

# Rapid Initial Assessment - Report

Department of Climate Change, Energy,  
the Environment and Water and

Privacy [REDACTED]

Centium reference: 2148



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**strictly confidential**

Rapid Initial Assessment - Report by Lisa Braid

17 May 2024



## Section 1: Executive Summary



## Section 1: Executive summary

### 1.1 Purpose of the rapid initial assessment

On 30 April 2024, the Department of Climate Change, Energy, the Environment and Water (DCCEEW) engaged Centium by letter to investigate matters relating to the alleged misconduct of Privacy ██████████. Centium assigned me, Ms Lisa Braid, to investigate the matter.<sup>1</sup>

DCCEEW's Terms of Reference<sup>2</sup> engaged Centium to conduct a rapid initial assessment into whether there is sufficient evidence to suggest that Privacy ██████████ may have engaged in behaviour in breach of the DCCEEW Code of Ethics and Conduct by receiving kickbacks from a member(s) of the public to supply horses from the NSW National Parks and Wildlife Services (NPWS) Wild Horses Rehoming Program to Mr Adrian Talbot.

This report completes Phase 1 of the Terms of Reference.

### 1.2 Allegation

On 18 April 2024, the Hon Penny Sharpe MLC, Minister for Climate Change, Energy, Environment and Heritage received information from 2GB broadcaster Mr Ray Hadley alleging that NPWS had failed to comply with its *Domestication (rehoming) guidelines* when rehoming approximately 250 wild horses to Mr Talbot, who it has been alleged operates an illegal knackery in the Wagga Wagga area. It was further alleged that Privacy ██████████ may have received kickbacks to supply these horses.

### 1.3 Summary of findings

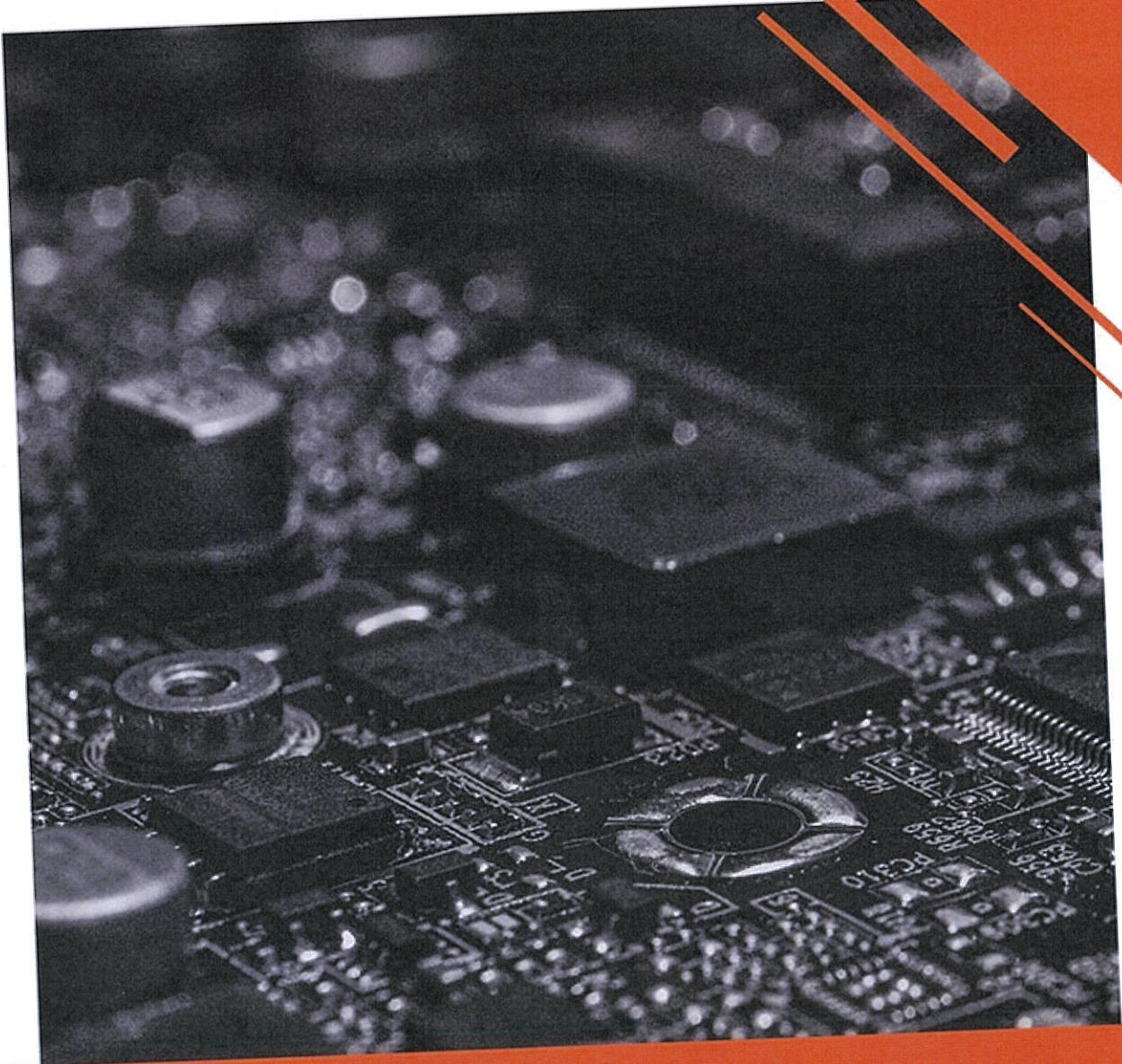
After taking account of all available evidence, it is my view:

- There are no allegations of misconduct that should be put to Privacy ██████████.
- This matter should not proceed under Rule 38(3) of the Government Sector Employment (General Rules) 2014 and the matter should not continue to be treated pursuant to section 69 of the *Government Sector Employment Act 2013*.

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<sup>1</sup> Attachment 1 – Letter of Instructions to Centium dated 30 April 2024.

<sup>2</sup> Attachment 2 – Terms of Reference.



## **Section 3: Evidence and Analysis**



Privacy [REDACTED]

[REDACTED]

### 3.4 Analysis of the evidence

The DCCEEW Code of Ethics and Conduct stipulates that:

- Employees must comply with legislation, which includes Part 2, *Government Sector Employment Act 2013*, public servants must:
  - Act with integrity by:
    - Considering people equally without prejudice or favour.
    - Act professionally with honesty, consistency and impartiality.
    - Place the public interest over personal interest.
  - Uphold accountability by:
    - Providing transparency to enable public scrutiny.
- Employees must:
  - Decline and declare the offer of a gift or benefit if the employee believes there is a conflict of interest in relation to the offer.
  - Report to a supervisor if the employee believes the offer of a gift or benefit was intended to influence work activities or might otherwise be considered a bribe.
  - Not engage in fraud or corruption.

Having reviewed all available documentary evidence and witness statements, I have formed the view that on the balance of probabilities Privacy [REDACTED] has not breached the DCCEEW Code of Ethics and Conduct for the following reasons:

- Mr Hadley, who made the allegation about Privacy [REDACTED] engaging in corrupt conduct, has provided no evidence in support of this allegation.
- The two identified Facebook posts that name Privacy [REDACTED] as having engaged in corrupt conduct provide no supporting evidence for this allegation.

<sup>45</sup> Attachment 23 – Privacy [REDACTED] Facebook post Privacy [REDACTED]

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- Privacy [redacted] employee witness statements corroborate the following:
  - There would be no incentive for Mr Talbot to provide kickbacks to Privacy [redacted] or any other Privacy [redacted] employee in return for the supply of horses. The Wild Horse rehoming program works to meet every request for horses from rehomingers. Horses are provided for free and in unlimited supply until the target of 3,000 horses in Kosciusko National Park is reached (horse numbers are still estimated to be somewhere between 14,000-20,000).
  - Privacy [redacted] siphoning off horses removed from Kosciusko National Park to supply Mr Talbot is not a valid scenario given:
    - Trapping wild horses in Kosciusko National Park is a difficult, time-consuming process. Unauthorised trapping to supply horses to Mr Talbot (or any other person) is not an activity that could go undetected by NPWS.
    - Two or three Privacy [redacted] field staff are always present when trapping activities are occurring, making it difficult for one employee to engage in corrupt conduct without other staff knowing.
    - The equipment required for wild horse trapping operations is such that it is highly unlikely one individual could set up and manage traps on their own.
    - NPWS record keeping of trapping activities (which includes photos taken at the traps, daily reporting on trap activities, daily reporting on horses being held at the Privacy [redacted] (NPWS Daily Wild Horse Yarding Record), and forms required to transport horses from the Depot (NPWS Wild horse transport acknowledgement form, NSW Government Transported Stock Statement form) is extensive and has been audited showing no anomalies.
    - NPWS employees outside of the Wild Horses team work at the Privacy [redacted], with many sets of eyes on horses being held in the holding yards and activities relating to rehoming.
    - Other records that would attest to horse removal numbers and fates include water replenishment and feed purchase for provisioning the Privacy [redacted] holding yards.
  - Privacy [redacted] played no role in approving Mr Talbot's application to become a wild horse rehominger.
  - Privacy [redacted] had no decision-making role in terms of filling requests for horses made by Mr Talbot, or any other rehominger. This function was managed by other NPWS employees.
  - No concerns have previously been raised about Privacy [redacted] conduct. He is considered by witnesses interviewed to be an ethical, diligent and professional NPWS employee.
- Privacy [redacted] was forthcoming about the telephone contact he received from Mr Talbot following the 2GB Ray Hadley segments and provided a written file note of those conversations.

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- Privacy [redacted] Privacy [redacted]
- Privacy [redacted] was forthcoming about having received a horse that was removed from Kosciusko National Park in 2012.
- Telephone contact between Privacy [redacted] and Mr Talbot (to the extent that it can be monitored based on the telephone details and records available to me) has not been regular. It could be expected that if corrupt conduct was being engaged in over the period of time that Mr Talbot was receiving horses for rehoming, more regular contact could be detected. No email contact between Privacy [redacted] and Mr Talbot could be identified.

Other matters raised by Mr Hadley that are indirectly related to the allegation of misconduct against Privacy [redacted] have been considered:

- Mr Hadley's assertion that NPWS paid for horses to be transported to Mr Talbot's property has been confirmed by NPWS. Privacy [redacted] advised<sup>46</sup> that during COVID-19 lock down trapping was continued. To ensure that rehoming could continue to receive horses while movement restrictions were in force, NPWS offered to pay the first 400kms of horse transport. NPWS contributed to the costs of a contractor engaged to take one load of horses to Mr Talbot's property during that time. The standard data recording and reporting procedures applied.
- Of the "500 skeletal remains of horses" found at Mr Talbot's property "at least 300 of them were brumbies rehomed". Privacy [redacted] indicated that it is unclear how skeletal remains could be identified as horses removed from Kosciusko National Park, given they are not microchipped or marked. It is clear however that NPWS has not routinely followed up fate reports from rehoming as is required by the program.
- With regard to his assertion that "many rehoming requests became suspicious when they were told by NPWS...that no brumbies were available at the time, but were made aware that trapping had removed quite a large number", NPWS' audit<sup>48</sup> shows rehoming activity has increased since 2019 (68 horses rehomed in 2019, 325 in 2020, 443 in 2021, 437 in 2022, 435 in 2023 and as at 3 May 2024, 123 in 2024). All witness statements attest to the program's intent to rehome as many horses as possible and that rehoming requests are always met to the extent that they can be. I would note from witness statements and emails that rehoming requests often request horses of a specific age, gender, colour and so on. Requests with more detailed requirements would logically take longer to fill than rehoming requests for horses of any type.

Based on the documentary and witness evidence available, it does not appear that Privacy [redacted] has engaged in activity that would contravene his obligations as an employee of DCCEEW.

<sup>46</sup> Attachment 28 – Re\_Confidential – Record of telephone conversations 8.05.2024, 8 May 2024.

<sup>47</sup> Attachment 5 – Record of Interview – Privacy [redacted], 3 May 2024.

<sup>48</sup> Attachment 34 – Yearly totals – Trapped horses and fates, 3 May 2024.

### 3.5 Finding

After taking account of all available evidence, it is my view:

- There are no allegations of misconduct that should be put to **Privacy**.
- This matter should not proceed under Rule 38(3) of the Government Sector Employment (General Rules) 2014 and the matter should not continue to be treated pursuant to section 69 of the *Government Sector Employment Act 2013*.

SIGNED by

LISA BRAID

17.05.2024





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