opinion of a Senior Veterinary Officer rather than whether the case was a matter of cruelty and neglect?

Dr RADUNZ: Brian Radunz, Chief Veterinary Officer. Brian Heim's opinion of John Eccles had no influence at all. What I conceded was the advice which was received through the reports, what I know about cattle management in Northern Australia, I've been here about 40 years now, and also the reports from Sue Fitzpatrick and the management plans which were at least planned to be conducted on Mataranka Station.

Mr WOOD: We have a chronology here which says on the 7th of September Plaxy Purick from the Charles Darwin University was advised by Brian Radunz, Chief Veterinary Officer DoR that CDU should be prosecuted under the Animal Welfare Act for animal neglect at Mataranka Station. Do you recall that at all?

Dr RADUNZ: Brian Radunz, Chief Veterinary Officer. No, that wasn't what I said. What I said was that I have officers who are recommending prosecution and I wanted to talk to the University to fix the problem and that was my focus, to fix the problem.

Mr WOOD: Do you think, and maybe it's in hindsight, that fixing the problem was good, but prosecution should have also happened at the same time?

Dr RADUNZ: Brian Radunz, Chief Veterinary Officer again. What I've learnt from the Mataranka exercise, when action is required, notices should be issued to

define what should be done, and if that action isn't done and not verified, that that is the best ... and then they should be prosecuted.

It's not easy to prosecute neglect or cruelty, there's a lot of ... it's not easy to prove that in a court of law. It would be a much better approach in the future would be to issue notices and then if there isn't compliance with that, then to prosecute for the lack of compliance with the notice.

While I wouldn't reject prosecution under cruelty and neglect, it's not easy to prove in a court of law.

Ms PURICK: Can I just ask a quick clarification? Dr Radunz. So if there was an incident now, and I understand what you're saying it is a very good idea, there's no way, there's nothing in the legislation regulations to issue a notice to someone to say 'lift your game, sort out your problem, and I'll be back in two weeks to see if you've done it'?

Dr RADUNZ: Yes there is, that did exist in 2009 and it wasn't used. As I mentioned that was the major lesson which I've learnt from the exercise is in all cases, where action is required, to actually issue a notice and not do what we've done in the past which is basically to work out a mediation plan with the producers, and generally that was done, but there needs to be, I suppose, confirmation that that work is actually being done.

Mr WOOD: Can I just ask then a point of clarification. The role of the Senior Veterinary Officer is an inspector under the Animal Welfare Branch?

Dr RADUNZ: That's right.

Mr WOOD: Is it clear, I mean, they are appointed under the Animal Welfare Branch, wouldn't it be automatic they obviously send you a copy and the Animal Welfare Branch a copy of the report that said prosecution should occur, because they're actually empowered by one department and employed by another. Why wouldn't that have happened automatically?

Dr RADUNZ: Brian Radunz, Chief Veterinary Officer. I'll repeat again that policy in 2009 was that if there was a report to the Department, it be considered within the Department and then, if I agreed that it should be prosecuted, then it would go through the normal steps.

Mr WOOD: So is this the policy which has a date of 2010/09 or is this a new one?

Dr RADUNZ: No, the policy I was referring to was the 2006 one. There was a ... following the Mataranka episode in 2009 we had a circular 2010/5, and then after MOU had a revised circular 2010/9.

Mr WOOD: Well, this one here says: "Please note specifically the following Section", this is the updated one. "Complaints: all animal welfare complaints, including those involving livestock should be referred to AWB". Do you think the 'should' should be 'shall', because otherwise we're going to end up with the same situation, the Animal Welfare Board is not notified straight away.

Dr RADUNZ: I think under the interpretation of the Act that 'should' means the same as 'must'.

Mr WOOD: Shall immediately be referred, because I think one of the issues is, and you noted in this policy about when things are critical, that the notification times for matters that were critical was the critical issue. Do you believe that that notification should go straight to the Animal Welfare Board, because we've heard that they are the ones that would prosecute them?

Dr RADUNZ: Brian Radunz, Chief Veterinary Officer. Yes, that's the reason why we changed the circulars in 2010 to make sure that occurs. The lessons learnt during 2009 and sort of ... and between ourselves and Local Government we developed a new Policy and Procedures with a new circular. There are actually two new circulars, there was one in March 2010 and one in August had even more details.

Mr WOOD: I've got some more questions, but I'm sure John's got some questions.

Mr ELFERINK: Gerry, you and I were obviously going to the same place. You've asked many of the questions I was going to ask, however, I will just tidy up a few things. Dr Eccles or Mr Eccles?

CHAIR: Dr Eccles.

Dr ECCLES: John. [Laughs]

Mr ELFERINK: John, if I can start with you. Just by way of your background, you've been involved in prosecutions before you came to the Northern Territory, is that correct?

Dr ECCLES: That's right.

Dr ELFERINK: So you've had some experience in putting prosecution files together and making recommendations up the pipeline?

Dr ECCLES: Yeah.

Mr ELFERINK: When you attended the Mataranka Cattle Station, you produced your identification and then issued what is the formal caution, which is words to the effect that 'you are not obliged to say anything, anything you do say may be taken down and later be given in evidence', is that correct?

Dr ECCLES: That's correct.

Mr ELFERINK: Who did you issue that caution to?

Dr ECCLES: Ian Gray.

Mr ELFERINK: Ian Gray.

Dr ECCLES: Rob Wait was there. Rob Wait was there when I did it.

Mr ELFERINK: Okay, that's fine, no problems. The next question I have then is, the general rule of law pertaining to the issue of the caution is that it's generally not issued until such time as you had decided that there was a strong chance, or that

you were actually going to recommend that this person be charged. Had that already formed in your mind?

Dr ECCLES: Yes.

Mr ELFERINK: What had caused that to form in your mind?

Dr ECCLES: Well, I guess it was just the extent of just what we'd seen. The number of cattle that were starving.

Mr ELFERINK: So when you ... would it be unfair to say then, that you had gone out to the Cattle Station, you had witnessed certain things, namely starving cattle, and other things, which then formed in your mind that there was a potential breach of the Animal Welfare Act?

Dr ECCLES: Definitely.

Mr ELFERINK: Okay. If you had seen the same thing on a normal commercial cattle station, would that have changed your approach in relation to what you saw?

Dr ECCLES: No, not at all, no.

Mr ELFERINK: Okay, so the issue in your mind's eye was whether the cattle had been treated in such a way as to breach the legislation, rather than it was a particular cattle station or one owned by a particular body or group, is that correct?

Dr ECCLES: Yeah, that had no effect at all.

Mr ELFERINK: Okay. Dr Radunz, I now come to you. Based on the recommendations, which we've already discussed by Dr Eccles, we come to your decision not to pursue a prosecution. Now clearly the Section number's wrong, but nevertheless, you had a recommendation from a senior inspector on the ground. Did you yourself attend and visit the Mataranka Cattle Station?

Dr RADUNZ: No, I didn't. Brian Radunz, Chief Veterinary Officer. No, I didn't. I was relying on a variety of reports. So there's no decision not to prosecute, but there wasn't a decision to prosecute and they are different.

Mr ELFERINK: I take issue with that, but will move on. The reports that you were receiving from Greg Scott and Dr Eccles, particularly Dr Eccles, were quite firmly in favour of a prosecution. What information that you have, that contradicted the advice of your senior staff on the ground?

Dr RADUNZ: Brian Radunz, Chief Veterinary Officer. The primary focus was to fix the problem. Prosecution was a much lower priority.

Mr ELFERINK: Why?

Dr RADUNZ: Brian Radunz, Chief Veterinary Officer. Traditionally, the approach which our Department has taken is to fix the problem with prosecution being the last resort. For something which is really obvious, a sample might be that if you're at a cattle yards and someone was sort of bashing a cow over the head with a steel pipe, that would be something which I totally support to be prosecuted.

Management of animals in the grazing situation in a grazing paddock is much more grey.

Mr ELFERINK: In what sense?

Dr RADUNZ: There are things that need to be done. What happened on the Station was that there were fires the year before, there's a failed sale of a large number of animals, so therefore there's a much larger number of animals there than would be prudent. There's probably a situation of the property being overstocked. All that can be done is to manage the balance between the feeding the animals and then, if necessary, humanely destroying the animals which either are too poor to walk out to feed or there aren't sort of enough funds to actually feed those animals. Feed those animals for a whole year.

Mr ELFERINK: So if I understand you correctly, an active case of cruelty, somebody taking a taking a steel pipe, for example, to a cow would represent an act of cruelty, but an act of neglect would not?

Dr RADUNZ: I think neglect would be not to destroy animals which are in too poor condition that they can't stand up or they can't walk.

Mr ELFERINK: Well, there's fairly strong evidence that that's exactly the condition of some of the cattle at Mataranka Station at the time. That there were downers.

Dr RADUNZ: That should have been destroyed.

Mr ELFERINK: Mmm.

Dr RADUNZ: And the action ... the agreed action by Mataranka Station was to destroy those animals.

Mr ELFERINK: Okay. What other sources of information did you rely upon, other than your Senior Veterinary Officers to come to your decision?

Dr RADUNZ: The only information was reports from the regional staff and also the report from Sue Fitzpatrick.

Mr ELFERINK: From Sue Fitzpatrick, okay, I'll get to that shortly. In fact, I'll get to that now.

Sue Fitzpatrick, my next question's for you. Did you have any contact with anybody else at any stage to inform you of what was going on at the cattle station?

Dr FITZPATRICK: Sue Fitzpatrick, Principal Veterinary Officer. I had contact with our staff and I had contact with Brian Heim.

Mr ELFERINK: Brian Heim being the CDU's man at Katherine College at the time.

One of the concerns that I have comes out of the record of conversation between yourself and Julie Carlsen, the investigator from the Ombudsman's office, do you recall that record or conversation?

Dr FITZPATRICK: What particular aspect?

Mr ELFERINK: Well, particularly this aspect. Julie asks you, and I quote: “In one of your emails to Brian Heim dated the 28th of September, you wrote in part, quote: ‘Thank you for your comments. We will address your concerns regarding John Eccles and he will not be attending further visits to Mataranka Campus’”. Julie goes on to ask you: “Could you further explain why John Eccles would not be conducting further visits when this is part of his job?”. Your answer was: “The decision was made again with me and the Chief Veterinary Officer that John Eccles not attend for at least a couple of inspections because of issues that would potentially only aggravate the situation.” Do you recall those comments?

Dr FITZPATRICK: Sue Fitzpatrick, Principal Veterinary Officer. Yes, I do.

Mr ELFERINK: What was the concerns with John Eccles at the cattle station?

Dr FITZPATRICK: Sue Fitzpatrick, Principal Veterinary Officer. I believe in the last hearing the Chief Veterinary Officer answered that question, and it was particularly in relation to the relationship between the two, it was actually aggravating the situation that was detrimental to the cattle’s’ welfare, so we were focussed on improving the welfare of the cattle, and any personal conflict wasn’t having a positive impact on the situation.

Mr ELFERINK: Okay, back to you, Dr Radunz. Doctor, you made a determination not to proceed, you say that you made no decision. In effect, and I put it to you Dr Radunz, in effect a decision not to make a decision is a decision in essence not to prosecute. Would you agree with that statement?

Dr RADUNZ: No, I wouldn’t, but the decision was, sort of, still outstanding.

Mr ELFERINK: You realise of course that the clock was ticking on a prosecution in that period? That you would have been required to make a decision at some point prior to the Statue of Limitations coming into force.

Dr RADUNZ: I was aware of that, but I was also aware that the reports from early October were being sent to Animal Welfare Branch and the Department of Local Government.

Mr ELFERINK: So you expected them to do something about it? From a prosecutorial point of view?

Dr RADUNZ: Not necessarily, but they were, as the responsible agency, receiving the reports.

Mr ELFERINK: Right. Correct me if I’m wrong, but I understood earlier when Mr Woods was asking you some questions about this particular issue, that you stated that prosecution was lower on the list, but you had determined not to proceed in relation to a prosecution of Section 76.1 because you said it was the inappropriate Section. Why did you then not proceed with a prosecution in relation to the appropriate Section under the Act?

Dr RADUNZ: Brian Radunz, Chief Veterinary Officer. Normal practice is that if there is an animal welfare complaint and works needs to be done, as long as the animal welfare situation is fixed, then we wouldn’t proceed with the prosecution. That’s been the departmental approach for a long time.

Mr ELFERINK: Are you aware of the prosecutorial guidelines of the DPP in relation to the exercise of your common law power of discretion in terms of these sorts of prosecutions? Have you ever been trained in that?

Dr RADUNZ: No, I haven't.

Mr ELFERINK: Okay. In fact, and my next question is to you, Ms Fitzpatrick. You were asked by Julie Carlsen the following: "Would it be reasonable that on the 4th of September John Eccles had been out to the Station after being unable to contact Ian Heim, sorry Ian Gray" – and I'm quoting the mistake – "and he saw neglected cattle", would the next step not be, after obviously saying that we're from the Department of Resources and my name is so and so and here is my card, I'm an Animal Welfare Inspector, and then read the rights so that anything that person says could be admissible in a court of law. You answered, quote: "It's something we have never done before and what little training we do receive doesn't involve that, so we're not interviewing the person. My understanding is that if we're interviewing them, then it would be a different process". Do you recall giving that answer?

Dr FITZPATRICK: Sue Fitzpatrick, Principal Veterinary Officer. Yes, I do.

Mr ELFERINK: When you say that you received little training, have you received little training or no training in relation to prosecutorial matters?

Dr FITZPATRICK: Sue Fitzpatrick, Principal Veterinary Officer. We have received minimal training.

Mr ELFERINK: What training have you received?

Dr FITZPATRICK: We have received some training for the Livestock Act, not the Animal Welfare Act.

Mr ELFERINK: Okay, that's fine, but what prosecutorial training have you received in how to put a prosecution together?

Dr FITZPATRICK: We have received some training for interview techniques.

Mr ELFERINK: Hmm hmm. And what form did that take?

Dr FITZPATRICK: It was just some written form stating what the process would be.

Mr ELFERINK: Dr Radunz, what training have you received in terms of the creation of prosecutorial files? And have you had any experience of it in your professional career?

Dr RADUNZ: Brian Radunz, Chief Veterinary Officer. So two lots of training: one was in the 1990s and there was a recent one about three or four years ago as part of an Animal Health Training conference, it was a one day session organised by someone from the Department of Justice. The one in the 1990s was about a two day course.

Can I note that lack of skills in both our Department and Local Government has been recognised and training has been organised now.

Mr ELFERINK: I accept that, and that's been made clear. What concerns me in relation to this particular matter is that there is a legislative instrument created by the Parliament which is supposed to be looked after or managed by the executive, and whilst there is common law discretion available to anybody seeking to launch prosecution as to whether they proceed or not, the equivalent would be a policeman determining not to give a warning rather than a traffic fine. There are certain rules that determine whether or not that discretion can be used, public interest, seriousness of the offence, those sorts of things. Did you turn your mind to any of those questions before setting aside the decision to not prosecute?

Dr RADUNZ: Brian Radunz, Chief Veterinary Officer. The focus, I say again, that the focus was the welfare of the animals, and whether to prosecute or not was a minor point.

Mr ELFERINK: Okay. Would it be fair then to say that a prosecutorial culture was not present in the Department and still isn't?

Dr RADUNZ: It wasn't present. I think there would be a higher level of prosecution as being an option now. Since the beginning of the Livestock Act there's been 15 Infringement Notices issued. In the time that I've been in the Department, 40 years, I can only recall ... I can't recall any prosecutions under the Livestock legislation.

Mr ELFERINK: Do you feel that prior to 2009 that you were sufficiently well trained to make these decisions?

Dr RADUNZ: I would have to answer no.

Mr ELFERINK: No further questions.

CHAIR: Thanks John. Kezia?

Ms PURICK: Thank you, Madam Chair. My question's to Mr Galton, and these are a bit more general administrative type questions. Over the last two years, or perhaps since this incident arose, have there been people within your Department associated with this who have gone on sick leave or stress leave? Or taken leave when it wasn't normal to take leave?

Mr GALTON: For this particular instance?

Ms PURICK: Well, people associated with this Mataranka inquiry into and the incident, Katherine staff perhaps? Veterinary staff?

Mr GALTON: I'm unable to answer that question, I wouldn't know. I don't get drilling down into the sick leave of all my staff.

Ms PURICK: Is it possible to find out? I'm just trying to see if there are any unusual ...

Mr GALTON: Perhaps you could check with Dr Radunz.

Dr RADUNZ: I'm not aware of any directly associated with the ... with the ...

Mr GALTON: Mataranka.

Ms PURICK: Fair enough. I guess this is to you, Mr Galton. In regards to the arrangements within the Department and with Animal Welfare, and obviously that's part of what this inquiry is doing. Do you see areas where things could be improved substantially? I mean, I know we've got the MOU, put that aside, are there other areas that the Department or Government is working on to try and improve the systems that we have in regards to livestock management and animal welfare and the responsibilities of the Department? I guess maybe if I jump to a question. Has the Department itself done an internal review of how it's handled and managed this incident?

Mr GALTON: The review's come about through examining the facts of this particular case. It's fair to say that we've lifted every rock we can to understand what actually happened in this particular case to see if we can't discover whether there were any failings within the Department's procedures and the way it goes about its business. There's been nothing put before me to say this is a problem for the Department. In addition to what we've discovered and what we're going through now.

Ms PURICK: There wasn't a separate review internally of the management of this process and whether the regulations are suitable, whether the legislation could be improved, whether the MLA could be strengthened?

Mr GALTON: Not to my knowledge. I think the MOU was the critical issue for us, and there was some work put into that.

Ms PURICK: Okay. How was the livestock reviewed, was the livestock in need of some review in light of this incident, do you think?

Mr GALTON: The Livestock Act?

Ms PURICK: Yes.

Mr GALTON: No.

Dr RADUNZ: Can I answer that?

Ms PURICK: Yeah, sure.

Dr RADUNZ: Brian Radunz, Chief Veterinary Officer. The Livestock legislation was amalgamated about two years ago. It was commenced on 1 September 2009, so it's probably a new legislation. We introduced infringement notices as a reinforcement mechanism rather than necessarily having to go to prosecution.

My experience with the few cases where we have put together a potential prosecution have been rejected by, sort of, as a prosecution. For the layperson it seems to be unreasonable, but they were rejected by the Prosecutor because all the elements weren't covered.

I can give an example, there's an example where one person put their own brand on another animal which was branded with the neighbour's brand and then I thought that was an obvious offence, but the Prosecutor wouldn't go with it because he felt that the animal could have been in a race, the person didn't see that the animal was already branded and so therefore wouldn't progress.

So it's getting the Prosecutor a case which the Prosecutor will take on is, in my experience, hasn't been easy when dealing with livestock. I think it's more clear where you've got some standards involved, that was the reason why I've got to come back to either use of notices or standards, but when there are furry words like 'neglect' and 'cruelty', it's much better to have particular standards or to have non-compliance with a notice.

Ms PURICK: Okay, thank you.

Mr WOOD: I'd like to go back to the beginning a bit just so I can clarify a few things. I might ask this to Sue. When your inspectors go to a station, what's the process?

Dr FITZPATRICK: Sue Fitzpatrick, Principal Veterinary Officer. For what purpose?

Mr WOOD: To inspect for a, say, there's been a complaint came, as I think you received a complaint, an anonymous complaint, so what happens, what's the purpose then?

Dr FITZPATRICK: For a welfare complaint? Is that ... ?

Mr WOOD: Yeah, I gather on the chronology a complaint came, an anonymous complaint came and you acted on it and the inspector ... when I say you, the Department acted on it, the Inspectors went down. So what's the process of the inspectors going to a property on a welfare complaint?

Dr FITZPATRICK: Sue Fitzpatrick, Principal Veterinary Officer. Are you speaking in regard to 2009 or now?

Mr WOOD: Yeah, 2009, talking about the September inspections. What would have been the process for going down to that cattle station?

Dr FITZPATRICK: We were required to actually have a name and contact number for the complainant so that we could request further information, so it is very difficult when there is anonymous complaints, but they would normally take the information, they would contact the person, the alleged offender, and find a suitable time to go down. Now, depending on the scale of the report, which we now have in the animal health circular, we may be required to go onto the property without making contact with that particular person as well.

Mr WOOD: Now, when you did your visits later on after John Eccles did his visits, did you notify them that you were coming, like, did you have to give them seven days' notice?

Dr FITZPATRICK: Sue Fitzpatrick, Principal Veterinary Officer. I notified Brian Heim and he notified the manager of the Station of a time and date that I would be attending. So yes, there was seven days' notice given.

Mr WOOD: Now, we have heard from some people that what happened was that when they knew the inspectors were coming all of a sudden hay got put out. We also heard that when the inspectors first went down they actually physically took hay themselves. And yesterday at the meeting at Mataranka when I asked them about the Animal Ethics Facility Inspection Report, who went down on the 17th of September, and they had a series of boxes to fill in, in their report, and this is on the

17th of September, and one of them was food and water and spoke about appropriate type of food, yes, adequate nutrition, the various life stages, yes, provision to maintain food uncontaminated, yes, drinking water, yes. One got the impression that things were happening, yet one of the complaints we got is that, yeah, the management knew that the University was coming down for inspection and then made sure everything was in the right place when they got there. Did you get any feedback that that's perhaps what was happening when you were doing your investigations, that things were being made to look good before you got there, rather than what they are actually were?

Dr FITZPATRICK: Sue Fitzpatrick, Principal Veterinary Officer. When we inspected the property, we were allowed to go anywhere on the property, so if there were efforts to ensure that there was feed, as you say, in all of the paddocks, then they would have to go to that effort, so I can't comment on what happened in between, but there was definitely an improvement in the condition of the stock.

I did note that there was sporadic feeding of the supplement, and that's why in all of the reports it's acknowledged that there was difficulties in not only sourcing labour, but maintaining labour, so there was a regular changeover of staff and that could have an impact on the welfare of the animals.

Mr WOOD: Maybe I could ask the inspectors. When you went down there on your first trip, which was when you couldn't contact Mr Gray, what was your first impression? Was there feed out there for those animals on the first day that you went there?

Dr ECCLES: No.

Mr WOOD: Was there feed in the sheds?

Dr ECCLES: Yes.

Mr WOOD: Was there sufficient feed in those sheds to at least feed the animals that were there. Would you be able to make an assessment even it was only for a day? Was there enough feed there to sort of keep ...

Dr ECCLES: Well, we fed out - John Eccles - but now when we fed out I think we ... on their first feeding we probably used half what was in the shed. Would that be right, correct Rob?

Mr WAIT: Well, Rob Wait, Livestock Biosecurity Officer, and the hay you're referring to?

Dr ECCLES: Hay that we fed out, yes.

Mr WAIT: Yeah, there was ... it wouldn't have been quite half but yeah, there was a fair percentage of it.

Mr WOOD: And these are square bales?

Dr ECCLES: Square bales.

Mr WAIT: Large square.

Dr ECCLES: Large square bales.

Mr WOOD: How many people are required to shift one of those?

Dr ECCLES: With the right equipment one person could shift them. But I mean the unfortunate part about it was the machine that was to shift them was broken down, so ...

Mr WOOD: With enough staff could the hay have been put manually on the back of a ute?

Dr ECCLES: Oh yes, I think so. Yeah. We cleared off a trailer that had gates on it for a stockyard. We cleared that off and then laid it on, was it one or two bales, three bales of hay and Rob and I then helped Ian Gray feed out the cattle there. And then we also fed out the cattle that were held in the yards as well.

Mr WOOD: Is it true Mr Gray said that he didn't have enough staff to feed the cattle?

Dr ECCLES: He complained about the staff, and he complained about the various other things. I mean, there was a great pile ... a great puddle of water at the yards, there was a great big pig wallowing in it, for goodness sake. I mean, obviously the water had been running out of the broken tap there, or the broken line for some period, weeks, probably months.

Mr WOOD: So when you were there, how many staff; when I say staff, were there students, was there teachers, was there actual station staff there, as well? Did you have any idea how many people were on the station at the day you turned up?

Dr ECCLES: The day we turned up, Rob, how many, can you remember?

Mr WAIT: Rob Wait, Livestock, Biosecurity Officer, there was Ian Gray. There was one other staff member but we didn't see that member, that I know of that was there.

Dr ECCLES: Basically people didn't want to work with Ian Gray, he didn't have any sort of ...

Mr WOOD: So could you say that that conflict with Ian Gray would not have helped the process of feeding the cattle because they just didn't want to work with him?

Dr ECCLES: Oh, definitely.

Mr WOOD: Pardon?

Dr ECCLES: Definitely.

Mr WOOD: Yeah. All right. So there's management issues as well as whether to track the work or not?

Dr ECCLES: That's right. Yeah. There was just infrastructural problems there. Yeah. Ian Gray just seemed to be wandering around himself and sometimes he'd go ... apparently go into Katherine and buy some supplement, some other supplement and come back with two or three bags of supplement. It was just totally

inadequate. The whole procedure, feeding those cattle that were locked away in the yards. And also Wire Creek, you know.

Mr WOOD: Is there any truth, do you think, that from what we've heard from some people that ... and I think students said something like this, that hay was put out knowing when people were coming down. In other words, there was sort of, the station was dressed up a bit knowing that it was going to be inspected?

Dr ECCLES: Well, that was reported to me. I heard that as well, yes.

Mr WOOD: But you haven't got any proof that that's the case?

Dr ECCLES: No proof of it. But, I mean, Ian Gray would be telling us one thing and Toby Gorringer or whoever else was there would be telling us completely different practices so well, that's not the truth. So, I mean, who do you believe? I mean, I wasn't there to make a judgement on the validity of what Ian Gray was saying, but what we look ... when we looked at the yards there was nothing in the trough and there was no residues of hay in the yards, as well. Would you back me up on that, Rob?

Mr WAIT: Yeah. Rob Wait, Livestock Biosecurity Officer. Yeah. The troughs in the yards and that had no feed or anything in them. There was no ... well, very little hay residues around at all.

Mr WOOD: Do you think that the issue between Ian Gray and the other staff meant that the cattle were the sacrificial or the sacrificing or the bait, in other words, they were being used as part of an ongoing management problem? I know it might sound cruel, but we're, you know ...

Dr ECCLES: Oh, I would say yes to that. People just didn't want to work with him. Simple as that.

Ms PURICK: Just quickly. Ian Gray or Toby Gorringer as well?

Dr ECCLES: I understood it was just with Ian Gray. He definitely sort of had a personality problem. I'm not a psychologist but, I mean, he couldn't see anything wrong when we drove round those cattle. He couldn't see anything wrong with the cattle.

Mr WOOD: I see. Now the three of you are the inspectors. I mean, I know that you were asked not to turn up at the next inspections, but did you all agree that what you saw was, on the 5th of September and later on, did require prosecution? It was serious enough that something should have happened down that line? Is that something you were unanimous about?

Mr SCOTT: Greg Scott, Livestock and Biosecurity Officer, Katherine. I've been involved with cattle for a long time. But if they had of taken our advice it wouldn't have got to that. They wouldn't act on mustering the cattle and segregating them and look after the ones that really needed looking after. And the weaners of the wet cows. They were really slow to react on that.

Mr WOOD: When you say they, that is the ... Ian Gray saying...

Mr SCOTT: CDU.

Mr WOOD: CDU.

Mr SCOTT: Yeah. I wouldn't know many names in the CDU, but they were aware of it all.

Mr WOOD: And how many years have you been in the business?

Mr SCOTT: I come up here in '67.

Mr WOOD: You know a few cows?

Mr SCOTT: Yeah.

Mr WOOD: Do you think that there was a good reason for prosecution at that ... what you saw at that station?

Mr SCOTT: Maybe the weaners that were in the yard, but the other cattle, if they had acted straight away I wouldn't have said prosecution, if they had of been seen to be doing something, they were doing something for the livestock.

Mr WOOD: Yeah.

Mr ELFERINK: But were they doing ?...

Mr SCOTT: Proper cattle management. Well, I went on holiday, like a happy wife, a happy life, and I had my holiday and I left sort of half way through it. There was nothing being done when I left, oh, up until I left.

Mr ELFERINK: So ...

Ms PURICK: When you said you gave your professional advice to the University to do certain ...

Mr SCOTT: No, not really.

Ms PURICK: Oh well, you said you told them how to better manage the property and they chose not to. Was that a verbal ...

Mr SCOTT: Yes.

Ms PURICK: You didn't follow it with writing, "we recommend this..."?

Mr SCOTT: No. You know, it's not rocket science, and you know cattle need feed and they need water.

Ms PURICK: It's pretty simple.

Mr SCOTT: Yeah, it's pretty simple. It's basic.

Mr GALTON: Very simple

Mr SCOTT: You just can't lock cattle away in a yard with no feed.

Mr WOOD: You were on a ... the AEC, you were the guest inspector is that right, on the 17th of September? They called you a guest, you agree to it?

Mr SCOTT: Yeah.

Mr WOOD: It's got here guest inspector. This is the 2009 Animal Ethics Committee Facility Inspection Report, guest inspector Mr Greg Scott, Department of Primary Industry of Katherine on the 17th of September 2009. Did you go round with them at all?

Mr SCOTT: Oh yeah, I went round with the ... to inspect the property with Wayne Spence.

Mr WOOD: Oh no, this is with three people.

Mr SCOTT: Oh, and then there was the animal ...

Mr WOOD: Professor ...

Mr SCOTT: ... those people, yeah.

Mr WOOD: Professor Wasson?

Mr SCOTT: Yeah.

Mr WOOD: And co.

Mr SCOTT: Yeah.

Mr WOOD: So you went ... you were just ... you went along with them and ...

Mr SCOTT: Yeah. And I give them the advice these cattle needed to be mustered, the weaners taken off, cows that were in good condition could be supplemented and put in a paddock with feed and the others that needed attention would have to be fed [11.11.05].

Mr WOOD: So that's where you officially gave advice about ...

Mr SCOTT: I give them that advice.

Mr WOOD: Do you think they carried out that advice?

Mr SCOTT: I would not know.

Mr WOOD: No.

CHAIR: At the time when you gave that advice, Mr Scott, what was the response that you got from the people of the Animal Ethics Committee?

Mr SCOTT: I never heard from them.

Ms PURICK: On the day, when you said ...

CHAIR: When you were [11.11.2].

Mr SCOTT: There wasn't much real response because in real life I don't think they've had the experience to tell when cattle were... needed attention. I mean,

there's something you, you're not gifted with. You've had to of worked in the industry, to know how to manage cattle.

CHAIR: Sure.

Ms PURICK: Can I ask a question?

CHAIR: Of course.

Ms PURICK: Not to John, or perhaps to the ... more your field. Given the properties that you would have visited and do visit in the Northern Territory, pastoral properties, and based on your knowledge and background, so I can understand it, looking at Mataranka Station, I know that a lot's been improved now and more points and buildings etcetera, but on a scale of one to ten, how would have you ranked it as a cattle station? Apart from the animals that are in the wrong pens and no food and no water, but generally, like there's 200 ...

Mr SCOTT: Maybe I'd better answer that, hey.

Ms PURICK: Just so, yeah. One to ten.

Mr SCOTT: John hasn't been up here long.

Ms PURICK: I mean, I've been to lots of cattle stations myself and there's real fancy ones and there's just some working cattle ones and then ... so on a scale of one to ten, where do you put Mataranka Station?

Mr SCOTT: About two.

Mr WAIT: That's the bottom end and not the top end.

Ms PURICK: I know it's not there now, but that's ...

Mr SCOTT: At that stage.

Ms PURICK: At that stage.

Mr SCOTT: Yes.

Ms PURICK: Yeah. Okay.

Dr ECCLES: I would have given them a one. How about you, Rob?

Mr WAIT: It could have been a zero.

Mr ELFERINK: I just have thought of a name for new game show called Dancing with the Cows.

Ms PURICK: Now there is ... the reason I asked the question is because obviously it was a station that had had various managers and that was owned by the University for some four or five years, I'm just trying to get a grasp. And it's the infrastructure, the planning, the management and obviously the ... we know there was no ... well, poorer paddock summaries for example. So I was just trying to get a grasp of how bad it really was. So thank you.

Mr WOOD: Just, oh, you might have got the wrong poll there. There's another poll also, a heap of inspection reports. You also continued on being the guest vet, what did they call you? The guest inspector.

Mr SCOTT: The guest inspector.

Mr WOOD: That sounds like academic talk, but did you do other inspection reports?

Mr SCOTT: No. I got a ... like it would have been ... I did two.

Mr WOOD: The ... one with ...

Mr SCOTT: One with Wasson and Plaxy and then one with Wayne Spence.

Mr WOOD: There was one on the 7th of October 2009, you weren't involved in that one?

Mr SCOTT: Oh, I can't recall the date, to be honest with you.

Mr WOOD: I'll just check back in the questions.

CHAIR: Can I just ask you a question again, Mr Scott? Going back to when you escorted these visitors from the AEC ...

Mr SCOTT: You'll have to speak up a little bit, I'm a bit deaf.

CHAIR: Sorry. But as committee members what we've seen in the photographs right ...

Mr SCOTT: Yeah.

CHAIR: And well, I'll speak for myself, I have no experience in the cattle industry but I could look at those photographs and instantaneously have a very shocked reaction that this is not right. At the time the AEC committee members were touring with you on the station, is that the state of cattle that you were looking at? Was it similar to the photographs?

Mr SCOTT: Not all of them, but there was ... the photos you've seen would have been the worst ones.

CHAIR: Okay.

Mr SCOTT: Yeah.

CHAIR: So what I'm trying to gauge is how obvious these poor state of cattle were at that particular time when you had members of the AEC with you ...

Mr SCOTT: Yeah.

CHAIR: ... given that they were inexperienced people, you're very inexperienced?

Mr SCOTT: They never ever commented.

CHAIR: Okay.

Ms PURICK: But I think some of the cattle mostly in that long paddock [11.15.12] they were the worst.

Mr SCOTT: They were the worst. And some of the other ones in the paddock, in every paddock. It was like ... like Brian said, the season conditions were ... you know ,the fodder was all ... no nutrition in it and lactating cows, they can't walk far from water points to get to some feed way out, so more or less they just sit around there drinking water, living on fresh air.

CHAIR: Thank you.

Mr ELFERINK: Perhaps we can just use this to jog your memory Greg, Dr Eccles I'll give this to you first. It's a page of an internal report from your own department, there appears to be two signatories to it, Greg Scott and then it's got regional veterinary officer underneath it. Can you just tell me who's actually authored that report? You Dr Eccles or, no, Mr Scott?

Dr ECCLES: I think it would have been a dual thing really. I probably would have set it in ... just to jog my memory I probably ... I would have been asking Greg for his input in it as well. It would have been a dual thing I think, Greg? Have a look at that.

Mr ELFERINK: I'm not quite sure who has actually authored it but if it's both of you, that's fine, if you worked together on it.

Mr SCOTT: Yeah, we worked together pretty well on it, yeah. But this is when we would have done the inspection ...

Mr ELFERINK: That's on the 25th.

Mr SCOTT: ... with Wayne Spence.

Dr ECCLES: Yeah, Rob [11.17.12].

Mr WAIT: When I'm doing these reports I write it up and then I would then hand it to Greg and then say, look ...

Mr SCOTT: Yeah. This is when we inspected the paddocks before I went away.

Mr WAIT: Yeah.

Mr ELFERINK: So that report would have been pretty much done at the time that you did the inspection, like the next day or on that day?

Mr WAIT: Oh, for sure.

Mr SCOTT: No, this was the half way, two weeks later after the first ...

Mr ELFERINK: No, no, but what I'm saying is ...

Mr WAIT: But when we did the inspection, came back and wrote it up.

Mr SCOTT: Yeah.

Mr ELFERINK: Yeah, so you pretty much write it up on the day or the following morning after the inspection?

Mr WAIT: Yeah.

Mr ELFERINK: So those notes were probably done from a very fresh memory?

Mr WAIT: Yeah.

Mr ELFERINK: Would that be a fair call?

Mr SCOTT: Say that ...

Mr ELFERINK: So when those notes were put together ...

Mr SCOTT: Yeah, fresh in our mind.

Mr ELFERINK: ... they were fresh in your mind so you would have either produced them on the day or the day after?

Mr SCOTT: Yeah.

Mr ELFERINK: All right. Can I just grab that back off you again?

Dr ECCLES: Yeah. Any report that goes out it would be something that I or I get Greg to do ...

Mr ELFERINK: It's not like it was done two months later or something?

Mr SCOTT: Oh, definitely not. No.

Mr ELFERINK: Because I note that some of your observations, both of you gentleman, is that you say that the stock is very poor and that the current management of which is an Animal Welfare issue, so you're already identifying it as potentially a breach of the Animal Welfare Act. Now you talk about inadequate amounts of supplementary lick block, lick blocks, or loose supplement being provided. You also go to say that you need a whole road train worth of support. Would that still be correct in your ... by your memory?

Dr ECCLES: Definitely. Yes. Because when Gary Riggs took over the first thing he did was to order a road train of supplement.

Mr ELFERINK: Okay. So pretty much ...

Dr ECCLES: Fifty tonnes.

Mr ELFERINK: ... pretty much vindicated by the next station manager ...

Dr ECCLES: Yeah.

Mr ELFERINK: ... who did exactly that?

Dr ECCLES: For sure. Yeah.

Mr ELFERINK: All right. Just a couple of procedural questions, back to you Dr Radunz.

Mr WOOD: Just before you leave that station ... is that all right?

Mr ELFERINK: Yeah.

Mr WOOD: When you visited there did you take any photographs?

Dr ECCLES: Oh, unlimited amounts of photographs but ...

Mr WOOD: And they're on file?

Dr ECCLES: They were on file.

Mr WOOD: So they would be dated. Do you know when you put them ...

Dr ECCLES: Unfortunately they weren't dated in the camera dating. They weren't ...

Mr WOOD: Is it a digital photo?

Dr ECCLES: It's a digital camera.

Mr WOOD: When you downloaded it on to your ... I presume you've got a file of photographs?

Dr ECCLES: Yeah.

Mr WOOD: Does it flick up that date that they were taken?

Mr ELFERINK: It should be in the properties.

Dr ECCLES: I think it does.

Mr WOOD: So the reason I ask is when we interviewed Ms Meryl Gowing from the Animal Welfare Board she said that "basically the Ombudsman's job is to actually identify the date of the offence because someone was in one of the photographs and was able to then date that because none of the photographs were dated. And our experience was if we went with photographs that weren't dated they can be disputed, they could have been taken years ago, you know, sort of" ... well, etcetera. It was part of her reason to say that prosecution would be difficult based on the photographs because they would ask when they were taken and where they were taken and you would be able to go to a court of law and say these photographs were taken on that day in this place.

Mr SCOTT: Yeah, righteo. Yeah.

Mr WOOD: That's all right. Yeah.

Mr ELFERINK: Just one more procedural question that concerns me, and it comes back to you, Dr Radunz. We heard from Ms Fitzpatrick that there was contact with Brian Heim, naturally you had to communicate with him. The advice from your

senior inspectors was to proceed to prosecution. You determined to set that decision aside, but potentially at any stage Dr Heim would have been a defendant if an action had been brought because of the operation of the vicarious liability under the Act. Does it concern you at all that a potential defendant in a prosecution was communicating to have investigators removed from the investigation process with your department?

Dr RADUNZ: Brian Radunz, Chief Veterinary Officer. I think you raise a good point that there is ... there are tensions between our department being industry sort of developers to work with industry for a sort of production and also for biosecurity in sort of having a ... it's a reason for us to have a regulatory role for Livestock Act and other things. But there are tensions. I mean, we have a role as welfare officers with respect to livestock, there are other models and which I shouldn't ... I don't think I should sort of suggest, but there are other models where those tensions may not exist.

Ms PURICK: But you talk about tensions with Animal Welfare Branch, the local government branch

Mr ELFERINK: No, no, no.

Dr RADUNZ: No, between when we work as industry supporters and also regulatory in respect to animal welfare. We should work with respect to the Livestock Act because that's really the industry type thing. There are other models. I have a view but I probably shouldn't express them.

Mr ELFERINK: Well, fell free. I'll tell you why I go for this particular issue is that your department is not the only one that suffers from this. Child Welfare is a classic example that the potential prosecutor is also the person trying to help families. And any number of other such anomalous situations exist within departments. The separation from the prosecutorial role and the supportive role is something that has come up on several occasions in different departments. I have my own view on other models, but we will hopefully make some recommendations that bring about some change. So this is the forum for you to, if you like, express an opinion or perhaps even just describe what those other models might be to give us some food for thought.

Dr RADUNZ: Can I ask Richard whether Richard is happy for me to express my view?

Mr GALTON: Absolutely. I ... we have the same tensions in the other three, two divisions within the department, within Fisheries as well as Minerals and Energy. And no better example is what happened on Montara.

Mr ELFERINK: Yeah. Well, good point, so we're all ears, Dr Radunz.

Dr RADUNZ: The preferred model in my view would be to expand the Animal Welfare Branch within local government to include people who have livestock industry knowledge. Currently that doesn't exist and it would be ... I have sort of discussed with the manager of that unit that the Animal Welfare Act should deal with cruelty and neglect type issues and the Livestock Act should deal with livestock industry standards and so on. So we would deal with things like cattle husbandry standards, land transport standards. I guess there's an issue about some neglect, cruelty, all those sorts of things, and it be dealt with by a separate agency. The

alternative model is to have a separate unit within either department. But my view would be better to be in separate agencies.

Mr ELFERINK: How does that particular suggestion remove the conflict? Even in, let's say, transport standards is the one that I'll use, which is the example you threw up. If somebody isn't meeting transport standards you again find yourself in this position where you may have to prosecute for them failing to meet those transport standards. How does that ...

Dr RADUNZ: That's clear cut.

Mr ELFERINK: Yeah.

Dr RADUNZ: So if the ...

Mr ELFERINK: So this is a jurisdictional argument that you're describing, or a ... rather than a ... or a process argument rather than necessarily removing a prosecutorial role target?

Dr RADUNZ: So the department in my view should have a prosecutor role with respect to livestock industry standards.

Mr ELFERINK: Yeah.

Dr RADUNZ: But not with the animal welfare cruelty neglect type issues.

Mr ELFERINK: So if that model was to operate, hypothetically speaking, and one of your inspectors discovered some cruelty it would be a straight handball off to the Animal Welfare Department? Is that how you'd see it operated?

Dr RADUNZ: That's right.

Mr ELFERINK: Yeah. Thank you.

Dr RADUNZ: Can I make another comment before. ..

Mr ELFERINK: Please feel free.

CHAIR: Of course.

Dr RADUNZ: You raised the issue before about sort of ... some investigatory skills, that was ... I recognised that about 18 months ago and now two of our staff have been trained to a Cert IV level for that, plus there's one other person who has done a week's training. So that's been recognised but it's quite expensive training. And so it has to be done sort of slowly.

Mr ELFERINK: Before we started here today I had a chat to Mr Galton about some possible recommendations in relation to this sort of thing and the practicalities of training. Across government there would have to be a hundred regulatory instruments with executorial roles attached to them, to train everybody up would be exceedingly expensive. And who's to say what happened at Mataranka won't happen in food, in neglect of the adulterated food in Macca's if you look at today's front page in the news. So there might be other ways we get round that issue. But we're not unknown to the issue that you've raised.

Dr RADUNZ: The approach I've taken is to have a few specialist people and then over time just expand the number of people.

Mr ELFERINK: Yeah. Thank you.

CHAIR: Gerry.

Mr WOOD: I have a mixed bag of questions. Just on ... following on from what you were saying about changing the roles, moving animal welfare out of the Department of Resources' responsibility, but under the existing laws, have you prosecuted anybody, any station for starvation or neglect of animals? Is there a record of the Department ever doing that?

Dr RADUNZ: There was a successful prosecution for goats being transported from New South Wales to the NT with a high mortality rate but that also sort of exceeded standards.

Mr ELFERINK: Well, it was done by New South Wales, too.

Dr RADUNZ: So there hasn't been very many, I would guess.

Mr WOOD: So it's not normal ... you have ... can you recall any cattle stations being charged with neglect? Or has it been maybe more small farms like your hobby farms might of let the horse ...?

Dr RADUNZ: The experience is that when you get a complaint, maybe about a third there's no basis, sort of people who complain don't really know enough about livestock production. About sort of ... then about another sort of almost two thirds where if you recommend an action it's done. And there's been very few within the livestock area, I can't think of any where ... well, it wasn't taken towards the prosecution and I ... other than if you exclude Mataranka I can't think of one where it was necessary to go to a prosecution.

Mr WOOD: So I'm thinking way back to when all this started and the talk at the time was that basically there were two departments with two different philosophies. The Animal Welfare Board, Branch was in the business of prosecuting. The Department of Resources was in the business of looking after welfare of cattle on stations and you knew that on stations the cattle died from time to time from drought or from whatever. So there was perhaps two different philosophies on animal welfare, would that be ... in each department, would that be fair to say?

Dr RADUNZ: Partially. A difference is that with respect to welfare of cats and dogs, if an animal is tied up and not fed well, or it's not given water, it's an obvious thing which a person who owns the dog should be doing. It's less clear when you've got a cow running around a large, large paddock. But with respect to livestock, if you've got intensive farming like in a dairy farm or chook farm or a pig farm, if they're not fed then that's a proper case for a prosecution. So cattle which are fed in yards without enough feed that's another basis sort of for that. I mean, I suppose in hindsight I neglected that because of me focusing on the cattle in the paddocks, so, and there were things which should be put in place within the paddocks. But as long as certain things are done I would still be fixing their welfare problem, taking evidence to put someone in court doesn't help those animals at all. Yeah.

Mr WOOD: I suppose it could then send the message out for someone to make sure, and I know you're not trying to separate intensive facility from an ordinary

station, but I think a teaching facility has some more responsibilities as well. I mean, it's meant to be showing best practice, that's why it's a University. I went to a horticultural college and I expected them to teach me the best way, not there's normally cruelty with tomatoes, but they taught me the best way to grow fruit and vegetables, you know. You expect a certain standard. And I think that's the thing that disappoints me that this was the University that sets standards and those standards didn't apply. What I was going to ask Richard was basically is the department still involved with the University, does it get involved with the Animal Ethics Committee, so has it got a role to play on a continual basis with this particular station?

Mr GALTON: I'm going to refer this question to Dr Radunz again. I know we do have ... there's an ongoing discussion happening with the Animal Ethics Committee at the moment and what our role should be. But Brian, do you want to elaborate in that area?

Dr RADUNZ: Brian Radunz, Chief Veterinary Officer. Currently the Charles Darwin University Animal Ethics Committee is the only sort of ethics committee within the NT to approve care in research of animals. There was a review done last year and I gather the AEC put through quite a few changes and there's a new approach to sort of ??permits?? and so on. So for a researcher's point of view, there are two options. One is to keep using the CDU AEC which is probably the most pragmatic given the small jurisdiction. Work for us or anyone else to establish our own AEC. And I gather the current approach is to try and keep with the CDU AEC. I understand we're going to provide some funding to support that process. So simply yes, we ... the AEC is a body which is set up in the Welfare Act, it's sort of within the management structure of CDU but it's sort of controlled under the Animal Welfare Act. Is that sufficient to ...

Mr WOOD: Yeah, that's all right. Because we've got to start to think about the Animal Ethics Committee as well as part of our terms of reference and where that should fit in to all this bigger picture.

The rest of my miscellaneous questions go back to the inspectors, just on the issue, from the 5th to the 25th of September, that's 20 days, you put out an inspection report on the 5th. Was there any move by the University to bring more food in that 20 days? Was there any action taken? Because your report on the 25th didn't sound much better than the report on the 5th. Did you see any change in management in that period? Or did you see food being brought in, extra food? Was there any change in that time? Did they act ... in other words, did they act quickly when you brought down your first report?

Mr SCOTT: I can't remember any extra food being brought in.

Mr WAIT: No, they never. No.

Mr SCOTT: Took them ... after I left it to get in and bring a lot of feed and all that, lick didn't it.

Mr WAIT: They were talking about something from... bringing some stuff out from Alice Springs, I think, weren't they?

Mr WOOD: And I suppose there's a question going back in history, but that was 20 days, would it have been reasonable to expect in an urgent situation for someone to, either the Darwin region or the Douglas Daly region to have some hay

available or even in the Sturt Plateau area someone might have had some hay that would have been available for sale quickly or, supplement would have been available at any time, wouldn't it ...

Mr SCOTT: Yeah.

Mr WOOD: ... through the livestock agents. So do you think there would have been an excuse for not being able to feed cattle quicker than ...

Dr ECCLES: Well, Ian Gray complained that that was half his problem, was that the bureaucracy involved in actually ordering feed I think, do you agree with that?

Mr SCOTT: I really can't remember to give you a proper answer, but they didn't act real quickly with feed. I never even seen a lot of feed there up until I left. And it was only after I left that ...

Mr WOOD: Did he have to do anything himself personally to get feed or ...

Dr ECCLES: I guess just put the order in. I don't know whether he actually put the order ... he told us he had ordered feed but it had never ... it hadn't gone to the station by the time we got there. It was only after Gary Riggs got there that bulk feed started to arrive, and supplement.

Mr WOOD: Just on a more positive note, do you ... been down and done an official inspection of the station this year, and if you have, has anyone ... could put it ... is it a two or has it gone up?

Dr ECCLES: Oh, I think it's greatly increased really, you know. I think the number of cattle have dropped off and they're fully aware that they're under the spotlight and ... have you been down, Scotty? I ...

Mr SCOTT: No, I haven't been there, but driving past just seeing the cattle from the side of the road, they're looking [11.35.21].

Dr ECCLES: Yeah. They're looking good.

Mr SCOTT: ... water and the fence lines are great, it looks like it's being well managed and I'll have to give it an eight without even going there inspecting it.

Dr ECCLES: Yeah.

Mr WOOD: I mean, I'm just wondering whether it would be worth you going back down there and just ... even for the sake of the University, saying well, we'll give it another inspection and the comparison would be good, to hear what you think they've done, as inspectors, what you think the state of the cattle are and, you know. Because we've had the down, down, down all the time and I think one of the things that we were very aware of, we don't want to keep putting the University down. It's got a bad ... it's had a bad trot. We know it relies on people coming from interstate and overseas, we don't want that reputation to be forever and a day, so I think that even though we think things were bad we'd hope that there was a light at the end of the tunnel ...

Dr ECCLES: Oh, for sure.

Mr WOOD: ... especially for the University.

Dr ECCLES: Definitely.

Mr WOOD: It's our University so, you know, it would be good to sort of give it some points where it deserves, so it'd be interesting to hear whether the department go down and give us a review of what it's like now.

Dr ECCLES: Yeah.

Mr ELFERINK: One more question. Sorry, I should have asked this before and I neglected to. Dr Radunz, in light of your answers not having a prosecutorial philosophy, animal welfare is your primary consideration when dealing with these sorts of issues, those sorts of things. Would it have been helpful to you if there was some point in government or somewhere else in government, an organisation that you could have turned to advise you as to whether or not, or to run an investigation on your behalf and to advise you as to whether or not a case could have been made out, would such a thing be helpful to you?

Dr RADUNZ: Brian Radunz, Chief Veterinary Officer. I think as long as there are trained investigators ...

Mr ELFERINK: I'm thinking actually about the police department as a source.

Dr RADUNZ: Yeah. As long as they're trained investigators. But it's very important that they know the industry, or they know what they're investigating.

Mr ELFERINK: Sure.

Dr RADUNZ: It's a ... the actual process of collecting the evidence and so on, and doing a brief is sort of a process.

Mr ELFERINK: Yeah.

Dr RADUNZ: But you need to understand what you're looking at.

Mr ELFERINK: Oh, I'm not suggesting for a second that they come in and take over, but they stand beside your own inspectors etcetera, etcetera, if it was required to give advice to you to run an investigation. And even if the investigation comes back and says there's ... using the guidelines of the DPP, there's no point proceeding, at least you have the comfort of knowing that it's been properly investigated. Would that be useful to you?

Dr RADUNZ: I think it would be useful to have a technical person and also a ... as a prosecutorial process person together as a team.

Mr ELFERINK: Yeah. All right. Thank you.

Mr WOOD: And that would allow for a more valued judgment rather than just a process, so there's obviously just [11.38.19] cattle, only just cattle.

Dr RADUNZ: That's right.

Mr WOOD: And circumstances aren't just circumstances.

Dr RADUNZ: And while our staff can be trained in prosecutorial process, they don't do it every day. And they might do one or two a year maybe.

Mr ELFERINK: If you're lucky.

Dr RADUNZ: Yeah. That's right. So there would be advantages of having someone doing it quite regularly.

Mr ELFERINK: But you know, the trained investigator would also ... considering your own acceptance that your own training is probably not up to what you needed, it would have been an assistance to you as well if an experienced investigator could have gone out, done the job, come back and then given you advice according to whatever evidence they could collect. That would be useful, I presume?

Dr RADUNZ: That's true. In hindsight there were a lot of things going on and at the time [11.3.08] but back in 2009 and it may not have had the highest priority that it could.

Mr ELFERINK: Okay. That's fine. Thank you, Brian. I'm done.

CHAIR: You're all done.

Mr GALTON: I wonder whether I could make just a couple of closing comments?

CHAIR: Absolutely. Please do.

Mr GALTON: The first comment goes to my experience within the public service over 40 years. And it goes to the separation of these roles that you might have within an organisation as to whether it's industry development or industry advocacy as opposed to a regulatory type role within an organisation. And in the Northern Territory we just don't have the luxury in many instances of being able to separate those functions within a department. And it seems to me that there's ... the key issue is a threshold issue as to how many incidents are occurring where you need to physically separate those two functions.

And it also depends on the size of the organisation itself. If you do have a large organisation you might be able to carry two separate divisions that cover the regulatory function or legislative function as opposed to the executive or what other function it is within the organisation. If you don't have a high incidence of, in this case animal welfare incidents or issues, it seems to me you can cover both the functions within the one organisation. If there were a lot of incidences you would then think seriously about saying you've got to separate this group, this group are looking after the industry itself and yet you need to take firmer action on another part, and that's better off separated out of it.

The other comment I wanted to make was, and listening to what's occurred since the Ombudsman looked in to this case, and watching what's happening with the Australian government and the suspension of the live cattle trade, is that the standards have increased, there's a higher threshold now for animal welfare type issues, and there's a community expectation that the bar keeps rising. So that requires a different set of glasses to look through.

Mr WOOD: And we. .. yeah, I think we have to also look at the bigger picture when you're focussed on all the ... whether there was two bales of hay but also ...

Mr GALTON: Yeah.

Mr WOOD: ... the bigger picture's amongst that as well.

Mr ELFERINK: Okay. From my perspective it's how has this reflected on other departments. I mean, what happened at Mataranka in terms of the public, the executive's response if you like, could play out in any number of other departments.

Mr GALTON: That's right.

Mr ELFERINK: And how to prepare other departments from the Mataranka experience is all ... is actually my most earnest priority because we can't fix 800 dead cows, there's no prosecution ...

Mr GALTON: If there were 800.

Mr ELFERINK: Well, yeah, if there were 800, we can't fix what happened at Mataranka, other than beyond what's being done. We can't prosecute any longer or recommend a prosecution any longer because of the statute of limitations having passed us by. So from our perspective as legislators, is that how do we construct the system so more ... the successful checks and balances can be put in place and see that proper support goes across the government, not just to what happened here with DoR and Animal Welfare.

Mr GALTON: Mr Elferink, I think there's a lot to do with the internal vigilance within the management or the executive within an organisation and it's not until you're exposed to these things that you think that you think are being well cared for but suddenly pop out of the blue and you think God, there's another one. It's exactly the same issue. And I can point to four or five cases within my organisation right now, come down to exactly the same issue and it's about lifting the standards and the skills within an organisation to understand that they're got both roles to play.

Mr ELFERINK: Is part of the problem a siloing affect? One of the things that I've noticed through this whole process, and it's even mentioned if you go back to the 2007 report in to the Animal Welfare Act itself, where it's observed a number of submissions to the review, and this in 2007, noted that it was unclear which agency is responsible for the administration of the Act, thus difficult to hold an agency or minister accountable. That's been clear in this instance. Moreover when I suggested to the Minister and her CEO of Local Government that why didn't you ring the police, there was almost this face slap moment, oh God, why didn't we. With your experience of 40 years in the public service does that siloing affect amplify the potential for these sorts of errors?

Mr GALTON: It does, but I'll come back to the same response I give every time, it comes down to the individual. It comes down to the skills and the experience of the people you've got in the senior jobs within the public service. And then what sort of influence they have on their own staff.

Mr WOOD: Is there enough carrot and stick within the department to make a person realise they have responsibilities and if they don't carry out their responsibilities there's a... you know, you get praise on one hand if you do a good job, and on the other hand you might find you're not in the same job again. Either lower down or you're replaced. But is there enough you know, responsibility sort of hammered home for people in positions that ...

Mr GALTON: I could have two bob each way on a response to that one, Mr Wood.

Mr WOOD: But I suppose why I say that is because a lot of what we're hearing today is either the Minister's to blame or someone down the bottom is to blame. But I would have thought that everyone has their ... they have their place in the system and each person must take responsibility to do a good job in that position, they ...

Mr GALTON: That's a very ...

CHAIR: Within a context of a framework.

Mr WOOD: That's right. Yeah. But we sort of blame this person and blame that person, but everybody ...

Mr GALTON: You know, you're hitting right at the crux of government now and this is about proportional liability. And Montara is a very good example when you've got the Federal Minister responsible for what happened out on that rig and yet saying he delegated all his responsibilities to the Northern Territory government. Absolute crap.

Mr ELFERINK: I reckon you can speak your mind now.

Mr GALTON: Right. Now you've got me on another topic, I don't know how you did that.

CHAIR: Okay. So going back to our terms of reference and the work of the Parliamentary Committee, can I just thank you ...

Mr WOOD: Yes.

CHAIR: ... for reappearing, all of you. We really appreciate the insights that you've shared. Whilst it's a fact finding mission we've gone down the path today of seeking opinions and impressions and that is certainly helpful for us in building a picture. Since we've begun this investigation it's become much bigger than what we ever anticipated. And I can't rule out that we may not ... that we may call you back, and that's simply because we've got further evidence to take.

We will be speaking with Mr Gray, we will be speaking with Dr Heim and there's a couple of other witnesses. We've obviously got two weeks of Parliament in front of us so in fact we will be delaying obviously our report to Parliament under the terms of reference and I doubt whether the Minister or Members of Parliament will have any issue with that. So we're now anticipating a report timeframe for October sittings.

But yeah, I just want to reiterate that we really do appreciate people appearing here today, it's not a witch hunt, it's about going through a process to find out where are the inadequacies within the ... not only the Animal Welfare Act but the systems and processes of different agencies that work here.

Mr GALTON: Oh, it's our responsibility to appear before you.

CHAIR: Yeah. So again, thank you very much.

Mr GALTON: Pleasure.